

MURRAY
CITY COUNCIL

Council Meeting April 2, 2013



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NOTICE OF MEETING
MURRAY CITY MUNICIPAL COUNCIL

PUBLIC NOTICE IS HEREBY GIVEN that there will be a meeting of the Murray City Municipal Council on Tuesday, April 2, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

5:45 p.m. **Budget & Finance Committee:** To be held in the Conference Room #107
Jim Brass conducting.

1. **Approval of Minutes**

Budget & Finance Committee - January 24, 2013

5:46 p.m. **Committee of the Whole:** – Brett Hales conducting.

2. **Approval of Minutes**

Committee of the Whole – February 5, 2013

3. **Business Items**

- 3.1 Community Development Block Grant (CDBG) Funding
Recommendations – Tim Tingey and Angela Price (30 minutes)

4. **Announcements**

5. **Adjournment**

6:30 p.m. **Council Meeting:** To be held in the Council Chambers – Jared Shaver conducting.

6. **Opening Ceremonies**

- 6.1 Pledge of Allegiance
6.2 Approval of Minutes

6.2.1 Council Meeting – February 5, 2013

- 6.3 Special Recognition
6.3.1 None scheduled.

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

8. **Consent Agenda**

- 8.1 None scheduled.

9. **Public Hearings**

9.1 Public Hearing #1

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

Consider an ordinance relating to land use: amends the General Plan from Residential Single-Family Low Density to Residential Business and amends the Zoning Map from A-1 (Agricultural) to R-N-B (Residential Neighborhood Business) for the property located at approximately 6271 South 900 East. (Camter Development) (Tim Tingey presenting.)

9.1.2 Council consideration of the above matter.

10. Unfinished Business

10.1 None scheduled.

11. New Business

10.1 Consider an ordinance amending Sections 2.66.020(D) and 2.66.030 of the Murray City Municipal Code relating to elections. (Frank Nakamura presenting.)

12. Mayor

12.1 Report

12.2 Questions of the Mayor

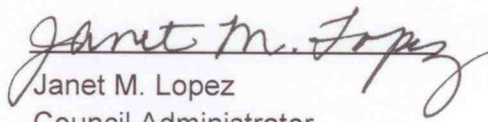
13. Adjournment

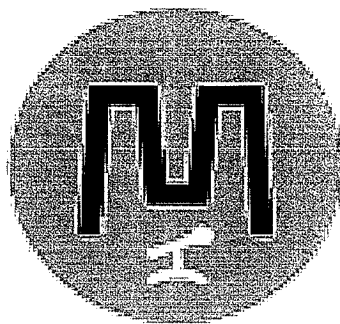
NOTICE

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 29, 2013, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov, and the state noticing website at <http://pmn.utah.gov>.


Janet M. Lopez
Council Administrator
Murray City Municipal Council



MURRAY
CITY COUNCIL

Budget & Finance Committee

Budget & Finance Committee Minutes



MURRAY
CITY COUNCIL

**MURRAY CITY MUNICIPAL COUNCIL
BUDGET AND FINANCE COMMITTEE
Fiscal Year 2012-2013 Mid-Year Review**

The Murray City Municipal Council met as the Budget and Finance Committee on Thursday, January 24, 2013, in the Diamond Meeting Room at the Crystal Inn, 818 Winchester Street, Murray, Utah.

Members in Attendance:

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

Committee Member
Committee Member
Budget Vice-Chair
Committee Member

Others in Attendance:

Doug Hill	Public Service Director	Blaine Haacke	Power General Manager
Greg Bellon	Power Assistant GM	Janet M. Lopez	Council Administrator
Gil Rodriguez	Fire Chief	Dan Snarr	Mayor
Michael Williams	Court Administrator	Jan Wells	Mayor's Chief of Staff
Tim Tingey	Adm/Dev Services Director	Mike Terry	Human Resource Director
Frank Nakamura	City Attorney	Kim Fong	Library Director
Gamal Herbon	Library Board President	Pete Fondaco	Police Chief
Kevin Potter	Fire Deputy Chief	Charles Crutcher	Power
Bruce Turner	Power Operations Manager	Laura Lloyd	Fire Admin Supervisor
Jackie Sadler	MCEA President		

Mr. Nicponski called the Budget and Finance Committee Meeting to order at 8:35 a.m. and noted that Jim Brass was excused.

Financial Overview – Justin Zollinger

Mr. Zollinger discussed the numbers on the current financial statements, showed ways to read them to gain an understanding of what is there.

On page 25 of the Comprehensive Annual Financial Report (CAFR) shows the different funds that would be discussed.

In the General Fund, the City is slightly up on the reserves. This is partly due to the fact that an insurance premium had not been paid. It was found and quickly corrected in January, but that is why there is an extra \$400,000 in cash reserves. Another reason is because the Sports Mall paid the City \$1.2 million. If those two numbers are taken out of the cash/cash equivalents, which have a balance of \$11 million, but currently show \$12.6 million, then that

explains the overage of \$1.6 million. The cash/cash equivalents have stayed even, with the exception of those two mentioned items.

Mr. Shaver clarified that the amount was lower last year, but if those two items are taken out, it is almost dead even. Mr. Zollinger said that was correct.

Mr. Zollinger asked the Council to look at the next page with the prior year to date (YTD), current YTD, original budget, and final budget, and the variance column. The City has revenue greater than expenses by about \$664,000. That is a quick way to measure whether the City is going down or up. Mr. Nicponski asked if that was surplus. Mr. Zollinger said that is revenue expense surplus.

The City is going to move \$1.2 million to the Capital Improvement Projects (CIP) fund from the General Fund for future CIP needs. Mr. Stam asked if more than the \$1.2 would be moved. Mr. Zollinger said that more will be moved. The \$1.2 has been authorized, the UTOPIA bond has been moved already, and the sales tax revenue has changed from 45 days to 60 days for accrual.

Mr. Stam asked if the 18% reserves allowed by law is a monthly or an annual responsibility. Mr. Zollinger said the goal would be at the end of the year to be at 18%, and then the money can be moved, or not if there isn't an overage. It is important to have that overage for CIP money. Mr. Stam said it seems like different amounts are being moved at different times. Mr. Zollinger said that is all due to specific amounts that have changed.

Mr. Nicponski asked what number that is contained in, under Capital Projects. Mr. Zollinger said \$3.1 million has been committed to be used this year for Capital Projects. Mr. Shaver clarified that the money that is being moved is for 2013-2014.

Mr. Zollinger said a balance sheet is the financial position of the City. If the City shows a good amount of savings in the cash/cash equivalents, without a lot of liabilities that shows what the City's financial position is. The income statement of revenues is the City's performance.

Another reason why the City has a little bit more cash is that the County is giving the City property taxes quicker, due to electronic transfers. As you look at the Library, it may seem high at \$1.2 million, but that is because the City is receiving the money more quickly. The electronic transfer process has been a great change.

Accounts receivable is monies owed to the City. Mr. Shaver asked if that was money owed to the Library because of taxes, not a budgeted number. Mr. Zollinger said that was correct. Rules require a levy or book a receivable for property taxes at year end. That figure just stays there and can be increased or decreased at year end.

All the big changes that were made last year are nice to see in comparison to the prior year. If you look at the statement of revenues, you want to look at the variances, whether they are positive or negative.

For example, sales tax is one of the biggest revenue sources. This number can be very volatile; it can go up or down as much as 10% in a year. This number is watched very carefully. In 2012, sales tax was just under \$5 million. This year the amount is \$5.4 million. That is great to have a \$400,000 positive variance in sales tax. The City will take that and be careful with that.

Mr. Zollinger brought up an article that he had read that discussed the proper time to do a property tax increase. If the City continually had a negative bottom number, which is the net change in fund balance, then revenues are being pushed too much. If expenses are already cut back, like the City has done, then the question is whether the level of service has to be cut. Mr. Zollinger is not a big advocate for property tax increases but there may be a time when it is needed. The Library is a great example; their main revenue source is property tax which does not increase, unless you have new growth. Murray City is 95% built out; there will not be much new growth. As the Library experiences increases in insurance, retirement system, etc. that puts a lot of pressure on them to have the budget balanced.

Mr. Shaver commented on how sales tax can vary so quickly, whereas property tax is pretty fixed. He commented on how Mr. Brass has always talked about looking at solid revenue sources rather than volatile ones. Knowing that property tax will remain constant, how does the City adjust for the variances in sales tax, Mr. Shaver asked. The majority of the income comes from sales tax. Does the City make an adjustment yearly, he asked. Mr. Zollinger said that year end is really the best time to make an adjustment, because then the amount is a known number.

Mr. Shaver said the Department heads have cut and cut. The City decided to possibly make adjustments in 2012-13 and possibly go up a little bit. Things such as training and travel have been cut back. He was speaking to Susan Gregory and there were two possible trainings, but the budget would only allow for one. Can the Council give Department heads a possible allowance for an increase in an individual budget for a specific line item, he asked. Mr. Nicponksi asked if it was to be treated as a one-time expenditure until the Council sees a trend.

Mr. Zollinger said with sales tax, you need to be careful because there will be more revenue during the good times. The City is greatly dependent on car and retail sales. When the economy deteriorates, people are not buying cars. Mr. Zollinger prefers to plan a budget around 95% of the amount sales tax generally is. Then if it is a 10% decrease, expenses can be pulled back a little bit, so a negative fund balance is not created.

Mr. Zollinger said if the City is comfortable speculating on a little higher number, then there can be increases. Keep in mind that this increase may need to be cut back if a recession occurs.

Ms. Wells commented that it is important to understand that the property tax is static. It is a number that does not adjust for inflation, it is just static. If looked at in the big picture, the City loses value every year on the property taxes, unless an increase is done. Murray does not do that, so the City does lose because the increase in value is not captured. Mr. Zollinger said Murray has a competitive advantage over other cities because the rate is lower. How low can the City keep the rate, and still keep the City functioning, he asked.

Mr. Shaver said the Capital Improvement Plan (CIP) was created with the idea of grouping together large purchase items, instead of separate line items in a department. That allows the department some freedom and gives the large fluctuations to the CIP. This allows for the CIP to cover items, without relying on the property tax and that average sales tax number.

Mr. Zollinger said that if sales tax come in high, the excess would be moved to the CIP fund; one-time savings for one-time expenses. It is important that the things that recur again and again have to be in the operational budget. Fire trucks, for example, can be saved up for and

purchased as a one-time expense with one-time money.

Mr. Tingey said in the strategic plan, it talks about moving away from the reliance on sales tax because it is so volatile. Knowing and evaluating where the City stands on sales tax, a tentative plan would be nice. Then the issue of property taxes being increased could be addressed. It would be nice to be proactive and not reactive. Possibly letting the citizens know in a three-year increment that there may be an increase as a percentage. Mr. Shaver said even if it is a discussion every three years so the citizens know if there will be an increase or not. The City may be able to say that there will not be an increase if the economy is good, and then maybe the next three years there may have to be an increase.

Mayor Snarr said South Jordan was proactive and did an inflation adjustment every year. It was stopped because the citizens were not happy. Mr. Shaver said that would help cover the differences and make an adjustment.

Mr. Nicponski asked what was going to be done with the surplus money. Does it go into reserves or one-time expenditures, or maybe a little of both, he asked. Mr. Zollinger said the City puts it towards both. Mr. Zollinger evaluated the general fund reserves, and the City freed up \$3 million in order to draw it down. An additional \$2 million of reserves will be freed up this year also to go to the CIP fund.

Mr. Shaver said a property tax increase was done six years ago, and recommends looking at property taxes in the budget review this year. Mr. Stam said it would be nice to know what the City has lost due to inflation over the last six years.

Mr. Zollinger said Utah Retirement Systems (URS) is doing a 7.8% increase, more than likely the City may have an increase in health insurance costs. Staff knows that revenue will be dropping a little bit, due to the Sports Mall. Those are the worst combinations that there are. Mr. Zollinger said he is not alarmed when he looks at these numbers; the City is in a good position. The Waste Fund was the only fund that was showing a negative trend, so that is why a rate increase was done.

Enterprise Fund Reserves – Justin Zollinger

The last two pages of the financial section have to do with reserves. Council had asked Mr. Zollinger to put together an analysis of how Murray City compared with other Cities, as far as the levels of reserves, and the policies.

The analysis is broken down by major funds; comparing Murray's General Fund to other Cities. The analysis compared several Cities that had a Power Fund; including Provo, St. George, Layton, Lehi, Bountiful and Logan. This would make for apples to apples comparison.

Murray has the most money in the General Fund as a percentage in comparison with the other Cities. That tells us that the City should move some money over to the CIP Fund. What the money will be used for is all up for debate. One idea is to pay off the current bonds so a New City Hall could be built. The money will be moved there to cover one-time expenses.

As you look at the comparison, you can see some trends. Lehi, for example is low on their cash/cash equivalent reserves. They have a zero balance in their Water and Waste Water funds. They are spending almost every dollar that they have. Murray has had a bad year this

year with water line breaks, and budgeted approximately 20% of reserves. If you are in a position with no reserves, and have these things happen, the General Fund would have to contribute or possibly have a bond.

Mr. Shaver asked if they could look at the Power Fund in comparison. Bountiful and Logan have a much higher percentage than Murray City. Mr. Zollinger said the City is working on that one. Mr. Zollinger believes those two Cities are trying to protect themselves from experiencing again what happened in 2003. The Power crisis caused Logan to spend \$13 million in 6 months. The Mayor said that it was due to Enron, and UAMPS, and the Power contracts that they had entered into. Mr. Shaver said that they have a large reserve due to their philosophy or idea that they do not want to experience that again. Mr. Zollinger agreed that they have a large amount to protect from uncertainties. Strong reserves protect from having to have a knee jerk reaction.

The State Restriction of 18% is only on the General Fund. The other funds can have more than the 18%. Mr. Zollinger has worked with Blaine and the balance was 13.7% in December, and the decision was made to pay down some of the debt. The City had this flexibility because of the reserves to take advantage of good financial policy. Mr. Shaver asked if there was a goal percentage, including the Enterprise funds, of the preferred amount of reserves. Mr. Nicponski asked for a clarification on the Power Fund percentage and what schedule it was found on. Mr. Stam commented about a discussion that began in a CIP meeting to evaluate the different reserve funds and how that was still ongoing.

Mayor Snarr asked for a comparison on the reserves per capita. Mr. Zollinger did this study and ranked the Cities per capita. Bountiful was at the top, Murray ranked 3rd out of the 7 Cities studied. This shows that the City is in a good position. Mr. Nicponski asked if all funds were included. Mr. Zollinger said yes that it is every dollar. Mr. Zollinger said that Logan used to only have \$7 million in reserves, and the General Fund was negative. After 8 years, Logan now has \$81 million in reserves. This is from being careful with the Budget. Conservative Revenue controls expenses and allows for surplus, which can then be used for CIP projects. Is there ever too much in reserves, asked Mr. Nicponski. Mr. Zollinger said that is a tough question because of uncertainty. He would like to have a bottom line set, and reserves can occasionally drop down to that minimum line. Mr. Snarr said if you look at Logan's Power Department and compare it to Murray's Power Department, they would have to spend a lot of money to get to where the City is at. Mr. Shaver commented that both the Power and Water Funds can be eaten up very quickly. Some of those Enterprise Funds need to be looked at individually and assessed, and that benchmarks are set. Mr. Nicponski agreed that the reserves should be evaluated every year also. Mr. Stam said that was the point of the Council Initiative Workshop (CIW) to evaluate those funds.

Finch gave Murray City a rating of AA+. Part of the reason that Murray received that good rating was because the City had reserves. Every bond that the City does will cost the City more money because it will lead to higher interest rates. Mr. Hill and Mr. Zollinger met with S & P and because of the strong reserves in the Storm Water Fund Murray received an AA- for that small fund. That will save money on the interest rates.

Risk Insurance – Frank Nakamura

Mr. Nakamura said that throughout the year he has given differing recommendations on

the Risk Fund. He apologized for that; it has been something that needed to be monitored, and has been influenced by existing litigation. He has spoken with Mr. Zollinger at length about the risk retention fund.

The decision on the Liability insurance coverage was delayed until April so there could be further discussion. He wanted to see some numbers. The City went to market and looked at the various insurances that were available. Currently the City is on a self-insurance program that has a \$250,000 limit, beyond that is catastrophic insurance. The City looked to possibly lower the \$250,000 minimum. If the City drops below the \$250,000, it is no longer considered a self-insurance program. Then it becomes a regular insurance policy. The insurance company would take care of all the litigation, take it completely out of the City's hands and the City just pays a deductible. There are a few Cities that have done that. The problem with that is if control is lost over the litigation, the insurance company may not get the best litigators for the case. They would try to keep the costs low and the City would not have any control over how the litigation is handled. Litigation always brings a lot of scrutiny and media coverage to the City. If the City feels strongly about their position, they should advocate it as best as they can. He is reluctant to go to that program. In a previous case, if the City had not uncovered the facts, it would not have prevailed.

Mr. Nakamura is pulling back a little from previous conversations about being self-insured. The City has another case that involves a drowning in the Jordan River; that case has a lot of costs and depositions. The City has \$1.6 million in the Risk Fund, which should be sufficient. It would be nice to get to \$2 million, but there are other budgeting needs. Mr. Zollinger has worked hard on this Risk Fund, and has talked to experts in other Cities to develop this. The City was headed in one direction, but after seeing the litigation climate, he would like to find a middle ground between self-insured and other options. This is the reason that the decision has been delayed until April. Mr. Nakamura would like to have a representative from Moreton come to a meeting in the future.

The City sent out a letter last year and tried to reduce the amount of property that the City has coverage on. There are some properties within the City that it may not be worth it to carry insurance on. If those properties are taken off the list, it still needs to be determined how much money will be saved.

Mr. Nakamura has received quotes on the liability insurance side, and recommends not choosing the lowest deductible, and then it becomes an insurance program. As far as self-insured, it is not known if that is the best choice either.

Mr. Zollinger said the City is comfortable with the current deductible of \$250,000. Mr. Nakamura said it is a self-insured program where he works with the firms and has input on the litigation. If the cases are smaller, such as automobile cases, they could be handled internally. Currently, the City uses States insurance, and he isn't totally comfortable leaving the system that the City has used in the past.

The quote for insurance premiums is about \$7,000 higher than last year; although, this is the first year that the City has ever had to rely on them.

Finance Department – Justin Zollinger

Mr. Zollinger has no concerns with any line items in the Budget. Mr. Zollinger expects the audit fee to go down by about \$4,000 because of the fact that the City drafted its own financial statements.

Some of the achievements include: monthly financial statements and projections, and a sales tax report.

The Budget process had been put into the software.

Mr. Nicponski asked about employee initiatives. Mr. Zollinger said that it is non-departmental, and includes the whole City. Mr. Nicponski asked about the miscellaneous services. Mr. Zollinger said that \$200,000 of that total is the amount that the City was to pay back the School District; the remaining amount gives the City some flexibility.

Mr. Shaver commented on whether or not some line items, such as the employee initiatives should be broken down by departments. Mr. Zollinger said he would like to have that conversation and would like some things broken down. An example of that also is the Christmas gift program that is being paid out of the General Fund. He would like the different funds from the departments pay for that, instead of having the General Fund pay for it. Even though the dollar amount is not that big, it seems like the right thing to do.

Library - Kim Fong

Ms. Fong acknowledged the Library Board President, Gamal Herbon, was present also.

The Library has many activities going on. As it shows on the charts, activity is up. Public internet is the use of the computers at the Library for the public. Patron actions are when people get on to the website to do such things as renew books, place holds on books, etc. The wireless access is increasing. The website visits are a little bit down. This tells us that fewer people have gone to the website, but they are doing more business. Mr. Shaver clarified that there is more usage on the site, but fewer people. He also asked about the wireless. Ms. Fong said this number is mainly people using their own equipment, using the free access provided by the Library.

The usage of E-books is up by 28%, and that will continue to grow. The room use is up by 6%. In the last 6 months, over 2000 groups used the rooms at the Library.

The circulation is up by about 5% over the last year. This includes books, audio books, DVDs, etc.

Mr. Shaver asked if there was a breakdown available of the rooms being used at the Library. Ms. Fong said that the two small study rooms are the rooms that are used the most. Room 3 which is the conference sized room would be next. The auditorium is the room that is used the least amount of time. There were about 450 uses of the auditorium last year. The study rooms are very popular.

Mr. Nicponski asked if this was the only type of measurement used for performance. Ms. Fong replied other measurements are used also, but this one is a good demonstration of Library use.

The good news is that the use at the Library is increasing. In the last 6 months, there have been 183 programs, with over 6,000 participants. Programs include: story times, book clubs, teen gaming events, crafts, Lego events, concerts, and others. There are photos included of patrons enjoying the events at the Library.

Summer Reading Club is an annual event where kids come and sign up and read and are awarded small prizes for their reading. For the kids 12 and under, there were a total of 16,762 hours read, and 309 teams participate.

The chart shows the revenue collected for the first half of the year. There is still an unrealized balance, but as Mr. Zollinger pointed out, the Library is in a good position. The Library did receive some helpful grants this year. They received \$17,000 for teen computers, and they are up and running and are very popular. They are in the teen section of the Library, and away from the adult section of the Library. She believes that the public internet usage will increase dramatically with the addition of these new computers. These computers are more geared to the needs of teenagers that include: larger monitors, multiple seats, gaming systems, and multiple headphone jacks.

There is an E-book grant in process. This is a new type of E-book that is much more visual, and has more titles for kids. The product is from Blio and has picture books that are interactive and colorful.

There was another grant received for the teen library that enabled the teen librarian to go to a seminar about new young adult literature and also gave the Library \$500. The Library is proud of their efforts to get these grants and the teen computers especially are making a huge difference in the service provided to the patrons.

Expenses are at about 46% spent for the first half of the year. There were a couple of unexpected expenses that include: 5 HVAC units will need to be replaced due to the vandalism and theft of the copper wire. That contract has been issued and the low bid came in at about \$28,000. Those new units will be installed on the roof, so the timing is tricky with the weather at this time of year.

There was also a broken window in the process of putting in the art glass for the Centennial Legacy project. Unfortunately, they are very big and curved and the cost to replace that will be \$4500. The timing is unsure as it has to be ordered out of state. There were several different estimates done to replace that window.

Next week will be an Open House that demonstrates how to load an E-book on your electronic device. Ms. Wells asked for the information to be sent to the office and she will put it on the website.

Ms. Fong finished with a quote from Andrew Carnegie, "There is not such a cradle of democracy on earth, as the free public library. This republic of letters where neither rank, office, nor wealth receives the slightest consideration."

Mr. Nicponski asked how many patrons are serviced at the Library. Ms. Fong said the gate count for the last 6 months is about 260,000.

Mr. Nicponski asked about the maintenance of the building and ground. Ms. Fong said

that money has been moved into that account to cover the replacement costs of the 5 HVAC units, as well as the repavement of the parking lots.

Ms. Fong said she looked into the property taxes and noticed that Murray is significantly lower than other Cities for their tax levy for the Library. Murray is at .00044, the County is .00072, and Salt Lake City is .00081, Logan is .00082. The problem with the circulation going up is that the price of books is increasing also. Mr. Shaver has asked if there had been a previous discussion, and Ms. Fong replied that it had been discussed.

Mr. Terry asked about the licensing of the E-books. The license works just as it does on a physical book, only one person can have it checked out at a time. Some of the publishing houses will not sell to libraries, and some books have a limited number of uses on them. A patron can choose 7, 14, or 21 days for the amount of time checked out; after that time, it would automatically come off.

Ms. Wells commented on property taxes, and since the amount stays the same, the Library is basically losing money every year. Ms. Fong said the Library does not benefit from sales tax as other entities might.

Mr. Shaver asked about the fine rates. Ms. Fong said that the fine rate is actually dropping, partly due to the fact that the Library does send out pre-overdue notices by email and text. The Library is anticipating that the fines will continue to decrease, because the Library is trying to help patrons return their items on time.

Fire Department – Gil Rodriguez

Chief Rodriguez announced that he also has Deputy Chief Potter present with him who does a lot of the work for the department.

Chief Rodriguez showed a photo of the Fire Department in 1906.

The CIP part of the budget has included many recurring items, such as turnout gear. Historically, the Department has had to ask for money to cover these costs every 5 or 6 years. The turnout gear costs about \$1500 a set for the pants and coat. With boots, and everything included the entire outfit would cost about \$3,000. The pants and coat are the items that deteriorate the fastest. There are about 54 firefighters. With the CIP budget, the City can replace about 12 sets a year. That way the Department can take the top 12 guys that need their gear replaced and switch them out. Throughout the year, there may be some repair needed, and they have to be cleaned a certain way now. The amount of time that they last really depends on how hard they get used; it is usually about a five year rotation.

The Department had to send a truck back to get refurbished. This project is completed but it did go over budget by about \$25,000. That included some maintenance that staff knew needed to be done, such as new tires. It looks like a brand new truck. It is markedly better than it was. The front-end suspension had a tack 4 installed, which alone was \$35,000. The truck was repainted, had all new lighting, etc. The budget was \$175,000, and it may end up being around \$200,000, but that did include around \$10,000 of basic maintenance that needed to be done. The cost for a new truck would have been about \$650,000.

The Reserve ambulance came from Sandy City. Sandy City said they had a couple of

ambulances that they were going to give away. Murray City has three front-line ambulances. When one of them goes down or needs maintenance, it becomes a revenue problem. In the past, the City has had to borrow an ambulance from West Jordan. The ambulance was free, it cost about \$7,500 to repaint and do some basic maintenance. It does have over 100,000 miles on it, but this will keep the department from having to borrow an ambulance.

The Fires program has been upgraded and they are currently working on the Zoll upgrade.

The City was awarded \$9,443 in a matching grant for tablets. The City received eight tablets. They were able to get them at a discounted price, so they made some adjustments and acted on it. The City needs the tablets in the front-line engines and ambulances, and they do get worn out.

Mr. Nicponski asked about the manpower needed for three ambulances. Chief Rodriguez replied that there are two in every ambulance.

Mr. Nicponski asked how they compare to Gold Cross. Chief Rodriguez answered that there is a quicker response time, because the ambulances are in the stations. Murray has paramedic ambulances, and the Department is part of the community and they know that. Also, the guys are premier guys that are here for the long haul. Murray has a great relationship with Gold Cross. The costs are regulated by the State so there is no difference.

Battalion 81 received a grant for \$29,677 to purchase a Battalion Chief vehicle. A new Ford F350 was purchased, but the amount was short about \$15,000 to do the graphics, the command center, and the lighting. A command center is a center that pulls out that includes a laptop, printer, command boards, and everything else that is needed to run fire. It is a small Emergency Operations Center (EOC). They would like to get that money from the CIP fund. Mr. Stam asked if the person stands behind the truck and pulls out the command center. Chief Rodriguez said yes, and if weather is inclement, they have a canopy or try and park underneath. Command and Control of an incident is very important, and the worst thing that you can do is lose focus, and get away from this vehicle.

Mr. Shaver commented on the \$50,000 CIP budget. Chief Rodriguez said that was exactly correct and that moves it up the priority list.

Some of the lines of concern include the overtime budget. Overtime always peaks during the summer and vacation months. It goes down in the winter, and picks up in the spring. There has been one employee out with knee surgery. Another employee has been battling cancer and has a long road. The staffing is very important and to be short two employees is tough and unforeseen. Mr. Rodriguez said there is a minimum staffing that needs to be there, and vacation, sick leave, and unforeseen absences need to be taken into consideration.

Mayor Snarr asked about hiring retired personnel in the summer. Chief Rodriguez said that had been considered and is cheaper than paying overtime to an employee. Sometimes, there are issues with the retired guy. It was tried once and it didn't really work out.

Vehicle maintenance has historically been a very tight line. Similar to the Library, when unforeseen things happen, they need to be fixed immediately. The \$15,000 allotted for maintenance for the paramedic ambulance line is gone because it was used for the reserve

ambulance. Also, the ambulances are all just out of warranty with about 50,000 miles on them.

On the horizon, a concern is the ambulance rotation. The City has 3 front-line ambulances that all have about 50,000 miles on them, and the reserve one has 100,000 miles on it. It is important to get a new one soon to rotate, because we don't want to be in a situation where the City has 3 ambulances with 100,000 miles on them.

The Grass/Wildland vehicle is the one that is taken on the parkway and to other Cities. This last year was a bad year for grass fires because of the fireworks, and the high temperatures. This vehicle got beaten up. It is a 1989 Chevy and is long overdue for replacement. This is one of the items the Department will be asking for.

Second to labor, the fleet is the biggest cost to the Department. The CIP is terrific and he hopes that it is sustained. Most of the vehicles are in some kind of replacement cycle. They look to the future and this vehicle is a 10-15 year vehicle, engines last about 4-5 years, trucks last about 10 year. Mr. Shaver asked about replacement parts or if this vehicle would require a total replacement. Mr. Rodriguez said that this one would be a total replacement. A grass truck is a flatbed with a tank and a pump on it. The pump is aged and needs to be replaced. The tank is not that big of a deal. There are compartments on the side for shovels and equipment needed for a grass fire. The grass truck goes to other Cities, such as, Herriman, and Lone Peak. The City also was busy with the Parkway. This grass truck would also be nice to have as a reserve; it has a plow in front that can be used for emergencies.

Mr. Nicponski asked what happens when the CIP fund cannot handle a purchase such as this. Mr. Shaver commented that the different parts of the truck may have different life times. The pump may have a different life than the actual truck.

Mr. Rodriguez said the grass truck doesn't get used every day, unlike the battalion chief car. This is a specialty vehicle, but it is vital to the fleet. The staff cars are also getting older.

Mr. Rodriguez said that Fire operates out of three stations. The fourth station is where the battalion chief is, a reserve ambulance, medical supplies, and SWAT vehicles. These stations are strategically located for the best response times to the citizens. The stations in Murray are better centrally located for response than any department in the County or the State. Station 84 is where the battalion chief resides, and that has been determined to be the center of the City. Every station has an ambulance that runs with the truck from that station.

Mr. Rodriguez showed an operational chart with the different positions in the Department. There is the Chief, the Fire Marshall, the Deputy Chief that is over operations, and an Office Manager. Each station runs a front line apparatus and a paramedic ambulance. Station 81 has a four man company and two man paramedic. Stations 82 and 83 are where the truck company and the tower are located.

The Battalion Chief runs the shifts daily, organizationally as well as operationally, and has administration obligations. They also train officers, the Emergency Manager, and the EMS Director.

The maximum staffing is 18 per shift, plus the Battalion Chief. The minimum staffing is 14. If staffing is at a minimum, they will drop to two ambulances and three men per engine. All members work a 48/96 work schedule. That is 48 hours on duty, and 96 off. This is the same

shift that the County uses. Sandy and South Jordan also just changed to this schedule. The Murray City officers train with other Cities. Every Tuesday they have a “live fire” Tuesday and they train with surrounding departments. Mr. Stam asked how the personnel liked the change in scheduling. Mr. Rodriguez said that most of the staff likes it, and there have not been any problems.

The average response time for service is usually under three minutes, depending on where it is located. After the call is received, the firefighters try to leave the station within 60 seconds. The staff is very well acquainted with the City. In 2012, they responded to 5387 calls for service, which is the most in department history. He believes that the call volume will increase with Obama care. If everybody has insurance, they tend to call for ambulance service more often. They are trying to look at alternative ways to respond to those calls as a valley. Mr. Shaver asked what the percentage of calls was health related. Mr. Rodriguez said that those calls account for about 80% of the total.

Following a short break the meeting resumed.

Public Services – Doug Hill

Mr. Hill said his intention was for a question and answer session.

Public Services are basically divided into two areas:

1. The Public Works side which includes: streets, engineering, water, fleet, solid waste, waste water and storm water. Many of those funds in Public Works are enterprise funds, utility funds, and others such as inter-departmental funds.
2. The rest would all follow under the General Fund, including Parks & Recreation, with the exception of the Golf Course.

Cemetery- This budget is currently about 53% overspent, because they had a tractor that needed an engine repair that costing \$5,000. The hopes are that it will be absorbed throughout the rest of the year. There is not a lot of revenue that comes in, because the lots are all sold out.

There was some money given to the Cemetery through the CIP process to build a new niche. The niche will include places for people to put urns.

Mr. Nicponski asked about a possibility of expansion. Mr. Hill replied that two years ago when the sites were sold out, there was a discussion whether or not there was any interest in purchasing surrounding properties near the Cemetery. At that time, it was decided it was not the time to purchase more property. The exception would be that some roads could be removed and put grass in and get around 1125 more lots. This is part of the CIP which has been partially funded. As money becomes available, that project may be done. Mr. Hill said that history has proven that cemeteries are not a profit center. The City has sold the lots at such a low price, and the City has chosen not to increase the prices and compete with private cemeteries.

Mr. Hill said that if a person calls in now to buy a lot at the Cemetery, the answer would be that there are no spots available. Mr. Shaver said that the cemetery has a limited ground space, and when that ground space is depleted, so is the revenue. It will be a perpetual cost to the City.

Mr. Hill said that when the City charged for lots, they did charge a perpetual care fee to offset the ongoing maintenance of the cemetery in the future. There is a fund called the Perpetual Care Fund that has \$1.2 million in it, and that money is available to help offset the maintenance costs of the Cemetery over time.

Mr. Zollinger said that if there is enough money, the interest made off of that money can be taken to pay for the care of the Cemetery. That was not being done prior, and the principal was being used and was running out of money. The City will always be subsidizing the maintenance of the Cemetery.

Cultural Arts and History- They have currently spent 40% of the Budget. There is a source of revenue for the Arts from ticket sales, grants and things like that. They are on track for their revenue projection for the year. Mr. Shaver asked about the costs for Fun Days, and if they are paid for before or after the event. Mr. Hill said both. Some costs are before such as the fireworks or the float. The costs to actually sponsor the event come after. Mr. Hill said History is also a part of this with the Museum budget.

Engineering- Engineering is currently 58% of the budget spent. He does not anticipate any problems staying within the budget. There was a transfer between Murray City and Taylorsville City for the repairing of the canal. There is really no revenue associated with Engineering.

Some of the capital projects have been completed such as putting up radar speed signs. There is a Public Open House next week for the design on 5900 South. That is an environmental document that is being worked on.

Mr. Nicponski asked about Public Works/Road Ways Budget. Mr. Hill answered that the Road Ways budget is primarily the street employees, those are outside employees that take care of the streets, such as snowplowing. Page 29 is Engineering accounts for the City Engineer, and inspectors that go out and manage the public right of ways.

Through the early retirement process, the Engineering department shrunk in size. The City did not replace an Engineering position a year and a half ago, believing that the workload could be managed with a smaller staff, in part because the economy had shrunk and development was not coming into the City. As the economy has improved and more developers are coming into the City, Engineering is being impacted. The staffers are almost beyond their ability to keep up on things. It is slowing down Community and Economic Development because staff cannot get to the plan reviews quick enough. That can be analyzed at budget time. Mr. Shaver asked about the overtime budget. Mr. Hill said that the overtime budgets have almost been completely eliminated. Engineering has one of the larger overtime budgets in the department, but that is because inspectors have to go out on evenings and weekends when roads are torn up to complete inspections. That overtime budget would decrease if there were additional employees.

Mr. Nicponski asked about how much money there was to spend on road projects. Mr. Hill said that currently the budget in the Class C Road fund is about \$4.2 million, but about \$2.4 million of that was a one-time in and out payment to Utah Department of Transportation (UDOT) for the intersection work that was done. It is actually a little under \$2 million, plus what has been allocated through the CIP fund, which was about \$600,000 so the total is about \$2.5 million.

Fleet- Fleet is running under budget, and there is not a concern on their expenses. Fleet is an inter-departmental service fund because of the various vehicles that are maintained. The total includes about 450 vehicles in the City that are maintained. The amount of work that the Fleet Department has been required to do has gone down, and the employees could take on more work. Mr. Nicponski asked about the legislative session and if Mr. Hill was expecting anything. The Fleet Department charges a fixed cost, as well as a labor and parts cost to the other Departments, and that is allocated to every budget in the City. Mr. Hill has spoken with Mr. Zollinger and the philosophy may change by which Fleet maintenance is funded. The direction that they would like to go would be to change the parts and maintenance cost to a fixed cost and then anybody could bring their vehicles into the Fleet Department and they would not have to pay for the mark-up on parts. There will be some new budget numbers presented this year with a new funding mechanism for Fleet.

Heritage Center- The Heritage Center budget is about 47% spent. There is some revenue received from the programs that they offer, and meals that they serve. Mr. Hill said that the center is really good about tracking the hours of the volunteers, and they pride themselves on their volunteerism. The Heritage Center is one of the biggest sources for volunteerism and also the youth sports program has a lot of volunteers.

Golf Course- The Golf Course is running under budget, at about 42% spent. Revenue is above 50% collected this year. They are under-spending expenses and over-collecting revenues right now, which is a great thing. It is a seasonal thing and will be affected by the weather. The Golf Course has always been a profit center, and Mr. Hill believes that there are very few municipal golf courses in the state that break even.

There is about \$400,000 in the Golf Course reserve fund. They are trying to build up this fund for some upcoming repairs needed. Mr. Zollinger pointed out the sprinkler system repair. It is a slow process, because if the golf course earns \$100,000 profit in a great year. The last two years, the City has lost about \$200,000. It is a tricky business and hard to run as an Enterprise Fund.

There are three full-time employees that work in the Pro Shop. The one full-time employee that worked in the Café, just left for a position in Customer Service. They are looking at contracting out the Café position instead of hiring a new employee. That would bring some additional revenue. There are also five full-time employees on maintenance.

Park Center- The Park Center currently has 49% of the budget spent, and a little over 50% of revenue collected. The Park Center operates on about a 60% self-sufficiency percentage. That is typical for a recreation center. The 60% sufficiency rate does not include the debt service payment of about \$775,000 per year for another 10 years. In 10 years that bond should be paid off, and the City will realize that additional money.

Mr. Shaver asked about employee incentives so that Murray employees will take advantage of the Center. Mr. Hill said there has not been an increase in memberships from the employees. The discount is similar to what has been previously offered, but is allowed as a payroll deduction now. The number of employee memberships is around 50-60. This budget seems to be the one that typically overspends, so staff works hard to keep them on track. Mr. Nicponski commented that this is a really good program that interfaces with the community. Mr. Hill agreed that it is recognized as a community gathering place. There are those people that

don't have children that may ask why the Park Center is being subsidized, but overall people like it. Mr. Hill remarked on the comment about the ice rink and said that it is actually County operated.

Mr. Shaver asked about the equipment needed. It is a constant issue for the Park Center, most of the equipment is intended to last 3-5 years, and some of the equipment being used is the original from when the facility opened. That is a compliment to the staff that maintains it well.

The Utility costs have increased. The Park Center is a heavy user of gas and electricity, due to the pool. The Department is looking into a new provider of natural gas that would save the City some money. Mr. Nicponski asked for an explanation on credit card fees. Mr. Hill said anytime a person pays for services using a credit card, there is a 2% fee to the credit card company. That fee does increase every year, and combined with utilities are the main challenges to the budget. Mr. Zollinger made a comment about Intermountain Medical Center and the use of credit cards. The fee was costing the City about \$8,000 and so the City asked them not to use the credit card.

The waterslide stair replacement had been completed through the CIP Project funds. It looks really nice and the money was been appreciated. Mr. Nicponski asked about the Arts budget line. Mr. Hill said that Mary Ann Kirk has advertising on the radio stations for Arts in the Park series, and also for the Fourth of July events.

Mr. Stam asked if there was a drop in revenue with the shutdown of the pool. Mr. Hill said there was a decrease in the month of December and memberships were extended an additional month to compensate.

Parks- Parks are currently tracking about 50% of the budget right now. The Southwood Park restroom project is under way and should be completed by March. This also included a roof on the pavilion next to the restroom. There were two playgrounds funded, which include Hidden Village and Southwood Park. There have not been a lot of problems with the restrooms. The biggest expense that the Department is facing will be the replacing the Pavilions in Murray Park because the wood is rotting out. Many of the playgrounds were installed 15-20 years ago, so those may come up for replacement soon. Also, a lot of the vehicles are getting pretty old, but the City has made some progress in getting some of those replaced.

Overtime has been much higher in Parks Department than others. The overtime budget is almost nothing now. It is almost impossible to operate Parks without an overtime budget. There are many evening and weekend calls with problems with pool, pavilion rentals, etc. There isn't any ability now to let the employees get overtime now, so that may be a request to increase the overtime budget.

Mr. Shaver asked if any other equipment was leased, other than the golf carts. Mr. Hill said that some street sweepers are leased out of the Storm Water Fund. Those have about a 5-6 year turnover. There have been other vehicles purchased on lease-purchase programs, but he believed that the City has paid those off. Mr. Hill said that typically lawn mowers have been purchased. The main reason that the golf carts are leased is there has not been enough money in reserves to purchase them. The golf carts are taken care of by the staff, there is little maintenance required, and typically they are under warranty for the first 4 years.

Recreation- They are running about 53% of budget right now. The Jr. Jazz program requires some money up front, but the expenses will come back in line by the end of the year. Revenue is a little down, compared to last year. Possibly some of the enrollment numbers have decreased, as the community ages. They are still above 50% of the budget of collected revenue. Mr. Hales said it is a great program that benefits the kids from Murray. Mr. Stam commented on the number of kids enrolling in programs, and compared it to the baseball league that is also experiencing a 25% decrease in enrollment numbers. He attributed it to fewer kids. Mr. Hill also said that there has been a society change to super leagues and club programs, and less interest as the kids get older in the City recreational programs.

Mr. Hill had two private organizations approach him this year and ask for the City to take over the program. It was a girls' softball league, and also a karate program. The City told those groups that they would have to go through a budgeting process, and never heard back. Some of these parent-run organizations are getting tired and it is hard to keep engaged over the years.

Mr. Stam said that the City got the World Series in part because of the leadership that had been involved in baseball for years. When we received it for the second time, many of the same people were involved. Currently, this baseball season doesn't appear to have long-term individuals. Mr. Hill said in his opinion it is always better to have a volunteer-parent run organization that saves taxpayers money. He knows in some communities the City just provides the fields. Murray has a strong tradition of running these programs and doing so much for the community, there is an expectation.

Mr. Shaver asked if the number of children had gone down in the schools also. He commented that in his neighborhood there are a lot fewer kids now than there used to be. Mr. Hill said that the recreation program is following the same trend as the schools. The School District has seen a decrease in the number of kids from Murray enrolled. In order to increase the numbers, they have open enrollment and get a lot of kids coming in from outside of Murray.

Roadways- This is basically the budget for personnel costs. These are the employees that work in the Street department.

Solid Waste- This is an Enterprise fund, known as the garbage fund. The City recently did a fee increase, it is in good shape. The expenses and revenue are almost exactly on budget.

The big issue here is the neighborhoods east of 9th East. The County created a Waste District for all the garbage in the unincorporated areas and also a portion of Murray City. By creating a special district, the County has independent control of that area. Mr. Hill and Mr. Nakamura have attended their meetings recently and it seems like they are spending money excessively. They charge customers that reside east of 9th East \$12.50 per month on their property tax bill as a fee, which is \$158 per year. They are not allowed to do that anymore, and have to bill separately now that they are independent. This will be a new bill for those residents who are not used to getting a bill. Murray City charges \$10 per month for garbage. Mr. Hill would not be surprised to see a fee increase in the future for those residents. Murray may want to think about collecting garbage there in the future. Mr. Nakamura said that many residents pay their property taxes out of an escrow account and never see that payment going out. There will be some issues with the banks. Mr. Hill said he believes this will be exasperated in the future. The Mayor went to the County ten years ago and asked for the City to take it over. There were two issues: they provide a free dumpster that the City doesn't provide, and also the County

Council did not want to lay off their employees. Mr. Zollinger said that the City could handle the extra customers if that happens, but it would draw down the reserves to get set up initially. Mr. Hill said that the City uses a private sector garbage company to pick it up, and typically is less expensive than a municipality can do it.

The rate for Murray residents will increase about \$1.50 per month over the next three years. Mr. Stam asked if the proposed area was taken on, would it force a renegotiation with Ace Garbage. Mr. Hill said that there would have to be a new bid or agreement made.

Storm Water- The City is bonding, and a lot of projects are scheduled. There is about \$750,000 in reserves with revenues and expenses in good shape.

The Water Fund and the Waste Water fund are in good shape also.

Human Resources – Mike Terry

Mr. Terry said the Department is at 50% of the budget spent.

The number of new hires has gone up 72% this year.

The cost of a new hire is the recruiting process, the interview time by the Department, the Human Resource (HR) time to take on new applications and process them, and the cost of the training. Mr. Nicponski asked if a dollar amount was known. Mr. Terry said he did not know, but that it would be substantial. It also varies per department. A new hire in the Police Department would have a larger cost. The number of applications that the City received went up 53% from 860 up to 1320.

HR does not have a software program to do online applications. Every application is a piece of paper that comes in and needs to be transcribed into the database. The Department is in desperate need of an HR system, and that will be requested soon.

There are two main concerns:

- Pay and Compression
- Turnover related to resignations.

The chart shows data from the last two years. It shows the employees that have left the City, what department they worked in, length of time employed and percentage of midpoint.

The pay scale goes from 80 at the minimum and 120 at the maximum, and 100 is the midpoint. Of the employees that left, only two were at midpoint, the rest were all below.

The voluntary resignations since 2010 have increased. The reasons vary from wanting more pay, moving, and new opportunities. Mr. Terry said that money is the driving factor, especially in the Police Department. Mr. Nicponski asked if that was tied to a lack of merit raises. Mr. Terry agreed that it was, along with compression issues. Mr. Terry said Police Officers are hired at \$18.00 per hour and an officer that has been here for four years got a 3% Cost of Living Adjustment (COLA) increase. Mr. Terry said that in order to be competitive the Officers are started at \$18.00. They received the COLA but the new Officers are still hired at \$18.00. This is an effort to try and get rid of the compression. The Police Department was responsible for 10 out of the 27 employees that left the City. Mr. Shaver asked if it was relative

to the number of Officers as a percentage.

Mr. Nakamura said that four had left the Attorney's office, but that wasn't all due to salary reasons. There were better opportunities and advancements for those employees.

The employee expects that after working 5-6 years, you would be at mid-point, and after 10 years be ranked at the top of the range. Those employees that left were not near mid-point after 5-6 years.

Chief Fondaco said that they are losing the 3-6 year officers, and bringing in officers fresh out of the academy. It costs about \$1,500-\$2,000 just to get the needed equipment, and then if they are Post trained, they go into a 13 week FTO program training with another officer. That takes a great chunk out of the department. After 4 years, these officers are still making \$18.50, and the new hires are also making \$18.50. Chief Fondaco said he currently has four officers still on FTO, and is going to lose another three officers in the next month. Two officers left for the Attorney General's office, two left for Cottonwood Heights, and one left to Provo. An officer can leave Murray making \$18.50, and go to Provo for a \$4/hour raise because they are transferring as a seasoned 4 year Officer.

Mr. Shaver asked that if the salaries are increased, or a merit raise is given after the FTO program is completed, would that stop the attrition. Then could the City take the money that it takes to outfit and train a new officer and put that into merit increases. Chief Fondaco said that in the past, Murray did not lose officers to other agencies to make more money. This is important because it hurts the citizens and hurts the Police budget.

Mr. Hales asked a question about Performance Pro. Performance Pro is an evaluation program that Murray uses. Is the program used as it is designed to be used, he asked. If the supervisor has done due diligence when doing evaluations, there are comments about the employee's work quality, and there is no basis for a law suit. Or likewise, if an employee is looking for advancement, there are documented evaluations regarding their performance. Mr. Terry said that he would hope that the program is being used like that, although he fears some supervisors are going through the motions.

Mr. Hill said that the problem is bigger than the Police Department. He has supervisors that are making less money than the employees they supervise, because of this compression issue. They have been great employees and have taken on supervisory tasks, but are not able to get the merit raises so the employees end up making more than they do. There are several people in this room that have worked for the City for 15 years or more, and have not reached the mid-point in their scale. It is a pervasive problem from Department head level to entry level positions.

Mr. Nicponski said that the Council is committed to working on this problem, because the City is hemorrhaging and this problem will affect morale.

Ms. Fong commented that in the past the Library has hired part-time employees that don't receive benefits. In the past 4 months, they have lost 4 people who have found jobs where they could get benefits. The turnover rate is much higher than is indicated here, because the Library is losing all the part-time employees.

Municipal Justice Court – Mike Williams

The Court has a Hearing Officer. It is a quasi-judicial position, and not all the courts have this position. The purpose is to keep cases out of the Court, so the Court doesn't get clogged down. The Court was told they could not have that person anymore. After reviewing the Code, and talking to the Attorneys, it was decided that they just could not have the title of a Hearing Officer. The employee is still there doing the same things, but without that title.

In July, the court started doing the prisoner transport with the Sheriff's Office. That is the only part of the budget that he has concerns about. When the budget was made last July the option to transport was not there. The transport was being done by the Constable's office. This new change actually costs more, but is cheaper than a lawsuit. Chief Fondaco supported this position 100%, the Constables were dangerous, and someone was going to get hurt. The Court contracted with the Jail to do it. If this area is over budget that would be the reason, but he believes it has been made up for in other areas.

The Court also took over finger-printing from the Police Department. There are about 210 finger prints that were cut out every month. The Police Department could only do it for an hour, but the Court is able to do it anytime. The Court doesn't do finger printing for the Public, the Police Department still does that. Chief Fondaco said the Public is charged \$5 a card.

The traffic school is \$25 per class; other Cities charge a higher rate. There has always been a plea in abeyance attached to it for \$25 also. The Court has been doing it the way it should have been done. The AOC allowed in July that a fee could be added on to a plea in abeyance. The Court has been doing that since September.

The GRAMA request that has been done by the media will be in the papers shortly. Mr. Nakamura said that the Court does it right. Every City is doing different things: West Valley charges \$80 for traffic school, plus plea in abeyance fee, Salt Lake charges \$90, some send it out to a contractor and they get a kick back. It is amazing what some courts do. The City makes about \$35,000-\$40,000 in traffic fees and the class costs about \$100 per week for the City to run. The City has always done it right, by not doing one or another, and doing both.

There was some remodeling that needed to be done, and water damage from the outside sprinklers was discovered. It turned out to be a big job with mold removal and walls needing to be torn out. Mr. Shaver asked if that was at the City expense. Mr. Williams said yes because the City owns the building.

Mr. Nicponski asked about the employee base at the Court. Mr. Williams said he has nine clerks, a judge, and 2 bailiffs, whom are retired policemen.

Mr. Nicponski asked if the Court pays for itself. Mr. Williams said that it does. In 2012, they collected \$2.5 million, and retained \$1.85 for expenses. Cases are down 10%, but the revenue is only down 4%. Mr. Shaver asked if special prosecutors are hired for any reason. Mr. Williams said they have the prosecutor, but if the prosecutor has a conflict, they can borrow a judge from West Valley. There are also other judges that could be hired in. Mr. Nakamura said it is a common courtesy to share prosecutors with other cities, in cases where there is a conflict. Mr. Nakamura's office also helps with the prosecution; three of his staff is assigned to the prosecution program, so that also helps cover costs.

The Court is processing about 24,000 cases a year. Some of the cases go through the hearing officer, so that was important to keep that position. Mr. Nakamura added that if you ever get a chance to go to the Court, they hear 100 cases a day. The prosecutor is in court, and they get the pre-trial hearing that day. This way the Court avoids two and a half weeks of the citizen's and the court's time by getting an answer that day. The case flow management is at a 97% disposition rate, and the national average is about 88%. Mr. Nakamura said prosecutors have a pre-trial and handle the case in Court at the same time. There are two prosecutors and they double-team. It is a good system that is working.

In April, the state authorized problem-solving courts. Murray has already been doing this for some time.

Mr. Shaver asked if there was an incentive for them to settle. Mr. Williams said that is up to the prosecutor.

Mr. Nakamura said that every defendant must answer discovery, so there is a tremendous amount of paperwork to be done.

Mr. Williams said that on a typical Tuesday there will be reviews in the morning, and do all the pre-trial, and process about 185 cases. The Court just extended its hours from 7:30 to 5:30 to help the people that work in the day. This is the same reason that they started the night court for small claims cases. The people that are getting sued are working jobs, while the people that are suing are doing it from their offices during the day. That allows for the working people to come defend themselves at night.

The Court also went to an audio system. The Judicial Council wanted to have recordings, even though they are not a court of record.

There are things labeled "cash cows". The Legislature sets a \$1,000 fine for a Class B misdemeanor, and with all the added state costs it becomes a \$1,933 ticket. A typical speeding ticket is 1-10 miles over and costs \$90.00, and the City keeps \$43.00 and the rest goes to the state. The City keeps only 42.87%, and is not a "cash cow". The City doesn't set the bonds and doesn't have control over the fee schedule. Mr. Williams said that most Courts lose money and that is why they add their own surcharges to things. West Valley has a \$15 surcharge called a building fee so the speeding ticket there is \$105, instead of \$90.

In 2005, they started a Domestic Violence Court. People are required to come back every 30/60/90 days, instead of just telling them to see a counselor. There are several providers that report to us. They have been successful at keeping the recidivism down. These are home grown cases, unlike DUI's that are more transient. Most of the DUI's cases come from Highway Patrol. Murray enforces the same thing; a person needs to come to court, get into a program for review, they are watched for a full year, and if not, they go to jail. If you look at theft, and drug and alcohol, it is related to the economy, and bad times. There are providers that help out with the thefts also.

The Court is always disposing more than they are getting in, due to a backlog. Cases, including traffic violations have gone down, but the collections are remaining stable.

Chief Fondaco stated that the decrease in traffic violations is caused by the officers leaving. First, there was retirement that took the motor squad down to three motors. Now, the

motor squad is in patrol because he needs the patrol. They have not been writing tickets for the last 4 months. Everything is related. There are a lot of cases, because the police have touched those cases. A case does not get to court, if someone on the front end doesn't do something with it. The police are at minimum staffing; these new officers are in patrol. Mr. Williams said historically there have been 1300 citations a month and now are at about 600 a month. That is where most of the ready money comes from. The other money takes a year or two to collect because you have to accept payments on a \$2,000 fine. It takes some time also to collect the money from people that are transported because many are from out of the County but they are back billed.

Misdemeanors have remained constant for about the last 6 years.

There are two different factors: Revenue per case and Cost per case. The revenue collected is what we collect, and the revenue retained is what the Court keeps. The remainder of the money gets sent to the state. The Court does very well on the cost per case. In 2012, the cost per case was \$76.85. The Court collected about \$173.00 before the Court had to do the separation out. In 2011, the cost was \$81.47, 2010 was \$80.32, 2009 was \$90.91, and 2008 was 87.00. The Court has lowered the cost, and become more efficient. Mr. Nakamura asked if that cost included costs from the Attorney's office also. Mr. Williams said that it does not include prosecution. Mr. Williams said that most of these cases are traffic citations, that don't involve a prosecutor. In 2012, there were 10,859 traffic cases filed, the Court disposed of 12,347 cases. In 2009, there were 15,345 traffic citations filed, and the Court disposed of 16,582.

The Court gets tickets from Murray Police Department, Highway Patrol, Motor Enforcement, Animal Control, Code Enforcement, Zoning, Salt Lake County Sheriffs, Unified Police Department, Utah Police, and sometimes from poachers. A question was asked if for example a West Valley Police Officer could give a ticket in Murray. Mr. Williams said yes, but it would mean the Officer may have to come back and appear in Court in Murray, so the Officer may not want to issue the ticket. Mr. Williams said Unified Police Department (UPD) often sends citizens to the wrong courts to pay their tickets, so they redirect them. Because of these issues, the Court went to 14-21 day notice to contact the Court.

The meeting recessed for lunch and was called back to order at 1:00 p.m.

Administrative and Development Services (ADS) – Tim Tingey

The ADS is a "can do" department charged with overseeing key administrative functions and ensuring the orderly growth and development of Murray City. His focus is to provide customer service to citizens, development groups and City departments in an effective and efficient manner and to always contribute to bettering the community.

Mr. Tingey provided an overview of his department structure stating that the five divisions he administers include the Building Division, Community and Economic Development, GIS Division, Information Technology, the Recorder Division and Treasurer Division. He also directs the activities of the Redevelopment Agency and has an Office Administrator III position that reports to him.

The *Administrative Service* areas core functions are:

- Geographic Information Systems, which provide programs, data, research and

mapping products to increase efficiency for City departments and to improve service to the community;

- Information Technology support provides all aspects of computer and technology support including programming for all systems and operations for City functions;
- Recorder services, elections, purchasing and City Hall maintenance fall within the ADS functions and include maintaining City Council meeting records, public records, and ensures State standards are met for records management. This office coordinates the bid openings and oversees purchasing procedures and supervises maintenance of City Hall.

The *Development Services* areas core functions include:

- Building plan and inspection services, administering all levels of support related to building and construction code requirements, plan review, inspections, and complaint investigation;
- Planning services include providing long range planning by managing the General Plan for the City and updating ordinances. This area creates, manages and implement zoning and facilitates the site plan and development review process;
- Economic development endeavors to promote and assist in community job creation, retention, investment formation and quality of life protection and promotion;
- Redevelopment with the RDA to facilitate timely and appropriate redevelopment projects;
- Business licensing promotes a coordinated effort to ensure that land use and building and site standards are maintained;
- Management of the Community Development Block Grant program (CDBG).

Department accomplishments in the *Building Division* included significant time spent on the Fashion Place Mall, auto dealerships, medical facilities and mixed use development projects during 2012. The Building Division employs nine people and issued 1293 permits over the last year. Inspections completed were 6930, the value of construction projects amounted to more than \$48 million and the permit fees collected were \$576,647.

The *Community and Economic Development Division* processed a total of 93 applications in 2012. New business licenses were issued to 476 parties. Code Enforcement followed up on 308 zoning complaints in 2012. There were a number of notices sent, weeds cut and liens on properties. There are no budget issues in this area.

The *Geographic Information Systems (GIS)* Division completed 64 system administration projects, 151 mapping projects and 169 data creation and maintenance issues. There were 99 special projects. Our department has partnered with the county on an aerial mapping venture. Murray's GIS staff plans to participate in an event at the Capitol.

Information Technology Division consists of eight staff members and completes Network Administration duties and Programming projects. The Information Technology Governance Committee (ITGC) was implemented in accordance with IT Strategic Plan and met nine times during 2012.

The IT Help Desk was launched online and the staff resolved 1,249 issues. PC replacement purchased 70 computers, which were replaced throughout the City. The City email system was converted to Outlook and a wireless system was installed in multiple City buildings.

In Programming, an IBM audit was completed with full compliance reported. The IBM 3995 server was replaced with hard disk storage and a server was purchased to replace the IBM AS/400, which will lead to retirement of the old servers and savings on maintenance costs.

Mr. Tingey reported that the attorney's office would be using new tablets to eliminate carrying hard copies of documents.

Mr. Stam asked about the Police reports and when the Council could expect to begin receiving those again. Mr. Tingey responded that training on Spillman was taking place and getting the correct data for those reports was being undertaken.

Mr. Shaver inquired about the AS400 program and if replacement was being considered. Mr. Tingey explained that it is a \$1.5 million project that would be phased in over three years. He stated that it is a priority and funding and implementation was being considered. Mr. Zollinger added that he had payroll concerns relating to the use of only one person to help with programming and the project referred to would help in his area, as well. He related that he was getting bids to deal with this dependence on one person.

Mr. Tingey explained that the *Recorder's Division* consisted of four employees including the City Recorder and facilities coordinator. During 2012 the Division completed the *Records and Information Policies and Procedures*, which will be presented to the Council. A Records Committee was being formed to assist in implementing policies and procedures. In the next budget year, \$39,000 would be allocated for elections. Maintenance for City Hall is in this budget.

The *Treasurer Division* handles all the utility billing activity for the City. The interactive voice response (IVR) system handled 58,000 calls in 2012 and calls to representatives were in excess of 30,000. Ten staff members work in the department including the meter reader individuals who focus on the necessary shut-offs. A 60 day notice is given to later payers. A phone call is made the day of shut off and then a knock on the door. Results show that 48 hour notices decreased by approximately 3.2% and 10-day notices are down 6% due to these aggressive collection tactics. Coming on line will be 1,000 new apartment units.

UTOPIA customers on the queue number 1,567 bills.

Total active customers are more than 21,600 and paperless billing accounts number 994.

The Capital Improvement Projects in this fiscal year include NovaSource funding of \$400,000 that is in process. Selectron IVR is also in process. The IBM I-Series Server and SAN Disk are completed projects. The City Hall window replacement or sealing has been delayed due to the report that it will not be successful. Part of this funding will go toward the SAN Server. Carpet replacement is in process.

Mr. Tingey mentioned that his fiscal year 2013-2014 CIP requests will be approved by the Council in the future and one of the items being noted is a new system for Council

Chambers recording.

Mr. Tingey stated that future issues to be addressed include: technology enhancement, effective customer service, efficient turn-around on development permits and business licenses, ongoing training and customer relations in a regulatory environment.

Mr. Hales asked about the possibility of improving viewing of visual presentations in the Council Chambers. Mr. Tingey said this would be addressed.

Mr. Nicponski asked about small equipment and if it is purchased by departments or by IT. Mr. Tingey responded that it comes from individual department budgets, although, IT handles the actual ordering.

The Redevelopment Agency (RDA) works to facilitate redevelopment efforts in a designated community and to administer projects/programs to assist in economic development, community development and renewing urban areas.

The RDA of Murray City began its program in 1976 with a public infrastructure project extending Vine Street west of State Street. The RDA currently has five active project areas:

- Central Business District (established 1979)
- Cherry Street (established 1991)
- East Vine Street (established 1992)
- Smelter Site (established 1999)
- Fireclay (established 2005)

Mr. Tingey mentioned RDA accomplishments in 2012:

- Development agreements with State & Vine, LLC for the hotel project on the corner of State and Vine; and the evaluation and approval of an amendment to the Fireclay Investment Partners participation agreement related commercial space in Phase I;
- Property acquisition at 4854 S. State Street;
- Modifications to the Fireclay Redevelopment area;
- November 1st report and submittal for tax increment funds from the County Auditor;
- Contract approvals;
- Revitalization assistance program to promote projects for small businesses in the downtown area.

Mr. Shaver asked if clean-up costs can be part of the contributions made. Mr. Tingey said in selective areas with selective partners.

Mr. Nicponski wondered the status of the Fun Dome property. Mr. Tingey replied that it had been rezoned. The property itself is in poor condition and should be torn down. An RDA could be done in that area. There was some discussion regarding the off ramp, but it is too close to other intersections to have one added there.

Police Department – Chief Fondaco

Chief Fondaco stated that 14 of the new vehicles had been received. Paint will be black and white. After all new cars are received; the department will still have six vehicles with more than 100,000 miles and about 12 cars with 70,000 to 90,000 miles. The Chief complimented Justin Zollinger for all that he did in putting together the funding for the 24 new vehicles.

Outside agencies include the Metro-Drug Enforcement Agency (DEA) with one officer, two secretaries and the accounting tech. The forensic lab officer resigned and a senior records person will retire this year.

The Department has five records personnel with no funding to replace the retired person. Responding to a question from Mr. Nicponski, the Chief said he is down five patrol officers and two records people.

Community Service is handled by Officer Jeff Maglish, who also supervises the Cadets. There is one Code Enforcement Office currently and another will be hired.

Special Operations includes the motor units.

The Narcotics team currently includes three officers and the Chief said he is down one staff person. There was a shooting related to gang narcotics; the person was evicted and then out in four days. Narcotics Officers have done a great job in trying to make Murray City a drug free community. Multiple arrests, seizure of narcotics and the recovery of a stolen vehicle by officers brought an end to a "drug house" in the Belview/Afton neighborhood. During the past year officers have made 212 narcotic arrests, served 39 Search Warrants, and are currently working 22 active cases.

The DUI officers are down one. Mike Williams at the court generates income from these arrests; however, it takes 12 to 18 months to collect.

If residents want to put together neighborhood watch programs, the police will help in those efforts.

Warrants Division Officers made a total of 153 Murray City Justice Court arrests with a total of \$613,006 in bail. Seventy-Eight Murray District Court arrests were made with a bail amount of \$3,000,000. Officers made 162 warrant arrests for other agencies. This year a total of 393 warrant arrests have been made.

The Department employs five School Resource officers who work in the junior highs and both high schools and there are 40 crossing guards. DARE is taught in all the elementary schools in Murray and Granite schools.

The Murray Training Center was built in 1997. Chief Fondaco has a bid for \$22,000 to upgrade the target system. Rent is charged to other cities for training and the City has the only range where a car can be brought in.

The Patrol division consists of 27 officers split equally between day, afternoon and night shifts. The City will be losing three officers here.

Statistics show that the Police responded to over 41,000 calls for service in 2012.

Mr. Shaver asked about the training period for new officers and how long it takes until

they can operate on their own. The Chief said that they train for 12 months and then are dispatched with another officer until 18 months in the department.

There was some discussion of the recent shooting in Murray. These can now be plotted on a computer. It is very seldom that a suspect shoots on an officer, but that did occur in the recent case with the perpetrator in Charlie Chaplin garb. The officer then goes on administrative leave and has a fitness for duty psychological evaluation while the District Attorney conducts its investigation. Sim Gil is very thorough in his investigation, which could take up to two months.

Murray has 15 SWAT team members who train up to ten hours per month. This is paid training.

The crime scene investigation team is having great success with the Automated Fingerprint Identification System (AFIS) locating 29 latent prints and achieved 32 arrests from the machine use.

The Detective unit solved 2076 property crime cases in the year; 384 cases per person. Crimes against persons were solved at a rate of 135 per person. Many of these take months to solve and can get backed-up. In the Detective funding the City has two victim advocates partially paid for from grant money.

The three narcotics officers made 212 arrests, 55 of those were for meth labs, the others include heroin, marijuana and crack cocaine. Fourteen illegal immigrants were deported. The drug officers must get into the houses and make a buy before they can arrest a suspect.

The Valley Emergency Communications Center (VECC) merger was discussed. When one agency leaves then their expenses must be split between the remaining agencies. Chief Fondaco is concerned that Murray may have to pay another \$120,000 per year for the same service. He called for the Trustees to monitor personnel cuts.

Jan Wells reported that the Board of Trustees is trying to enforce that this is all the money VECC has and they must make it work on these funds.

Mr. Stam noted that when the building was constructed bond funds were used, of which there is more than two years remaining. He asked if the cities proposing to leave would still be responsible for their bond amounts as part of the exit costs. Mr. Nakamura stated that the bond agreement documents state that there would be no changes in revenue streams.

Mr. Zollinger said that he could contact Dave Sanderson, Finance Director for VECC for details.

Mr. Shaver referred to the 18 month training period for police officers and asked the cost for that training period. He wondered if the City could give raises instead of losing the officers to other agencies that are paying more salary. Mr. Terry agreed to look at that possibility. He pointed out that Murray formerly had a policy to pay its employees 5% more than the Wasatch Compensation Study average so that it did not lose valuable employees.

Power Department – Blaine Haacke

Mr. Haacke introduced his staff members present, Greg Bellon, Charles Crutcher, and Bruce Turner. He informed the Council of 100-year anniversary of Murray Power explaining that

a competition would be held for the Centennial slogan to be used throughout 2013. There are 2,500 municipal power companies in the country. Murray Power is a member of the Utah Associated Municipal Power Systems (UAMPS) and the American Public Power Association. Power contributes to the Murray General Fund in the form of in lieu of tax transfers (ILOT). The credit rating is excellent.

Mr. Haacke stated that Murray's power rates were at 8.6 cents per kilowatt hour (kWh) which is well below the national average for residential power.

The Power Budget totals \$36.2 million: \$33.7 is from metered sales; \$900,000 from impact fees; and \$1.6 million is miscellaneous revenue from such sales as green tags (RECs) and power sales to Truckee/Donner. The market swings daily up and down on green tags.

Expenses in general are 57% to purchase power (\$19 million), 30% for labor, material and salary; and 13% debt and ILOT. This last category includes: \$2.3 million for debt payments, \$1.8 million for capital improvement projects (CIP), and \$1.5 million in assessments from City Hall and other departments.

Mr. Haacke outlined the resources used by Murray Power:

- Colorado River Storage Project - \$30 and is 35% of total resources used.
- Hunter - \$40 and accounts for 40% of City resources
- San Juan - \$55 and is 3% of usage
- Landfill 1 and 2 - \$60 and is 3.2% of the budget
- Gas Turbine - \$45 to \$75 and is about 5%; however it has not been used much this year, due to cheaper energy on the open market
- Cottonwood Hydro - \$10
- Side purchases - \$10 to \$80
- UAMPS - \$10 to \$80

Mr. Haacke mentioned that the department is currently saving \$200,000 per month because the Hunter debt has been paid off.

Reliability is of the utmost importance to Power staff. In 2012, there were 96 unplanned outages. The previous year totaled 147. There are also planned outages for repair and maintenance. The average response time on unplanned outages was 19 minutes and average repair lasted 62 minutes. Murray Power is on 99.9912% of the time.

Things to watch for over the coming months are the meter change out, decorative street lights and the Century Celebration.

The year 2012 ended with the Power Department in an extremely favorable financial situation. During the year, all of the department capital and O&M needs were fully funded, projects previously put on hold were commenced and the reserve fund was bolstered. The FY2012 CAFR revealed that cash and cash equivalents were up from \$2.9 million to \$8.87 million as of June 30, 2012. Since then, the last six months of calendar year 2012 has seen those reserves increase even more to \$12.9 million.

The reasons for the tremendous financial health of the department are many fold. It has been, in a way, a 'perfect financial storm' that has occurred at the department. In short, these are the major reasons for such an improved outlook:

- Retirement of seven FTE
- Retirement of Hunter debt in spring of the year approximately \$200,000 per month of debt service savings
- Sale of landfill generation and RECs to Truckee-Donner. The sale of this and replacement with a much more inexpensive resource netted over \$1.3 million this year
- Movement of funds internally from restricted to non-restricted
- Judicious use of capital expenditures for the majority of the year
- Frugal O&M budgeting and expenditures
- Wholesale power market pricing has been low within the UAMPS group and on the trading floors
- Natural gas pricing has been in the \$3 range which results in low generation costs
- Use of HLH and LLH purchases for energy in lieu of calling back IPP at expensive long term commitments.
- Using UAMPS projects more wisely and judiciously which has saved hundreds of thousands of dollars

It is expected that this next calendar year the positive, upward trending of financial stability will remain. The Department is further excited to continue to pursue projects that had been previously on hold or deferred.

Mr. Shaver asked about theft and if any amount is budgeted to take care of that. Mr. Haacke responded that nothing is planned in advance. Mr. Turner added that the Park and Ride lot on 6200 South remains a problem. Surveillance equipment has been installed at each sub-station; however, there are no cameras outside City properties. Copper theft has gone down, of recent.

The meeting resumed following a short break.

Mayor's Office – Jan Wells

Ms. Wells mentioned that the Mayor's Office budget expenditures were in line with expected spending. She discussed some of the special projects and services offered by the Mayor's office and noted that they would attend the Utah League of Cities and Towns St. George conference utilizing that opportunity for education and training.

Mr. Shaver asked what she sees as future budget issues the City would face. She explained that UTOPIA remains a controversial matter dealing with the politics and continued need for operational funding.

Mr. Nicponski thanked Ms. Wells for her contributions to the City and her assistance in all matters.

City Attorney – Frank Nakamura

Mr. Nakamura stated that the Attorney's Office budget was affected this year by the mid-year promotion of Mark Richardson to City Prosecutor. To make the salary work within the existing budget, amounts were moved from other line items into the Prosecution Regular Employees line.

Some items: Education & Training, Dues and Memberships, and Travel have not yet

been encumbered. These amounts will be used when the attorneys must renew their Utah Bar memberships in June.

Given technological changes that are being made in the Office, in order to comply with State requirements and to streamline operations, the Attorney's Office has made some requests to the CIP committee for data servers, portable devices, scanners and computers. Long term these items will result in significant savings for the City.

Complementing his office staff, Mr. Nakamura stated that he has really good people. He outlined that Tammy Paynter, Carissa Calonge and Lauree Roberts do background work for prosecution. Ms. Paynter handles all the Workers Compensation claims. Mary Bahr works on discovery, claims, documents and contracts.

Mr. Farnsworth handles Power issues, risk, litigation and depositions. Mr. Haacke added that Mr. Farnsworth had been invaluable in working with the contracts and negotiations related to the IPP repowering concerns.

G.L. Critchfield, Deputy City Attorney, is a land use expert. He advises on activities of the Planning Commission and Board of Adjustment, spending numerous hours researching issues.

The Prosecuting team of Mark Richardson and Andrew Stoddard process 10,000 cases per year averaging about 100 cases per day.

Mr. Nicponski asked about use of outside counsel and where the funds are allocated. Those expenditures come from the Risk Fund Mr. Nakamura responded.

Murray City Employee's Association – Jaclyn Sadler

Ms. Sadler expressed her thanks on behalf of the City employees for the cost of living increase that was given in the fiscal year 2012-2013 budget. She also noted appreciation for the \$100 gift at Christmas for each employee. She said it is hoped that merit increases could be awarded in the next budget cycle.

Ms. Sadler commented that there was discouragement from many loyal Murray employees who were leaving due to pay scales. This was taking a toll on City departments; services were suffering and employees are working hard to hire and train because of the turnover.

A three point compensation idea was presented by Ms. Sadler. She suggested:

- 1) The City start fresh with merit increases this year
- 2) Compression issues to be addressed because in some special instances newer employees were making more money than older employees.
- 3) Add 1% additional per year for each year that employees had gone without a raise.

Mr. Terry commented that with across the board raises the compressed group ends up still compressed.

Mr. Nicponski asked Mr. Terry if he could do some analysis and put together some proposals to address the issues.

Mr. Shaver indicated that he would like to meet with the MCEA and was willing to talk through some of the issues.

Mr. Haacke mentioned that the City uses the Wasatch Front Compensation Study and that Mr. Terry usually recommends market adjustments.

Ms. Sadler commented that the City employees are adamantly against the "Sweet Spot" plan suggested by UTOPIA and that they request a vote of "no" on that business item listed on the Committee of the Whole agenda. She added that the plan for funding \$400,000 comes to \$1,100 per employee.

The next MCEA meeting would be held on February 19 at 2:00 p.m. and Ms. Sadler invited Council Members to attend.

City Council Office – Janet Lopez

Ms. Lopez informed the Council that the Council Office budget would experience quite a reduction in personnel costs due to the lack of a second employee for several months. Additionally, the consultant line item had not been expended and may not be used through the rest of the fiscal year. Some monies may be transferred for travel and miscellaneous due to low requests in those areas. On the whole Ms. Lopez said she expected a savings at year end.

Utah Telecommunications Infrastructure Agency (UTOPIA) Discussion

Ms. Wells thanked everyone for the discussions today. Everyone had chimed in and offered a lot of positive things. When Todd Marriott came and spoke at the Public Meeting, the presence of the employees was appreciated. Their respectfulness and willingness to listen was appreciated. She understands where they are coming from, and understands their thoughts and frustration.

Today, the Park Center was discussed, and the question was asked if it was subsidized by the City. It was mentioned that not everyone in the City uses the Center, but it benefits everyone with quality of life, and as an opportunity.

Ms. Wells said she was employed at the City when the decision was made to put fiber optics as a service to the residents. Not everyone has it yet, and not everyone can use it, but it is a benefit to 3,000 of the residents that have it in their homes and use it. Ms. Wells asked if there are infrastructure costs when putting it in, of course there are. That is reality, any service that the City provides costs money.

Other obligations were discussed, such as VECC, and Sandy exiting out of that service. Murray City made obligations with 10 other Cities to join UTOPIA that they would participate and try and make this infrastructure available to everybody. Murray City has obligations, bonds, and dollars that have been committed. Everyone knows what the obligations are and understands the weight of this and also the frustration of it. It has not come to fruition as fast as the City would have liked. There are plenty of problems and issues that can be discussed. There have

been endless meetings on this topic. Ms. Wells is not going to justify that the road ahead will solve all the problems. She said that the City has made some promises, investments, and commitments. Unless, the City is willing to unplug the 3000 residents and go back on promises and financial commitments that have been made, then walking away from UTOPIA is not the best thing for Murray City. It is not the best thing in a lot of ways.

One thing that Mr. Stam did not mention was that if UTOPIA goes black, this affects the payments to UIA also. UIA is backed by the franchise fees, and the City has not had to pay anything for those yet, but if UTOPIA goes dark, the City has to make payments on the \$29 million that has been borrowed.

There are a lot of things to consider. Ms. Wells said the meetings are not easy and she dislikes going to the meetings. It is not anybody's fault, yet darts are being thrown. She believes if UTOPIA goes dark, the long-term consequences could be earth shattering.

Mayor Snarr said that he is willing to take some of the blame on this one. Likewise, he supported the Park Center knowing that it would cost hundreds of thousands of dollars a year out of the general fund. It is a quality of life issue. He supported the putting of the fiber in because it has worked elsewhere; the timing just wasn't good for the City. The City had the fiber in to back the data system, the wells, and sub-stations. He wanted to get it into the schools to help them with its innovative uses, home schooling, medicine, etc.

Mayor Snarr is worried about the consequences if the plug is pulled on UTOPIA. The consequences could be more catastrophic than if the City continues to pay. He has people calling him all the time, many businesses that put the fiber in and paid for the investment. Many tenants have moved into buildings because they have the fiber. The consequences of going back will be more negative than going forward.

The City has seen one lawsuit that cost \$250,000; there could be a number of lawsuits if the City backs out of UTOPIA.

Mr. Hales commented that he has never bashed UTOPIA to any of the staff. The presentation from Mr. Marriott on UTOPIA was a horrible presentation, in his opinion. There were numbers thrown out and it did not make a lot of sense to the Council. It is hard to get numbers such as salaries that are considered private. He has had this discussion with Mr. Stam that information is being held back. It would be nice to have all the information out in the open. He believes that UTOPIA is not giving the real story.

Ms. Wells said it is a very complex issue. She believes that Mr. Marriott started from the middle, instead of the beginning. It has been a hard issue, with terrible decisions and poor leadership in UTOPIA along the way. There have been legislative problems also. She believes that the obligations and duties must be considered rationally.

Ms. Wells would have echoed Mr. Brass's statement from the meeting. The employees have always been the first priority. The City has had to pull together and struggle through the last 4 years. Today the City has a little bit more money, and a little bit of hope, but the City is still not in a position to fund everything that is wanted.

Mr. Stam said he feels similar to Ms. Wells. They are both out there trying to do their best to come up with the least expensive and best option for the City. They are feeling like they

are dumped on when nobody wants to listen. He asked how many times people have gone out to UTOPIA and heard explanations of exactly what is going on.

Mr. Nicponski clarified that the obligation to UTOPIA was for \$23 million and an obligation to UIA for \$3.5 million, based on the City's share lines. Mr. Marriott came to the City the other night wanting an additional \$480,000 that is where the sideways part comes in. If the City gives out the extra \$480,000 there is not any money left over for merit adjustments or COLA increases.

Mr. Stam asked if it was UTOPIA asking for the additional money, or if it was the legislature forcing UTOPIA to ask for more money. The laws have been changed and there needed to be some changes made. If the legislature would allow the fiber to be sold retail, then these problems would not exist. Mayor Snarr said there was one customer (AT&T) that was willing to go down this road and have exclusive rights. They had the money and marketing to make it work, but the legislature threatened them until they backed out.

Mayor Snarr asked who is going to take care of the fiber. If UTOPIA goes dark, who will manage the fiber, and take care of the schools, etc. The City does not have the expertise.

Mr. Stam said that the City would also need to buy some of the fiber back at a cost of nearly \$3 million. Mr. Snarr said that originally, the plan allowed for retail, and the other places where it has worked retail sales were allowed.

Mr. Stam said that the comparison between UTOPIA and Comcast was not accurate. UTOPIA is wholesale and Comcast is retail; UTOPIA is a local company, whereas Comcast is national. Mr. Zollinger said that Comcast was listed as a benchmark. Mr. Stam said it is comparing apples to oranges, since UTOPIA is not allowed to go retail. Mr. Zollinger said the two are in the same industry with similar challenges and competition. He stands by that comparison.

Mr. Nicponski asked Mr. Zollinger how much the City paid annually on the bond. Mr. Zollinger said it is just under \$1.6 million every year. Mr. Nicponski feels like UTOPIA runs out of money and comes back, in a way holding the city hostage, and there are so many other places that this money could be spent.

Mayor Snarr said he agrees but it is an obligation.

Mr. Hales asked if the City gives the \$480,000, and then UTOPIA comes back for more, does the City just keep on giving.

Mr. Stam said that the City is "shooting the messenger" when it comes to Mr. Marriott. When Mr. Marriott came on board, \$180 million of the \$185 million bond had already been spent. He took \$5 million over the next three years to find out what was going on, and turn things around. He came up with a plan and put UIA in place, and every bit of debt incurred by UIA has been covered by revenue. He hasn't hit the benchmarks but has hit the revenue marks and covered everything that he said he would.

Mr. Hales asked if the City could get Mr. Marriott's salary. Isn't it appropriate to look at the salaries of the UTOPIA leadership, he asked. Mr. Stam said it is on the report as a collective number. Mr. Stam said that he believes that the City has Department Heads that make more

money than Mr. Marriott.

Mr. Nakamura wanted to let Jackie Sadler know that the City appreciates the input from the employees and they know who is in the trenches, and he does not want any hesitation on the employee's part.

Mr. Stam asked if it would be okay to meet with Ms. Sadler and discuss it further. She replied that she would love to.

Ms. Wells said she does not think it is an unreasonable request to continue looking at it, while the budget is discussed. She thinks it needs to be looked at carefully and realistically. There have been a lot of challenges and she would like to do the best with what they have.

Mr. Nicponski thanked the Mayor's office for the free flow of information, and the book that Mr. Zollinger put together.

Chief Rodriguez asked Mr. Stam what the other Cities are doing. Mr. Stam said that the Cities are all going through the same discussions. He believes that the large cities are going through with the payment. Mr. Stam said it would easily cost the City \$1.5 million more to not go forward. Chief Rodriguez asked what if another City, such as West Valley City withdrew. Ms. Wells said that is the interesting thing about this. Layton, Orem and West Valley City have all said that they understand the consequences and are willing to pay for operations. Layton and West Valley don't have a lot of fiber in their Cities at all, and have been bearing the big costs of paying the interest on the bonds. Some of the smaller Cities are struggling with it also. Ms. Wells believes the majority of the Cities are planning on paying the money, and if anyone backs out, it could be a small City, such as Perry. Perry does not have any of the infrastructures set up yet. Mr. Nicponski said that Wayne Pyle from West Valley City stepped up and said they were committed.

Ms. Wells asked for a little time, and understands that the City is in crisis mode, but if the City can hold out until next fiscal year, these discussions can be part of the budget. Then the City can decide how to take care of all the obligations that the City has.

Mr. Hales asked if this payment for operations can wait. Mr. Nakamura said that it does need to be decided if there needs to be a budget opening in February. In order to have a budget opening, there needs to be a known amount by which the budget is to be amended. Ms. Wells said that she does have a number. Mr. Nakamura said that in order to have it on the agenda for February 19th, it needs to be noticed. Ms. Wells said that the managers worked on the number yesterday, and it looks like the number would be about \$34,000 per month. The number came from assets and pledges. Mr. Stam said that they were trying to make it equal between the Cities and compare the assets in the ground, the pledge that was made, and the subscribers. That was a 50/50 split between assets and pledges.

Ms. Wells said that some of the bigger Cities picked up a higher amount. Mr. Zollinger said that would be \$170,000. Ms. Wells suggested that the City do it for the rest of the fiscal year, and then look at it again. Mr. Zollinger said that the payment does have the potential to be ongoing.

Mr. Stam said that currently UTOPIA has a \$225,000 monthly shortfall, and that is what is being divided among the Cities. Every three months, that amount would be reevaluated.

Theoretically, the number could drop down every three months, and be phased out at the end of the three and a half years. The positive side of that would be that when it returns to the growth side of it, those that participate would get the benefit first, based on what has been paid.

Mr. Hales asked if that payment was guaranteed to go down. Mr. Stam said it has already gone down from UIA a little bit from the last year.

Mr. Zollinger remarked that Mr. Marriott said that in the model, revenue would increase over debt service by \$144,000; the current shortfall is \$225,000. Even with everything going according to the model, there would still be about an \$80,000 shortfall. Mr. Hales asked if that shortfall was for operations. Mr. Zollinger confirmed that it was. Mr. Stam said that UTOPIA was also making cuts to their budget, which would reduce it by another \$40,000. Mr. Zollinger said that is the reason that it could be potentially ongoing. Mr. Stam agreed that there is that potential, but there is also potential for more revenue to offset the shortfall.

Mayor Snarr commented that this has been so frustrating. He has seen Legislators literally destroy this. He has worked through this because of Murray Power. His ancestors were involved in that and it is now Murray's "golden goose." Murray City was ridiculed for 20 years for having its own power department. Utah Capital Light Company, as it was called back then had the latest and greatest technology. Their reliability rating was way better than Murray City's. Murray City stayed the course and figured out a way to do it. The Federal government has people that are paid to destroy things. There are some fat cats in government that are doing things out of self-interest. He has businesses in his neighborhood that depend on the fiber.

Mr. Stam said that one of the biggest critics of UTOPIA and UIA has been the Utah Taxpayers Association, and has cost millions of dollars in revenue. Last month, the Vice-president of Qwest was elected as treasurer for the Utah Taxpayers Association. They refuse to tell how much money that Comcast, CenturyLink, and Qwest pay them. If the bad press wasn't out there, this would be different.

Mr. Nicponski asked how many units need to be sold, to climb out of this hole. Mr. Stam said that is a tough number to come up with. Mr. Zollinger said that would be a great number to have as a target. Mr. Hales commented that his personal feelings cannot allow him at this time to say go ahead. Mayor Snarr asked how much litigation is going to cost and added that is money taken away from being able to give merit raises also. Mr. Stam added that litigation costs are on top of the \$1.5 million that would be required to pay. There is the \$1.6 million, plus the \$1.5 million and then the costs of litigation.

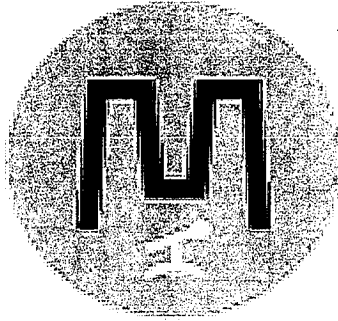
Mr. Stam added that Ms. Wells point was to figure this out until the end of the year. That way the City is not the bad guy shutting UTOPIA down, and would allow for more time and consideration.

Mr. Nakamura said there is the ten day noticing; with about four days lead time. Mr. Stam said that even though there is a public meeting held the vote would not need to take place at that same time. If it is discussed in the meeting on Feb. 5th, it would allow for enough time for a public meeting on Feb. 19th. Ms. Lopez said that if the information is given on Feb. 6th; it could be published on Feb. 9th, which would allow for the ten day noticing requirement. Mr. Nakamura said that now the exact number is known about \$170,000. He asked if this would be an agreement that goes past the fiscal year. Ms. Wells said any agreements made would be from

the City to them.

Mr. Hales thanked everyone for their reports and valuable information and adjourned the meeting at 4:35 p.m.

Kellie Challburg
Office Administrator



MURRAY
CITY COUNCIL

Committee of the Whole

Committee of the Whole Minutes



DRAFT

MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, February 5, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

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

Council Chair
Council Member
Council Member
Council Member
Council Member

Others in Attendance:

Dan Snarr	Mayor	Tim Tingey	ADS Director
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Pete Fondaco	Police Chief	Craig Burnett	Police
Justin Zollinger	Finance Director	Chad Wilkinson	CED
Zachery Fountain	Legislative	Jennifer Kennedy	Recorder
Patricia Griffiths	Library Board	Kellie Challburg	Council Office
Jennifer Brass	Resident	Russ Kakala	Public Services
Blaine Haacke	Power	Dave Stewart	Lobbyist
Chad Wilkinson	CED		

Chairman Hales called the Committee of the Whole meeting to order at 5:15 and welcomed those in attendance. He noticed the absence of Mr. Stam.

Minutes

There were no minutes for approval.

Business Item #1:

Committee and Board Reports

2.1.1 Blaine Haacke- UAAMPS

Mr. Haacke just returned from Intermountain Power Association (IPA) meetings this morning. The biggest issue with IPA are the "Post 2027" contracts that were mentioned to the Council several months ago.

The Utah Associated Municipal Power Systems (UAMPS) group is working through the budget right now. There are 14 projects in UAMPS. A project consists of any time that a member wants to partner with another member to combine a resource. A project might consist of two or more members.

Murray is involved in 8 projects right now. An example of that partnership would be the Hunter Project. Murray and 10 other Cities form a partnership and figure out costs, etc. Murray is also involved in the Colorado River Storage Project (CRSP) project, Hunter, San Juan Power plant, the Intermountain Power Project (IPP) power plant, the Craig/Mona transmission line, the pool project, and the government project. There is a chair for each of these projects, and a budget is made. UAMPS lumps the budget together. There have been 2 out of 4 sessions, so the budget process is halfway completed.

UAMPS has \$134 million budget, compared to Murray's budget of \$36 million. Of the UAMPS budget, \$10 million is considered A & G. There is some control over the A & G part of the budget, as far as controlling how many full-time employees they have, and what percentage their Cost of Living Adjustment (COLA) is. Murray is just one vote, and there are about 38 other Cities. They have whittled down their need for two and a half more employees, down to one. There has been real progress made with UAMPS. The person that they are going to hire is cyber-security nerc compliance professional.

UAMPS is going through a salary survey, and they are using HRN for that service.

One thing that will affect the budget this year is any kilowatt hour that is brought across even the Rocky Mountain lines, except for the Federal system will increase by about .40 a megawatt. That will be an increase of about \$180,000- \$225,000 to the City for Murray's portion.

All of the other rates are remaining stable. The CRSP rate, which is the most inexpensive rate at \$29.00 an hour, will remain stable for the next couple of years. The Hunter resource is going down by a dollar to \$34, that used to be in the \$40 dollar range until the debt was paid off. San Juan is the most expensive resource at \$66.

Things are going well with UAMPS. It is a matter of check and balances and trying to convince other Cities into joining in the argument on the right side.

The IPA Board of Directors is looking at the post 2027 contracts. There are several different parties going several different directions. Californians have an inner fight with Los Angeles as to what to do with the Delta plant after 2027.

It is mainly three different groups: UAMPS, IPA, and the member cities. It is similar to a family that doesn't talk to each other. UAMPS talks to some of the member cities, and to California, and IPA is talking to the same people. It will be brought to the Council probably in April. It will be asking for the approval of the second amendatory contract that allows the Californians to change to natural gas. There will be another contract in about a year that will decide whether or not Murray wants to stay in the project after 2027. Governor Herbert is

meeting with IPA and the Californians very soon. The Californians want to refresh his memory of the economic impact that the Delta plant has on Utahns. Mr. Brass asked what the impact is if the Californians convert to natural gas, and go away from coal. Mr. Haacke said it may help Vernal, but will surely hurt Price, and Henafer where the coal is coming from. Mr. Nicponski asked where the natural gas supply would come from. Mr. Haacke replied that it could be from Vernal, or out of state also. It would be market driven. The Californians are remaining in the game because of the transmission that they need for the wind farm. Los Angeles needs both transmission and generation.

April 1st is the soft deadline to have these contracts signed by the Cities. UAAMPS has written a letter to IPA because some of the Cities have asked questions. IPA has yet to answer that letter. Murray did not sign that letter because Mr. Haacke had already sent a separate letter to IPA with the concerns and issues.

Some of the questions are the same. What if both plants run parallel for a year or two, he asked. They will have a Question and Answer type of spreadsheet out soon.

It is just a wait and see process right now to see what UAMPS, IPA, and Los Angeles do. If the L.A. City Council votes for the contract to pursue a gas plant then that will draw the line, and the Californians will have to choose a side.

Los Angeles would like Utah to be involved for economic reasons, and they would like to have Utah members if they have a plant in Utah. The plant would be adjacent to the existing one in Delta. The substation is already built and the transmission and the employee base are there. The coal fire plant would be taken to the ground and right next door the gas one would be built. Mayor Snarr asked how many megawatts it would be. Mr. Haacke replied it would be 12.

The director of the Hunter plant thinks he could still run one coal fired plant to take care of the customers. That may be an ace if Utah could still keep control of the coal.

Mr. Shaver asked about the budget of \$134 million and if that included all the projects, whether or not Murray was involved. Mr. Haacke said that was correct. There are two projects that are lagging right now: the Horse-Butte wind farm up in Idaho Falls, and the Nebo gas plant in Payson. Murray is not a member of those projects, but Mr. Haacke believes close to \$60 million is going towards those two projects.

Mayor Snarr asked if the bond retired in 2025 for IPP. He asked why the City wouldn't pick up the 900 megawatt that is already built. Mr. Haacke said it is the unknown EPA costs. Right now, it is going to cost \$800 million to put scrubbers on the IPA project. That might be a question for Mr. Hill, if it was worth putting \$500 million into a plant.

Mr. Hales recognized that Mr. Stam was present.

2.1.2 Russ Kakala- Trans-Jordan Cities

Solar Energy is a project that UAMPS is looking into. Trans-Jordan has about 30 acres of open-space. They are issuing a Request for Proposal (RFP) next week to see what comes back. There is a potential of 80 acres to do something with. They have the open space so the board wants to entertain the idea.

Some residents want glass recycling. Draper put one in their City Hall so residents can come and drop off their glass. ACE would pick it up at no fee if that is something that the residents want. It would not be a household pick up, but a drop facility. Most of the glass is whiskey and beer bottles.

Salt Lake County landfill is proposing a \$3 increase for tipping fees on commercial and \$8 at the transfer station. That equals about \$1200 more a year that the City would pay for the collection. That may result in an increase because people that usually use the transfer station will instead start sending the garbage to the City. If the City doesn't raise the commercial rate, there may be a lot of crossover coming from other places. Trans-Jordan is half the commercial rate, so it is currently \$13 of the \$26 rate. If they go up to \$28-29, the City will have to increase to \$14.

Mr. Brass said that they should speak with St. George and Granger both, and what they had to go through to hook up with Rocky Mountain Power. The inter-ties are difficult.

2.1.3 Zachery Fountain- Legislative Policy Committee

Mr. Fountain acknowledged the presence of the lobbyist Dave Stewart also. Mr. Stewart was invited to give a quick update on transportation.

Mr. Stewart said that a few roads in the City; Vine Street for example was brought to his attention. These roads were in the \$1.2 million range. He looked for opportunities, whether it is bonding or other revenue sources. He feels like there is an appetite for that, and it is still early in the process.

He has also worked closely with Mr. Fountain on other issues such as: RDA's, and UTOPIA.

The League held the first Legislative Policy meeting this Monday.

Mr. Fountain said he wouldn't rehash the pending litigation with the billboards. There are two competing bills on billboards right now: The Reagan bill and the Utah League of Cities and Towns bill, which he characterized as the "nuclear option." There is no interest from the Reagan group to work together on an agreement, so they are running their own bill right now. Mr. Shaver asked if they had a sponsor. Mr. Fountain said he wouldn't share the name at this time, because he may be backing out. Senator Urquhart is running the bill. He started off as a neutral member last year, and feels like he wasn't treated fairly so he is helping the Cities in the fight on billboards. If you look at the State Code now, there are special allowances in land use that are allocated for billboards. This new law would basically unwind the special treatment that they currently receive, including the special use of eminent domain on their facilities, unilateral relocation, and currently they are assessed on the pole and not the totality of the facility. That maxes out at \$6 per structure, so that may change. Also, ban conversion of a current sign, which is what Murray did in 1991. The current use that has been approved is the allowed use. That bill is moving forward, there has been a split in the industry due to some acquisitions that may impact the discussion going forward.

Another prominent issue is fireworks. There is a bill from Representative Dunnigan that if passed, would require an ordinance to be enacted that gives the Fire Marshall the authority to ban fireworks in specific areas if he needs to. The City would work with the Fire Marshall and set up the ordinance for those areas. They would be responsible for executing the policy. There

was some push to get the Fire Marshall full authority but Representative Dunnigan is adamant that the City be involved also.

There is a concerning bill from Representative Stratton discussing privatization. Right now there is a State Privatization Board that focuses on how Government Entities compete with private industry. This becomes important for issues, such as UTOPIA, the Park Center, Golf, Water, and other issues. This bill would strike local government participation on that board and put on two new board members that would represent private industries. Some examples of these would be private gyms, such as Gold's gym, and private golf courses. There is a big push to make this the new watchdog group with state authority. Also, the state auditor would have a new pronounced role in the investigation. The League is really concerned about this right now.

Mr. Shaver asked who was sponsoring that bill. Mr. Fountain said it is Representative Stratton. Mr. Nicponski asked about the mechanics of that, and if permission was needed to take action on a parks and rec facility or a golf course. Mr. Fountain said since it is state legislature, there would probably be new legislation drafted banning the ability to intervene. It gives the investigatory aspect to the state, as well as, the ability to do their independent studies.

Another big one on the bill list is RDA's. Mayor McAdams brought up an issue concerning how levies are set based on the tax assessments at the time when setting up an RDA. If a single entity like Murray decided to raise property taxes, the state tax commission was giving that to the RDA, instead of the standard set when the RDA was established. There is a movement to make sure that we are locked in at the rate at the beginning of the RDA, so as not to accrue those extra taxes. That is important because, Salt Lake County, for example raised \$33 million in property tax increases, and then found out it was going to be like \$37-38 million, because the difference goes to the RDA. The levy needs to be set for the totality of the RDA.

The League feels like it is a good option. Although, the tax payers association wants everything unwinded to find out who paid extra, and could become a mess. Mr. Stewart said the problem is in going back to discover the tax entities were, such as schools, bonds, etc. Those RDA's have encumbered it through bonding, etc. Nothing goes back to the taxpayer; it simply creates a windfall for someone else. Mayor Snarr commented that he would like it if they did away with the redistribution of sales tax for the 32 Cities in Utah. Mr. Shaver clarified that the idea was to get the RDA locked in no matter what the property tax does. Mr. Stewart said that he thought there was talk about having a mechanism that if the entity wanted to, through an interlocal, still facilitate the tax increase to an RDA. Mr. Fountain said that locally you could still have the option of directing that extra money from taxes to the RDA. The big issue is that it is locked in, so that there is not the unwinding needing to be done after that. The unwinding process is a hostile approach to the RDA practice in totality.

The full bill list is 21 pages long. Mr. Fountain asked if the Staff was okay if he cut it down to the important ones, and ones that impact the City. There are those bills that are actively worked with the League, possibly the top 10-20 bills. Mr. Shaver asked if it was possible to get just a title, without necessarily all the information. Mr. Fountain said he could do that. Mr. Shaver said if they had just a short title on the ones that may not impact the City, at least they would know that they exist. Bills have to be numbered by Thursday, so there will be better information then.

Mr. Shaver asked about the 18% to 25% bill. Mr. Fountain said that is an awesome bill and is in committee today. This bill would bump the amount allowed to be held in reserves from

18% to 25%. Mr. Fountain did check to see if it would affect the bond rating at all if it was maintained at lower than the 25%. It would not affect the City's rating at all. It would parallel what the State is doing right now. Senator Henderson is the one carrying the bill.

Mr. Nicponski asked if Mr. Fountain and Mr. Stewart could remain there for the VECC conversation.

2.1.4 Jan Wells-Council of Governments (COG)

Council of Governments (COG) typically is a little slower this time of year.

In November, they held the general assembly and focused on three issues:

- Regional Gang reduction- This is a problem in every City to some extent.
- 911 update- This is the VECC issue that Mr. Nicponski will address.
- Transportation- Transportation is ongoing and just needs to be updated. The mechanism for that is through the COG. They do the corridor preservation funding, the Statewide Transportation Plan (STP) planning, the funds for air quality and the unified transportation plan. Those are almost always on a COG Agenda.

In December, the main issues were:

- Jail funding for the County
- Homelessness
- The Public Safety Answering Point (PSAP) merger with VECC and 911. The big issue has come because Sandy has said they are withdrawing, and Taylorsville has stated that they want the option to leave. Hopefully this issue can be worked through.
- RDA issues that Mr. Fountain talked about earlier.

2.1.5 Dave Nicponski- Valley Emergency Communications Center (VECC)

VECC is still working on what to do with the Sandy departure, and haven't come to a conclusion yet. The discussion is that a technical committee be formed to look at the technical realities of communications. The thinking is that one would be better than three. This technical committee would determine the most cost effective way to do this. The Legislature is getting involved by this technical committee to speed things up.

Mr. Fountain said that the Legislature requested that group. Rep. Dee asked that a study be done so there wasn't a proliferation of PSAPs. It showed that Salt Lake City and the University of Utah were able to maintain their independence because of the daily influx that they had in terms of individuals. VECC was left as the other option, so Unified Police Department (UPD) and Unified Fire Authority (UFA) would try and consolidate. Mr. Nicponski asked that everyone wait until the bill was seen.

Ms. Wells commented that Murray is a member of the Metro Fire Agency, and most of the Metro Cities are also the Cities left in VECC, except for Sandy. The bottom line is that Metro could manage VECC if the possible push comes from the legislature. Mr. Fountain said that the

last bill from Representative Dee to save one PSAP, they amended the bill to a study function with a caveat. Ogden is implementing impact fees on development, as a request by 911. Mr. Shaver said it isn't just a VECC or UPD issue, it is happening in multiple places. It will cost Murray money though because the City is already dealing with multiple PSAPs, remarked Mr. Fountain.

2.1.6 Dave Nicponski- Association of Municipal Councils

There is a proposed agenda for the next year that will be sent to the rest of the Council Members.

2.1.7 Jim Brass- Central Valley Water Reclamation

The big issues were the elected officers. They also received an update on the Jordan River/Farmington Bay water quality coalition. It will cost the City money, it just isn't known how much.

The Environmental Protection Agency (EPA) attitude is that sewer rates in Utah are so low compared to other parts of the Country, the rate increase is necessary. The EPA wants the nutrients removed, which is nitrogen and phosphorous from the discharge from the plant. The expert has said that the EPA does not take into account everything that happens to the river before additional water is put into it. If there is a hard freeze up the canyons, and then a strong wind, tons of leaves are dumped into the river. Those leaves sit on the bottom of the river and decay, which adds oxygen and nutrients to the river.

There are also tributaries that cut through the valley and pick up sediments that cloud the Jordan River. He doesn't believe the Jordan River will ever be as pristine as the Provo River or the Green River. There is a picture that gets painted that the river will be a gorgeous thing. Science indicates that even if the maximum amount of money is spent, it will not change the Jordan River. That appears to be the route though, and could cost the City several million dollars as their share. There is a group that discusses that, with an approved budget of \$596,000. The Central Valley share is about \$150,000. It is money well spent and could have an impact on the destiny.

The plant is in great shape. Mayor Snarr asked what percentage is taken from the sewer, sludge and recycling of the green waste versus taking it out and doing land applications. There is definitely a convenience factor, he said. Mr. Brass said the compost operation is a money making operation, he didn't know the actual costs. Mayor Snarr asked if the land by Cedar Valley was still leased out for wheat farming.

2.1.8 Jim Brass- Wasatch Front Waste and Recycling District

Currently there are housekeeping issues, converting from a County run entity to being its own separate entity. There was a land exchange with Salt Lake County for the property that the facility sits on. Another is an interlocal agreement with Salt Lake Valley Landfill, which is still a County entity.

The County is increasing tipping fees, and that will impact the fees that the citizens east of 9th East pay. Those citizens will start seeing those first bills this month. There has not been an increase in the fee, but the residents have never seen this bill before. It has always been a

part of the property tax. The residents have been noticed, but there may be phone calls. The bill will come from the District with an explanation that it is now separate from the property tax bill.

Mr. Nakamura said that another problem is that a lot of mortgage companies pay that out of the escrow account in reserves. Now that this is no longer a property tax, it will not come out of that account. Mayor Snarr commented that there would be extra money sitting in the escrow account.

Mayor Snarr asked Mr. Brass if the County would ever consider selling their garbage cans. He asked about the possibility of those customers wanting to join the Murray customers that are paying lower prices. Mr. Hill had already given the prices for purchasing the cans. If Murray was to take it over, would they be able to purchase those cans, he asked. Mr. Brass said right now they are the property of the Wasatch Front Waste and Recycling District (WFRD). They do have a facility that repairs those cans and cycles them through the district. He isn't sure if they would have an excess of cans, because the cans do get beat up and need to be replaced. Mr. Shaver commented that it is an interesting question, because the citizens now have the option of not wanting to be part of the district. The residents don't owe any money on the cans; they should all be paid for.

Business Item 2.0

Business Licensing City Code Text Amendment- Tim Tingey

In a few weeks, there will be several changes to the business code and licensing. Jennifer Kennedy and Chad Wilkinson have been working on this issue. One is the removal of the recorder being responsible for business licensing and giving that to Community Economic Development area. Also, special events are a part of that that needs to go into the area for the Recorder.

There are some changes to the fees that are important and significant. Mr. Wilkinson said the City has been going through a comprehensive fee review of the business licenses over the past eight months. Lewis Young presented that to the Council a few months ago. The City is still working on the actual fee to be assessed. Some of the proposed changes include:

- A change to the calculation of late fees. One of the biggest concerns has been the issue of the postmark. Citizens have the postmark on time, but the City does not receive it on time. The current policy is that the City does not accept postmarks, and it is not considered a timely payment. The City is working with businesses on this issue and proposing a ten-day grace period. The late fee would be waived if the payment was received within ten calendar days. The City still will not accept postmarks, but will give some flexibility with this grace period. Mr. Hales asked if the City was waiving a lot of those fees anyway. Mr. Wilkinson said that some are waived if a legitimate reason is given. The due date will not change though; there will not be a grace period on the grace period.
- The Code requires the penalty fee to be calculated based on the entire business license fee. For example, an office use of one employee would have an annual business license renewal fee of \$106.00. A 200 unit apartment building would have a regulatory fee that would apply for \$1200.00, plus the base fee. The late fees are based on the length of delay. Between 30-60 days late, there is 50%, and 100% after 60 days. The difference between those two examples is hundreds of dollars. There is no ceiling on the fees currently. The late fees will now be based on the base fee. The base fee is \$100.00, and is a processing fee, and the late fee will be a percentage of that. Regulatory fees pay for the police service, etc. The new proposed change would change it to: after 30 days, a

\$50.00 late fee, and after 60 days, a \$100.00 late fee. After 60 days, it will be a 100% of all charges. If a business goes that long without renewing, they are basically getting the benefits of having a business license without paying for it. Mr. Hales asked if there was a collection process. Mr. Wilkinson said that usually the business license is revoked. Revocation is the first step in the process.

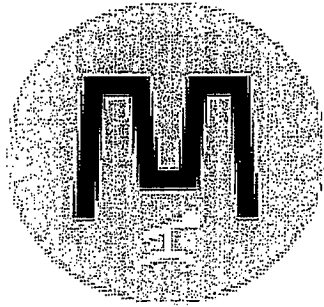
- There has been some confusion as far as the “per employee” fee. It is listed as a regulatory fee on the application and a base fee in the Code. That is going to be changed to a regulatory fee.

Mr. Nicponski asked what the green sticker was for. Ms. Kennedy said she believes it allows parking in a loading zone within the County, except for Salt Lake City.

Mr. Hales asked if someone would be available to cover the Heritage Center employee of the month presentation the following day. Mr. Shaver said that he would do it.

Mr. Hales adjourned the meeting at 6:15.

Kellie Challburg
Office Administrator II



MURRAY
CITY COUNCIL

Discussion Item #1

Murray City Municipal Council Request for Council Action

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

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

2013 – 2014 CDBG Funding Recommendations

2. KEY PERFORMANCE AREA: (Please explain how request relates to Strategic Plan Key Performance Areas.)
Responsive and Efficient City Services – The CDBG funding allows for a multitude of services and projects for the community.

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

☐ Council Meeting OR ☒ Committee of the Whole

☒ Date requested April 2, 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.)

The CDBG budget is funding reimbursed from the County and provides capital funding for City partners.

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

See attached memo and funding recommendations

6. REQUESTOR:

Name: Angela Price

Title: CDBG Coordinator

Presenter: Same

Title: _____

Agency: _____

Phone: 801-270-2419

Date: March 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: [Signature]

Date: 3/20/13

Mayor: [Signature]

Date: 3/20/13

8. COUNCIL STAFF: (For Council use only)

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

Recommendation: _____

9. NOTES:



MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES

Building Division 801-270-2400

Community & Economic Development 801-270-2420 TTY: 711

Geographic Information Systems 801-270-2460

TO: Murray City Council
FROM: Angela Price, Coordinator, CDBG Program
DATE: Wednesday, March 20, 2013
RE: 2013-2014 CDBG Funding Recommendations.

COMED staff will be at the Committee of the Whole meeting on Tuesday, April 2nd to present the advisory committee's 2013-2014 CDBG funding recommendations. I would like to use this meeting as an opportunity to discuss our funding methodology and the upcoming CDBG budget process. I have included a copy of the funding recommendation letter that was sent to the agencies. If you have any questions regarding this presentation or the committee's recommendations please do not hesitate to contact me. I look forward to the opportunity to discuss our recommendations with you.




MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES

Building Division 801-270-2400

Community & Economic Development 801-270-2420 TTY: 711

Geographic Information Systems 801-270-2460

TO: CDBG Applicant Representatives

FROM:  Angela Price, Coordinator, CDBG Program

DATE: March 20, 2013

RE: Community Development Block Grant 2013-2014 Funding Recommendations

The following outlines the proposed allocations and justifications for the Murray City 2013-2014 CDBG program as recommended by an advisory committee consisting of staff from the Community and Economic Development Division and the Mayor's office. After careful analysis of the applications, the committee concluded the following:

- Each agency provides important and critical services to Murray residents. These services and programs are invaluable to Murray City and we commend you for your efforts. Unfortunately due to substantial federal CDBG budget cuts, reductions had to be made and well-intentioned projects were not recommended for funding;
- The funding requests total \$354,724. The total funding allocation (including reallocated funds) for hard cost projects and housing programs is \$158,732, which calls for \$195,991 in reductions;
- The committee evaluated each application to determine the number of Murray residents served and the overall benefit to the community. Specifically, we focused our funding efforts on programs that were located in Murray City or employed Murray residents, and programs that addressed housing. The committee worked to fund as many programs as possible, considering the limited funding resources. In addition to the factors listed above we looked at the organizations' ability to leverage funds from other sources (i.e. other municipalities, foundations, state and federal resources), duplication of services, if the program showed a tie to the Salt Lake County Consolidated Plan, and the number of low-to-moderate income individuals that were served. After weighing all of the aforementioned factors, recommended funding allocations were determined.

Based on our analysis of the applications, the following outlines our proposed recommendations:

Organization	Description	Requested Amount	Recommended Funding	Reason for Recommendation
ASSIST	Emergency Home Repair, Accessibility Design and Program Delivery	\$40,000	\$18,582	Partial funding recommended so a wide-range of housing programs and services could be provided to Murray residents.
Boys and Girls Club of South Valley	Murray Club Enhancement Program	\$25,000	\$16,150	Funding will repair the boys and girls restrooms in the Junior Center (\$9,200); replace the HVAC in the small gym (\$6,800); and program delivery (\$150).

Columbus Community Center	Jones Court Renovations	\$13,000	\$10,000	Funding will be used for flooring in the main living quarters and bedrooms (\$8,000) and partial funding for the roof replacement project (\$2,000).
Community Development Corporation of Utah	Murray Down Payment Assistance and Program Delivery	\$46,000	\$23,000*	Funding will cover four down payment assistance loans (\$5,000) and program delivery expenses (\$750).
Family Support Center	Crisis Nursery Playground	\$20,273	\$0	Due to overall funding reductions, City funding recommendations prioritized housing programs and projects located in Murray City.
The Haven	George/Josephine Transitional Housing Facility	\$13,000	\$0	Due to overall funding reductions, City funding recommendations prioritized housing programs and projects located in Murray City.
Head Start	Head Start Murray Bathroom Addition	\$15,205	\$10,000	Funding recommended for the addition of a bathroom at the Murray Head Start facility.
House of Hope	Paint for the Douglas Street Facility	\$13,246	\$0	Due to overall funding reductions, City funding recommendations prioritized housing programs and projects located in Murray City.
NeighborWorks Salt Lake	Housing Rehabilitation Loans and Program Delivery	\$87,000	\$30,000	Partial funding recommended so a wide-range of housing programs and services could be provided to Murray residents.

The Road Home	Security Gate and Fencing Project	\$15,000	\$0	Due to overall funding reductions, City funding recommendations prioritized housing programs and projects located in Murray City.
South Valley Sanctuary	Fence Project	\$10,000	\$0	Due to overall funding reductions, City funding recommendations prioritized housing programs and projects located in Murray City.
Valley Services	Minor Home Repair Program	\$20,000	\$14,000	Partial funding recommended so a wide-range of housing programs and services could be provided to Murray residents.
Volunteers of America	Bathroom Renovations at Women and Children's Center	\$10,000	\$10,000	Funds recommend for bathroom repairs at the Women and Children's Center.
Murray City ADA Improvements	Murray City Facility ADA Improvements	\$8,500	\$8,500	Funds will be used to make ADA improvements at the Heritage Center, Murray City Hall and NeighborWorks Murray office in order to ensure compliance with HUD FHEO requirements.
Murray City Program Delivery	CDBG Administrative Expenses	\$18,500	\$18,500	Funds will be used to cover staff salaries, trainings and office supplies.
HARD COST TOTAL		\$354,724	\$158,732	

*Denotes reallocated funds

Again, the committee would like to reiterate our sincere appreciation for all the work that each agency provides to our community. We encourage agency representatives and clients to attend a public hearing to discuss these funding recommendations on Tuesday, April 16, 2013 at 6:30 PM at the Murray City Hall on 5025 S. State Street. If you have any questions regarding these recommendations please feel free to contact me at 801-270-2419.

Sincerely,

A handwritten signature in cursive script that reads "Angela Price". The signature is written in dark ink and is positioned above the printed name.

Angela Price

Murray CDBG Coordinator

Adjournment

Council Meeting

6:30 p.m.

Call to Order

Opening Ceremonies:

Pledge of Allegiance

Council Minutes

DRAFT

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 5th day of February, 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
Jim Brass,	Council Member
Darren Stam,	Council Member - Conducted
Jared Shaver,	Council Member
Dave Nicponski,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Tim Tingey,	Administrative & Development Services Director
Justin Zollinger,	Finance Director
Doug Roberts.	Police Department
Mike Terry,	Human Resource Director
Chad Wilkinson,	Division Manager
Scouts	
Citizens	

5. OPENING CEREMONIES

- 5.1 Pledge of Allegiance- Chad Wilkinson, Division Manager, Community & Economic Development.
- 5.2 Approval of Minutes

None scheduled.

5.3 Special Recognition:

5.3.1 **Special recognition of Murray student Heber Cook for achieving finalist status in the Turkish Olympiad for his patriotic poem in the Turkish Language.**

Staff presentation: Council Member Jared Shaver

Council Member Shaver introduced Heber Cook. Mr. Shaver said that he had known Mr. Cook for about five years and was his soccer coach for one season. He said that Mr. Cook is a marvelous and gifted young man, both athletically and in his mind. As a Council they have come to the decision that they see individually what the youth do. They regularly invite the new Miss Murray to come and address the Council. They thought it would also be advantageous, when the youth of our City excel, when they step forward and really do something extraordinary, they need to recognize that. As you have just heard, Mr. Cook has been studying the Turkish language for a year and a half and goes to a school where those who administer the school are from Turkey. He has been studying the language and was invited to go to Turkey to do a poem that he had written in that language.

Mr. Shaver said that he had the opportunity to watch Mr. Cook recite his poem and felt it was very fun. Mr. Cook was dressed in a cowboy hat and each of the students was dressed in their native costume. Mr. Cook did an excellent job and not only represented the United States but also the City of Murray and did so very well. Mr. Shaver asked Mr. Cook to recite his poem.

Mr. Cook recited his poem in Turkish and then introduced his family and his some of his teachers.

Mr. Hales asked Mr. Cook how he became involved in learning this language and how this poem and trip came to happen.

Mr. Cook said that there were many Turkish speakers at his school and he thought the language was cool so he tried it out in eighth grade. Once he started learning the language he realized he loved to learn languages. He also watched the children's show 'Caillou' which is very popular in Turkey. He watched it for about ten minutes a day in Turkish and it was what probably helped him the most. He also read for about ten minutes a day in Turkish.

Mr. Hales asked him if he was fluent in the language.

Mr. Cook stated that he can understand it much better than he can speak it.

Mr. Stam congratulated Mr. Cook and told him to keep up the good work.

One of Mr. Cook's teachers added that Mr. Cook is much too humble. He put in so much time during and after school, working very hard to get where he is. He also competed in California before competing in Turkey as part of a ten-member team to represent the United States.

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

Beth Graham, Constituent Representative, Congressman Matheson's Office

Ms. Graham is the new Constituent Representative working with Murray City and has met with Mayor Snarr. She is available to work with any Federal issues that may come up or answer any questions. She wanted to put a face to her name and let everyone know that they are located at: 9067 South 1300 West, West Jordan, Utah 84088. Their telephone number is: (801) 486-1236.

April Richardson, 4943 South Wasatch Street, Murray

Ms. Richardson stated that she has been a resident of Murray for eight years. She and many of her neighbors have been fighting for their neighborhood for the past year against an apartment complex that wants to come in on Center Street. As a neighborhood, they are asking for a variance to be granted to the developer. The developer has spoken to the neighbors about being ok with changing, not the set-back of the apartments but turning it away from the street which would lessen the effect on the neighborhood overall. Parking would be facing their street which could possibly lessen crime that could happen in the parking lot. They are also asking for the variance so that the bottom ground floor does not have business in it, which will then lessen the overall height of the building. They ask that this be granted.

Janice Strobell, 4912 South Wasatch Street, Murray

Ms. Strobell said she also part of the same neighborhood as Ms. Richardson. They are proud of their historic neighborhood. They now that through their combined efforts, working with the Council and the City, they can keep their neighborhood a vital and thriving contribution to the City. They are certain that they can find a way for the high-density development to be the least intrusive possible to the neighborhood and they ask for the City's help in their efforts. They are eager to work with the City in this endeavor.

Ms. Strobell said she had a request for those on the Council and opens this to everyone in attendance. She asked that they take a drive up Main Street and stop where the five-story multi-use developments are being constructed in the Fireclay District. Take a moment and look up at the buildings and notice the width of Main Street, the ability for parking on each side of the street and still have two lanes of opposing traffic to flow easily down the street. Then drive to Center and Court and imagine that type of structure being built right on Center Street. The variance would help eliminate some of that problem. Ask yourself if this type of structure feel

appropriate for Center Street. Center Street is one of the oldest streets in the City. It was built when homes desired to be built in close proximity of the businesses on State Street. A beautiful, small neighborhood grew from those initial homes on Center Street. Those homes are still on Center Street today. They are very concerned with what the high-density zoning that is now on the west side of Center Street will do to all of Center Street and the balance of their whole neighborhood. Those living on the west side of Center Street are very concerned and it is hard for them to feel that they now have any voice for the zoning that is in place. With their structures now being classified as non-conforming there is no protection in place for their homes to have any buffer to such high-density development being built right next door to them, within a few feet from their property if they even get that.

Ms. Strobell asked if they can create some protection for these existing homes. Can they create protection from the drastic change that will happen to the balance of their historic neighborhood should that whole side of Center Street become high-density? That is how it is how it is approved right now. They, the members of the neighborhood believe that they can create protection and they are committed to that end. They commit themselves for their neighborhood, to continue to be family friendly. Children are the future of our City and they wish to provide a neighborhood that allows them to grow and thrive and become productive citizens of the community. Ms. Strobell quoted from Sunday's front page article from the Deseret News: "High density is the death of demographic growth. In America, England, France, and Japan the more you force people into higher density the more they simply don't have kids." She asked if we really need such high-density for the whole west side of Center Street. Is lack of demographic growth what they want for Murray City? Are they really thinking about the future of the City when they create high-density in such close proximity to neighborhoods? They look forward to working with the Council and the City in finding a solution that will protect their neighborhood and insure a bright future for the City.

Citizen comment closed

7. **CONSENT AGENDA**

None scheduled.

8. **PUBLIC HEARINGS**

8.1 Public Hearing #1

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

Consider an Ordinance relating to land use; amends the General Plan from Residential Single-Family Low Density to Residential Multiple-Family High Density and amends the Zoning Map from A-1 (Agricultural) to R-M-20 (Multiple-Family High Density Residential) for the property located at approximately 6271 South 900

East. (Camter Development)

Staff presentation: Tim Tingey, Director of Administrative & Developmental Services.

Mr. Tingey stated that this proposal was brought before the Planning Commission in December. There was a public hearing at that time, has been noticed to the adjacent property owners and that the City has gone through all the processes that they need to from a legal standpoint. The General Plan was established many years ago. It outlined what the existing land uses are and what the vision is for future land uses throughout the whole City. The current zoning for this property is agricultural and in the General Plan, Agricultural will be phased out in the future. Agricultural allows for a variety of uses and the residential component of that allows for one parcel per acre and right now the Agricultural zoning is in place.

In the General Plan the future land use designation is Low-Density Residential which would basically allow for five units per acre. The proposal going to R-M-20 that is being proposed tonight would allow roughly 17 residential units per acre as well as a variety of other uses. This proposal is to change that designation in the General Plan and also to rezone that property. The Planning Commission considered this; there are a number of issues that have to be considered. In the General Plan there is flexibility allowed when there are circumstances that are changed in the area. When the Planning Commission considered this, they evaluated it and recommended denial of that. Staff is also recommending denial of that because of the General Plan. They do not feel that there are circumstances that have changed the area. There are surrounding residential uses as well as open-space and based on that they are recommending denial.

Mr. Shaver asked for more information on the A-1 designation because on the west side of the street, there is also an A-1 designation.

Mr. Tingey said that on the west side of the street there is an A-1 designation. In the General Plan, it states that the land use designation will go away and there will be either open-space or residential uses primarily designated for those areas. It is to be phased out. Our community has changed from the days when there was much more agricultural than there is today.

Mr. Shaver said that even when A-1 changes, the idea is to still have open-space.

Mr. Tingey said that was correct. Open-space is an element in our General Plan.

Mr. Shaver asked if that particular property on the north side of this property is still open-space.

Mr. Tingey said that right now the zoning is Agricultural. It is not designated as open-space and it is undeveloped property.

Mr. Stam explained that the applicant gets 15 minutes to make his presentation after

which they will open the public hearing for public comment.

Jarred Cameron, Camter Development, Applicant

Mr. Cameron showed a map of the proposed property. He explained the map to the Council, showing them where the concerned neighbors live in relation to his proposed development. He stated that they are planning a southern entrance to the property, which was changed from the last Planning Commission meeting, moving to south for safety issues. There would be an apartment building with 23 or 24 units depending on if they went with 17 or 18 units per acre. It is a two and a half story building with eight units per floor. on the top story they would start the roof line down as low as possible to keep the overall structure height where it would blend in better. They would have the parking stalls underneath the building to create more green space as well as secured parking for the residents. There are parallel parking stalls for space and buffering to the street on the north. They moved the fence back and made other changes to make it a very nice complex.

Mr. Cameron said there is 50' of buffering from the building to the north property line. from the other side of 900 East to the start of the building is 50' as well as an additional 50' to the initial access, giving it a total of 100' from 900 East to the building access. Further to the east, from the edge of the building to the property line, there is 210'. It consists of the parking area for the overflow, a storage barn for RV's, a covered patio area, a private park and a play land. There is a distance of 25' from the back of the barn to the property line to give everything as much space as possible.

They are in a transitional, conflicting area and are trying to do the best they possibly can, given the circumstances that they are up against. By planning this zone this as Multi-Family Residential they can help many families, both present and future, realize how nice it can be living next to a 75 acre park. With their proposal, they have provided their very best effort to make sure that there is adequate space between the adjacent properties. They will also provide trees and a large amount of vegetation to screen and blur the transitional areas. In the end they would like to make their project something that everyone will be satisfied with.

Mr. Cameron said that they are going for R-M-20 (Residential Multi-Family) which is 20 units per acre. Their goal is to go for 17-18 units per acre. According to the Wasatch Front Regional Council, in 2007 they forecasted 75,015 people living in the Murray area by 2040. Usually their forecasts are fairly close to being accurate. That is 70% more than what Murray has today, and 26,000 more people in the next 27 years. He asks of the Council, as they think about what they are trying to do here, they are trying to make a good situation. They know that there is high-density going in north of 4500 South with 1,000 plus units and there are other complexes that have gone in over the past ten years as well as the manufacturing district on 300 West and south of 4500 South. Their goal is to provide a nice transition for families, and younger families, and they feel that they can provide a nice place for that.

In the Murray City General Plan, the last comment on the first page of the introduction states "Thus, if Murray is to continue with population increase past this decade, it will by building higher density in place of existing structures." This is important enough to have been stated four times throughout the Murray City General Plan. The Planning Concept also acknowledges "the need to make changes and compromises, but not in an all-encompassing fashion. Change should be carefully implemented with appropriate tools applied on a case by case basis." They agree with that. The General Plan states that there is 15 acres to be future zoned as Residential Multi-Family High-Density and they would like the opportunity to become a part of that as well.

In the recent history timeline, as Mr. Tingey mentioned, the staff says there has not been a change in the circumstances to warrant what they are asking from the City. They feel that in the nine years since the Murray City General Plan has been adopted a lot has changed. The General Plan was adopted in June of 2003. In the summer of 2004 UDOT widened 900 East going northbound from a single lane to two lanes. That seems like a large change in circumstances to him alone. In 2006, Murray City adopted an updated Transportation Plan and designates 900 East as a major arterial, one of only four in Murray City. This is a major arterial that still has single-family residential adjacent to 900 East. Usually single-family homes are better protected and further back in the areas. To his knowledge, as well as history shows, everything adjacent to major arterials or busy streets in general has higher density whether it has apartments, a building, commercial, industrial, or whatever it may be. Those types of businesses are usually adjacent to the main streets and not single-family residential.

Mr. Cameron asked that the Council re-look at the plan to see if they warrant, not only for high-density, but medium density as well. They feel that they fit that piece also in that area. They also feel that they fit General Office and R-N-B. That is not what they are doing here tonight, but their main concern is that they feel that there are other zoning classifications that better fit their position in a transitional area with very nice residential on one side and a major arterial on the other. If the Council gets nothing from this tonight and shoot him down, and he expects nothing less than being butchered by everyone, he wants them to understand that they are in a conflicting transition, a conundrum of a spot and don't believe that single-family residential is the albeit solution. They feel that there are other solutions that are better zoned for this area.

Mr. Cameron said that the Utah Department of Transportation, in some of their statistical data that they found, says that in 2010 traffic statistics, the daily average was 26,130 for vehicles that travelled this section of 900 East. They feel that there are other areas better suited for single-family residential than this. One question the Council may be asking is why he would be going for high-density when he is conflicting himself. The fact of the matter is that he has spoken with John Leonard, who verified their thoughts and theories. Mr. Leonard is an operations engineer and safety expert from UDOT. He said that pedestrian safety is directly related to the distance away from vehicle traffic and more specifically traffic travelling at a relatively high rate of speed. He was referring to vehicles travelling above 30 mph. 900 East is also a Utah highway, it is State Road 71. It is a Utah highway that is controlled by the County and they designated the speed limit at

45 mph. Why is it that there are single-family residences adjacent to 900 East? It is baffling to him.

In relation back to John Leonard, the bottom line is that the margin of safety increases exponentially for pedestrians with distance from vehicles travelling at relatively high rates of speed. They feel that with their 50' of area plus an additional 50' of area before you get access to the building, they can provide as much as 200-300% plus margin of safety over what they could do with single-family residential there. As economics go, what they are into just for the land, if they were to do single-family there they would have to narrow it down as much as they possible can and dice it up as small as possible realistically.

One of the other criteria for high-density, the General Plan calls for high-density residential to be located in areas adjacent to mass transit. The staff goes on to say that it only includes the areas with mass transit stops as in light-rail. Nowhere in the General Plan could he find that as being the case. Maybe there is some other Murray City writing somewhere that says that, but he could not find anywhere in the General Plan that states that High-Density Residential Multi-Family is only in the areas where the three mass transit sites for light-rail are. What they do have along 900 East are two bus routes adjacent to their property. The first bus route is #209 and the second is #313. #313 goes from the University of Utah all the way through 1300 East, along 900 East, then down to 10600 South. He is simplifying this as to not waste time. Bus route #209 goes from Temple Square to 900 East then down to 6600 South and back down to the Fashion Place Trax Station. They do have mass transit opportunities in the area.

Not only do they have the mass transit opportunities but also the necessary parking for 2 ½ parking stalls per unit with over 33% open-space. Being that they are going for high-density residential, they have 36% zoned as open-space in their area, including their park/play land area with the overall effect being that they are getting open space and private areas that are normally only associated with medium-density in their high-density request. They feel that they are providing something above and beyond.

Public Hearing opened for public comment.

Robert J Nielson, 968 E Wheeler Farm Cove, Murray, Utah

Mr. Nielson stated that he is speaking on behalf of Karl Lind as well as himself. Mr. Lind owns the nine acres directly north of the subject property. He read from a letter to the Council:

Dear Council Members.

Lind Ranches owns the property to the immediate north of the property considered for a zoning

change. We along with Wheeler Farm Cove home owners will be impacted the most by this zoning change as well as Wheeler Historic Farm. For the most part this impact will be negative and detrimental to its neighbors.

Two large undeveloped properties remain in this area adjacent to Wheeler Farm. The Lind Ranches property consisting of 9.5 acres and the L.H. Skaggs property, 11 plus acres, for a total of 20 plus acres. (a diagram is attached to the letter) It is possible that in the next 20 years these properties will be developed.

The question before this group is-what do the residents of Murray City want this area to become?

On the one hand these adjacent properties to Wheeler Farm could become the Walker Lane of Murray with low density, high-end residential homes as has been started at Wheeler Farm Cove, attracting families with pride in ownership adding stability and participation in the community. On the other hand, you opt for a different community for the entire 20 acres if you allow this zoning change. This change in zoning to R-M-20 will eventually cascade into more apartments, hotels, rehabilitation centers and credit unions as has occurred on the south border to Wheeler Farm at 6400 South. This has brought to the area increased traffic congestion, vandalism, vagrancy, drug use, and arson as seen on the farm adjacent to the Skaggs property. When these incidents were brought to the attention of the Murray City Police Department, they admitted frankly they did not have the manpower to oversee this area effectively. With this zoning change you will bring these same problems to the north border of the Farm and adjacent to us.

A second issue totally apart from the above concern is the wetlands. Fully 1/3 of this property is wetlands through which there is drainage from Wheeler Farm on to Lind Ranches' ponds and then returned to Little Cottonwood Creek. This may preclude building on this ground when the U.S. Corps of Engineers is consulted.

Let me suggest four alternative plans for this property to be considered:

- 1. Trade the property to Wheeler Farm for property facing 6600 South and south of the canal. This is an unused area of the Farm which attracts vagrants and vandalism. This area is already near apartments.*
- 2. Purchase the property by the State of Utah with funds set aside for open space and donate it to the Farm.*
- 3. Purchase by the residents of Wheeler Farm Cove for a park for their personal use.*
- 4. Concede the use of Wheeler Farm Cove drive for access and egress for the construction of two, not more than three, homes on the property.*

*Respectfully yours,
Karl E. Lind for Lind Ranches*

Mr. Nielson said that his own view is that it is a fantasy to think that you could think that you could build underground garage parking on that property. It is wet. In the spring and summer, there is more water there than they know what to do with. It is his personal view that they should protect and defend and have this open space, and have low density housing for as long as they

can get away with it. It is a beautifully consistent property with everything that is around it and with the farm. It is what makes this unique and he hopes that the Council will uphold the Planning Commission recommendation.

LaVerle Christenson, 1005 Wheeler Farm Cove, Murray, Utah

Ms. Christenson stated that she is representing Susan Lund, who is the Executive Director at Wheeler Farm Friends, Inc. It was necessary for her to be out of town and she expresses her regret and has asked Ms. Christenson to read a letter on her behalf as well as that of Wheeler Farm.

As the Executive Director of Wheeler Farm Friends Board, a community board for Wheeler Historic Farm, I come to you this evening to discuss my concerns regarding the zoning change to the property adjacent to the Farm. Wheeler Historic Farm has become very well-known and loved as a destination location for the County. It provides three different venues with its agricultural and open-space. Approving high-density housing on the perimeter of this farm has a highly negative impact on its environment.

- 1. Recreation. Its large area, somewhat undeveloped, provides space for many types of parties, picnics, sports, and unstructured play for children.*
- 2. Agriculture. Farm, animal and crop education, cow milking, egg gathering and wagon rides. A farm equipment museum, farm house and garage as well as certain out-buildings for tours and viewing.*
- 3. Nature and Wetlands. There are areas of Wheeler Farm which are left undisturbed except for walking paths and grazing animals. These are great areas enjoyed by bird enthusiasts, photographers and those who just want a good walk.*

High-density housing on the north perimeter brings additional problems to the Farm. In addition, there is currently not enough security provided by Murray City Police to keep vandalism and mischief from occurring at Wheeler Farm, especially at night. Vandalism occurs in the form of much theft, destruction of equipment and land, and graffiti on the bridge and park signs. Mischief to animals is common. Therefore, the Board is discouraging the zoning change for the following reasons:

- 1. Vandalism and mischief increases.*
- 2. Tenants climb or go through fences*
- 3. Mischief occurs with a greater risk to animals as unsupervised children climb fences to feed animals with handfuls of grass or dog food, or try to bareback or ride on horses standing next to a fence.*
- 4. The ground next to Wheeler Farm is part of Wheeler Historic Farms. The zoning change creates a visual barrier to the trees and grasslands which are now a part of the northern vista.*
- 5. There are possible wetlands adjacent or a part of this parcel.*
- 6. High-density traffic will increase by tenants cars and need for additional parking and flow in and out of the area are needed.*
- 7. Light pollution will occur with the need for multiple lighting for security purposes around the housing.*

8. *There will be complaints from tenants concerning animal smells, irrigation overflow and noise from recreational activities and lack of privacy from park patrons.*

There is no need to change zoning from this piece as it is designed wetlands and the narrowness make it unacceptable for housing. For these reasons, I suggest the best use of this property is to develop the landscaping or as animal pasture. This would be in the best interest of the Farm and the community.

Ms. Christenson stated that as a resident there, she concurs wholeheartedly with the viewpoints that are coming from historic Wheeler Farm.

James Pollock, 980 Wheeler Farm Cove, Murray, Utah

Mr. Pollock stated that he has the same concerns as the rest of the residents in the area. They bought their home a year and a half ago, moving from West Jordan. He was told by the gentleman that they bought the house from, who is Mr. Cameron's partner, that in an attempt to protect his property, he had to raise his land ten feet because of the water from the back area which is a wetland. In this area, they do not have basements because the water from the wetlands encroaches on the property as it is but also flows right behind and into the property that is subject to rezoning. He would recommend to the Council that it remain agricultural and that there can be other arrangements made to protect this for all of the people of Murray because it is used by the entire City and the County. There is significant traffic as it stands. In defense of Mr. Cameron, it is nice that there are some bus lines that do run and can connect the park and other facilities such as Fashion Place Mall and uptown Salt Lake, but they would like to see it stay as it is.

Jane Stutzman, 968 Wheeler Farm Cove, Murray, Utah

Ms. Stutzman said that a year and a half ago they bought a great home on a lot that they were led to believe was adjacent to Wheeler Historic Farm. As it turns out, their home backs up to the property that Camter Company wants to develop into apartments. They have heard of plans for two to three homes to be built on the space, however, the only plans that have been presented to them show the possibility of one home and up to 27 apartments requiring more than 60 parking spaces. They were told that if they did not agree to the plans, the company would do whatever they could do without any input from the neighbors.

They do not see how a three-story apartment building could possibly be an asset to the community. The zoning now calls for one-acre lots and any change would allow the developer to say one thing but to do as much as the zoning laws allow. With apartment living come issues of traffic, lighting, noise, pollution, safety, trash, and a population that is largely transitional. It is their opinion that this project is being pursued as an investment benefitting very few people, mainly those who purchased this land. They have all made large investments in their homes and are very concerned about how apartments will affect their home values. They are in agreement with the recommendation by the City staff and the unanimous decision of the Zoning Board to deny the request for any zoning change on this small piece of land.

Russell Swan, 989 Wheeler Farm Cove, Murray, Utah

Mr. Swan said that as a resident of Wheeler Farm Cove, they are against the zoning change from A-1 Agricultural to R-M-20. They are certain that the zoning change would not only affect the residents of Wheeler Farm Cove, but it will also impact the Wheeler Farm and a large majority of the citizens of Murray City. They believe that a zoning change to R-M-20 high-density is in no way a proper fit in this particular area which is one of Murray City's last open-spaces. The current zoning of A-1 is an excellent fit and should remain that way. The Master Plan for Murray City has been well thought out and should be kept as is.

They have had a consultant with IHI Environmental, Engineer Tom Hawkins, look at the land in question. Due to the water flow, dish lines, and wetlands, he is of the opinion that an environmental study should be done before any development is considered. They have also spoken with Kathleen Bailey, who is the administrator for Wheeler Farm and she is against any large residential development adjacent to the Farm. Her concern is for the animals, keeping the farm a safe and lovely environment for the families and visitors for years to come. By building transient housing right next to the Farm, it could potentially threaten the safety of the farm animals, the many children who visit the farm daily and also bring the probability of vandalism which seems to increase around housing expanse around the area. Mr. Wayne Johnson and Mr. Lee Colvin from the Salt Lake County Real Estate Division are also opposed to the potential zoning change.

Mr. Swan said that last but not least, they have no personal disregard to side with Mr. Sider or Mr. Cameron. There was some discussion with the residents of Wheeler Farm to purchase the property, but they were unable to reach any kind of an agreement on asking price. This would have been a win-win situation for all involved. Each time the residents were approached a new set of ideas for the development were presented. Each time, their group as a whole did not support the proposal. It is clear that they had not researched the project carefully. Their initial proposal was to build two to three large homes. That would work in the current zoning laws and other than working out some small details, it seemed most were in agreement. Suddenly the plans changed. Jared and Terry decided that their plans were not the most financially secure decision for the two of them so they came up with another proposal. They were told that if they did not agree to the second proposal, which was to build four larger homes, that they would build either duplexes or apartments. This is unfortunate because they did and do have a limited opportunity for this property. Mr. Swan thanked the Council for their time and interest on this matter and hopes that the Council will consider the large negative impact that a zoning change will make, and agree to save this beautiful, serene jewel that they are so proud of.

Neil Christensen, 1005 Wheeler Farm Cove, Murray, Utah

Mr. Christensen stated that they were one of the first families to buy a lot in the Cove and he concurs with what has been said about the high water table. They had to raise their house about five feet to accommodate the water problem. As has been said, the garage design parking would not work. Pretty much everything has been said but he would like to point out the problem of coming out and coming in from 900 East. The traffic hazard there is an accident waiting to happen. He thinks that with the 125 feet and the lane on the north, there are two rather busy streets and it is amazing how their lane is so busy just with seven occupants. You not only have

people living there but deliveries and other things going on. He doesn't see two areas that are so close, particularly with 50 cars coming and going not being a challenge. It is already a challenge for the current residents to get out on 900 East.

Mr. Christensen added that they love the area and the rural atmosphere and doesn't see any reason to urbanize that particular section.

Camille Cameron, 1014 Wheeler Farm Cove, Murray, Utah

Ms. Cameron indicated that she is Mr. Cameron's mother and she doesn't have much to say. She is not sure if she approves of all of the apartments, but she does think that something should go in there. She owns Christopherson Business Travel, pays a lot of taxes in Murray and lives on Wheeler Farm Cove. She does have a basement, so the water table is not a problem. She is not sure that this should be apartments but knows that at one time, Mr. Cameron had tried to get four homes approved for that location and the neighbors shut him down. He was very nice in going and meeting with the neighbors and the neighbors shut him down, that was it. They didn't want anything there so they shut him down. As a taxpayer, she does agree that Mr. Cameron should be listened to and she is not sure that it should be apartments, but maybe it should be a business or homes. She feels that Mr. Cameron has the right as a landowner to have something approved there.

Ms. Cameron admitted that she could be looking at this as a mother, but she also lives on the lane and she isn't sure that it should be apartments but she does approve of something being there.

Public Comment closed.

Mr. Shaver asked Mr. Cameron what the acreage of the site is.

Mr. Cameron stated it is 1.35 acres.

Mr. Shaver said that in spite of what might happen, the only issue before the Council tonight is whether they change the zoning from the way it is now to Multi High-Density. That is the only issue before them. It does not preclude in any way a decision made tonight that would make any other proposal invalid. Single-family homes, whatever that happens to be, because that is what it is zoned for at the present time. The only issue before the Council is whether they approve this particular project. Obviously, as Ms. Cameron stated, Mr. Cameron is welcome to bring forward any other proposal that he has before the Planning and Zoning, etc.

Mr. Nakamura clarified that this is not an approval of a project. It is a land use decision and has nothing to do with the project, only with the zoning.

Mr. Stam said that he was going to bring that up as well. He offered Mr. Cameron five minutes for a rebuttal or to answer any other questions.

Mr. Cameron said that the neighbors are all very nice people and he knows them all personally for the most part. He said that he does have to say that some of what they speak is gospel truth and some of what they speak is very bendable to whatever their needs may be. As Mr. Christensen spoke to the water table, he has a walk out basement and his yard backs up to Little Cottonwood Creek. Mr. Cameron built the home for his own folks, which also has a basement. He never once said that he was going to put....this is irrelevant to the zoning issue, he understands that, but the high water table that everyone speaks of, there are homes and stuff built all around it and it is fairly misleading. He does want to emphasize, as everyone unanimously votes this down and whatnot he understands that it is what it is, that they look at the big picture.

Mr. Cameron showed a picture of the future zoning map showing Wheeler Farm and the area that everyone is so concerned about. The future zoning map shows that adjacent to 900 East, they are one of very few properties- the Lind's own the property to the north of them and property that is zoned General Office adjacent to 900 East. As the Council all votes him down unanimously, that is fine, so be it, he will get over it. What he really wants to make the Council understand is that they tallied all of the property along 900 East. They measured a total of 4.96 miles between the two sides of 900 East. Of that roughly five miles up and down 900 East in Murray City 86% of the land adjacent to 900 East on both the east and west sides of the street is already zoned for anything but is not Single-Family Residential. That means that it can be General Office, Commercial, it can be church or government, it can be many things. It can be residential neighborhood business and there are many options it can be. That is more than anything he can get out of this tonight for them to understand because they are the final say when it comes down to it.

Mr. Cameron said that 86% of the landowners agree with him in the sense that single-family is not the solution in here. The piece of property on 5900 South, was also future zoned as single-family but if you look at the zoning map that is now present, it is General Office now. He is obviously not the only person who has a conundrum of a spot that is future zoned as single-family but is obviously not the best solution with 26,000 vehicles going up and down 900 East. It will only be more in the future when they expand the road to three lanes in either direction from what UDOT tells him.

With the Lind Ranches, he cannot speak for them and he cannot speak off of speculation as they seem to do very well. Very clearly, they have this zoned today as Agricultural but it is future zoned for General Office which also backs up to Single-Family Residential. He wants to make everybody understand and be aware of this. If and when they do propose something else, all of the homes that are future zoned for Single-Family Residential, if you take a drive up and down 900 East every single one of the homes that are future zoned as Single-Family are all a part of large neighborhoods that have well over 100 homes in each of them. There are probably 200 or 300 homes that these roads go into in these areas around the area. Every single piece of property, other than what accesses large 100 plus single-family uses, are everything but single-family. Even all along across the street is residential neighborhood business. His point more than anything is that whatever the Council takes away from tonight and after they shut it down and vote against him and make the neighborhood happy, that is fine, just understand that there are

other zonings better suited for this piece of land than Single-Family Residential as it says in the future zoning map.

Mr. Brass said that Mr. Cameron's mother stated it very well; what they decide or not, the Council does create the zone. Mr. Brass was around when they created the Master Plan as he was on the Planning and Zoning Board when they started it and he was on the Council when they voted for it. He really does not need to be told what they do or do not. He already knows. Approach is a lot. What the City Attorney and Mr. Shaver started to say is that they look at the zone and not at the project. They don't look at any projects. The reason is that whatever zone that is changed to, regardless of what happens with Mr. Cameron and whether he gets his funding or not, what is allowed in that zone can be built.

They have run into this before. One of the toughest decisions that he had made in Planning and Zoning was Make-A-Wish on Winchester Street which they wanted to change the zoning to General Office. At the time, that was the only one available to build that building. If they had not gotten their funding, they could have built anything allowable in General Office. They voted no and he cannot tell you how much fun it is to vote no against sick kids, but, as the Planning and Zoning Commission that is what you are charged with. The Council overturned that and Make-A-Wish was able to get their money and build the building but it could have been anything. Where Mountain Medical Imaging is, the zone request was for a bank. It is now a two-story medical office building and the neighbors in that area were livid over that. They only look at the zone and that is the issue now-whether it is appropriate or not.

The east side of 900 East was in the County. When they originally did the Master Plan nothing east of 900 East was in Murray. When they got that they adjusted the zoning to reflect as closely what the County had to what Murray had and some things have not been changed yet. The west side of 900 east, Mr. Brass was involved in the residential neighborhood business because it is difficult, he does not disagree with that, but he also does not know that he agrees that High-Density Residential is the decision either. What he would like to say to the neighbors is that the toughest decision that they deal with is private property. People have the right to develop their property and something is going to be developed there. When he moved into Murray he had a farm behind him with cows and horses and his kids loved it. He still have pictures of that. Now he has 62 homes behind him. He had hoped that the three brothers who owned that property and never got along would stay that way for as long as he lived but when you get a lot of money that solves many problems and now there are homes back there. That is the reality-something is going to be developed and if you want to keep it pristine, get somebody to buy the land.

Mr. Stam reminded everyone that this is simply a request to change the zoning from Agriculture to R-M-20. He thanked the residents who spoke for their respect in sticking to the time allowed.

8.1.2 Council consideration of the above matter.

Mr. Nicponski made a motion to deny the Ordinance.
Mr. Shaver 2nd the motion to deny.

Call vote recorded by Jennifer Kennedy.

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

Motion to deny passed 5-0

9. UNFINISHED BUSINESS

9.1 None scheduled.

10. NEW BUSINESS

10.1 Consider a Resolution approving the City's Locally Preferred Alternative for the Taylorsville Murray Transit Project.

Mr. Stam stated that this item was pulled from tonight's agenda and will be brought back on another night.

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

Mr. Stam opened the floor for nominations of a Vice-Chair for the Murray City Municipal Council for the calendar year of 2013.

Mr. Brass nominated Council Member Nicponski.

Mr. Stam asked for any additional nominations. He then asked for additional nominations again. Hearing none, he asked for a motion.

Mr. Brass made a motion to approve the nomination of Mr. Nicponski.
Mr. Shaver 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

11. **MAYOR**

11.1 **Mayor's Report**

Mayor Snarr stated that the Legislative Session is in full swing and they are all excited about the laws that are going to pass and hope that they don't affect the City negatively as they unfortunately have in the past a few times. The City has a person up on the Hill full time. Mr. Fountain is there to listen to the City's concerns and is tracking all of the legislation that may impact the City positively or negatively. He will keep the City informed with weekly memos and he recognizes that some things are not relevant to our operation. If you want to have a header saying that this is proposed legislation for your own interest, he would be happy to do that. Mayor Snarr added that he hates to have Mr. Fountain lobbying for things that do not impact the City that are at more of a State or Federal level. If anyone has any questions, he would be glad to hear from people.

The Red Cross is sponsoring a blood drive for employees on Thursday, February 7th in the morning. They will bring the Blood Mobile to the parking lot behind Creekview Alternative School and they are looking for participation. If you would like to give blood, please sign up. He would like to donate, but as he just gave through the Chamber of Commerce, they require you to wait 56 days between donations although in the military, he volunteered every week to get out of detail.

Mayor Snarr said that he has watched many projects and he is very excited about the Miller Lexus Dealership and what that will mean for our City. Their sales are extremely strong this year in all of their dealerships. But, one of the most fascinating projects this year is the Chick-fil-A project. If you go down there you will notice that their kitchen is almost two times larger than any other fast food kitchen because of the way they prepare their food. They are excited about their opening and Karl has worked extremely hard on this. He has worked under some very adverse circumstances, particularly with the weather and the elements. Because of the heat today they were able to go down and put the final paint on the fascia. That was a tough thing to do because the temperature, if it is certain degrees, will not allow the adherence of the paint to the fascia. They were actually up there heating it as they put it on so the metal was heated before they put the paint down. They are cleaning it up right now and cleaning the parking lot. The landscape obviously will not be completed until sometime in April when sod becomes available.

The regional manager who oversees the development of the Chick-Fil-A's will be in town later on this week. He will take control of the site although Karl, who is out of Texas and oversees the development of the sites because there are only two contractors who are over building the sites, will decide when they will open up. They have been trying to clean the dirt and debris off of the parking lot and have had some challenges. They don't want to get it too wet and then not be able to have it dry out and then have snow again.

Mayor Snarr said that he spoke with Tyler Howland today and expressed his concerns about the challenges the City is facing with the access into Best Buy. It has been made into a four-wheeler access. The cars think that they can get into the parking lot, circling around and some take the venture, jumping the curb and going up around the rocks. They track mud into the parking lot and a resolution needs to be come up with over this for the safety of the residents and also for the operation of Chick-fil-A. Using their parking lot, not using the drive-in and even blocking the drive-in because they are attempting to go to the Best Buy lot.

The Mayor told Mr. Howland that this is a travesty that should never have happened. But because people get greedy and don't want to work together for the whole, now they have a traffic safety issue there. That should be a light that accommodates the safe ingress and egress for people that turn left on State Street to go safely to the south of Murray City. The Mayor hopes to get Mr. Howland and the other parties together to resolve this issue. That his is goal because it has bothered him from day one, ever since they allowed that development to go in and buy that property. The City was very nice in the way they accommodated that development and the development has contributed nicely to the City's bottom line as well as cleaning up the area. He is working on resolving this issue and if they need to get some other parties involved as well as the Attorney's Office involved they will.

Mr. Hales asked if Mr. Howland is over that project.

Mayor Snarr said that he works with his mother and father on it. He added that you don't get to the point of solving problems until you lay out where you're coming from and the reasons why.

Mr. Nicponski said that it is good for the public's sake to let them know what is happening, economic development wise, on different projects from time to time. The overpass walkway just south of Hillcrest Jr. High has a building going up. He asked the Mayor to speak on that.

Mayor Snarr stated that is Mike Dahle's project. It is a unique project because of the slope which is very challenging. If you have ever seen a restaurant with a sloped parking lot, it doesn't work very well because people don't want to climb the parking lot in the middle of winter and slide down the hill. What he has done is basically put retail across the top where the old City Hall used to be. It was also the Dahle's Big and Tall store and is next to the current Larry H. Miller Super Used Car Dealership which will be moving

down to the current Lexus Dealership. Underneath that, because of the slope issues, he will have at-grade parking on the top and underneath will be some up-scale storage space. They will have the ability to rent some up-scale storage units. If you go over to 3300 South or even on Vine Street, they have some very up-scale storage facilities. The City approved this project because it made sense with the issues they face. It is an exciting development that took a long time to put together. He has been taking out the retaining wall that was in deplorable condition to the south of that development where the entrance used to go down to Murray Cove Trailer Park. It is going to be a nice addition to our community. It will be very attractive and function very well. The City was very creative in allowing that to be built there.

Mayor Snarr stated that he appreciates Mr. Brass' comments. The future of Utah is determined by one factor and you need to remember this, that one factor is water. We cannot sustain the growth of the State of Utah as we are currently doing if we are going to double our population by 2024. There are appropriate places for high-density housing. He can understand where they are coming from. At the same time, the City has a project that is approaching \$200 million in a highly contaminated area in the City that nobody wanted to develop, the Fireclay area. Mayor Snarr doesn't know if anyone wants to live in really nice, high end housing between the heavy and light rail lines. That was very challenging for the City. They would have loved to have condominiums and town homes there but when there is a heavy rail line rumbling through the area, it is a tough thing. That area was highly contaminated, it was the last area in the City that was really challenging us from the perspective of development and the City wants to see development happen. Our land resources are very limited and he feels that what they have done is great. When you have those individuals living in the community, they are going to shop in the community.

The City produces more sales tax revenue than any other city per capita. Fortunately, he often sees the old-time residents from Millcreek up by Skyline High School coming down and shopping at Costco. He thanks them every time he sees them there for helping to make Murray City a great place to live in. He feels that the Fireclay area is extremely attractive. He is glad that a portion of that development is affordable housing to help people who don't have the means to live in areas that require more money. Some of those are working students or people just starting out and need a place to live.

Mayor Snarr said that he is excited about the future of Murray. There are a lot of nice things that are happening. There is going to be a new development/addition to the Fashion Place Mall. The Sears store officially closed on the last Sunday of January and they are excited to see what the plans are for the future development and renovation of that mall. That mall is still the number one performing mall in all of Utah by a long ways. It is doing much better than the City Creek development as far as what it produces on a per square foot basis.

There are a lot of great things happening for Murray and the future looks bright. Someone will get to lead the charge coming next year and he is excited to watch it happen from the sidelines, and will not be an armchair quarterback.

11.2 Questions of the Mayor

Mr. Shaver asked if the Mayor would like to wish Mrs. Brass a happy birthday tomorrow.

Mayor Snarr wished both Mrs. Brass and Mr. Hales a happy birthday.

12. ADJOURNMENT

Jennifer Kennedy, City Recorder

Citizen Comments

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

Public Hearing #1

Murray City Corporation

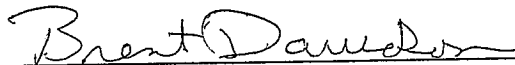
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 2nd day of April, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to the consideration of amending the General Plan from Residential Single-Family Low Density to Residential Business and amending the Zoning Map from the A-1 (Agricultural) zoning district to the R-N-B (Residential Neighborhood Business) zoning district for the property located at approximately 6271 South 900 East, Murray, Utah.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the General Plan and Zoning Map as described above.

DATED this 12th day of March, 2013.

MURRAY CITY CORPORATION



Brent Davidson
Deputy City Recorder

DATE OF PUBLICATION: March 17, 2013
PH 13-10

ORDINANCE NO. _____

AN ORDINANCE RELATING TO LAND USE; AMENDS THE GENERAL PLAN FROM RESIDENTIAL SINGLE-FAMILY LOW DENSITY TO RESIDENTIAL BUSINESS AND AMENDS THE ZONING MAP FROM A-1 (AGRICULTURAL) TO R-N-B (RESIDENTIAL NEIGHBORHOOD BUSINESS) FOR THE PROPERTY LOCATED AT APPROXIMATELY 6271 SOUTH 900 EAST. (Camter Development.)

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

WHEREAS, the owner of the real property located at approximately 6271 South 900 East, Murray, Utah, has requested a proposed amendment to the General Plan of Murray City to reflect a projected land use for that property as Residential Business and to amend the zoning map to designate the property in a R-N-B zone district; and

WHEREAS, it appearing that said matter has been given full and complete consideration by the Planning and Zoning Commission; and

WHEREAS, it appearing to be in the best interest of Murray City and the inhabitants thereof that the proposed amendment of the General Plan and the zoning map be approved.

NOW, THEREFORE, BE IT ENACTED:

Section 1. That the Murray City General Plan be amended to show a Residential Neighborhood Business projected use for the following described property located at approximately 6271 South 900 East, Murray, Salt Lake County:

Parcel Id Number: 22-20-128-002

PART OF AN ENTIRE TRACT OF LAND IN FEE, BEING ALL OF THE REMAINDER OF AN ENTIRE TRACT LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, THE BOUNDARIES ARE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY RIGHT OF WAY LINE OF 900 EAST STREET, ALSO KNOWN AS PROJECT NO. 0071, WHICH POINT IS APPROXIMATELY 119.6 FEET SOUTH, 355.9 FEET WEST, 30.1 FEET SOUTH 4°08' EAST AND 479.45 FEET WEST FROM A 2 IN IRON PIPE SET BY THE COUNTY SURVEYOR AS THE NEW POSITION OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20; WHICH POINT IS ALSO 143.73 FEET SOUTH 0°20'11" WEST ALONG THE MONUMENT LINE AND 63.95 FEET SOUTH

89°52'30" EAST FROM THE MONUMENT AT THE INTERSECTION OF 900 EAST STREET AND HOLLY AVENUE; RUNNING THENCE SOUTH 89°52'30" EAST 478.40 FEET ALONG THE NORTH LINE OF SAID ENTIRE TRACT TO THE NORTHEASTERLY CORNER OF SAID ENTIRE TRACT; THENCE SOUTH 4°09'30" EAST 122.40 FEET TO THE SOUTHEASTERLY CORNER OF SAID ENTIRETRACT; THENCE NORTH 89°52'30" WEST 478.94 FEET ALONG THE SOUTHERLY BOUNDARY LINE TO THE EASTERLY RIGHT OF WAY LINE OF SAID PROJECT; THENCE NORTH 26°50'52" WEST 19.87 FEET ALONG THE SAID EASTERLY LINE TO A POINT 50.00 FEET PERPENDICULARLY DISTANT EASTERLY OF CENTERLINE STATION 10+63.43; THENCE NORTH 0°21'10" EAST 104.35 FEET PARALLEL TO THE CENTERLINE OF SAID PROJECT TO THE POINT OF BEGINNING.

Section 2. That the Zoning Map and the zone district designation for the property described in Section 1 be amended from the A-1 (Agricultural) zone district to the R-N-B (Residential Neighborhood Business) zone district.

Section 3. This Ordinance shall take effect upon the first publication and filing of copy thereof in the office of the City Recorder of Murray City, Utah.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council

on this day of , 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION:

DATED this day of , 2013.

Daniel C. Snarr, Mayor

ATTEST:

Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the ____
day of _____, 2013.

Jennifer Kennedy, City Recorder

A Vicki Mackay

A Scot Woodbury

A Maren Patterson

Motion passed, 7-0.

CAMTER DEVELOPMENT – 6271 South 900 East – Project # 13-24, #13-21

Terry Seiter and Jarred Cameron were the applicants present to represent this request. Chad Wilkinson reviewed the location and request for a Murray General Plan Map amendment from Residential Single Family Low Density to Residential Business and a zoning map amendment from A-1 (Agriculture) to R-N-B (Residential Neighborhood Business) for the property addressed 6271 South 900 East. The request for Murray General Plan amendment and zone change is not consistent with the General Plan direction which calls for the change from agriculture to residential single family low density. The applicants are requesting the General Plan amendment and zone change to develop a residential neighborhood business use on the property. The A-1 agricultural zone allows agricultural uses, parks, open spaces, and residential single family dwellings. Other compatible uses require a Conditional Use Permit to include schools, churches, and public parks. The proposed R-N-B zone allows various permitted uses including medical offices, art, drama and music schools, travel agencies, beauty and barber services, real estate and insurance offices, portrait photography business and retail sales for florists and optical goods. Other uses require a Conditional Use Permit including retail sales antiques, furniture and glassware, books, art and hobbies supplies, gift shop and boutiques, health foods and lunch facilities, banks and credit union services, schools, tanning, sauna, and massage salon. As staff reviewed the criteria for a General Plan Map amendment, they did not feel there had been a change of circumstances that would warrant a change to the General Plan designation. Based on the findings in the staff report, staff recommends that the Planning Commission forward a recommendation of denial to the City Council for the requested Murray General Plan amendment and zone map change.

Mr. Taylor asked Mr. Wilkinson what the hatching on the General Plan Map is on 900 East. Mr. Wilkinson explained that when the General Plan was adopted there were a few areas that were designated a transportation corridor with some special considerations. The General Plan calls for a certain landscape treatment in those areas, so the hatching relates to the design of the streets. The ordinance implementing these changes however has not been adopted by the City Council at this time.

Terry Seiter, 1919 East Vintage Woods Court, stated that they started to develop the property in 1999 at which point was zoned A-1. At that time he went through the county, got a zone change approved and put in a seven lot subdivision. Most of the lots were sold off between the years of 2001-03 and homes were built. He then purchased the property in regards to this project and asked the residents in the community whether or not they would be in favor of him building 4 homes. All the residents turned down that idea. Mr. Seiter stated that he has the money to develop the property, but since the residents have turned down the idea of 4 more homes he

is now trying to come up with the best way to develop this property to its highest and best use.

Jarred Cameron, 7533 South Lincoln Street, stated that he feels the circumstances have changed and there are justifiable reasons for approval. The first reason is that Murray City Zoning states under Residential Neighborhood Business; the purpose of the residential neighborhood business zone is to provide a variety of mixed use, low scale, low intensity, residential commercial office and business operations as appropriate transition between high traffic arterial streets to adjacent residential neighborhoods. Mr. Cameron feels that this property is located in a conflicting transitional area. He stated that the second reason is that the Murray City General Plan has not been updated in this area for the past 10 years to reflect the additional northbound lane on 900 East. This additional lane is the only spot along 900 East that had a single lane. Every other part of 900 East was already two lanes in each direction. Mr. Cameron stated that the map also shows this property is future zoned single-family residential in this area which is one of the only areas along 900 East that is zoned single-family. The other 80% has been zoned for other uses as the traffic increases. The Murray City General Plan doesn't show the added amount of traffic, the additional lane, or the 45 MPH speed limit, yet still has this area future zoned for single-family residential. Mr. Cameron noted that 900 East has a large impact on this property as it has 125 feet of frontage. Some concerns that Mr. Cameron expressed when looking at a residential single-family area are: the amount of traffic, high traffic speeds, noise and safety. Mr. Cameron mentioned that in no other place does it show in the Murray City General Plan that all the R-N-B needs to be used up before they can add more. Mr. Cameron also brought up that on the Murray City Suitability Analysis Map it does not show wetlands in the area of his property.

Ms. Daniels asked Mr. Cameron to confirm his acreage as 1.352 acres and the majority of the property goes eastward, away from 900 East. Mr. Cameron replied in the affirmative. Ms. Daniels then stated his property really isn't along the 900 East corridors where it is busy. Mr. Cameron stated that was partially true as they are in the transitional area.

The meeting was opened for public comment.

Joyce Swan, 989 Wheeler Farm Cove, stated she is representing the neighboring residential community. The residents that live in the Wheeler Farm area have not wavered in what they would like to see built next to their homes. They feel like they have stuck to their initial agreement to allow for the development of appropriate housing. Currently the land is zoned A-1 (Agricultural) which is single-family residential low density. The concerns to change this zoning to residential business would be an increase in traffic, escalating crime and building on wetlands. Ms. Swan stated that the residents are not opposed to something going into that lot, but that it should be single-family residential low density as per the Murray City General Plan.

James Pollock, 980 Wheeler Farm Cove, stated he is a neighboring resident. Mr. Pollock stated that when he bought his house in 2011 he learned that Mr. Seiter (original owner of the home) had elevated the home 10 ft. due to water issues on the property. There is an 18" pipe that surrounds his property and drains into his back

yard which is adjacent to a pond and wetlands on Wheeler Farm property. Mr. Pollock stated he does not feel there should be a zone change.

Pat Stutzman, 968 East Wheeler Farm Cove, stated he is a newer resident to the area. He feels the developer has the right to build, but believes any development should remain as a residential development. Mr. Stutzman stated he believes the parcel is zoned properly and the Murray City Master Plan makes sense.

LaVerle Christenson, 1005 Wheeler Farm Cove, states she is representing Wheeler Farm, on behalf of the Executive Director, Sue Lind. She reiterated that there was a letter submitted at the last Planning Commission hearing stating the concerns and objections in regards to a zoning change and development of this parcel indicating their opposition to changing the zoning and general plan.

Robert Nielson, 986 East Wheeler Farm Cove, stated he is a neighboring resident and feels that preserving open space should be done for as long as can be done. Mr. Nielson doesn't object to development, but is against any multi-family or commercial development.

Mike Cameron, 1014 Wheeler Farm Cove, stated he is a neighboring resident. Mr. Cameron wanted to remind the other neighbors that when Mr. Seiter bought the property it was zoned A-1 and it didn't meet the requirements for a full city road, so he obtained approval for planned unit development so that the property could accommodate the ability to build seven homes, which they all live in now. Many of the negotiations between the developer and the HOA have been turned down. Mr. Cameron does recall hearing his neighbors say how nice it is to have that parcel vacant, but also he has heard them acknowledge there is a new owner and they are open to development. Mr. Cameron made note that there is no indication on any plats that there is a wetland designation. Mr. Cameron wanted to address the maintaining of open space, green space, and the possible conflicts with a small neighborhood business being adjacent to Wheeler Farm. Mr. Cameron pointed out that Wheeler Farm does have a two page price list for commercial activities on and around the Wheeler Farm property. He stated that those activities are far more disruptive to these neighbors than a small residential business would be.

Mr. Harland stated that this property is currently zoned A-1. He then asked Mr. Wilkinson if the zoning were to change, does the General Plan call for it to be changed to residential. Mr. Wilkinson replied in the affirmative, adding that it is designated for single-family residential low density in the future, but would still need to go through a re-zone process to get to that point.

Ms. Daniels asked Mr. Wilkinson if Wheeler Farm is currently zoned A-1. Mr. Wilkinson stated they are zoned OS (Open Space). Ms. Daniels asked what is the zoning is for the residents at Wheeler Farm Cove. Mr. Wilkinson responded the Wheeler Farm Cove properties are zoned A-1 and is a planned unit development (PUD) that was approved while it was within the Salt Lake County's jurisdiction.

Ms. Mackay asked if this parcel were to continue to be A-1 residential, would there need to be a minimum parcel size. Mr. Wilkinson stated in A-1 residential the parcel

size needs to be a minimum of one acre for a single family home. PUD does allow for some flexibility in lot sizes and development standards and that is why the existing subdivision does not have one acre lots. The current PUD ordinance requires a 2 acre minimum total acreage for development.

Mr. Harland asked Mr. Wilkinson to reiterate, if the zoning stayed the same and remained A-1 residential, could the developer only build one house. Mr. Wilkinson responded in the affirmative.

Mr. Woodbury asked Mr. Wilkinson if there are other uses under A-1 without there being a zoning change. Mr. Wilkinson stated there are several agricultural uses, schools and other things that are residentially compatible.

Addressing the wetland issue, Mr. Seiter stated that Wheeler Farm flood irrigates and all the water in that area flows from the southeast to the southwest and accumulates in a pond. This is not a wetlands area. Mr. Seiter noted when he built his house in the subdivision he raised it 12 feet and put a drainage pipeline around the outside of the yard just so that when Wheeler Farm flood irrigates, his property wouldn't be flooded. That water goes into a storm drain and into the creek. He stated that there is some drainage through the subject parcel that is being discussed, but it is merely flood irrigation water.

The public comment portion of the meeting was closed.

Mr. Taylor stated the R-N-B designation is meant to be a buffer between a busy street and a neighborhood. The challenge with this property is it's almost 500 ft. deep. Mr. Taylor doesn't feel the intent of the R-N-B zone is for a development to go that deep into the existing residential neighborhood. Mr. Harland made note there are a number of vacancies on the west side of 900 East where the zoning is R-N-B. Therefore, he doesn't feel that there is a need to go against the General Plan for a change in zoning on the east side of 900 East. Mr. Woodbury stated he feels by having an extra travel lane on 900 East, this creates a larger buffer from the R-N-B to the A-1 zones. Thus, following the General Plan.

Mr. Wilkinson made note that even though this was presented as one item, there will need to be two motions. One for the General Plan and one for the zone change.

Mr. Markham made a motion to forward a recommendation of denial to the City Council for the requested Murray General Plan amendment from Single-Family Low Density to Residential Business for the property addressed 6271 South 900 East because it is not consistent with the current General Plan. Mr. Harland seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels

A _____ Tim Taylor

A _____ Jim Harland

A _____ Phil Markham

A _____ Vicki Mackay
A _____ Scot Woodbury
A _____ Maren Patterson

Motion passed, 7-0.

Mr. Woodbury made a motion to forward a recommendation of denial to the City Council for and zone map amendment from A-1 (Agricultural) to R-N-B (Residential Neighborhood Business) for the property addressed 6271 South 900 East. Mr. Taylor seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels
A _____ Tim Taylor
A _____ Jim Harland
A _____ Phil Markham
A _____ Vicki Mackay
A _____ Scot Woodbury
A _____ Maren Patterson

Motion passed, 7-0.

OTHER BUSINESS

Mr. Wilkinson commented that there will be an open house Tuesday, February 26, 2013 from 6-8 p.m. in the Murray City Council Chambers to discuss chicken, bees and park strip ordinances. The issue of allowing chicken's and bees in a residential neighborhood will be addressed by the City in the future and this open house is designed for the public to attend and give us their feedback.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development

Murray City Planning Commission

FROM: Murray City Community & Economic Development Staff

DATE OF REPORT: February 15, 2013

DATE OF HEARING: February 21, 2013

PROJECT NAME: Camter Development

PROJECT NUMBERS: 13-21, 13-23

PROJECT TYPE: General Plan/Zoning Map Amendments

APPLICANTS: Jarred Cameron, Terry Seiter

PROPERTY ADDRESS: 6271 South 900 East

SIDWELL #: 22-20-128-002

ZONE: A-1

PROPERTY SIZE: 1.35 Acre

I. REQUEST:

The applicants are requesting a Murray General Plan Map amendment from Residential Single Family Low Density to Residential Business and a zoning map amendment from A-1 to R-N-B for the property addressed 6271 South 900 East.

II. BACKGROUND AND ANALYSIS

Background: Representatives of Camter Development are requesting a Murray General Plan map amendment from Residential Single Family Low Density to Residential Business and a zone map amendment from A-1 (Agriculture) to R-N-B (Residential Neighborhood Business). The request for Murray General Plan amendment and zone change is not consistent with the General Plan direction for change from agriculture to residential single family low density. The applicant is requesting the General Plan amendment and zone change to develop a residential neighborhood business use on the property.

Site Location/Detail The property contains 1.35 acres and is located north of the Wheeler Historic Farm and east of 900 East Street.

Surrounding Land Use & Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Residential/Agriculture	A-1
South	Wheeler Farm	O-S
East	Residential	A-1
West	Residential	A-1

Allowed Land Uses

Existing: The A-1 agricultural zone allows agricultural uses, parks, open spaces, and residential single family dwellings. Other compatible uses require a Conditional Use Permit to include schools, churches, and public parks.

Proposed: The proposed R-N-B zone allows various permitted uses including medical offices, art, drama and music schools, travel agencies, beauty and barber services, real estate and insurance offices, portrait photography business and retail sales for florists and optical goods. Other uses require a Conditional Use Permit including retail sales antiques, furniture and glassware, books, art and hobbies supplies, gift shop and boutiques, health foods and lunch facilities, banks and credit union services, schools, tanning, sauna, and massage salon.

III. PUBLIC INPUT

A mailing was sent on February 6, 2013 to the surrounding property owners. A Murray resident contacted the Community Development office stating that he and other property owners in this neighborhood are opposed to the Murray General Plan amendment and zone change for residential neighborhood business uses on this property.

IV. GENERAL PLAN ANALYSIS

The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan future land use map for this particular property show a change from agriculture to residential single family low density. The business uses allowed in the R-N-B zone are not consistent with the Murray General Plan direction for this particular property location which is designated for low density single family residential. The uses

adjoining this property are agricultural and low density single family residential. It is not the direction of the General Plan for an expansion of commercial uses to the east side of 900 East Street. The General Plan calls for preservation of single family residential areas and open space areas like Wheeler Farm. The circumstances have not changed in this area with the surrounding uses with single family dwellings, agricultural and open space. The Murray General Plan direction is for large numbers of residential properties on the West side of 900 East and on Winchester Street transition to R-N-B which is available for Residential Neighborhood Business uses. There is not a justifiable reason for an expansion of the R-N-B zone to the east when there are still large numbers of properties the General Plan recommends changing to Residential Business west of 900 East. Until these properties are developed there is not a need for additional R-N-B zoning in this area. Once existing inventories of properties designated as R-N-B have developed, it may be appropriate to analyze additional locations.

V. FINDINGS

A. Is there need for change in the General Plan and the proposed zoning at the subject location for the neighborhood or community?

The applicant's request for a Murray General Plan Map amendment from Residential Single Family Low Density to Residential Business and a zoning map amendment from A-1 (Agriculture) to R-N-B (Residential Neighborhood Business) is not consistent with the Murray General Plan. The General Plan calls for the property to transition from Agricultural use to Residential Single Family Low Density which includes R-1-8, R-1-10, R-1-12 zoning districts. There is not a need to amend the General Plan and zoning map to residential neighborhood business uses at this location. There has not been a change in circumstances in the area that necessitates a change to the General Plan and zone map.

B. If approved, how would the range of uses allowed by the Zoning Ordinance blend with surrounding uses?

The uses allowed in the R-N-B zone with a variety of commercial business uses, offices, schools, and retail sales and services will not be compatible to the surrounding land uses with the existing single family residential uses to the east and north and Wheeler Historic Farm agricultural use to the south.

C. What utilities, public services, and facilities are available at the proposed location? What are or will be the probable effects the variety of uses may have on such services?

Murray City does not provide water or sewer services to this area. The applicant will need to contact other utility providers. The probable effects of the variety of uses on services will require additional review by utility companies. Murray City does provide water and sewer, power service on the west side of 900 East Street where adequate utilities and services are readily available.

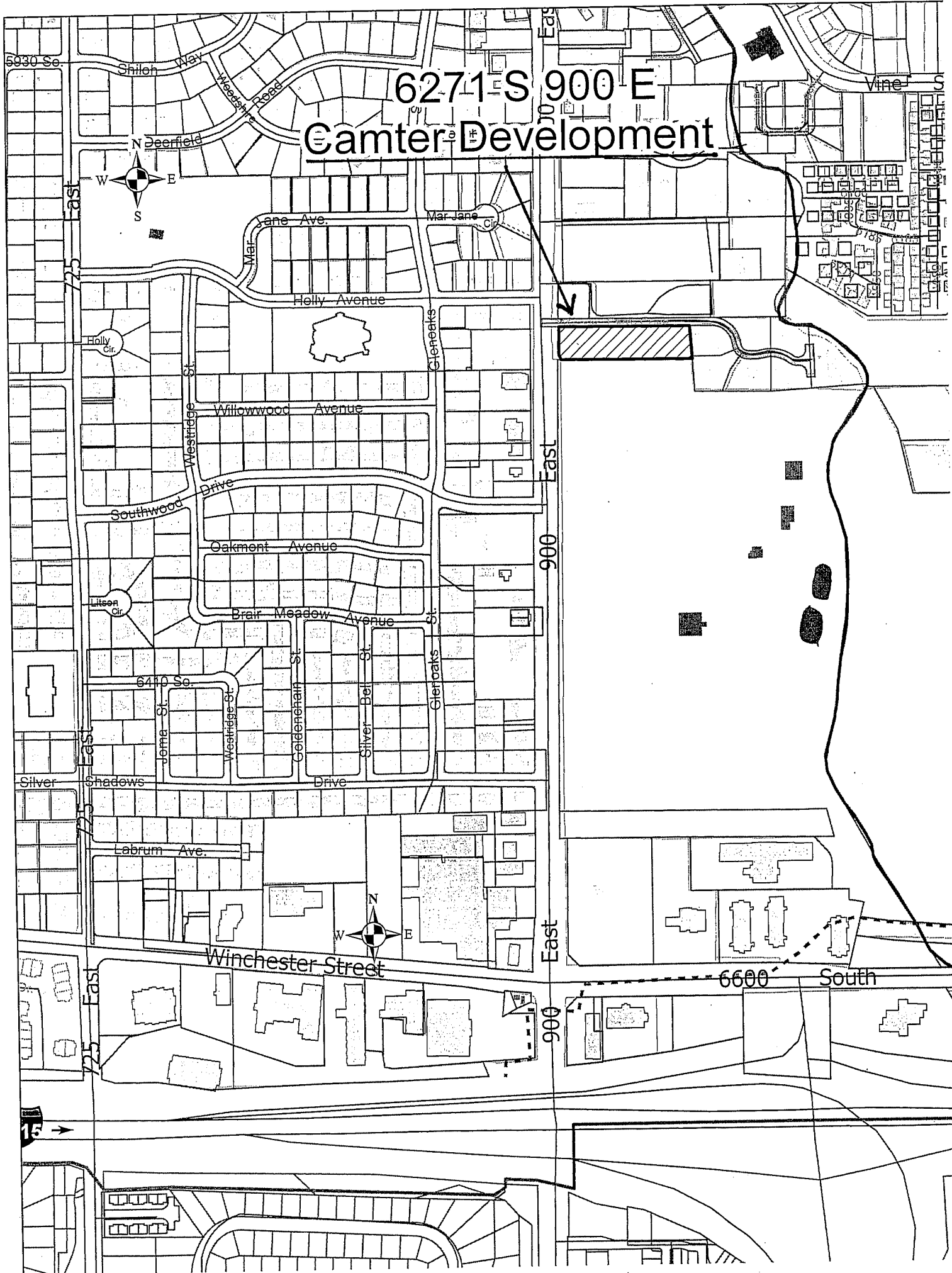
VI. CONCLUSION

- i. The requested change has been carefully considered based on characteristics of the site and surrounding area and policies of the General Plan.
- ii. At the time of annexation of this property into Murray City, the City Council reviewed the recommendations for this property for low density single family residential use designation in the General Plan and zone designation.
- iii. This property was not recommended to be residential business in the General Plan or zoned R-N-B (Residential Neighborhood Business) and is not compatible with the surrounding area. There is not a justifiable reason for an expansion of the R-N-B zone to the east side of 900 East when there are many properties on Winchester Street and the west side of 900 East that can be developed with business uses.

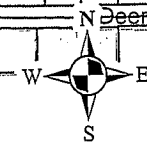
VII. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of Denial to the City Council for the requested Murray General Plan amendment and zone map change.

SITE INFORMATION



6271 S 900 E
Camter Development



15



6271 S. 700 East



MURRAY
COMMUNITY AND
ECONOMIC
DEVELOPMENT



APPLICATION MATERIALS

13-23

GENERAL PLAN AMENDMENT APPLICATION

Type of Application (check all that apply):

☐ Text Amendment

☒ Map Amendment

Subject Property Address: 6271 S. 900E.

Parcel Identification (Sidwell) Number: 22-20-128-002-0000

Parcel Area: 1.35 ACRE Current Use: VACANT Residential
Land Use Designation: Agriculture A* Proposed Designation: ~~COMMERCIAL~~ R-N-B Business

Applicant Name: JARRED CAMERON

Mailing Address: 7533 S. LINCOLN ST.

City, State, ZIP: MIDVALE UT, 84047

Daytime Phone #: 801-971-7466 Fax #: 801-304-9002

Email Address: JMCMOAB@YAHOO.COM

Business Name (If applicable): CAMTEL DEVELOPMENT

Property Owner's Name (If different): _____

Property Owner's Mailing Address: _____

City, State, Zip: _____

Daytime Phone #: _____ Fax #: _____

Describe your request in detail (use additional page if necessary): _____

WE FEEL WE MEET THE REQUIREMENTS FOR R-N-B.

Authorized Signature:  Date: 1/29/13

13-21

ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

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

Subject Property Address: 6271 S. 900 E.

Parcel Identification (Sidwell) Number: 22-20-128-002-0000

Parcel Area: 1.35 Current Use: VACANT

Existing Zone: A-1 Proposed Zone: R-N-B

Applicant Name: JARRED CAMERON

Mailing Address: 7533 S. LINCOLN ST.

City, State, ZIP: MIDVALE UT, 84047

Daytime Phone #: 801-971-7466 Fax #: 801-304-9002

Email address: JMCMORAB@YAHOO.COM

Business Name (If applicable): CAMTER DEVELOPMENT

Property Owner's Name (If different): _____

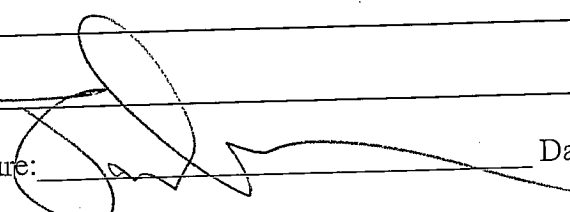
Property Owner's Mailing Address: _____

City, State, Zip: _____

Daytime Phone #: _____ Fax #: _____

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

WE FEEL WE MEET THE REQUIREMENTS FOR R-N-B.

Authorized Signature:  Date: 1/29/13

Property Owners Affidavit

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

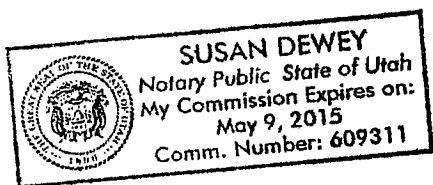
[Signature]
Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake

Subscribed and sworn to before me this 29 day of January, 2013.



[Signature]
Notary Public

Residing in Salt Lake County

My commission expires: 5-9-15

Agent Authorization

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

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake

On the _____ day of _____, 20____, personally appeared

before me _____ the signer(s) of the above Agent

Authorization who duly acknowledge to me that they executed the same.

Notary public

Residing in _____

My commission expires: _____

MURRAY CITY PLANNING COMMISSION AND CITY COUNCIL,

We are applying for a zoning and general plan amendment from Agricultural (A-1) to Residential Neighborhood Business (R-N-B).

Why is a zoning change necessary to R-N-B? – We feel there have been many circumstances which have changed since the Murray City General Plan (MCGP) was first adopted and there are many justifiable reasons for our request to be approved by both the Planning Commission and the City Council. According to Murray City zoning we feel we meet the requirements of R-N-B.

1 – Murray City zoning states;

CHAPTER 17.140

RESIDENTIAL NEIGHBORHOOD BUSINESS DISTRICT R-N-B

“17.140.010: PURPOSE OF PROVISIONS: **The purpose of the residential neighborhood business zone is to provide a variety of mixed use, low scale, low intensity residential, commercial, office and business operations as appropriate transition between high traffic arterial streets to adjacent residential neighborhoods.** . . (Ord. 07-30 § 2)”

Our land is located in a conflicting and transitional area. It has both a “high traffic arterial street” located adjacent to the West end and we also have an “adjacent residential neighborhood” located to the East end of our land.

2 – Recent history – In the nine years since the MCGP was adopted there have been a couple of very important changes in the area to justify our request. These changes are very important to us as the land owners and we would like them to be known as they directly relate to the planning and zoning decisions being made on our behalf.

- 2003 (June) – Murray City General Plan is adopted by Murray City Council.
- 2004 (Summer) – UDOT widens 900 East (SR-71) along the East side of the street by adding an additional lane for northbound traffic in this area. Previous to this all of the other areas along 900 East throughout Murray City already had two lanes for traffic in each direction and this was the only section which did not.
- 2006 – Murray City adopts an updated Transportation Plan and designates 900 East as a Major Arterial, one of only four in Murray City.
- 2010 – UDOT provides traffic statistics data for the area (on 900 East from 5600 South to 6600 South) which displays this particular section as having the largest amount of traffic anywhere along 900 East.

The MCGP has not been updated in this area to reflect the additional northbound lane, the higher amount of traffic, or the 45 MPH speed limit along this entire area, and still has single family residential future zoned for our land.

3 – Utah Department of Transportation (UDOT) statistical data – According to UDOT 2010 traffic statistics there are daily averages of 26,130 vehicles which travel this section of 900 East between the areas from 5900 South to 6600 South. Again, MCGP still has single family residential future zoned for this area adjacent to 900 East.

4 – Safety – The speed limit along 900 East in this area is 45 MPH. Research suggests there is a correlation directly related with safety and why single family residential is associated with a 25 MPH speed limit (it is also Utah state law in urban districts). R-N-B is a more suitable zoning classification for this land than single family. We feel there are other areas better protected and better suited for single family residential when given the proper opportunity to avoid this unnecessary risk of putting single family residential directly adjacent to 900 East.

5 – Present Zoning Map Analysis – According to our research there is approximately five miles of total distance between both sides of 900 East located within Murray City boundaries (we actually calculated 4.94 miles with a total distance of approximately 26,105 feet). We measured a total of 3,569 feet, or 13.6%, listed as single family residential. The other 22,536 feet, or 86.4%, is a combination of other zoning such as; commercial, retail, office, and multi-family etc. (Murray City Zoning Map dated March 2011)

Over 86 percent of the land owners, adjacent to 900 East have already rezoned their land as something which is not single family residential. Of the less than 14% of land, located adjacent to 900 East, which is still single family residential, much of it has already been future zoned for other uses such as R-N-B or G-O. For many of the homes left over redevelopment is very unlikely as these homes are a part of large well established neighborhoods with well over 100 homes in many of these and only their backyard is adjacent to 900 East. If some of these homes were able to change their zoning to something else it would do so by drastically changing the character of the entire neighborhood. Our zoning request will not.

Of the 13.6% zoned as single family residential we performed site visits and verified approximately 35 homes. We estimated only four of these homes (one of these is a duplex and counts as two), or 12 percent, to have been built within the last 20 years (build dates were verified on the county website). The other 31 homes, or 88%, were estimated to have been built sometime in the 1960's and 1970's and some many years earlier. Our research suggests the majority of these homes to have been built 40 to 50 years ago when 900 East did not have nearly the amount of traffic as it now has. Today these homes are known as "Hot Spots" because they are less cared for and are a result of being located adjacent to what is now designated as a Major Arterial. We do not want to become a "Hot Spot", we want to be something the entire community can be proud of.

6 – Future Zoning Map Analysis – Our parcel of land has been future zoned for single family residential. We feel there are other zoning classifications for our land which can still fit into the MCGP with slight modifications. Our land is not part of an existing neighborhood, and never will be (we have tried), it is located between a private neighborhood, Wheeler Farm, and is adjacent to 900 East. Directly across 900 East to the West there are 15 properties future zoned for R-N-B and at the present time six of the 15 properties are currently zoned as R-N-B to our knowledge. Our findings suggest we will blend in very nicely with all of our neighbors across the street and all along 900 East. We are not asking for anything more than what more than 86% of our neighbors already have who are also adjacent to 900 East.

7 – Conclusion – 900 East is very important and has a large amount of impact to our property as we have 125 feet of frontage to it. Some of the concerns we must come up with a solution for are; large traffic flow, high traffic speeds, noise, safety and many others. These are not normal concerns for people living in single family homes. Single family is normally better protected from all of these concerns.

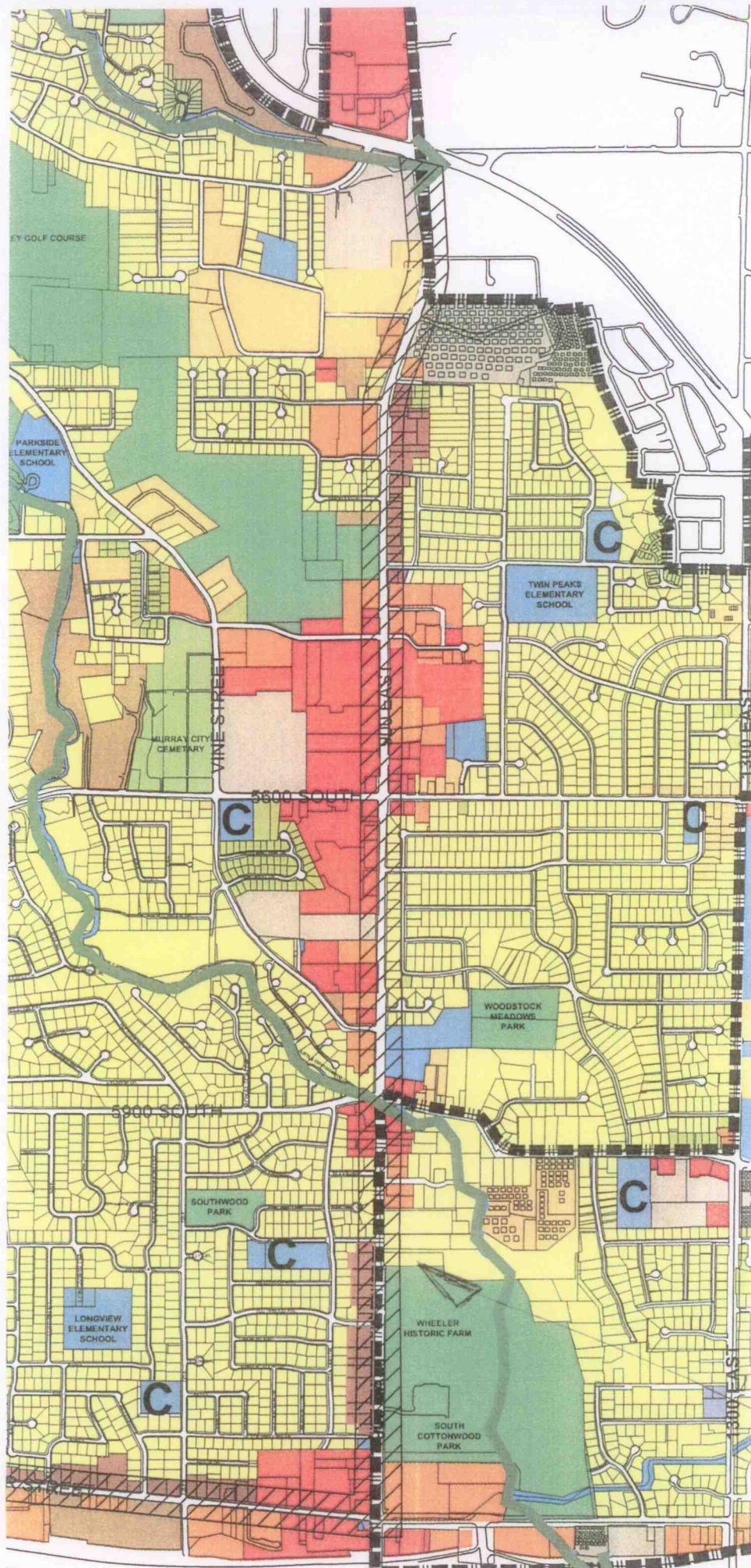
Our research specifically displays there are other zoning classifications better suited for our land located in a transitional and conflicting area with single family residential on one end and a Major Arterial located on the other. We ask for your help and cooperation to approve the zoning request on our land to R-N-B so we can come to a better more positive solution.

Sincerely,

Camter Development

N
↗

FUTURE LAND
USE MAP
DATED JUNE,
2023









6271 S. 900 E

Murray City General Plan Natural and Environmental Conditions:

Generalized Development Suitability Analysis

Generally Suitable For Development

Generally Unsuitable For Development*

-  Soils
-  Wetlands
-  100 Year Flood Plain
-  Steep Slopes
-  CERCLIS Site
-  Jordan River Meander Corridor

*For planning and general identification purpose only. Specific site development will require detailed analysis and review. Actual site conditions may differ from those shown on plan.

Sources:

Soils: Soils analysis was based on information from 1974 Soil Survey of Salt Lake Area, Utah. United States Department of Agriculture, Soil Conservation Service. Digital Maps for this survey were obtained from the Utah State Automated Geographic Reference Center, State Geographic Information Database in conjunction with the Soil Survey Geographic Database (SSURGO). WWW.AGRC.GOV/SGID.
CERCLIS: Department of Environmental Quality.
Jordan River Meander Corridor: Salt Lake County Flood Control.
100 Year Floodplain: September 2001 Flood Insurance Rate Maps, Salt Lake County.

Rail Line

Municipal Boundary

0' 600' 1200' 2400'



NORTH

Map 7-2

JUNE 2003



MURRAY
PUBLIC
SERVICES



LANDSCAPE ARCHITECTURE
AND CIVIL ENGINEERING
1000 WEST 1000 SOUTH
SALT LAKE CITY, UT 84119
(801) 466-1000
WWW.DENVER-UTAH.COM

10968491
6/9/2010 4:24:00 PM \$12.00
Book - 9832 Pg - 1056-1057
Gary W. Ott
Recorder, Salt Lake County, UT
FIRST AMERICAN TITLE
BY: eCASH, DEPUTY - EF 2 P.

Recording Requested by:
First American Title Insurance Company
7730 South Union Park Ave, Ste 110
Midvale, UT 84047
(801)569-3369

AFTER RECORDING RETURN TO:
Seiter Phillipps Holding Company, LLC
967 East Murray Holladay Blvd.
Salt Lake City, UT 84117

SPACE ABOVE THIS LINE (3 1/2" X 5") FOR RECORDER'S USE

SPECIAL WARRANTY DEED

Escrow No: **051-5270523 (dem)**
A.P.N.: **22-20-128-002-0000**

Seiter Phillipps Holding Company, LLC, Grantor, of **Salt Lake City**, **Salt Lake County**, State of **Utah**, hereby CONVEYS AND WARRANTS only as against all claiming by, through or under it to

Camter Development, LLC, Grantee, of **Salt Lake City**, **Salt Lake County**, State of **UT**, for the sum of Ten Dollars and other good and valuable considerations the following described tract(s) of land in **Salt Lake County**, State of **Utah**:

PART OF AN ENTIRE TRACT OF LAND IN FEE, BEING ALL OF THE REMAINDER OF AN ENTIRE TRACT LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, THE BOUNDARIES ARE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY RIGHT OF WAY LINE OF 900 EAST STREET, ALSO KNOWN AS PROJECT NO. 0071, WHICH POINT IS APPROXIMATELY 119.6 FEET SOUTH, 355.9 FEET WEST, 30.1 FEET SOUTH 4°08' EAST AND 479.45 FEET WEST FROM A 2 IN IRON PIPE SET BY THE COUNTY SURVEYOR AS THE NEW POSITION OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20; WHICH POINT IS ALSO 143.73 FEET SOUTH 0°20'11" WEST ALONG THE MONUMENT LINE AND 63.95 FEET SOUTH 89°52'30" EAST FROM THE MONUMENT AT THE INTERSECTION OF 900 EAST STREET AND HOLLY AVENUE; RUNNING THENCE SOUTH 89°52'30" EAST 478.40 FEET ALONG THE NORTH LINE OF SAID ENTIRE TRACT TO THE NORTHEASTERLY CORNER OF SAID ENTIRE TRACT; THENCE SOUTH 4°09'30" EAST 122.40 FEET TO THE SOUTHEASTERLY CORNER OF SAID ENTIRE TRACT; THENCE NORTH 89°52'30" WEST 478.94 FEET ALONG THE SOUTHERLY BOUNDARY LINE TO THE EASTERLY RIGHT OF WAY LINE OF SAID PROJECT; THENCE NORTH 26°50'52" WEST 19.87 FEET ALONG THE SAID EASTERLY LINE TO A POINT 50.00 FEET PERPENDICULARLY DISTANT EASTERLY OF CENTERLINE STATION 10+63.43; THENCE NORTH 0°21'10" EAST 104.35 FEET PARALLEL TO THE CENTERLINE OF SAID PROJECT TO THE POINT OF BEGINNING.

COURTESY RECORDING

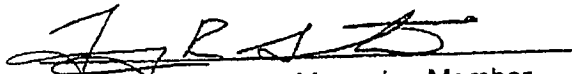
This document is being recorded solely as a courtesy and an accommodation to the parties named herein. First American Title Insurance Company hereby expressly disclaims any responsibility or liability for the accuracy or the content thereof.

BK 9832 PG 1056

Subject to easements, restrictions and rights of way appearing of record or enforceable in law and equity and general property taxes for the year **2010** and thereafter.

Witness, the hand(s) of said Grantor(s), this **June 8, 2010**.

Seiter Phillipps Holding Company, LLC



By: Terry R. Seiter, Managing Member

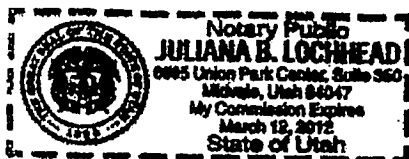
STATE OF Utah)
County of Salt Lake)ss.

On 6/8/10, before me, the undersigned Notary Public, personally appeared **Terry R. Seiter, Managing Member of Seiter Phillipps Holding Company, LLC**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires:


Notary Public



COURTESY RECORDING

This document is being recorded solely as a courtesy and an accommodation to the parties named herein. First American Title Insurance Company hereby expressly disclaims any responsibility or liability for the accuracy or the content thereof.



MURRAY CITY CORPORATION
COMMUNITY & ECONOMIC DEVELOPMENT

Daniel C. Snarr, Mayor

Tim Tingey, Director

801-270-2420 FAX 801-270-2414

February 6, 2013

NOTICE OF PUBLIC HEARING

This notice is to inform you of a Planning Commission Hearing scheduled for Thursday, February 21, 2013 at 6:30 p.m., in the Murray City Municipal Council Chambers, 5025 South State Street.

Representatives of Camter Development are requesting a Murray General Plan amendment from Residential Single Family Low Density to Residential Business and a zone map amendment from A-1 (Agricultural) to R-N-B (Residential Neighborhood Business) for the property addressed 6271 South 900 East.

See the attached subject property map. This notice is being sent to you since you own property within the near vicinity. Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

If you have questions or comments concerning this proposal, please call Ray Christensen with the Murray City Community Development office, at 801-270-2420, or e-mail to rchristensen@murray.utah.gov.

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

4770 S. 5600 W.
P.O. BOX 704005
WEST VALLEY CITY, UTAH 84170
FED.TAX I.D.# 87-0217663
801-204-6910.

The Salt Lake Tribune

MEDIAONE

Deseret News
FILE COPY

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	2/11/2013

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8012642660	0000856726 /
SCHEDULE	
Start 02/10/2013	End 02/10/2013
CUST. REF. NO.	
Camter Dev GP 7 Rezone	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
30 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC CHARGES	AD CHARGES
TOTAL COST	
55.40	

Camter
Dev.
(R-N-B)

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on the 21st day of February, 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 Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to General Plan Amendment from Agricultural zoning district to Residential Business zoning district and a Zoning Map Amendment from A-1 To R-N-B for the properties located at 6271 South 900 East, in Murray City, Salt Lake County, State of Utah.
MURRAY CITY CORPORATION
Chad Wilkinson, Manager
Community & Economic Development
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 21st day of February, 2013, at the hour of 6:30 p.m. of said day in the Co 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 02/10/2013

End 02/10/2013

SIGNATURE

[Signature]

DATE

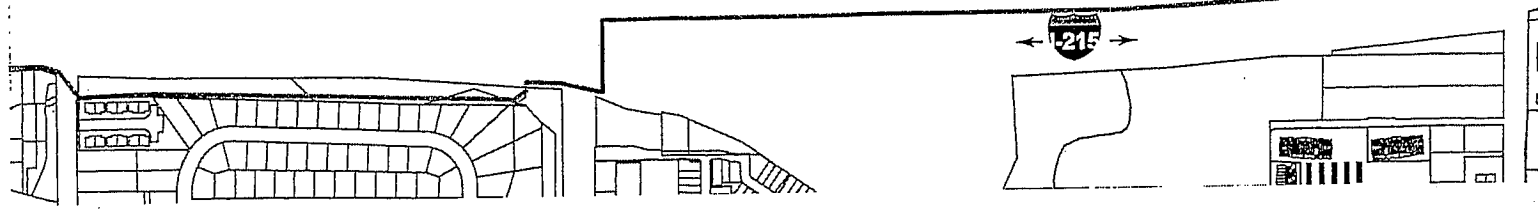
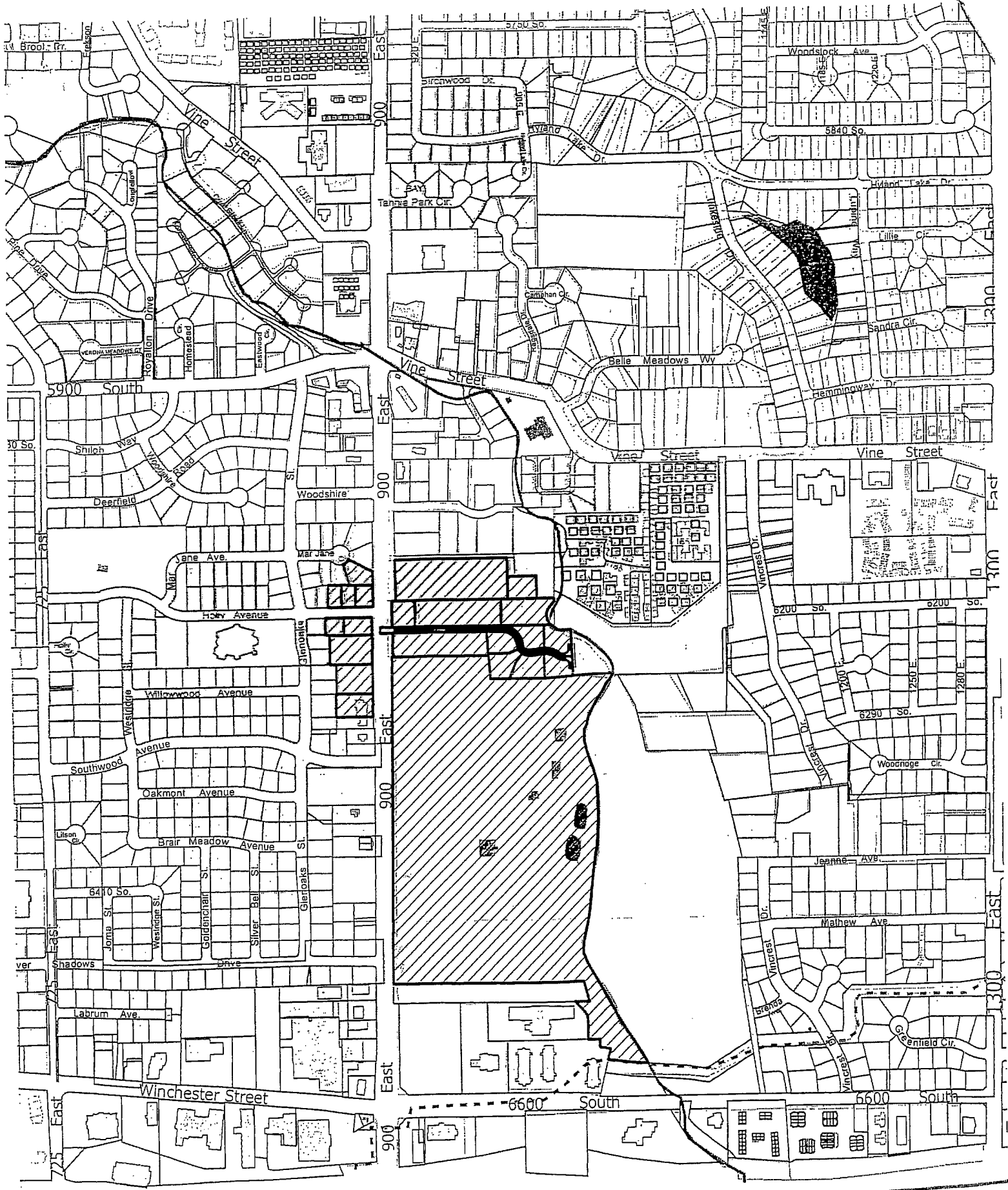
2/11/2013



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

[Signature: Virginia Craft]

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



P/C AGENDA MAILINGS
"AFFECTED ENTITIES"
Updated 11/1/12

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

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

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

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

CHAMBER OF COMMERCE
5250 S COMMERCE DR #180
MURRAY UT 84107

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

MIDVALE CITY
PLANNING DEPT
655 W CENTER ST
MIDVALE UT 84047

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

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

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

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

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

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

CENTRAL UTAH WATER DIST
355 W UNIVERSITY PARKWAY
OREM UT 84058

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT 84117

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

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKWY
SANDY UT 84070

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

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

GENERAL PLAN MAILINGS:

UTAH AGRC
STATE OFFICE BLDG #5130
SLC UT 84114

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

«Next Record»

«Next Record»

«Next Record»

Camter Dev
PLC 2/21/13
A-1 to R-N-B

CAMTER DEVELOPMENT LLC
967 E MURRAY HOLLADAY #H4
SALT LAKE CITY UT 84117

FORD, FRANK S
6230 S 900 E
SALT LAKE CITY UT 84121

LIND RANCHES LC
3920 S 1100 E # 150
SALT LAKE CITY UT 84124

LIND, KARL E; TR
3920 S 1100 E # 150
SALT LAKE CITY UT 84124

NIELSON, KAE L &
986 E WHEELER FARM CV
MURRAY UT 84121

POLLOCK, JAMES H &
980 E WHEELER FARM CV
MURRAY UT 84121

STUTZMAN, PATRICK W &
968 E WHEELER FARM CV
MURRAY UT 84121

SWAN, RUSSELL D &
989 E WHEELER FARM CV
MURRAY UT 84121

WATSON, JOHN F &
875 E HOLLY AVE
MURRAY UT 84107

AJS PROFESSIONAL CENTER, LLC
7001 S 900 E
MIDVALE UT 84047

CHRISTENSON, NEIL P &
1005 E WHEELER FARM CV
MURRAY UT 84121

FORD, FRANK S &
6256 S 900 E
MURRAY UT 84121

LIND RANCHES LC
3920 S 1100 E # 150
SALT LAKE CITY UT 84124

LU, CHENG T &
1002 E WHEELER FARM CV
MURRAY UT 84121

NIELSON, KAE L &
986 E WHEELER FARM CV
MURRAY UT 84121

SALT LAKE COUNTY
PO BOX 144575
SALT LAKE CITY UT 84114

STUTZMAN, PATRICK W &
968 E WHEELER FARM CV
MURRAY UT 84121

THREE FUTURES LLC
8395 S PARK HURST CIR
SANDY UT 84094

WILLIAMS, KIMBERLY A
872 E HOLLY AVE
MURRAY UT 84107

BUTLER, JOHN R & NANCY H
888 E MAR JANE AVE
MURRAY UT 84107

CHRISTENSON, NEIL P &
1005 E WHEELER FARM CV
MURRAY UT 84121

LIND RANCHES LC
3920 S 1100 E # 150
SALT LAKE CITY UT 84124

LIND RANCHES, LC
3920 S 1100 E # 150
SALT LAKE CITY UT 84124

LU, CHENG T &
1002 E WHEELER FARM CV
MURRAY UT 84121

POLLOCK, JAMES H &
980 E WHEELER FARM CV
MURRAY UT 84121

SMOLIK, MARY LOU
883 E HOLLY AVE
MURRAY UT 84107

SWAN, RUSSELL D &
989 E WHEELER FARM CV
MURRAY UT 84121

WALSH, MARK O
891 E HOLLY AVE
MURRAY UT 84107

Jarred Cameron
5581 South Green Street
Murray UT 84123



MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES

B. Tim Tingey, Director

Building Division
Community & Economic Development
Geographic Information Systems

Information Technology
Recorder Division
Treasurer Division

NOTICE OF PUBLIC HEARING

This notice is to inform you of a Public Hearing scheduled for Tuesday, April 2, 2013 at 6:30 p.m. in the Murray City Council Chambers, 5025 South State Street.

Jarred Cameron is requesting an amendment to the General Plan from Residential Single-Family Low Density to Residential Business and amending the Zoning Map from the A-1 (Agricultural) zoning district to the R-N-B (Residential Neighborhood Business) zoning district for the property located at approximately 6271 South 900 East, Murray, Utah.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the General Plan and Zoning Map as described above.

See the attached subject property map. This notice is being sent to you since you own property within the near vicinity. Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

If you have questions or comments concerning this proposal, please call the Murray City Community & Economic Development Department office, at 801-270-2420 or e-mail sdewey@murray.utah.gov.

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

RULES OF THE MURRAY CITY MUNICIPAL COUNCIL
MURRAY CITY CORPORATION

IV. AGENDA

J. Public Hearings. This section will be used for all public hearings. The presiding officer shall conduct the public hearing in the following manner:

1. Introduction. The presiding officer informs those attending of the procedure and order of business for the hearing.
2. Staff presentation. City staff briefly summarizes the request that prompted the public hearing. This presentation shall not exceed five minutes.
3. Sponsor presentation. If desired, the sponsor of the request may also make a presentation. This presentation shall not exceed fifteen minutes.
4. Public Comment. The presiding officer asks for public comment on the matter before the Council. Comments are limited three minutes, unless otherwise approved by a majority vote of Council members, and each speaker shall be allowed to speak only once, unless otherwise approved by a majority of Council members. Speakers are requested to:
 - (a) Complete the appropriate form.
 - (b) Wait to be recognized before speaking.
 - (c) Come to the microphone.
 - (d) Be brief and to the point.
 - (e) Not restate points made by other speakers
 - (f) Address questions through the presiding officer.
 - (g) Confine remarks to the topic, avoiding personalities.

After all citizens who wish to comment have spoken, Council members may ask additional questions of participants before the presiding officer closes the hearing.

5. Sponsor summation/response. Following citizen comment and questions by the Council, the sponsor shall be given the opportunity to give a fifteen minute summation and/or response prior to closing of the public hearing.
6. Closing the hearing. If there is no further public comment, questions by Council members, or final response by the sponsor, the presiding officer declares the hearing closed. The Council shall conclude the public hearing ten minutes in advance of subsequently scheduled public hearing. The Council may, by majority vote, extend a public hearing past the starting time of a subsequent public hearing.
7. Consideration of item. At the close of the public hearing, the Council shall consider the item as a special order

New Business Item #1

Murray City Municipal Council

Request for Council Action

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

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

AN ORDINANCE AMENDING SECTIONS 2.66.020(D) AND 2.66.030 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO ELECTIONS

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

☒ Council Meeting OR ☐ Committee of the Whole

☒ Date requested April 2, 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) _____

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)

Responsive and Efficient City Services

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.)

Memo & ordinance

6. REQUESTOR:

Name: Frank Nakamura

Title: City Attorney

Presenter: Frank Nakamura

Title: City Attorney

Agency: _____

Phone: _____

Date: 03/20/2013

Time: 12:00

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: *[Signature]*

Date: 3-20-13

Mayor: _____

Date: _____

8. COUNCIL STAFF: (For Council use only)

Number of pages: _____

Received by: _____

Date: _____

Time: _____

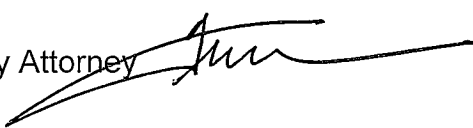
Recommendation: _____

9. NOTES:



MEMORANDUM

TO: Murray City Municipal Council

FROM: Frank Nakamura, City Attorney 

DATE: March 20, 2013

RE: Ordinance Amending Murray City Municipal Code Relating to Elections

The 2013 Utah State Legislature passed H.B. 403 that:

- Changes the deadline date for a person to file a declaration of candidacy in a City election from June 15th to June 7th
- Change the deadline date for filing a declaration of candidacy to become a valid write in candidate from 45 days before a municipal general election to 60 days before a municipal general election.

As a result of H.B. 403 it is necessary to amend the City's Election Ordinance to reflect the changes. Attached is an Ordinance amending Sections 2.66.020(D) and 2.66.030 of the Murray City Municipal Code.

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 2.66.020(D) AND 2.66.030 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 Sections 2.66.020(D) and 266.030 of the Murray City Municipal Code relating to elections.

SECTION 2. Amendment. Sections 2.66.020(D) and 2.66.030 of the Murray City Municipal Code shall be amended and read as follows:

2.66.020: DECLARATION OF CANDIDACY; CITY GENERAL ELECTIONS:

D. The filing procedures to become a candidate for a City 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 E of this section, during regular office hours, but not later than five o'clock (5:00) P.M., between June 1 and June ~~15~~7 of any odd numbered year. If June 1 falls on a Saturday, Sunday or legal holiday, the following business day shall be used. When June ~~15~~7 is a Saturday, Sunday or legal holiday, the filing time shall be extended until five o'clock (5:00) P.M. on the following business day.
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 (E)(2) of this section, with the City Recorder during regular office hours, but not later than five o'clock (5:00) P.M., between June 1 and June ~~15~~7 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~~7 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.

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 Recorder not later than ~~forty five (45)~~ sixty (60) days before the municipal general election in which the person intends to be a write in candidate. (Ord. 11-37)

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 of _____, 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2013.

Daniel C. Snarr, Mayor

ATTEST:

Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was passed on the ____ day of _____, 2013.

Jennifer Kennedy, City Recorder

Mayor's Report and Questions

Adjournment