

**MURRAY**  
CITY COUNCIL

# Council Meeting November 6, 2018



# Murray City Municipal Council

## Notice of Meeting

**November 6, 2018**

Murray City Center

5025 South State Street, Murray, Utah 84107

### **Meeting Agenda**

**5:15 p.m.**      **Committee of the Whole** - Conference Room #107  
Diane Turner conducting

### **Approval of Minutes**

Committee of the Whole – September 18, 2018

Committee of the Whole – October 2, 2018

Committee of the Whole – October 16, 2018

### **Discussion Items**

1. Brownfields Coalition Discussion – Mayor Camp, Jim McNulty, Benjamin Bowers (20 minutes)
2. Ranked Choice Voting Presentation – Kory Holdaway (20 minutes)
3. Proposed Zone Map Amendment 6230 and 6256 South 900 East by Valley Behavioral Health – Jim McNulty (10 minutes)
4. Abatement of Dangerous Buildings – Mayor Camp, G.L. Critchfield (15 minutes)

### **Announcements**

### **Adjournment**

**6:30 p.m.**      **Municipal Building Authority Meeting** - Council Chambers  
Dale Cox conducting.

### **Business Items**

1. Consider approval of the 2019 Regular Meeting Schedule
2. Election of Municipal Building Authority Trustees for 2019
3. Election of Municipal Building Authority Officers for 2019
4. Consider a resolution adopting the regular meeting schedule of the Municipal Building Authority of Murray City for 2019 and electing Trustees and Officers for calendar year 2019.

### **Adjournment**

The Council Meeting may be viewed live on the internet at <http://murraycitylive.com/>

**6:35 p.m. Council Meeting** – Council Chambers  
Dave Nicponski conducting.

**Opening Ceremonies**

Call to Order  
Pledge of Allegiance

**Approval of Minutes**

Council Meeting – October 16, 2018

**Citizen Comments** Fill out the required form, step to the microphone, state your name and city of residence. Comments will be limited to three minutes.

**Business Items**

1. Consider a resolution providing advice and consent to the Mayor's appointment of Robert White as the City's Information Technology Department Director. Mayor Camp presenting. If approved, Oath of Office will follow. Jennifer Kennedy presenting.
2. Consider a resolution approving an Interlocal Cooperation Agreement between the City and Salt Lake County for receipt by the City of Tier II "Zoo, Arts, and Parks" funds. Kim Sorensen presenting.
3. Consider a resolution authorizing the execution of an Interlocal Cooperation Agreement between the American International School of Utah ("AISU") and Murray City ("City"), relating to school resource officer provided by the City to AISU. Chief Burnett presenting.
4. Consider a resolution approving the termination of Development Agreement for the Vine Street Senior Living Project and authorizing the Mayor to execute the termination. G.L. Critchfield presenting.
5. Consider a resolution adopting the regular meeting schedule of the Murray City Municipal Council for calendar year 2019. Janet Lopez presenting.

**Mayor's Report and Questions**

**Adjournment**

**NOTICE**

Supporting materials are available for inspection in the City Council Office, Suite 112, at the City Center, 5025 South State Street, Murray, Utah.

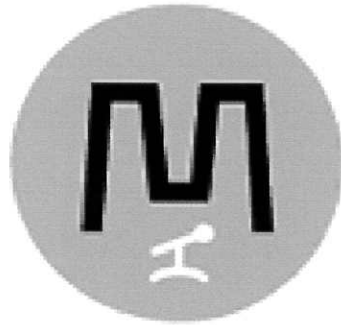
SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 or call Relay Utah at #711.

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, November 2, 2018, at 10:00 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. A copy of this notice was posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov), and the state noticing website at <http://pmn.utah.gov>.

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Janet M. Lopez  
Council Executive Director  
Murray City Municipal Council



**MURRAY**  
CITY COUNCIL

# Committee of the Whole





**MURRAY**  
CITY COUNCIL

# 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, September 18, 2018 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### Council Members in Attendance:

|                            |             |
|----------------------------|-------------|
| Diane Turner, Chair        | District #4 |
| Dave Nicponski, Vice-Chair | District #1 |
| Dale Cox                   | District #2 |
| Jim Brass                  | District #3 |
| Brett Hales                | District #5 |

### Others in Attendance:

|                   |                                   |                  |                       |
|-------------------|-----------------------------------|------------------|-----------------------|
| Blair Camp        | Mayor                             | Jan Lopez        | Council Director      |
| G.L. Critchfield  | City Attorney                     | Jennifer Kennedy | City Recorder         |
| Jennifer Heaps    | Comm. & Public Relations Director | Pattie Johnson   | Council Office        |
| Michael Williams  | Murray Court – Administrator      | Paul Thompson    | Judge                 |
| Ken Okazaki       | Attorney – SLC                    | Collin Snow      | Dakota Pacific        |
| Ken Jones         | Attorney – SLC                    | Scott Swallow    | Dakota Pacific        |
| Stan Hoffman      | Dakota Pacific                    | Danyce Steck     | Finance Director      |
| Blaine Haacke     | Power - General Manager           | Greg Bellon      | Power -Asst. Manager  |
| Jon Harris        | Fire Chief                        | Jan Cox          | Resident              |
| Sarah Kim         | Youth intern – City Council       | Danny Astill     | Public Works Director |
| Mike Terry        | Human Resources - Director        | Jennifer Brass   | Resident              |
| Kathleen Stanford | Resident                          |                  |                       |

Ms. Turner called the Committee of the Whole meeting to order at 5:00 p.m. and welcomed everyone.

**Approval of Minutes** - Ms. Turner asked for comments or a motion on the minutes from:

- Committee of the Whole – July 17, 2018

Mr. Brass moved approval. Mr. Hales seconded the motion. (Approved 5-0)

## **Discussion Items**

### **1. Judge Paul Thompson Salary Discussion – Mike Terry, Human Resources (HR)**

Mr. Terry shared background information about special rules the city must follow regarding a possible salary increase for Judge Thompson. Utah State Code requirement details were reviewed, and a comparative list was noted that depicted what other cities pay their judges, based on case filing statistics. Comparison information was attained from the Administrative Office of the Courts (AOC). Most agencies staff one judge, however, Salt Lake City employs five judges, and West Valley has two.

Case filings are broken into three categories: criminal, civil and traffic. Most traffic cases are resolved through fines; therefore, judges are not involved in those cases. Salary information was provided from HR departments throughout the county, including large cities, like Provo, Orem, Davis and Utah County.

Judge Thompson reviewed the following information:

- According to state law, a city council or governing body is required to review a judge's salary annually, which had not been done in Murray.
- Comparably, most judges work part-time.
- Most judges are provided a car and gas allowance.
- The Murray court offers education and treatment programs other courts do not offer after formal sentencing and review hearings occur, to monitor the compliance of sentence requirements for things like: DUI, domestic violence, and community service.
- As a result, the recidivism rate in Murray is about half the state average.
- Because of education and treatment programs, the judge works more hours than part-time judges. For example, Mondays, domestic violence cases are handled; Tuesdays, hearing reviews; and Thursday final sentencing occurs. He said the number of cases a court receives, does not accurately indicate the number of hours spent with people to hold them accountable for wrong doing.
- By law, when a person is booked into jail, a judge must carefully review whether the arrest was lawful - within 24 hours of the arrest – so working after hours is required regularly for handling probable cause statements.

A mention was made about the South Jordan City judge, who was at the maximum pay level at the time of his recent retirement.

Ms. Turner shared seven options to help the council reach a consensus in addressing the recommendation:

- Judge Thompson is currently earning \$124,051, which is within Utah State Code stipulated range of 50%-90% of a district court judges' annual salary. The council does have the flexibility to increase the current compensation.

- State Code allows a justice court judge to receive an annual salary adjustment at least equal to the average salary adjustment for all municipal employees for the jurisdictions served by the judge.
  - The council could wait until the end of the fiscal year, June 2019, and at that time, the average salary adjustment for all employees could be applied to his salary.
  - A 12-step plan is in place with scheduled increases at 2.5% or 5% per year.
- The council could decide no increase be given.
- The council could decide a hybrid of the above options. For example, provide a \$1,000 increase now and wait to get the average increase, as determined at the end of June, and award any additional increase at that time.
- Take more time to consider the options and continue with a decision in a future meeting.

Mr. Williams noted if salary reviews were based on the number of monthly case filings, one filing did not convey the amount of time spent resolving one case file.

According to the city's new payroll step-plan, many city employees received increases based on tenure. Mr. Williams said calculating the judge's salary according to those measures, Judge Thompson would be at step-12 and should be earning \$132,000 per year. However, the only increase the judge received was the cost of living adjustment (COLA).

Mr. Hales wondered when the judge last received a review and an increase. Ms. Lopez stated 2014. Mr. Williams confirmed no merit increases were given. Mr. Terry said over past years, the same COLA increase given to all department head personnel, was also given to the judge.

Mr. Williams noted any salary increase would most likely put him over-budget. He asked the council to please consider a corresponding transfer to the budget because it was already tight, due to ongoing building repairs.

Mr. Brass agreed the first step was to meet with Finance Director, Danyce Steck to review the possibility for an increase and suggested waiting until the mid-year budget meeting in January. This would give the council time to make the best decision related to allocation of funding. Mr. Hales agreed.

Ms. Lopez confirmed a budget opening would be necessary. Mr. Nicponski agreed after a second review the best decision could be made. Mr. Terry noted since the recommendation was not made last spring, when the process for salary increases usually takes place, it could be included in the new budget.

Ms. Turner confirmed the option for waiting until the end of June when the discussion could continue, and new budgets could be realized.

Mr. Terry agreed it was difficult to compare state mandates for judges, with employees on the city's new payroll step-plan.

Mr. Brass said anytime pay is increased, the salary should be funded forever to include benefits as well, through the budget process.

There was consensus to wait on a decision until further budget information was attained.

**2. Power Department Report – Blaine Haacke and Greg Bellon**

Mr. Bellon reported on the following:

- Personnel

An employee was promoted from the forestry department to fill the position of a retired employee. The arborist position was filled, and two new apprentice linemen were hired. A total of four positions were filled.

- Public Power Open House

The annual event was successful with roughly 500-600 people in attendance. Demonstrations are available via live-stream.

Mr. Haacke provided information on the following topics:

- Gas Turbines

The city's three gas turbines produce 13,000 kilowatts of power and were installed on 4800 South and 300 West in 2002. Prior to their installation in 2001, the city spent \$2 million in the month of August, due to inflation. Mr. Brass confirmed after installation, turbines kept the city from paying high-end market pricing, which in the end, pays for themselves nicely.

Mr. Haacke agreed gas turbines still operate that way on a smaller scale, depending on market pricing for natural gas. Turbines are used frequently during summer high=peak hours. Ultimately, the \$20 million plant will prove its great value if the western grid is ever lost by providing energy during rolling blackouts to portions of the city.

Data regarding hours of operation and megawatt usage was noted that reflected a significant increase this year, compared to 2017, due to low natural gas prices. Gas prices are closely monitored each morning by staff throughout summer months to attain the best purchase price. In summary, if market prices for natural gas exceed \$50 per megawatt, gas turbines are utilized instead. Mr. Haacke explained using turbines frequently keeps efficiency levels up also, rather than having them sit idle.

Due to increased usage, turbines produced a surplus of power, so UAMPS paid the city \$313,686 to utilize the extra energy. In addition, by not purchasing from the market, the city saved \$201,473. Combined savings this summer totaled \$515,159 because of the resource.

- Hydro Generation

A savings of \$177,000 occurred by not purchasing from the market and utilizing the resource this summer. However, due to a lack of water, generation was half of what it produced last year.

- Large Scale Solar Project

Large scale solar is not rooftop solar, but acreages of land filled with solar panels, located in rural areas, such as, Parowan, Delta and the Tooele/Grantsville.

A decision is close about which vendor to use for transmission options. Partnering cities, include Payson, Heber, Springville, Bountiful, Logan and Lehi, as well as, the Utah Municipal Power Agency group (UMPA), to attain lower group pricing.

UMPA has taken an aggressive approach and wants Murray to continue sharing in the endeavor. Negotiations are still underway, including confidential prices, however, large-scale solar pricing is very appealing, and less expensive than landfill resources comparatively.

Murray City would sponsor a October 2, meeting to discuss possibilities that include the construction of a 75-megawatt (MW) plant/solar farm in Tooele. The proposal means that UMPA would assume 50 MW of the total 75 MW produced. All participating Utah cities would share the remaining 25 MW. Murray could purchase between three and eight megawatts; Pricing is about 4% less if more megawatts are assumed. Mr. Haacke is not prepared to recommend purchasing more than nine megawatts. If the city commits to three to five megawatts, the resource would generate the same amount as the Salt Lake County Landfill resource.

The city is interested in the solar resource for portfolio diversification, which would provide 2% of city's energy needs, as well as, a renewable green-tag energy credit that could be sold. The proposed agreement includes a 26-year contract, with the option to purchase more generation. An established buyer proposed to pay Murray \$1.50 per megawatt for utilizing the resource for ten years. A final decision about the Tooele plant is expected after October 2, 2018.

### **3. Request for Reimbursement by J.R. Miller Enterprise Inc. – Tim Tingey**

Information related to the development agreement between the city, the Redevelopment Agency of Murray (RDA), and J.R. Miller Enterprises was reviewed. A brief background was provided about the 2015 Exclusive Developer Agreement, where the focus of the agreement was to work with the developer in the Murray City Center District (MCCD).

The following accomplishments to facilitate redevelopment of the MCCD were reviewed:

- Acquisition of 34 parcels
- Demolition and clean-up of multiple properties
- Preliminary programming for a new city hall
- Acquisition of key historic properties - Murray Chapel and the Murray Mansion

- Survey and environmental work
- Parking studies for future downtown projects
- Plans and submittals for three major anchor projects
- Expansion of the Central Business District urban renewal tax collection area
- Bonding for acquisition

Mr. Tingey noted although multiple projects did not come to fruition as contemplated, a great deal of progress was made; and even though projects have not been built yet, the foundation for future development was established for the downtown area. Since anticipated work and services provided by J. R. Miller, and a variety of other firms, such as, architects, landscape designers, and surveyors are complete - the expired agreement needs to be closed out.

The close out reimbursement request for \$948, 987 falls under cap amounts within the city's budgetary guidelines, previously approved by the city council. The amount was confirmed by the city attorney's office after a significant evaluation was done related to all documentation and 15 binders of material, provided by J.R. Miller. Therefore, the amount requested was accounted for. Once prepared by the legal department, the close out agreement would be signed jointly by the RDA Chairperson and Mayor Camp.

#### **4. Ordinance Prohibiting Daytime Landscape Watering – Danny Astill**

The city began sending out "Slow the Flow" material and information to citizens regularly about 10 years ago to support the campaign. However, due to a condition for obtaining a \$8.5 million bond from the Division of Water Resources, the city must have a current ordinance prohibiting the use of pressurized irrigation systems, between the hours of 10:00 am to 6:00 pm, daily – and not just in policy form.

The significance of wasting water was explained as a violation of the provision to the ordinance and considered an infraction, or a Class B misdemeanor. Concerns were resolved about whether a separate ordinance be devised, or new language added to the existing ordinance. Mr. Astill shared the new language to the existing ordinance. Language was created by Attorney, G.L. Critchfield, reviewed by staff, and approved by Mayor Camp, to amend the current ordinance.

Mr. Cox wondered how the public would become aware of changes made to the ordinance.

Mr. Astill said after consideration and approval by the council on October 2, 2018, new public involvement would occur to re-educate citizens regarding restricted hours for watering – including ongoing education.

Mr. Brass said the city was fortunate to own water collection areas but was concerned about alarming low levels of water at Lake Powell and Lake Mead. He affirmed after council consideration and approval in October, public notification might not occur until November. He favored re-education and hoped citizens might be eased into enforced restricted hours - after winter. He did not want citizens to be ticketed on the first offense in the spring.

Mr. Astill explained city staff would continue to observe violators, collect information and pass notices on to distribution technicians, who provide notices to residents and businesses clearly wasting water. He said the intention is not to give citations or second violations either, but strictly promote education about restricted hours and discourage water waste. However, if someone becomes recalcitrant – a citation would be necessary.

In prior years, violations have not been significant, and the city typically averages five or six notices each summer. It is the city's desire to promote water conservation, and not punish residents for violating hours. Most reported incidents come from concerned citizens.

Mr. Critchfield confirmed violations were not abundant or overly concerning, and the amendment was ultimately created strictly for attaining bond money. Mr. Astill agreed and said the Public Works Facebook page provides valuable information - including the importance of conserving water.

The council would consider the amended ordinance on October 2, 2018 during a council meeting.

**Announcements:** Ms. Lopez made several announcements related to coming events for the council members.

**Adjournment:** 5:57 p.m.

**Pattie Johnson  
Council Office Administrator II**





**MURRAY**  
CITY COUNCIL

**DRAFT**

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

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, October 2, 2018 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### **Council Members in Attendance:**

|                            |             |
|----------------------------|-------------|
| Diane Turner, Chair        | District #4 |
| Dave Nicponski, Vice-Chair | District #1 |
| Dale Cox                   | District #2 |
| Jim Brass                  | District #3 |
| Brett Hales                | District #5 |

### **Others in Attendance:**

|                  |                                   |                  |                     |
|------------------|-----------------------------------|------------------|---------------------|
| Blair Camp       | Mayor                             | Jan Lopez        | Council Director    |
| G.L. Critchfield | City Attorney                     | Jennifer Kennedy | City Recorder       |
| Jennifer Heaps   | Comm. & Public Relations Director | Pattie Johnson   | Council Office      |
| Tim Tingey       | ADS Director                      | Doug Hill        | Chief Admin Officer |
| Jim McNulty      | Development Services Manager      | Trong Le         | IT                  |
| Jon Harris       | Fire Chief                        | Joey Mlttelman   | Fire Department     |
| Mike Dykman      | Asst. Fire Chief                  | Chad Pascua      | Fire Department     |
| Danny Astill     | Public Works Director             | Sarah Kim        | Council - Intern    |
| Jennifer Brass   | Resident                          |                  |                     |

Ms. Turner called the meeting to order at 5:15 p.m.

**Approval of Minutes** - Ms. Turner asked for comments or a motion on the minutes from:

- Committee of the Whole – August 21, 2018
- Land Use Training – August 22, 2018

Mr. Hales moved approval for both, with one correction on the August 21, 2018 minutes. Mr. Brass seconded the motion. (Approved 5-0)

### **Discussion Items**

1. **Sign Donation from the Jordan River Parkway Foundation** – Mayor Camp and Kim Sorensen

A request was made to place two interpretive signs along the Jordan River corridor that would explain history in the area. Signs would be located near or at Arrowhead Park located along Murray's section of the Jordan River Parkway trail.

The Murray Parks and Recreation Department will determine wording and subject information and the Jordan River Foundation will pay for producing and installing signs with donations the foundation recently received. The foundation's and city's logos, as well as, donor information would also be depicted on signs. The council would consider acceptance of the signs at an upcoming council meeting.

2. **Update on the City Hall Process** – Mayor Camp and Tim Tingey

Mayor Camp noted Mr. Tingey's resignation and appreciated all the hard work done by him and his staff. The mayor said the city was in a good place to move forward with plans for constructing a new city hall.

Mr. Tingey confirmed a request for qualifications (RFQ), for architectural services was close and the hope was to finalize the procedure by the end of the week. The project management firm MOCA, assisted with developing the RFQ document, which was reviewed by City Attorney, G.L. Critchfield and legal staff, as well as, Administrative Development Services (ADS) staff and the mayor's office. Chief Administrative Officer, Mr. Hill will work with MOCA and others in the future to move the project forward. Details were noted about the proposal:

- Two steps for selecting an architectural service:
  1. Applicants will submit qualifications and background information to the City Hall Committee for review - to narrow down a select few.
  2. The selected few would submit additional materials, such as, implementation plans, engineering management budgets and schedules, risk mitigation, and design elements. After complete reviews, a final choice would be made.
- An RFQ for a construction manager at risk services would be submitted at the same time. The practice of hiring a contractor to work alongside the architect is common for public projects. It is important both entities work together closely on the design process to review and determine cost efficiency and outline different scenarios.

Mr. Tingey explained most city hall facilities across the valley, as well as, state projects follow this method, which is allowed under state code. Rather than have an architect provide all design service work, the contractor would review and confirm costs to avoid over priced bids. The hope is to release both RFQ's by the end of the week, which would be followed by a two-month process for reviewing qualifications, timelines and design.

Mr. Nicponski asked how long before a complete team would be acquired. Mr. Tingey hoped

sometime this December.

3. **Proposed Rezone at 777 and 787 West Bullion Street** – Tim Tingey

Mr. Tingey invited Mr. McNulty to lead the discussion. He shared a map to point out the overall area, which includes two parcels of land that total under two acres (1.80). The proposal means changing the current zone from A-1 (agricultural) to R-1-8, which is supported by the General Plan Land Use Map.

The planning commission held a public hearing on September 6, 2018, to discuss and approve the rezone, which would be forwarded to the city council for their consideration at an upcoming council meeting. A few residents attended the public hearing to express points of view, where it was explained that the hearing was only to approve a rezone. Mr. Tingey confirmed development could occur in the future, however, the issue at hand was only to approve the rezone.

4. **Sexual Harassment Training** – G.L. Critchfield

Sexual harassment training should include extensive training on the actual policy itself, and always be ongoing. Mr. Critchfield shared a brief overview and stated all training information was imperative for sensitizing the council and supervisors.

The city council tends to be the face of the city and held to a higher standard, whose authority was essentially vested during various public events and meetings. However, when alone, the cloak of authority dissipates, which was why if a council member found themselves alone and engaging in sexual harassment - the situation sets the city up for great liability. As city council members, each member should help set a positive tone for the rest of the city.

An internet article written by novelist and journalist, Anna North noted that since April 2017, 219 people were accused of sexual misconduct, including celebrities, politicians, CEO's and others. Whether sexual harassment, assault, or misconduct allegations, as sexual harassment awareness continues to grow, survivors and victims are feeling more comfortable about coming forward. This means it is more important than ever before, for people to recognize and prevent sexual harassment.

Mr. Critchfield continued at great length with an extensive training, however, he said he could not possibly cover all aspects of sexual harassment during the Committee of the Whole. The following information was reviewed:

- Legal terms used in court to define sexual harassment and results of prosecution.
- A review and definition of Title VII of the Civil Rights Act of 1964 regarding sexual harassment and how it is handled in a United States court of law.
- Supreme court guidelines and factors, regarding what is and what is not considered severe conduct. Such as, frequency, whether physically threatening or humiliating, or a mere offensive utterance.
- The courts application of the 'reasonable person standard' – and, the 'severe and pervasive standard', because not everything said, and everything done amounts to sexual harassment.
- Sexual harassment needs to be severe or pervasive to be considered legitimate. It essentially is aimed

at extreme conduct. Under this standard, occasional or sporadic teasing, gender-based jokes, off-hand comments, and other such behavior may not amount to actual sexual misconduct.

- A certain point of conduct must be met before an act is considered sexual harassment.
- The #metoo movement has been more effective than the law has ever been, due to social media.

Mr. Critchfield said sexual harassment means more than legal liability matters, money, and payouts – and noted the following:

- People in the spotlight who resigned, were fired, lost reputations, and paid lawsuits had one similar characteristic - they were primarily men.
- The act of sexual harassment is centuries old.
- It is common that legal liability can range from \$100,000, to several million dollars.
- Tangible employment action – firing, hiring, demoting and reassignment to change status.
- Sexual favors, hostile work environments, adverse action, discriminatory intimidation and ridicule.
- By-standers are affected by sexual harassment.
- For years, it has been common knowledge that many people in positions of influence and power are guilty of sexual harassment activities.
- Historically, it has always been a struggle for women to end sexual harassment and unwanted sexual relations imposed by supervisors at work.
- Men can be harassed as easily as women, and same sex harassment is common.

In summary, Mr. Critchfield said the city's policy is good and had been in place for a long time, which should be taken very seriously and reviewed annually. The following was noted regarding the city:

- How the city can create and maintain a work place culture that simply does not tolerate sexual harassment.
- An employer does well to protect itself and employees by having a good sexual harassment policy in place and a good complaint procedure – so employees feel safe coming forward.
- Murray City has a good sexual harassment policy in place and a good system for employees. Reminders and constant awareness are important.
- Murray City's anti-harassment policy.

Mr. Nicponski agreed city employees should receive sexual harassment training often to avoid problems and requested Mr. Terry frequently update the council about training content and occurrences.

Mayor Camp reported discussions with Mr. Terry and Risk Management were scheduled to address sexual harassment and other concerns to keep city employees up to date.

Ms. Turner explained her request for sexual harassment training was prompted after attending a round- table discussion at the National League of Cities, regarding sexual harassment policy. It was there she learned that the biggest liability and settlements some cities experienced, resulted from sexual harassment lawsuits involving elected officials and administrators - who incurred million-dollar payouts. She thought it was imperative the city not foster any kind of environment that encouraged sexual harassment to avoid a financial pitfall and agreed frequent training might discourage situations

the council was not aware of. She said the issue was important to her and noted her master's thesis was written on the comparison of the sexual harassment policies along the Wasatch Front 35 years ago.

Mr. Critchfield said Murray had a very good work force and reported sexual harassment was not a rampant problem in the city. However, the issue should be thought about often, brought to the attention of everyone, and education should continue so that employees are always aware of what sexual harassment is.

**Announcements:** Ms. Lopez made several announcements related to coming events for the council members.

**Adjournment:** 6:00 p.m.

**Pattie Johnson**  
**Council Office Administrator II**

# DRAFT



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

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The Murray City Municipal Council met as a Committee of the Whole on Tuesday, October 16, 2018 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### Council Members in Attendance:

|                            |             |
|----------------------------|-------------|
| Diane Turner, Chair        | District #4 |
| Dave Nicponski, Vice-Chair | District #1 |
| Dale Cox                   | District #2 |
| Jim Brass                  | District #3 |
| Brett Hales                | District #5 |

### Others in Attendance:

|                   |  |                  |                       |
|-------------------|--|------------------|-----------------------|
| Blair Camp        | Mayor                                  | Jan Lopez        | Council Director      |
| Pattie Johnson    | Council Office                         | Jennifer Kennedy | City Recorder         |
| Jon Harris        | Fire Chief                             | Brooke Smith     | Deputy Recorder       |
| Briant Farnsworth | City Attorney                          | Danny Astill     | Public Works Director |
| Ninzel Rasmuson   | Murray Area Chamber of Commerce (MACC) | Sheri VanBibber  | MACC                  |
| John Bond         | MACC                                   | Susan Bond       | MACC                  |
| Elisa Salazar     | MACC                                   | Pat Thorne       | MACC                  |
| George Wilkinson  | MACC                                   | Bette Taylor     | MACC                  |
| Jennifer Brass    | Resident                               | David Hansen     | MACC                  |
| Lisa Marie Orem   | Resident                               | Tom Henry        | Resident              |
| Melissa Sullivan  | Resident                               | Melissa Shinogee | Resident              |

Ms. Turner called the Committee of the Whole meeting to order at 6:00 p.m.

**Approval of Minutes** - Ms. Turner asked for comments or a motion on the minutes from:

- Committee of the Whole – August 14, 2018
- Committee of the Whole – September 4, 2018

Mr. Brass moved approval. Mr. Hales seconded the motion. (Approved 5-0)

**Discussion Item - Murray Area Chamber of Commerce Report** – Stephanie Wright

Ms. Wright introduced the board of directors who were all present. The mission statement was read as follows: *The Murray Chamber creates synergy among professionals. We facilitate the creation of long-lasting business relationships between members that are based on trust, value and cooperation. We provide tools to connect education, service opportunities and interaction between members. Our vision is to help Murray businesses succeed by providing networking opportunities acting and serving as a business resource by promoting community and business relationships.*

Membership totals

- Last year: 27 new members, 64 renewals, and year-to-date membership 153.
- This year: 44 new members, 107 renewals, and year-to-date membership 168.

Ribbon cuttings

- Last year: 17
- This year: 25

Information was shared about daily functions and operations, and information was provided about activities, outreach opportunities and upcoming events. The following was noted:

- Increased attendance for:, monthly luncheons, multi-chamber lunches, and networking events. A detailed description regarding location and purpose about each event was shared.
- Thirteen chamber committee members were introduced, who represent a variety of business types. Various committees help to empower MACC.
- The women's business division has a desire to focus philanthropically and recently served meals at the Road Home facility to 215 women in the area.
- Eggs and Issues, which is open to the public, hosts valuable guest speakers and will be held at Anna's Restaurant beginning November 1, 2018.
- Breakfast with the legislators, held in February, is a partnership with Intermountain Medical Center where Murray's legislative representatives are invited to speak and answer public questions.
- Youth scholarship golf tournament provides funds for the Murray youth.
- A new MACH speed networking program starts this month to help businesses share information.
- The MACC judges the Murray City July 4<sup>th</sup> parade.
- The MACC partnered with KSL to create podcasts that are available twice a month.
- Membership fees and renewals can now be paid monthly - by auto ACH transactions.
- A new program called President's Circle will provide quarterly meetings for large corporations, such as EMI Health and Larry H. Miller.
- Membership fees start at \$200 for non-profit organizations and range from \$300 up to \$5,000.

For more information contact the Murray Area Chamber of Commerce at 801-263-2632

**Announcements:** Ms. Lopez made several announcements related to coming events for the council members.

**Adjournment:** 6:21 p.m.

**Pattie Johnson**  
**Council Office Administrator II**





**MURRAY**  
CITY COUNCIL

# Discussion Item #1





**MURRAY**


# Community & Economic Development

## Brownfields Coalition Discussion

### Council Action Request

Committee of the Whole

Meeting Date: November 6, 2018

|  |   |
|--|---|
| <b>Department Director</b><br>Jim McNulty<br><br><b>Phone #</b><br>801-270-2477<br><br><b>Presenters</b><br>Benjamin Bowers<br>Jim McNulty<br><br><b>Required Time for Presentation</b><br>20 Minutes<br><br><b>Is This Time Sensitive</b><br>Yes<br><br><b>Mayor's Approval</b><br> Blair<br>Camp<br><br><b>Date</b><br>October 22, 2018 | <b>Purpose of Proposal</b><br>EPA Brownfield Grant Funds.<br><br><b>Action Requested</b><br>Informational discussion with the City Council prior to consideration of project participation.<br><br><b>Attachments</b><br>Draft Memorandum of Agreement.<br><br><b>Budget Impact</b><br>No Budget impact.<br><br><b>Description of this Item</b><br>Murray City has been asked to participate in a Brownfields Coalition with Salt Lake County and Salt Lake City Corporation. The proposed Coalition will work to obtain EPA Brownfield Grant Funds for each of the entities involved. Benjamin Bowers with Terracon Environmental Services has been selected to prepare the grant. Mr. Bowers plans to attend the meeting and discuss this item with the City Council. |
|--|---|



## **BROWNFIELDS COALITION**

### **MEMORANDUM OF AGREEMENT BETWEEN THE FOLLOWING PARTIES: SALT LAKE COUNTY, SALT LAKE CITY CORPORATION, AND MURRAY CITY CORPORATION**

This Memorandum of Agreement documents the roles and responsibilities of the various parties involved in the EPA Brownfield Grant Funds.

The Lead Coalition Partner is Salt Lake County. Salt Lake County is responsible to the EPA for management of the cooperative agreement and compliance with the statutes, regulations, and terms and conditions of the award, and ensuring that all partners of the coalition are in compliance with the terms and conditions.

It is the responsibility of Salt Lake County to provide timely information to the other Coalition Partners regarding the management of the cooperative agreement and any changes that may be made to the cooperative agreement over the period of performance.

The Coalition Partners are Salt Lake County, Salt Lake City Corporation, and Murray City Corporation. The contact information is as follows:

Salt Lake County  
Ruedigar Matthes  
2001 South State Street, Suite S2-100  
Salt Lake City, Utah 84114  
385-468-4868  
[rmatthes@slco.org](mailto:rmatthes@slco.org)

Salt Lake City Corporation  
Debbie Lyons and Susan Lundmark  
451 South State Street  
Salt Lake City, Utah 84114  
801-535-7795 and 801-535-7242  
[debbie.lyons@slcgov.com](mailto:debbie.lyons@slcgov.com) and [susan.lundmark@slcgov.com](mailto:susan.lundmark@slcgov.com)

Murray City Corporation  
Susan Nixon  
4646 South State Street  
Murray City, Utah 84123  
801-270-2423  
[snixon@murray.utah.gov](mailto:snixon@murray.utah.gov)

Activities funded through the cooperative agreement may include inventory preparation, site selection criteria development, assessments, planning (including cleanup planning) relating to brownfield sites, and outreach materials and implementation, and other eligible activities.

Salt Lake County may retain consultant(s) and contractors under 40 CFR 30.36 to undertake various activities funded through the cooperative agreement and may award subgrants to other

coalition partners under 40 CFR 31.37 for assessment projects in their geographic areas. Subgrantees are accountable to Salt Lake County for proper expenditure of funds.

The Lead Coalition Partner will procure the consultant(s) in compliance with 40 CFR 31.36 requirements. The Lead Coalition Partner will issue the Request for Proposals or Request for Qualifications and will be the entity responsible for receipt of the submitted proposals and selection and award of contracts. Salt Lake County will consult with other coalition partners in making selections of consultants and contractors and negotiating the terms of agreements.

The Lead Coalition Partner, in consultation with the Coalition Partners, will work to develop a site selection process based on agreed upon factors and will ensure that a minimum of five sites are assessed over the life of the cooperative agreement. Selected sites will be submitted to EPA for prior approval to ensure eligibility. **Note:** *The Lead Coalition Partner and each of the Coalition Partners may agree upon a minimum number of sites assessed per partner at the start of the cooperative agreement to ensure equitable distribution of funds across all partners' jurisdictions.*

Upon designation of the specific sites, it will be the responsibility of Salt Lake County to work with the coalition partners in whose geographic area the sites are located to finalize the scope of work for the consultant or contractor. It will be the responsibility of this partner to obtain all required permits, easements, and/or access agreements as may be necessary to undertake assessments at the selected sites. If this partner does not have the capacity to perform these activities Salt Lake County may assist in securing necessary site access agreements and permits.

The Lead Coalition Partner is responsible for ensuring that other activities as negotiated in the workplan, such as community outreach and involvement, are implemented in accordance with a schedule agreed upon by Salt Lake County and the coalition partners in whose geographic area the sites to be assessed are located.

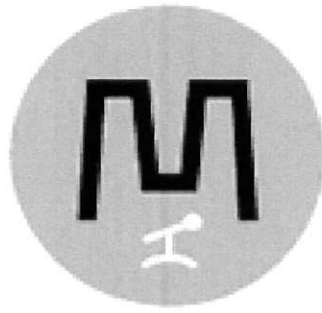
Agreed:

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Salt Lake County Lead Coalition Partner/Date

Salt Lake City Corporation Coalition Partner/Date

Murray City Corporation Coalition Partner/Date



**MURRAY**  
CITY COUNCIL

# Discussion Item #2





**MURRAY**

## City Council

### Presentation on Ranked Choice Voting/Instant Runoff Voting

#### Council Action Request

Committee of the Whole

Meeting Date: November 6, 2018

|  |   |
|--|---|
| <b>Department Director</b><br>Janet M. Lopez<br><br><b>Phone #</b><br>801-264-2622<br><br><b>Presenters</b><br>Kory Holdaway<br><br><br><br><br><br><br><br><br><br><b>Required Time for Presentation</b><br>20 Minutes<br><br><b>Is This Time Sensitive</b><br>No<br><br><b>Mayor's Approval</b><br><br><br><br><br><br><br><b>Date</b><br>October 25, 2018 | <b>Purpose of Proposal</b><br>Instant runoff voting is a means to elect candidates by majority vote in a single election.<br><br><b>Action Requested</b><br>Informational only.<br><br><b>Attachments</b><br>One-page explanation of proposal.<br><br><b>Budget Impact</b><br>If this proposal is adopted by a municipality or county, a savings is expected due to the elimination of a primary and November election. There may be some initial expenditures necessary.<br><br><b>Description of this Item</b><br>The Utah State Legislature passed HB 35 in 2018 that established a pilot program in which cities can use instant runoff voting. |
|--|---|

## Instant Runoff Voting in Utah Municipalities

*In 2018, the Utah state legislature passed HB 35 that established a pilot in which cities can use instant runoff voting. It passed 22-0 in the senate, 67-3 in House; 11-1 in interim committee; and 7-0 in Senate Gov't Operations. Gov. Herbert signed it into law in March 2018.*

**What is instant runoff voting?** Instant runoff voting (IRV, also known as ranked choice voting) is an efficient and fair means to elect candidates by a majority vote in one election. IRV is used to elect local leaders in 11 U.S. cities and has recently been adopted by several more. IRV is also used statewide in Maine and by major party and government leaders in Canada, United Kingdom, and Australia. IRV has been used by the Utah Republican Party and County Parties in nomination contests. Arkansas, Alabama, Mississippi, Louisiana, and South Carolina use IRV ballots for military and overseas voters to permit them to participate in second-round runoff.

**Instant runoff voting and majority rule:** Utah is having an important conversation about having elections by majority. With new paths to the primary ballot, we face having more candidates on a primary ballot. Under Count My Vote candidates would have been able to win primaries with only 35% of the vote. If not, then a special runoff election would have been held. Special runoffs are costly to taxpayers and often result in very low voter turnout. IRV could solve that problem as a candidate can emerge the winner with far greater participation.

### **Merits of instant runoff voting:**

**IRV encourages civility.** Candidates conduct more civil campaigns by addressing the issues and working to appeal to a broader spectrum of voters when they actively seeking second and third choice support from backers of other candidates.

**More engaged voters:** Voters become more informed about the candidates and issues also, since they have reasons to consider candidates beyond their 1st choice.

**Fiscal savings for cities:** Taxpayers' dollars are saved by allowing the city to hold one election in November rather than two elections.

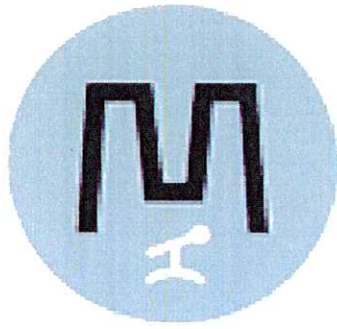
**Shorter, less expensive city campaigns:** Candidates can focus on a single election in November, rather than an August primary followed by November election.

**Ready for cities to implement:** The voting equipment awarded the contract for use in Utah is capable of running instant runoff voting elections.

**Eliminates the spoiler effect:** Longshot candidates do not draw votes away from a candidate who is preferred by most voters.

**A winner by majority vote:** The final tally is always between the top two vote getting candidates and the winner gets more than 50% of the vote.

*For more information, contact: Stan Lockhart 801-368-2166 <[stanlockhartutah@gmail.com](mailto:stanlockhartutah@gmail.com)>, Kory Holdaway 801-647-7008 <[koryholdaway@gmail.com](mailto:koryholdaway@gmail.com)> or Angie Drakos 801-718-8297 <[angiedrakos4@gmail.com](mailto:angiedrakos4@gmail.com)>*



**MURRAY**  
CITY COUNCIL

# Discussion Item #3



**MURRAY**


## Community & Economic Development

### Valley Behavioral Health - Zoning Map Amendment

#### Council Action Request

Committee of the Whole

Meeting Date: November 6, 2018

|  |  |
|--|--|
| <b>Department Director</b><br>Jim McNulty  | <b>Purpose of Proposal</b><br>Proposed Zoning Map Amendment.   |
| <b>Phone #</b><br>801-270-2477   | <b>Action Requested</b><br>Informational discussion with the City Council prior to scheduled action on November 20, 2018.  |
| <b>Presenters</b><br>Jim McNulty   | <b>Attachments</b><br>Power Point presentation attached.   |
|  | <b>Budget Impact</b><br>No Budget impact.  |
| <b>Required Time for Presentation</b><br>10 Minutes  | <b>Description of this Item</b><br>Valley Behavioral Health has requested a Zoning Map Amendment from Agricultural, A-1 to Residential Neighborhood Business, R-N-B for two properties addressed 6230 South and 6256 South 900 East. The combined acreage of the two properties is 1.14 acres. The applicant intends to remove the existing structures at this location and construct a medical office building if the rezoning is granted. The proposed rezone is consistent with the General Plan Land Use Map which identifies Residential Business uses for properties along this section of 900 East. |
| <b>Is This Time Sensitive</b><br>Yes   |  |
| <b>Mayor's Approval</b><br><br>Blair Camp |  |
| <b>Date</b><br>October 22, 2018  |  |





# COMMITTEE OF THE WHOLE MEETING

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November 6, 2018



# Valley Behavioral Health Zone Map Amendment

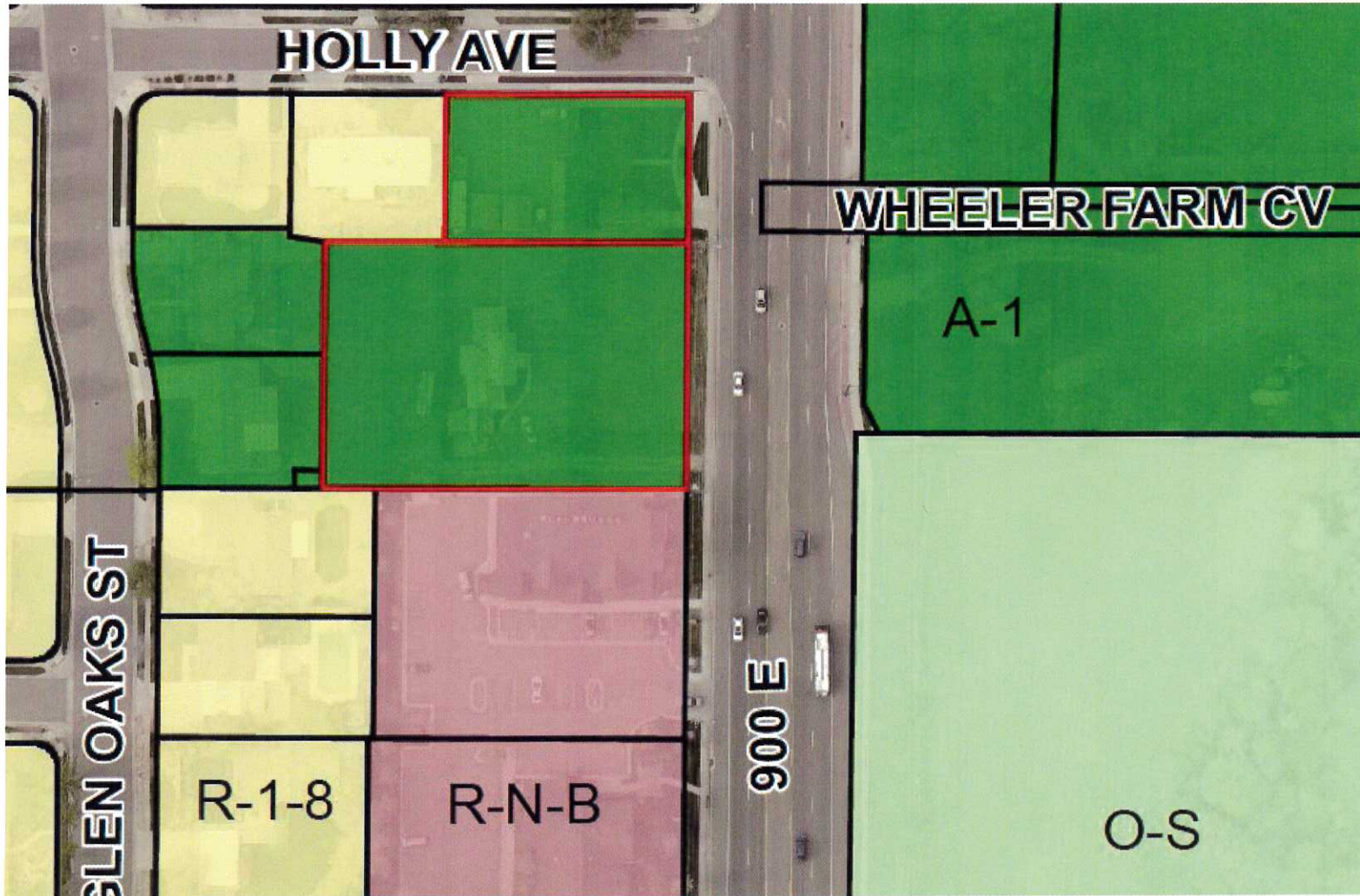
6230 & 6256 South 900 East





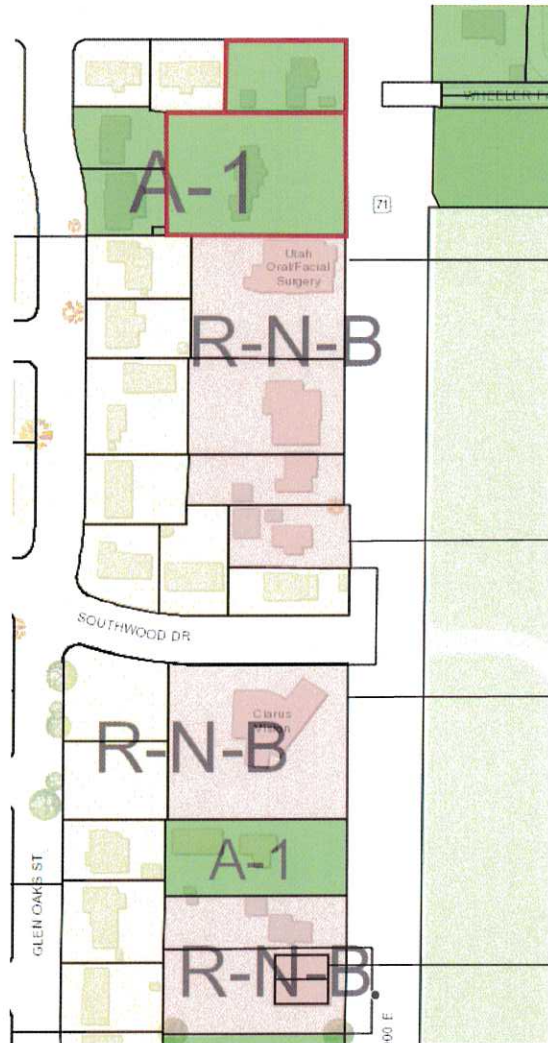












AJS Professional Center



Clarus Vision



Brockbank Office Condominiums







# Staff and Planning Commission Recommendation

City staff recommended that the Planning Commission forward a recommendation of APPROVAL to the City Council for the requested Zone Map Amendment for the properties located at 6230 South and 6256 South 900 East from Agriculture, A-1 to Residential Neighborhood Business, R-N-B.

The Planning Commission forwarded a recommendation for APPROVAL on September 20, 2018 to the City Council as per the City staff recommendation.





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

AN ORDINANCE RELATING TO LAND USE; AMENDS THE ZONING MAP FOR THE PROPERTY LOCATED AT 6230 AND 6256 SOUTH 900 EAST, MURRAY CITY, UTAH FROM THE A-1 (AGRICULTURAL) ZONING DISTRICT TO THE R-N-B (RESIDENTIAL NEIGHBORHOOD BUSINESS) ZONING DISTRICT. (Valley Behavioral Health)

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

WHEREAS, the owner of the real property located at 6230 and 6256 South 900 East, Murray, Utah, has requested a proposed amendment to the zoning map to designate the property in a R-N-B (Residential Neighborhood Business) zone district; and

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

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

NOW, THEREFORE, BE IT ENACTED:

*Section 1.* That the Zoning Map and the zone district designation be amended for the following described property located at 6230 and 6256 South 900 East, Murray, Salt Lake County, Utah from A-1 (Agricultural) to R-N-B (Residential Neighborhood Business):

**Parcel 1: 6230 South 900 East**

Land located in Salt Lake County, State of Utah, more particularly described as follows: Beginning in the center of 900 East Street 26.12 chains East and 73.5 feet South of the Northwest corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is 69.2 feet South of a monument erected by the surveyor of Salt Lake County in the center of 900 East Street, and running thence South along the center of 900 East Street 90 feet; thence West 190 feet; thence North parallel to said Street 90 feet; thence East 190 feet to the place of beginning.

Tax Parcel No.: 22-20-126-011

**Parcel 2: 6256 South 900 East**

Land located in Salt Lake County, State of Utah, more particularly described as follows: Beginning at a point South 163.50 feet and East 1466.72 feet from the Northwest corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 139.0 feet; thence West 17.40 feet; thence South 11.0 feet; thence East 280.57 feet; thence

North 00°17' East 150.00 feet parallel to the centerline of 900 East Street; thence West 264.0 feet to the point of beginning. LESS AND EXCEPTING therefrom any portion of the above described property lying within the bounds of 900 East Street. ALSO LESS AND EXCEPTING: Commencing 163.5 feet South and 1466.72 feet East and South 139 feet from the Northwest corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence West 17.4 feet; thence South 11.0 feet; thence East 17.4 feet; thence North 11.0 feet to the point of beginning.

Tax Parcel No.: 22-20-126-018

*Section 2.* This Ordinance shall take effect upon the first publication and filing of copy thereof in the office of the City Recorder.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 6<sup>th</sup> day of November, 2018.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Diane Turner, Chair

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
D. Blair Camp, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the \_\_\_\_  
day of \_\_\_\_\_, 2018.

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Jennifer Kennedy, City Recorder

subject to the follow conditions:

1. The project shall meet all Murray City Water & Sewer Division requirements.
2. The project shall provide adequate numbers and locations of hydrants and Fire Department and Emergency Service access with appropriate hard surfaces.
3. The project shall meet all applicable Building and Fire Codes.
4. The project shall meet City Subdivision requirements and Standards.
5. The project shall meet City Subdivision requirements and Standards.
6. The project shall meet City storm drain standards and implement Low Impact Development (LID) practices where applicable.
7. The project shall provide standard PUE's on all lots.
8. The applicant shall vacate or relocate the 5' Mountain States and Telegraph easement (lots 501 thru 505).
9. The applicant shall develop and implement a site SWPPP prior to beginning any site work.
10. The applicant shall obtain a City Excavation Permit for work in the City right-of-way

Seconded by Ms. Patterson.

Call vote recorded by Mr. Hall.

  A   Maren Patterson  
  A   Sue Wilson  
  A   Scot Woodbury  
  A   Phil Markham  
  A   Travis Nay

Motion passed 5-0.

VALLEY BEHAVIORAL HEALTH – 6230 & 6256 South 900 East – Project #18-123

Brad Christopherson was the applicant present to represent this request. Jared Hall reviewed the location and request for a Zone Map Amendment from A-1 (Agricultural) to R-N-B (Residential Neighborhood Business) for two properties addressed 6230 South and 6256 South 900 East. The combined area of the two lots is 1.14 acres. There are existing structures including vacant homes on the subject properties. If the application for a rezone is successful, the applicants intend to remove the residential structures, combine the lots into a single development parcel, and construct a medical office building on the property. The properties are located directly across 900 East from the north end of Wheeler Farm. While there are properties in the area currently zoned A-1, most were rezoned to R-1-8 in the past, and several other properties with frontage on 900 East have been successfully rezoned to R-

N-B and subsequently redeveloped. The General Plan calls for these properties to be rezoned to R-N-B. After a zone change, any development on the property has to be reviewed by the Planning Commission in order to mitigate potential impacts to the adjacent or surrounding residential uses and create a buffer and transition from the high-traffic corridors as required by the R-N B zone. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment for the properties located at 6230 South and 6256 South 900 East from A-1 to R-N-B.

Ms. Wilson asked what the maximum allowed height of a building would be. Mr. Hall stated that the listed height is 20 feet and the Planning Commission during the Conditional Use review can approve a height up to 30 feet. Office towers are not allowed in this zone. A 10 - foot landscape buffering and an 8-foot wall is required where it abuts residential properties. Mr. Nay asked if the same buffering applies to abutting Agricultural zones. Mr. Hall answered yes, they are considered residential zones as well. The surrounding character of the neighborhood buildings have some impact on the way the building is allowed to look. Ms. Wilson added that she believes the City has done a good job of monitoring the new buildings that have been built there because they all fit in well with the abutting residential use. Mr. Woodbury stated that the R-N-B zone is his most favorite of all the zones. Mr. Markham added that his favorite zone is Agricultural.

Brad Christopherson, 2118 E 3900 S #300, Holladay, stated he wanted to clarify that Valley Behavioral Health is not an agency of Salt Lake County any longer, but they are a non-profit.

The meeting was opened for public comment.

Jared Hall relayed public comment received via a phone call to staff and stated the caller was concerned that there is a potential for loitering on the site because it is a Behavioral Health facility, and concerns about the additional traffic in the quiet neighborhood. The caller had felt that it would negatively impact his quiet enjoyment of his property. Another call was received by staff from a property owner worried about the potential for construction workers parked on Holly Avenue during construction. If this concern comes to fruition, the city will address the issue during the construction process.

Scott Lovell, 891 East Holly Avenue, stated he has concerns because his driveway backs into 900 East and any vehicle that parks near his drive approach blocks his clear view and causes the potential for an accident. Mr. Lovell stated that his main concern is that when he purchased his home about 5 years ago, his property was already exposed on 900 East because only a little pony wall and chain link fence provided any buffering. The A-1 zoning was present when he purchased his home, and he believes that the change to R-N-B will change the value of his property in a negative way.

The public comment portion for this agenda item was closed.

Brad Christopherson, 2118 E 3900 S #300, Holladay, stated his company has had numerous meetings with City Staff to mitigate any concerns and the Murray City has been very upfront and very clear that access on Holly Avenue absolutely won't be allowed. Instead, the access will be a right-in, right-out on 900 East, with the access closer to the A.J. Stosich building adjacent to the south. Currently, they are trying to negotiate with A. J Stosich for cross

access and parking in order to get a left turn in from his property. Mr. Christopherson explained that their facility is not an overnight behavioral treatment center, instead it is a day treatment center during regular business hours. It will focus on adult autism care that will cater to students who age out of other centers. They will be dropped off in the morning and picked up in the evening, and have constant supervision on the site. Medicaid has very strict requirements, and there won't allow any loitering with a 1 staff to 2 student ratio at the facility. They did not anticipate any traffic on Holly Avenue. Mr. Christopherson referenced the General Plan and stated that the area has been set to be zoned R-N-B in the past and current General Plans which supersedes Mr. Lovell's home purchase. It is known that a buffer will need to be provided. The facility is planned to be 2 stories, but will be well within the allowance of the R-N-B regulations for height.

Mr. Woodbury thanked Mr. Christopherson for the information and reminded all present that this application before the Commission is only considering the zone change and any potential use would come back to the Planning Commission and have a chance to be heard. Ms. Patterson added that the R-N-B zoning has some built in protections like hours of operation. It helps to mitigate concerns and protect the neighbors. Mr. Markham stated that this area has been designated as R-N-B zone for the last decade and it would not be safe to assume that the Agricultural Zone would remain isolated as it is now. Mr. Woodbury stated that the R-N-B zone has restrictions that protect the residential zone, but still allows businesses that add great value community to the city and not only to the tax value.

Ms. Wilson made a motion to forward a recommendation of approval to the City Council for the Zone Map Amendment for the properties addressed 6230 South and 6256 South 900 East from A-1, Agriculture to R-N-B, Residential Neighborhood Business.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

A Sue Wilson  
A Phil Markham  
A Maren Patterson  
A Scot Woodbury  
A Travis Nay

Motion passed 5-0.

#### LAND USE ORDINANCE, SECTION 17.48, Sign Code Updates – Discussion

Jim McNulty presented some proposed sign code updates and stated Murray City has been working to ensure that our code is even across the board to avoid any potential litigation as was the case in Reid vs. the Town of Gilbert. The lawsuit took 8 years to litigate. Murray has been looking at case law to verify that we do not have a Code that is somehow creating situations that are unfair or constitute a situation that violates someone's first amendment right to freedom of speech. Planning Staff has been working with the City's legal counsel and we expect to have a draft copy within the next month or so.

Part of the new sign code update is the suggestion for Pedestal Signs with Electronic Message Centers (EMCs). Murray wants to allow an EMC at Fashion Place Mall. It would be allowed to have 300 sq. ft. of signage on each side. However, the EMC cannot exceed 75% of the sign face. A good example is the South Town Mall and it looks really nice. We



MURRAY CITY CORPORATION  
ADMINISTRATIVE &  
DEVELOPMENT SERVICES

B. Tim Tingey, Director

Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

TO: Murray City Planning Commission

FROM: Murray City Community & Economic Development Staff

DATE OF REPORT: September 13, 2018

DATE OF HEARING: September 20, 2018

PROJECT NAME: Valley Behavioral Health, Zone Change

PROJECT NUMBER: 18-123

PROJECT TYPE: Zone Map Amendment

APPLICANT: Valley Behavioral Health

PROPERTY ADDRESS: 6230 South & 6256 South 900 East

SIDWELL #: 22-20-126-018, 22-20-126-011

EXISTING ZONE: A-1, Agricultural

PROPOSED ZONE: R-N-B, Residential Neighborhood Business

PROPERTY SIZE: 1.14 acres (combined)

I. REQUEST:

The applicant is requesting approval of a Zone Map Amendment from A-1, Agriculture to R-N-B, Residential Neighborhood Business for two properties addressed 6230 South and 6256 South 900 East. The combined area of the two lots is 1.14 acres. Legal descriptions of the subject properties are attached to this report.

II. BACKGROUND AND ANALYSIS

Background

The applicant is Valley Behavioral Health, an agency of Salt Lake County. There are existing structures including vacant homes on the subject properties. If the application for a rezone is successful, the applicants intend to remove the



residential structures, combine the lots into a single development parcel, and construct a medical office building on the property.

#### Site Location/Detail

The subject property is made up of two lots, located on the southwest corner of Holly Avenue (6185 South) and 900 East. The properties are located directly across 900 East from the north end of Wheeler Farm. While there are properties in the area currently zoned A-1, most were rezoned to R-1-8 in the past, and several other properties with frontage on 900 East have been successfully rezoned to R-N-B and subsequently redeveloped. Those redeveloped properties include medical, dental, and professional office uses.

#### Surrounding Land Use & Zoning

| <u>Direction</u> | <u>Land Use</u>                   | <u>Zoning</u> |
|------------------|-----------------------------------|---------------|
| North            | residential (across Holly Avenue) | R-1-8         |
| South            | office                            | R-N-B         |
| East             | open space (Wheeler Farm)         | A-1           |
| West             | residential                       | R-1-8         |

#### Allowed Land Uses

- Existing: The existing A-1 zone allows for single-family residential homes as well as agricultural uses, including domestic livestock. There are no allowances for commercial, office, or multi-family residential development.
- Proposed: The proposed R-N-B zone allows for neighborhood oriented retail and office uses as permitted or conditional uses. R-N-B zoning also allows for single and two-family development, but not for multi-family residential uses. The R-N-B zone enumerates requirements limiting the commercial and/or office development of properties in order to mitigate potential impacts to the adjacent or surrounding residential uses and create a buffer and transition from the high-traffic corridors such as 900 East in this case. Examples include a requirement that new buildings have architectural features that are residential in character, such as the use of pitched and varied rooflines with gables and cornices, and the use of building materials such as brick and stone which are typical of residential development. The R-N-B zone also requires that the scale, location on the site, and massing of the buildings be considered, and evaluated to be in keeping with the surrounding area. Building heights are limited to no more than thirty feet (30'), and a landscaped buffer and wall adjacent to the residential zoning is required.

### III. CITY DEPARTMENT REVIEW

A Planning Review Meeting was held on Tuesday, September 4, 2018 where the proposed rezone was considered by City Staff from various departments. The following comments were received:

- The City Engineer recommends approval without conditions.
- The Water & Sewer Division note that Cottonwood Sewer will provide services to this development.
- The Power Department recommends approval without conditions.
- The Fire Department recommends approval noting that all resulting construction will need to comply with the 2015 International Fire Codes.
- The Building Division recommends approval noting that new construction will require complete stamped and signed construction documents and a geo-technical report.

### IV. PUBLIC INPUT

As of the date of this report, Staff has not received any public comment on the proposed Zone Map Amendment in response to the public notices mailed to property owners in the vicinity.

### V. GENERAL PLAN REVIEW

#### Purpose

The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The General 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, and identifies appropriate future land uses as depicted in Map 2-4 which has been attached to this report. Map 2-4 is referred to as the Future Land Use Map.

#### Property Designation

The subject properties are identified as "Residential Business" by the General Plan and the Future Land Use Map. The frontage of the west side of 900 West in this area has been designated as Residential Business, mirroring the previous General Plan (2003), which identified an overlay designation for the use of R-N-B zoning along 900 East.

#### Corresponding R-N-B zone

The Residential Business designation corresponds solely to the R-N-B zone. The proposed rezone is supported by the General Plan. As a Future Land Use Designation, Residential Business is intended to be used for development of "small nodes or individual buildings along corridors rather than large center or

complexes". Like the R-N-B zone to which it corresponds, the Residential Business designation is intended to allow for development that is "similar in scale to nearby residential development to promote compatibility with the surrounding area."

## **VI. ANALYSIS & CONCLUSIONS**

### **A. Is there need for change in the Zoning at the subject location for the neighborhood or community?**

The proposed change in zoning from A-1 to R-N-B is in harmony with the Future Land Use designation of the subject properties and with goals of the General Plan. The R-N-B zone requires limited development of properties to provide a buffer between the high traffic corridors like 900 East and the established residential neighborhoods that border them. With the limitations on the development of the property imposed by the R-N-B zone, the zone change will be appropriate and beneficial for the surrounding neighborhood.

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

The limited uses allowed by the proposed R-N-B zoning are appropriate for the location of the subject properties in relation to the existing land use patterns in the area. The properties are located adjacent to a high-traffic corridor (900 East) and their development under the R-N-B zone will provide not only an appropriate use of the property itself, but an effective buffer and transition from that corridor to the established residential neighborhoods to the west.

### **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?**

Utilities and services are available for the limited commercial development of the properties. Other properties along this corridor have been successfully redeveloped under the R-N-B zone, and Staff expects no adverse impacts to services as a result of this proposed rezone. Access to the property from 900 East will be reviewed by the Utah Department of Transportation (UDOT) Access Management team, and indications are that potential developments will face limitations to right-in and right-out turns. City Staff will recommend against utilizing Holly Avenue as an access in order to mitigate impacts of the development on the adjacent residential properties as intended by the General Plan. Even considering potential limitations from UDOT and Murray City reviews, the allowable access to the property is sufficient for the type and scale of development that would be allowed by the proposed R-N-B zone.

## VII. FINDINGS

1. Utilities and services available in the area are sufficient to support the type and scale of development allowed by the proposed R-N-B zone.
2. The requested zone change has been carefully considered based on the characteristics of the site and surrounding area and the policies and objectives of the 2017 Murray City General Plan.
3. The proposed Zone Map Amendment from A-1, Agriculture to R-N-B, Residential Neighborhood Business is supported by the General Plan and the Future Land Use Map designation of the subject properties.

## VIII. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council for the requested Zone Map Amendment for the properties located at 6230 South and 6256 South 900 East from A-1, Agriculture to R-N-B, Residential Neighborhood Business.

Jared Hall, Supervisor  
Community & Economic Development  
801-270-2427  
jhall@murray.utah.gov

# Site Information

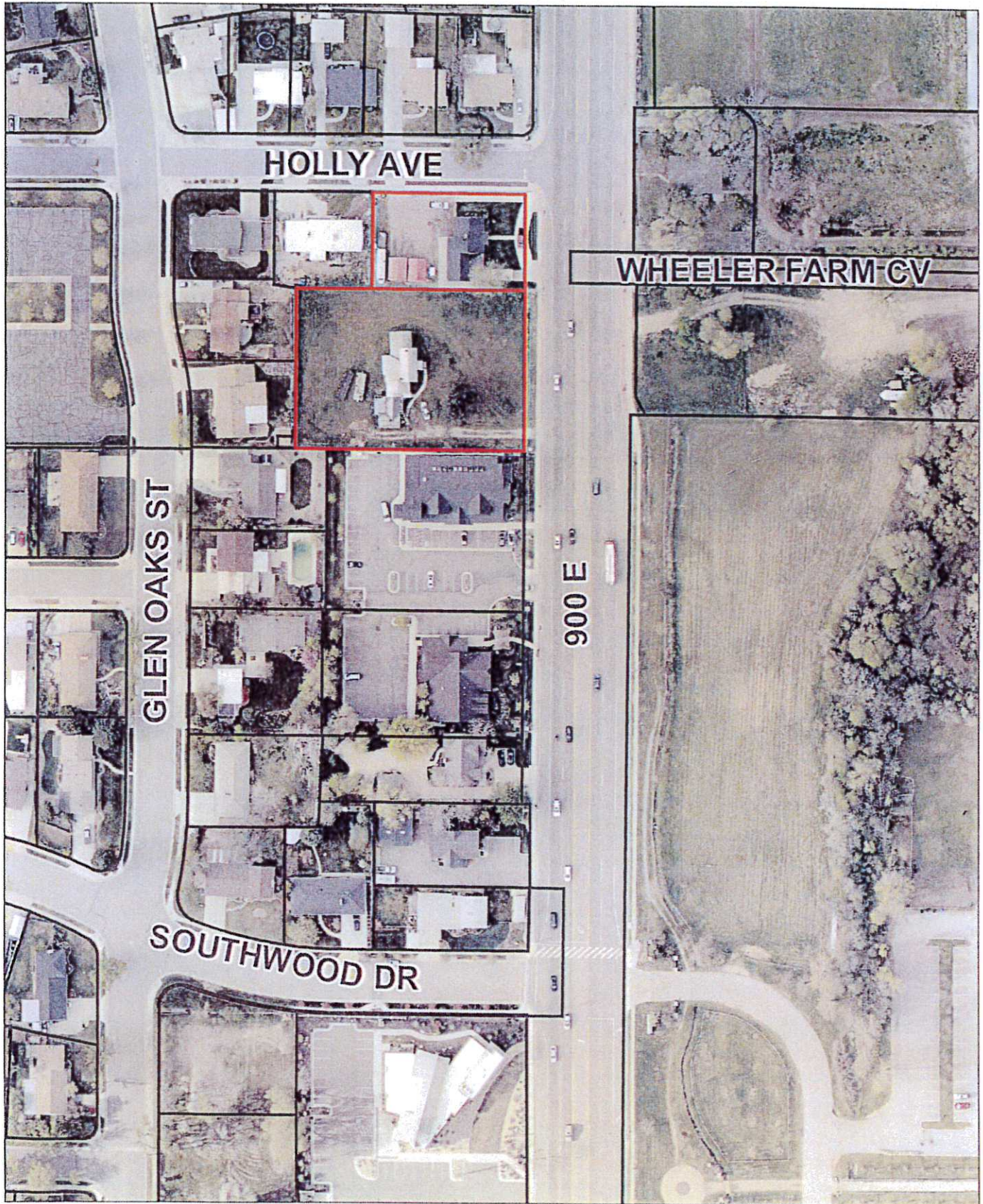




# 6230 & 6256 South 900 East



MURRAY  
ADMINISTRATIVE &  
DEVELOPMENT SERVICES







MURRAY CITY CORPORATION  
ADMINISTRATIVE &  
DEVELOPMENT SERVICES

Building Division 801-270-2400  
Community & Economic Development 801-270-2420  
Geographic Information Systems 801-270-2460

September 7, 2018

## NOTICE OF PUBLIC MEETING

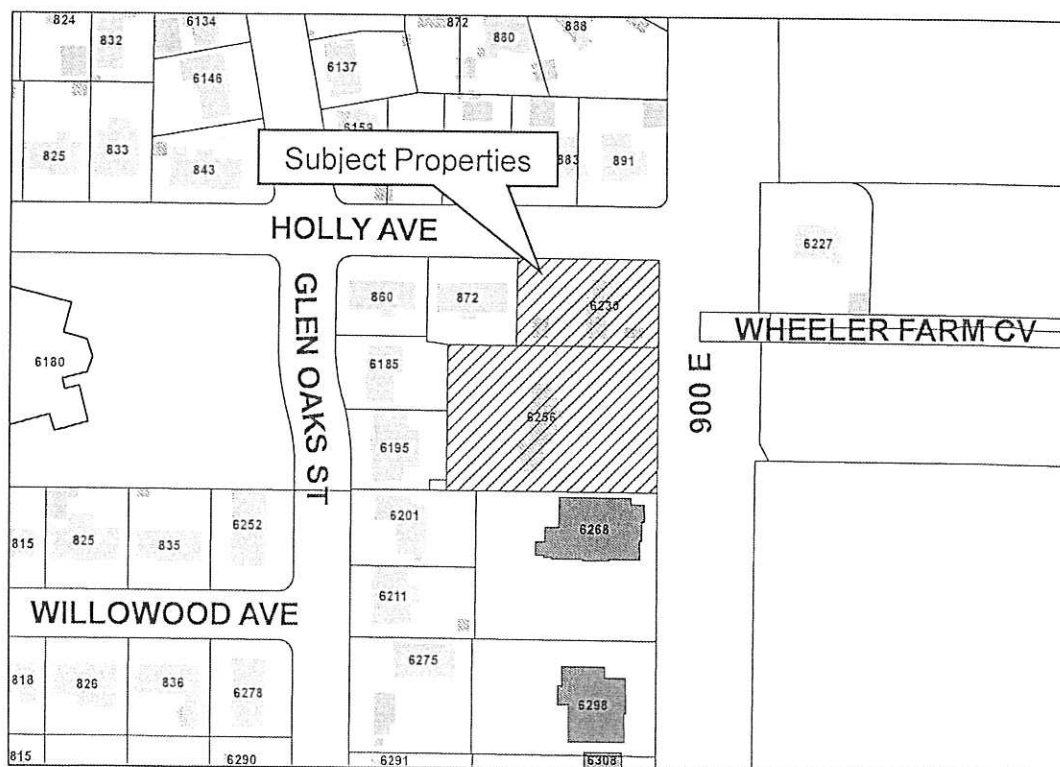
This notice is to inform you of a Planning Commission public hearing scheduled for Thursday, September 20, 2018 at 6:30 p.m., in the Murray City Municipal Council Chambers, located at 5025 S. State Street.

Representatives of Valley Behavioral Health are requesting a Zone Map Amendment from A-1, Agricultural, to R-N-B, Residential Neighborhood Business for the properties addressed 6256 South 900 East and 6230 South 900 East.

This notice is being sent to you because you own property within the near vicinity. If you have questions or comments concerning this proposal, please call Jared Hall, with the Murray City Community Development Division at 801-270-2420, or e-mail to [jhall@murray.utah.gov](mailto:jhall@murray.utah.gov).

Special accommodations for the hearing or visually impaired will be 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. TTY is Relay Utah at #711.

### 6256 South 900 East & 6230 South 900 East





4770 S. 5600 W.  
WEST VALLEY CITY, UTAH 84118  
FED.TAX I.D.# 87-0217663  
801-204-6910

Deseret News

Utah  
Media  
Group

The Salt Lake Tribune

**PROOF OF PUBLICATION CUSTOMER'S COPY**

CUSTOMER NAME AND ADDRESS

MURRAY CITY RECORDER,

5025 S STATE, ROOM 113

MURRAY, UT 84107

ACCOUNT NUMBER

9001341938

DATE

9/10/2018

Valley Behavioral

FILE COPY

ACCOUNT NAME

MURRAY CITY RECORDER,

TELEPHONE

8012642660

ORDER # / INVOICE NUMBER

0001223554 /

PUBLICATION SCHEDULE

START 09/09/2018 END 09/09/2018

CUSTOMER REFERENCE NUMBER

Public Hearing - Valley Behavioral Rezone

CAPTION

MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY G

SIZE

31 LINES

1 COLUMN(S)

TIMES

3

TOTAL COST

57.08

**MURRAY CITY  
CORPORATION  
NOTICE OF  
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 20th day of September, 2018, 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 a Zone Map Amendment from A-1 (Agricultural) District to R-N-8 (Residential Neighborhood Business) District for the property located at 6230 & 6256 South 900 East, in Murray City, Salt Lake County, State of Utah. Jared Hall, Supervisor Community & Economic Development 1223554 UPAXLP

**AFFIDAVIT OF PUBLICATION**

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 20th day of September, 2018, 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 UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, 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 INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 09/09/2018 End 09/09/2018

DATE 9/10/2018

SIGNATURE

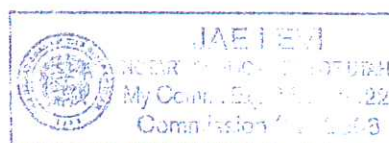
*Jared Hall*

STATE OF UTAH )

COUNTY OF SALT LAKE )

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 9TH DAY OF SEPTEMBER IN THE YEAR 2018

BY LORAIN GUDMUNDSON.



*Jared Hall*

NOTARY PUBLIC SIGNATURE

# **Application Materials**

## ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

☒ Zoning Map Amendment☐ Text Amendment☒ Complies with General Plan☒ Yes ☐ NoSubject Property Address: 6256 S. 900 E. & 6230 S. 900 E.Parcel Identification (Sidwell) Number: 2220126018 & 222012011Parcel Area: .79 & .35 acres Current Use: ResidentialExisting Zone: A-1 Proposed Zone: ~~EN~~ RNBApplicant Name: Valley Behavioral HealthMailing Address: 4460 S. Highland Drive, Ste 310City, State, ZIP: Salt Lake City, UT 84124Daytime Phone #: 801-263-7136 Fax #:Email address: spencers@ValleyCares.com

Business Name (If applicable):

Property Owner's Name (If different):


Property Owner's Mailing Address:

City, State, Zip:

Daytime Phone #: Fax #:

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

The Current zone is agricultural, applicant desires  
to build a medical office on the two parcels for  
Daytime use only.

Authorized Signature: Date: 8/17/2018

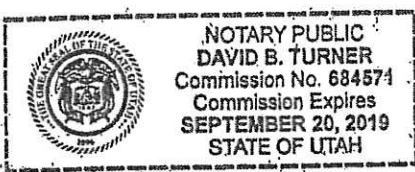
# Property Owners Affidavit

I (we) Frank Ford and Fred Funk, 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.

Frank Ford  
Owner's Signature

Fred Funk  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 22 day of August, 2018.



David B. Turner  
Notary Public  
Residing in St George, Utah  
My commission expires: 09-20-2019

## Agent Authorization

I (we), Frank Ford and Freda Funk, the owner(s) of the real property located at 6230 & 6256 South 900 East, in Murray City, Utah, do hereby appoint

Spencer Seaquist, Valley Mental Health, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Spencer Seaquist, Valley Mental Health to appear on my (our) behalf before any City board or commission considering this application.

Frank Ford  
Owner's Signature

Freda Funk  
Owner's Signature (co-owner if any)

On the 22<sup>nd</sup> day of August, 2018, personally appeared before me

Frank Ford & Freda Funk the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

David B. Turner  
Notary Public  
Residing in St George, Utah

My commission expires: 09-20-2019

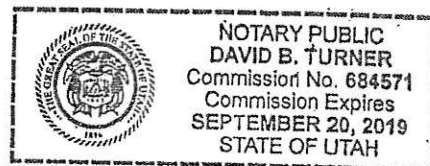


EXHIBIT "A"  
LEGAL DESCRIPTION

Parcel 1:

Land located in Salt Lake County, State of Utah, more particularly described as follows: Beginning in the center of 900 East Street 26.12 chains East and 73.5 feet South of the Northwest corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, which point is 69.2 feet South of a monument erected by the surveyor of Salt Lake County in the center of 900 East Street, and running thence South along the center of 900 East Street 90 feet; thence West 190 feet; thence North parallel to said Street 90 feet; thence East 190 feet to the place of beginning.

Tax Parcel No.: 22-20-126-011

Parcel 2:

Land located in Salt Lake County, State of Utah, more particularly described as follows: Beginning at a point South 163.50 feet and East 1466.72 feet from the Northwest corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 139.0 feet; thence West 17.40 feet; thence South 11.0 feet; thence East 280.57 feet; thence North 00°17' East 150.00 feet parallel to the centerline of 900 East Street; thence West 264.0 feet to the point of beginning. LESS AND EXCEPTING therefrom any portion of the above described property lying within the bounds of 900 East Street. ALSO LESS AND EXCEPTING: Commencing 163.5 feet South and 1466.72 feet East and South 139 feet from the Northwest corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence West 17.4 feet; thence South 11.0 feet; thence East 17.4 feet; thence North 11.0 feet to the point of beginning.

Tax Parcel No.: 22-20-126-018

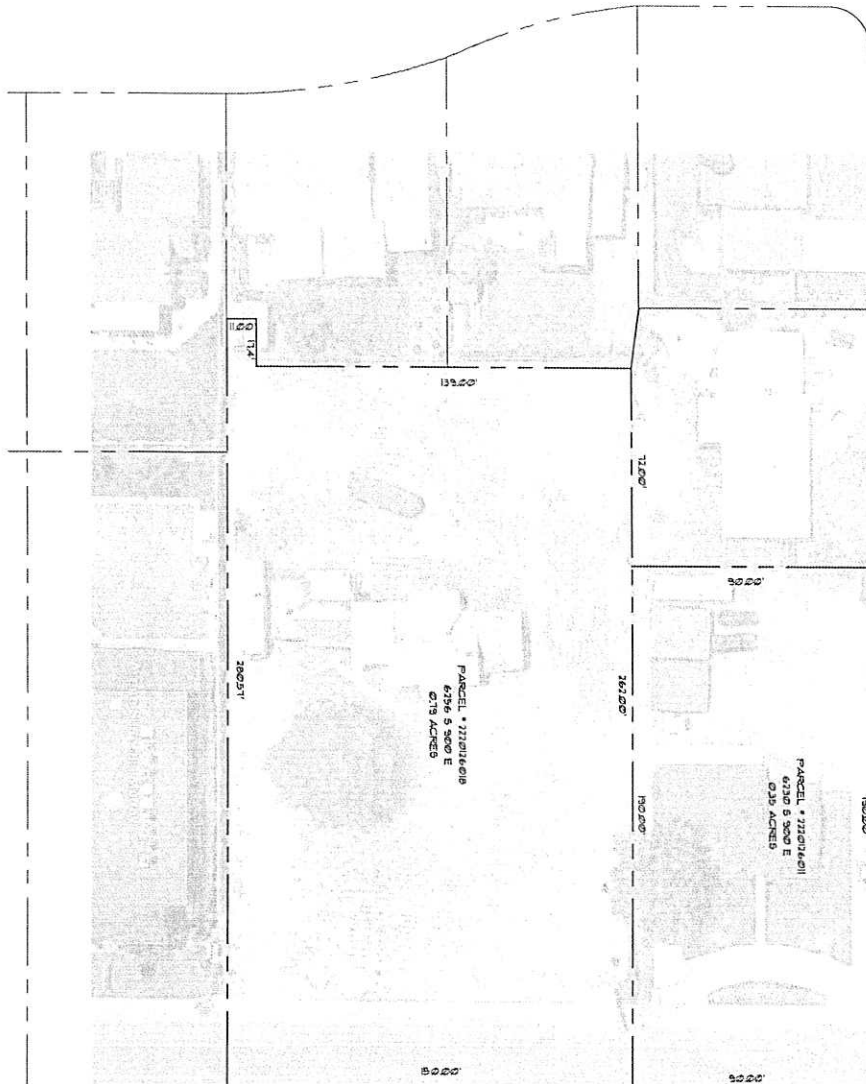












22X36 SHEET #  
A001

TITLE  
ARCHITECTURAL  
SITE PLAN

DWN BY/CHK BY  
/

PROJECT NO  
16.110

CHRONOLOGY

VALLEY MENTAL HEALTH  
6230 South 900 East  
Murray, UT 84121

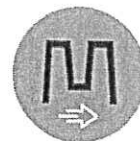
LAYTON DAVIS  
ARCHITECTS  
2005 EAST 2700 SOUTH | SUITE 200  
SALT LAKE CITY, UTAH 84105  
P 801.487.0719 | WWW.LAYTON-DAVIS-ARCHITECTS.COM

PRINTED DATE  
06.13.2018

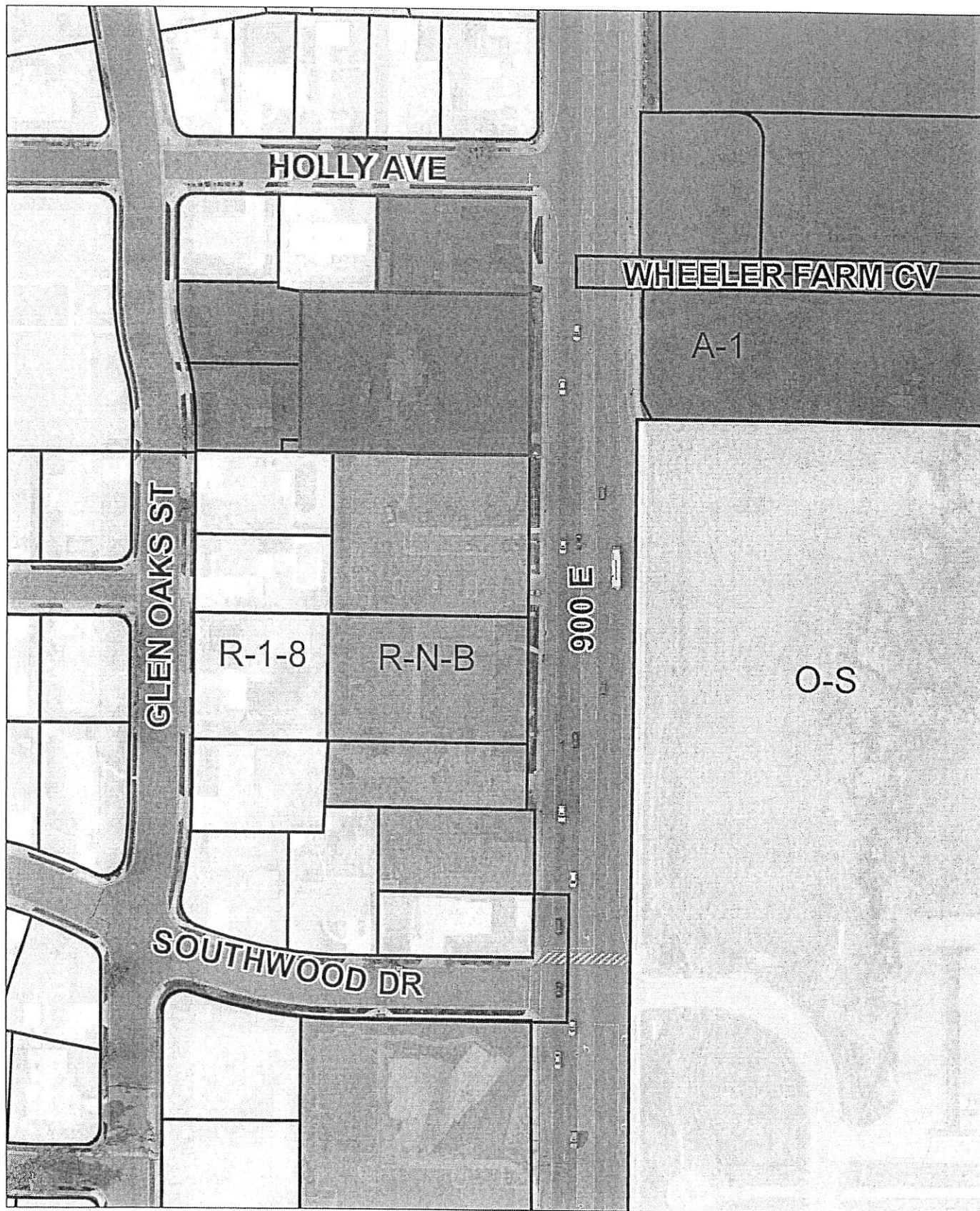




# 6230 & 6256 South 900 East



MURRAY  
ADMINISTRATIVE &  
DEVELOPMENT SERVICES



BEHAVIORAL HEALTH – REZONE  
P/C 9/20/18  
PROJECT #18-123  
300 ' radius + affect entites

AJS PROFESSIONAL CENTER, LLC  
6268 S 900 E # 100  
MURRAY UT 84121

BENSON, ROBERT T & KAY S  
6195 S GLEN OAKS ST  
MURRAY UT 84107

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

BILLS, CAROLYN C & L KENT; TRS  
860 E HOLLY AVE  
MURRAY UT 84107

BROSCHINSKY, GEORGE W &  
MYRNA C; JT  
835 E WILLOWOOD AVE  
MURRAY UT 84107

COLLETTE, ANDREW & SARAH; JT  
875 E HOLLY AVE  
MURRAY UT 84107

CASAROTTO, DAVID A; ET AL  
PO BOX 171319  
HOLLADAY UT 84117

CHURCHILL, JOHN A & SUSAN K; TRS  
890 E MAR JANE AVE  
MURRAY UT 84107

JACOBSEN, HENRY & ANNA; JT  
PO BOX 302  
SOUTH FORK CO 81154

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

FORD, FRANK S & FUNK, FREDA; JT  
6230 S 900 E  
MURRAY UT 84121

LIN, CHUN-WEI  
860 E MAR JANE AVE  
MURRAY UT 84107

KLAAS, HEATHER & ROBERT; JT  
6211 S GLEN OAKS ST  
MURRAY UT 84107

LARSON, KIMBERLEY  
8126 S MIRANDA LN  
SANDY UT 84093

LOMBARDI, SCOTT A & CARRIE  
ANN; JT  
843 E HOLLY AVE  
MURRAY UT 84107

LIND RANCHES, LC  
PO BOX 71008  
MURRAY UT 84171

LOGAN, EMORY E; TR  
(EEL&VLL FM TR)  
6159 S GLEN OAKS ST  
MURRAY UT 84107

MCKEAN, TRENTON & PETRA PALLOS  
6291 S GLEN OAKS ST  
MURRAY UT 84107

LOVELL, SCOTT R  
891 E HOLLY AVE  
MURRAY UT 84107

MCCONKIE, BENJAMIN B & WHITNEY  
867 E HOLLY AVE  
MURRAY UT 84107

PACKER, RUSSELL W & N BALDWIN; JT  
6201 S GLEN OAKS ST  
MURRAY UT 84107

MEIER, DANA A & VICKI L; JT  
836 E WILLOWOOD AVE  
MURRAY UT 84107

NILSSON, NAOMA N; TR  
(RMN&NNN FAM TR)  
880 E MAR JANE AVE  
MURRAY UT 84107

SMOLIK, MARY LOU  
883 E HOLLY AVE  
MURRAY UT 84107

RADCLIFFE, CHARLES RONALD &  
JUDITH ANNE; JT  
968 E WHEELER FARM CV  
MURRAY UT 84121

RASMUSSEN, CRAIG A  
6252 S GLEN OAKS ST  
MURRAY UT 84107

SWARTZFAGER, WILLIAM B &  
JOHNSON, KATIE  
6137 S GLEN OAKS ST  
MURRAY UT 84107

SOFFE, LAROSE; TRS  
6275 S GLEN OAKS ST  
MURRAY UT 84107

SWAN, RUSSELL DEAN & JOYCE ANN  
989 E WHEELER FARM CV  
MURRAY UT 84121



CORP OF PB OF CH OF JC OF LDS  
50 E NORTHTEMPLE ST #2225  
SALT LAKE CITY UT 84150

WILLIAMS, ORENDA  
872 E HOLLY AVE  
MURRAY UT 84107

CAMTER DEVELOPMENT LLC  
7533 S LINCOLN ST  
MIDVALE UT 84047

RESTORE UTAH PROPERTY I LLC  
320 S 300 E  
SALT LAKE CITY UT 84111

LIND RANCHES LC  
PO BOX 71008  
SALT LAKE CITY UT 84171

THREE FUTURES LLC  
8395 S PARK HURST CIR  
SANDY UT 84094

SALT LAKE COUNTY  
PO BOX 144575  
SALT LAKE CITY UT 84114

P/C AGENDA MAILINGS  
"AFFECTED ENTITIES"  
Updated 11/2017

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

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

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

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

CHAMBER OF COMMERCE  
ATTN: STEPHANIE WRIGHT  
5250 S COMMERCE DR #180  
MURRAY UT 84107

MURRAY SCHOOL DIST  
ATTN: ROCK BOYER  
5102 S Commerce Drive  
MURRAY UT 84107

MIDVALE CITY  
PLANNING DEPT  
7505 S HOLDEN STREET  
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

DOMINION ENERGY  
ATTN: BRAD HASTY  
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  
2277 E Bengal Blvd  
Cottonwood Heights, UT 84121

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

UTOPIA  
Attn: JAMIE BROTHERTON  
5858 So 900 E  
MURRAY UT 84121

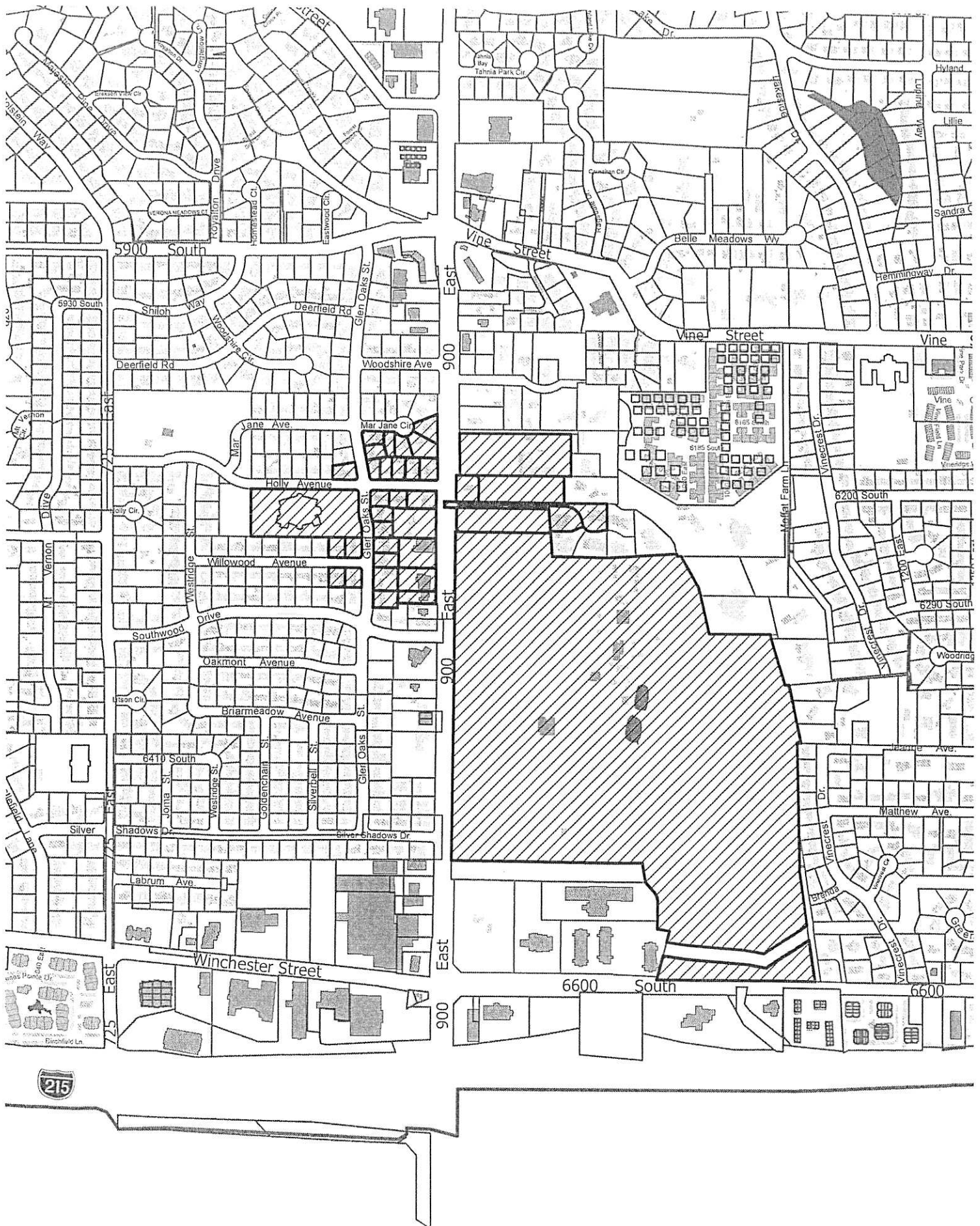
COMCAST  
ATTN: GREG MILLER  
1350 MILLER AVE  
SLC UT 84106

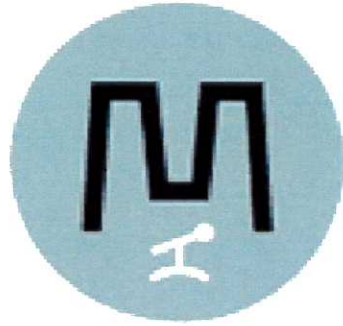
MILLCREEK  
Attn: Planning & Zoning  
3330 South 1300 East  
Millcreek, UT 84106

**GENERAL PLAN MAILINGS:**

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

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114





**MURRAY**  
CITY COUNCIL

# Discussion Item #4





**MURRAY**


## Mayor's Office

### Discussion on Abatement of Dangerous Buildings

#### Council Action Request

Committee of the Whole

Meeting Date: November 6, 2018

|   |   |
|---|---|
| <b>Department Director</b><br>D. Blair Camp   | <b>Purpose of Proposal</b><br>I've asked the City Attorney to discuss the process for abatement of dangerous buildings  |
| <b>Phone #</b><br>801-264-2600  | <b>Action Requested</b><br>Discussion only  |
| <b>Presenters</b><br>Mayor Camp<br>G.L. Critchfield   | <b>Attachments</b><br>Memo from City Attorney   |
|   | <b>Budget Impact</b><br>None at this time   |
| <b>Required Time for Presentation</b><br>15 Minutes   | <b>Description of this Item</b><br>This discussion is prompted by concerns about a dangerous building in the city that has become a draw for teenagers and the homeless population. |
| <b>Is This Time Sensitive</b><br>No   |   |
| <b>Mayor's Approval</b><br> Blair Camp |   |
| <b>Date</b><br>October 24, 2018   |   |

## MEMORANDUM

TO: Murray City Municipal Council

CC: D. Blair Camp, Mayor  
Doug Hill, Chief Administrative Officer  
Jennifer Heaps, Communications Director

FROM: G.L. Critchfield, City Attorney

DATE: October 23, 2018

RE: Abatement of Dangerous Buildings

---

A recurring question our office receives is what can the City do about dangerous buildings. This question is an important question. Buildings or structures which endanger safety or welfare of the general public or their occupants should be secured, repaired or demolished. But the question is also important because it brings into focus one of government's most impressive and controversial powers—the power to demolish private property whether that be a person's home or other building. With this power comes the risk of a lawsuit and ultimately, damages for wrongful removal. This is why our office counsels a careful, cautious approach. We urge decisionmakers to weigh the risks and rewards and we urge employees involved in the process to work closely with our office to ensure that all legal requirements are met.

Simply put, the dangerous building process is burdensome. It requires numerous time-consuming and costly steps. All parties with any financial interest in the property must be properly notified and given meaningful opportunity to participate in the process, including challenging any decision made by the City. The process that the City is legally required to follow is commensurate with the power that the City is exercising. This grant of power justifies the burdensome process.

In summary, the process involves the following steps:

1. Inspection: The building official conducts an inspection of the building and prepares an inspection report, thoroughly documenting all dangerous conditions and defects—conditions that fit the definition of dangerous building under the Code. If the building official cannot obtain consent from the owner to inspect the the building, an administrative warrant should be obtained. In circumstances where there is any question regarding whether the building is structurally unsafe, a registered engineer

should be hired to inspect the building and prepare a written report. Where it is determined that a building is a dangerous building, the next steps are followed.

2. Title Search: A title search is done to identify the owner of record, as well as all parties-in-interest, which the Code defines as the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located.

3. Notice and Order: The building official issues a notice and order to all parties-in-interest by personal service or certified mail. The Notice and Order contains the building official's determination that the building is a dangerous building, a statement of the work to be done (repaired, vacated, or demolished) and a statement of the right to appeal (to board of appeals) the building official's Notice and Order. It also contains a statement advising that if work is not commenced within a specified time, the City may cause the work to be done and charge the costs against the owner or the property. (For demolition, the building official will require all permits for demolition be secured within 60 days and set the time for completion.) Time in which the work must be done may be extended up to 120 days.

4. Board of Appeals: Any party-in-interest may appeal the building official's Notice and Order to the City's Board of Appeals. A hearing date must be set no sooner than 10 or later than 60 days from the date an appeal is filed with the building official. The Code describes the appeal hearing process.

5. Record Notice and Order: If work is not commenced in compliance with the building official's Notice and Order, building official files certificate against the property with Salt Lake County Recorder that describes the property and certifies that the building is a dangerous building and the property owner has been notified.

6. Compliance: If the necessary corrective work is not done by the owner, the building official has the authority to abate the property. The City has sought a court order (in the past) confirming the building official's authority to abate the building. This is not required by the Code, but it has been a practice begun years ago in order to ensure that before the City demolishes a building, the City process has been scrutinized and approved by a District Court Judge.

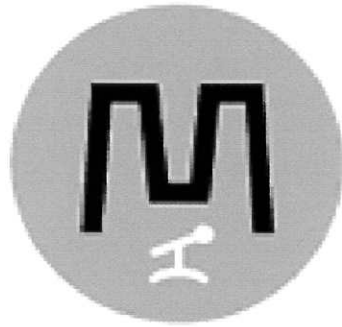
7. Performance of Work: The building official issues an order to the public works director to cause the work to be done by either City personnel or private contract under the direction of the public works director. The costs of the work is paid for by the City from a fund set up by the City Council.

8. Recovering Expenses: The public works director itemizes all costs related to the dangerous building proceeding action and files a report with the Recorder specifying the work done and the costs incurred. A hearing date is set and all parties-in-interest are

notified. At the hearing, the City Council hears and passes upon the public works director's report and the charge with any objections or protests. The City Council confirms or rejects the report and charge. The City Council, assuming a charge is confirmed, orders that the charge be made a personal obligation of the property owner or an assessment against the property.

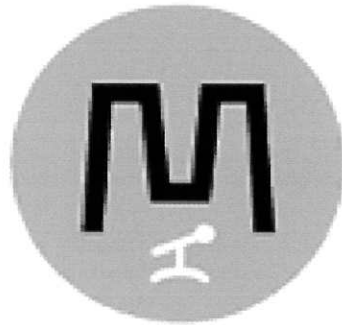
Please contact our office with any questions.





**MURRAY**  
CITY COUNCIL

**Adjournment**



**MURRAY**  
CITY COUNCIL

# Municipal Building Authority November 6, 2018



**NOTICE OF MEETING**  
**MUNICIPAL BUILDING AUTHORITY**  
**OF MURRAY CITY, UTAH**

**NOTICE IS HEREBY GIVEN** that the Municipal Building Authority of Murray City, Utah will meet on Tuesday, November 6, 2018, at the Murray City Center, 5025 South State Street, Murray, Utah.

**6:30 p.m.** To be held in the Council Chambers.  
Dale M. Cox, President, conducting.

**New Business**

1. Approval of the 2019 regular meeting schedule of the Municipal Building Authority.
2. Election of Municipal Building Authority Board of Trustees for the year 2019.
3. Election of Municipal Building Authority Officers for the year 2019. (President, Vice President, Secretary, Treasurer).
4. Consider a resolution adopting the regular meeting schedule of the Municipal Building Authority of Murray City for 2019 and electing Trustees and Officers for calendar year 2019.

**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.**

On Friday, November 2, 2018, 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. A copy of this notice was posted on the state noticing website at <http://pmn.utah.gov> and on Murray City's internet website [www.murray.utah](http://www.murray.utah).

  
Janet M. Lopez  
City Council Executive Director  
Murray City Municipal Council

**MURRAY CITY MUNICIPAL BUILDING AUTHORITY**

**2019 MEETING SCHEDULE**

**5025 South State Street, Murray, Utah 84107**

**To be held in the Council Chambers**

**November 12, 2019 - Annual Meeting - Election of Board of Trustees and Officers  
for calendar year 2020**





**MURRAY**  
CITY COUNCIL

**MURRAY CITY MUNICIPAL BUILDING AUTHORITY**  
**ELECTIONS for 2019**

**Election of new Trustees and Officers:**

|                  |                  |                       |
|------------------|------------------|-----------------------|
| <b>Trustees:</b> | <b>Officers:</b> | <b>President</b>      |
|                  |                  | <b>Vice-President</b> |
|                  |                  | <b>Secretary</b>      |
|                  |                  | <b>Treasurer</b>      |

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**The following Trustees and Officers are currently serving.**

|                  |                       |                  |                       |                       |
|------------------|-----------------------|------------------|-----------------------|-----------------------|
| <b>Trustees:</b> | <b>Dave Nicponski</b> | <b>Officers:</b> | <b>President</b>      | <b>Dale M. Cox</b>    |
|                  | <b>Dale M. Cox</b>    |                  | <b>Vice-President</b> | <b>Dave Nicponski</b> |
|                  | <b>Jim Brass</b>      |                  | <b>Secretary</b>      | <b>Jim Brass</b>      |
|                  | <b>Diane Turner</b>   |                  | <b>Treasurer</b>      | <b>Brett Hales</b>    |
|                  | <b>Brett Hales</b>    |                  |                       |                       |

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

A RESOLUTION OF THE MUNICIPAL BUILDING AUTHORITY OF  
MURRAY CITY ADOPTING THE REGULAR MEETING SCHEDULE AND  
ELECTING TRUSTEES AND OFFICERS FOR CALENDAR YEAR 2019

BE IT RESOLVED by the Municipal Building Authority of Murray City as follows:

1. The regular meeting schedule of the Municipal Building Authority of Murray City for calendar year 2019 shall be as provided in the attached.
2. The Municipal Building Authority of Murray City reserves the right to change the schedule or cancel any meetings it deems necessary consistent with the Utah Open and Public Meetings Act.
3. The City Recorder is directed to publish the attached schedule.
4. The Trustees and Officers of the Municipal Building Authority for calendar year 2019 are specified in the attached.

PASSED, APPROVED AND ADOPTED by the Municipal Building Authority of Murray City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

MUNICIPAL BUILDING AUTHORITY OF  
MURRAY CITY

\_\_\_\_\_  
, President

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder



**MURRAY**  
CITY COUNCIL

**Adjournment**