

**MURRAY**  
CITY COUNCIL

**Council Meeting**  
**May 22, 2012**



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

**PUBLIC NOTICE IS HEREBY GIVEN** that there will be a meeting of the Murray City Municipal Council on Tuesday, May 22, 2012, at the Murray City Center, 5025 South State Street, Murray, Utah.

5:30 p.m. **Committee of the Whole:** To be held in the Conference Room #107

**1. Approval of Minutes**

- 1.1 Council/Administration Retreat – April 16, 2012
- 1.2 Committee of the Whole – April 17, 2012
- 1.3 Committee of the Whole – May 1, 2012

**2. Business Items**

- 2.1 Water and Storm Water Rate Study – Doug Hill and Shaun Pigott (30 minutes)
- 2.2 Strategic Plan Committee Membership Discussion – Jim Brass

**3. Announcements**

**4. Adjournment**

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

**5. Opening Ceremonies**

- 5.1 Pledge of Allegiance
- 5.2 Approval of Minutes
  - 5.2.1 April 17, 2012
  - 5.2.2 May 1, 2012
- 5.3 Special Recognition
  - 5.3.1 Swearing-In of two new Murray City Police Officers: Brandon Francis and Ray Tesch (Jennifer Kennedy and Pete Fondaco)
  - 5.3.1 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah to designate and support the week of May 20-26, 2012 as Emergency Medical Services Week. (Chief Rodriguez, Mike Dykman and Dr. Mark Oraskovich presenting)

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

**7. Consent Agenda**

- 7.1 Consider confirmation of the Mayor's reappointment of Preston Olsen to the Murray Board of Adjustment in an At-Large position for a five-year term to expire April 2, 2017.

**8. Public Hearings**

8.1 Public Hearing #1

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

Consider an ordinance amending Section 17.152.030 of the Murray City Municipal Code relating to conditional uses in the Manufacturing General Zone (M-G-C). (Cory Ellsworth and Matthew Perry applicants)(Tim Tingey presenting)

8.1.2 Council consideration of the above matter.

8.2 Public Hearing #2

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

Consider an ordinance amending Section 17.170.080 of the Murray City Municipal Code relating to permitted uses in the Murray City Center District (MCCD). (Tim Tingey presenting)

8.2.2 Council consideration of the above matter.

8.3 Public Hearing #3

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

Consider an ordinance relating to land use; amends the Zoning Map for property located at 5668 and 5636 South Bullion Street, Murray City, Utah from A-1 (Agricultural District) to R-1-8 (Single-Family Low Density Residential District).( Tim Tingey presenting)

8.3.2 Council consideration of the above matter.

**9. Unfinished Business**

- 9.1 None scheduled.

**10. New Business**

- 10.1 Consider a resolution authorizing the execution of an Interlocal Cooperation Agreement between the City and the Attorney General's Office, Cottonwood Heights, Draper City, Granite School District, Salt Lake Airport Police, Salt Lake County, Salt Lake City, Sandy City, South Jordan City, South Salt Lake City, Taylorsville City, Tooele City, Town of

Alta, Utah State Department of Corrections, Utah State Department of Natural Resources, Unified Police Department, United States Marshal for Utah, University of Utah Police, Utah Transit Authority (UTA), Utah State Department of Public Safety, Utah State Motor Vehicle Division, West Jordan City and West Valley City. (Chief Fondaco presenting)

- 10.2 Consider a resolution adopting the City Council's Tentative Budget, as amended, for the Fiscal Year beginning July 1, 2012 and ending June 30, 2013 and scheduling a public hearing to receive public comment before the final budget is adopted. (Justin Zollinger presenting)

**11. Mayor**

- 11.1 Report  
11.2 Questions of the Mayor

**12. Adjournment**

**NOTICE**

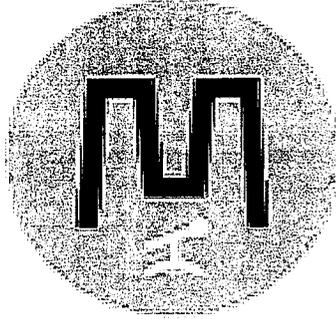
**SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 or call Relay Utah at #711.**

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

On Friday, May 18, 2012, at 12:30 p.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov) and the state noticing website at <http://pmn.utah.gov>.

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Janet M. Lopez  
Office Administrator  
Murray City Municipal Council



**MURRAY**  
CITY COUNCIL

**Committee  
of the Whole**

**Committee  
of the Whole  
Minutes**



**DRAFT**

**MURRAY CITY MUNICIPAL COUNCIL  
AND CITY ADMINISTRATION RETREAT**

The Murray City Municipal Council met with the City Administration for a retreat on Monday, April 16, 2012, in the Murray City Center, Council Chambers, 5025 South State Street, Murray Utah.

**Members in Attendance:**

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

**Others in Attendance:**

Michael D. Wagstaff	Council Executive Director	Dan Snarr	Mayor
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Tim Tingey	ADS Director	Gil Rodriguez	Fire Chief
Pete Fondaco	Police Chief	Blaine Haacke	Power General Manager
Michael Williams	Court Administrator	Mike Terry	Human Resource Director
Justin Zollinger	Finance Director		

The meeting commenced at 4:05 p.m. Ms. Wells mentioned that there were a couple of pertinent agenda items to go over and she had agreed to lead the discussion giving everyone an opportunity to speak. She would try to keep the dialogue moving as necessary.

**Strategic Plan Implementation and Prioritization – Jan Wells**

A considerable amount of time has been spent in the Strategic Planning process. To move this forward a follow up discussion was suggested to determine how to implement the strategic initiatives. Ms. Wells directed everyone to find the chart of "Committees for action plans of the Strategic Plan." This packet is a summary of the Initiatives and Key Performance Areas that were agreed upon in the Strategic Plan (SP). The administration has had some internal discussions on this and they wanted an opportunity to talk with the Council to see if they are on the right tract on moving these forward. There is no intent to be presumptuous; however, they just wanted a place to start.

Ms. Wells said that some committees and sub-committees have been formed that could be used to help the City move forward on the initiatives. She welcomes ideas, thoughts and suggestions.

Mr. Stam said that he noticed the Benefits Committee is listed as a participant on one of the focus areas. Looking at possible new committees, he asked if existing advisory board committees could become part of this. Ms. Wells said that those are the kind of discussions the City will want to have as they go through this; it is not comprehensive or complete, just a place to start.

Ms. Wells began to review the seven different areas.

Financial Stability – A list of the tasks involved is attached and she mentioned that it made sense for Mr. Zollinger to be the chair of that committee. She thought a Council member with a particular interest who would want to participate. It was talked about during the SP process that there might be residents who would want to be involved and staff to help. She asked for thoughts on that.

Mr. Shaver noted that because this was specific to finances, his recommendation would be that either the Council Chair or one of the two budget leaders be involved due to their work with Mr. Zollinger on a regular basis.

Ms. Wells said that it was her assumption that as a Council they would select which of these they want to participate on. She understood Mr. Shaver's suggestion on the Finance area.

Mr. Tingey suggested that the City's financial advisor should be part of this committee. Mr. Brass liked that idea because it is important to know what the bonding room is and where the City stands on certain things so they would have the person who could speak to that. If you are looking for initiative priority Mr. Brass said this would be his number one priority because all else stems from the money. Ms. Wells agreed with that suggestion.

Mr. Zollinger stated that one thing that has changed for governments and private companies is an audit committee, which could talk about this as well. In the early 2000s this was implemented due to all the fraud going on. He thought possibly an audit committee for this instead. You would select the auditors, review the financial statements, and could almost combine the budget into the audit committee, as well. Mr. Brass said there are provisions in the Council Rules that may prevent that.

Mr. Wagstaff asked if this is outside of the annual audit. They would present the audit findings to this committee and in addition to Council. This is one of the things Mr. Zollinger was picturing for this. The committee would meet once a quarter. Mr. Shaver said that he sees that inverted. The auditor reports directly to the Council and bring it back to the finance committee as part of the discussion. The other way the audit committee hears it first and then it comes to the Council. Mr. Zollinger confirmed that, adding that two Council members would be on the committee. Mr. Shaver did not understand the concept or the purpose. Mr. Zollinger asked if he felt it would be filtered before going to the Council. Mr. Shaver stated that this committee is for financial sustainability not where the City stands. The audit is past not future. He feels the financial sustainability says where are we going and the audit says this is where we have been. Once we get the audit information it is late and there is no opportunity to adjust it or do anything with it. He would rather have it come to the Council and then to the financial sustainability committee.

Welcome and Thriving Business Climate – Ms. Wells noted that she has Tim Tingey as the potential chair, working with Council representation, staff, business representative and a Chamber of Commerce representative. Mr. Tingey agreed with a small or larger business representative.

Responsive and Efficient City Services – This area has three different initiatives with the first one being discussed a lot, City services. This would be to compile a City services review team and go through the steps suggested in the Strategic Plan.

Ms. Wells planned to go into depth in these areas after the overview.

Internal communications was part of that initiative, and the third part was a sub-committee of employee compensation and resource options. The City already has a benefits committee and Mike Terry is the logical person to head that area. If Council wants to be involved in that they certainly can, but this is just a sub-committee of Responsive and Efficient City Services. Mr. Shaver asked if her question was whether a Council Member wanted to be part of the Benefits Committee. Ms. Wells stated that is an option on any of the committees.

Engaged and Informed Residents – Ms. Wells suggested that Zach Fountain be the chair of that committee working directly with the staff public information officers (PIO), community outreach and Council.

Well Maintained, Planned and Protected Infrastructure – This comes under the Capital Improvement Program Committee with Brett Hales as chair. The committee as it stands right now could be adjusted annually if it is the pleasure of the group.

Safe and Healthy Neighborhoods – This is another area that comes under Tim Tingey's purview because it deals with zoning issues, housing and NeighborWorks. It could involve staff, Council and different housing groups involving residents.

Vibrant Parks, Recreation and Cultural Amenities – Doug Hill would take this chairmanship and is contingent upon funding the update to the Parks Master Plan. As Darren mentioned you would probably involve the Parks Advisory Board in this area.

Those are the groups and Ms. Wells asked for thoughts and input on the breakdown of these groups as a way to start.

Mr. Shaver asked what staff would be involved in the committee for Safe and Healthy Neighborhoods. Ms. Wells responded that it could be whatever support Mr. Tingey would like possibly involving police and fire. Angela Price as CDBG coordinator could be part of the committee.

Mr. Nicponski said that he feels what is being done here is excellent. He sees this as a generation of controlled information flow that is needed and he likes that it is a combination of the professionals in the City with Council representation. He does not want it to become a veto power that is normally Council decision.

Ms. Wells mentioned that there was an extensive list of Best Practice recommendations. She thought perhaps Mr. Wagstaff would like to chair that with her, Council representation and

staff. This is another one that would probably involve sub-committees as the work there is identified.

Ms. Wells gave credit to the department heads for suggestions and input on how to organize. This is a lot for one sitting but taking full advantage of the Strategic Plan is the desire to move the City where it wants to be.

The attached pages outline the initiatives and by seeing the tasks it may put things into perspective with the people suggested to take responsibility for particular areas. Ms. Wells asked how much flexibility should be given within the committee and shall the committee be allowed to prioritize. Some things may be very easy to take and accomplish quickly. Others may depend on policy that needs to be identified or finances that may not be in line quite yet. Do we want to give the committee the power to prioritize, decide timelines and evaluate which initiatives need to be first, with some happening concurrently?

Mr. Hill observed that, for example, with the financial committee, they have immediately the four tasks identified as part of the plan. The question then becomes shall the committee decide which tasks to work on first or do you want to give them direction on priority.

Mr. Shaver said that the first question he would like to ask is, "What is the reporting structure?" If the committee sets priorities and timelines where does it go? Who do they report to? Would it come to a Committee of the Whole meeting or to a staff meeting? He feels the committee should set the priorities and meet with Ms. Wells and then bring it to the Council at a Committee of the Whole. Ms. Wells agrees with that thought, allowing the committees to work and just as we have the boards report, maybe these committee chairs could come to another meeting to report their progress on the initiatives. This would keep everyone informed. Mr. Wagstaff said that using the Committee of the Whole to collaborate makes sense as this is a group effort.

Mr. Brass noted that once the committees move forward it can be decided how much information is needed. And if the committees don't have flexibility, then nothing will ever get done. Everyone has to trust in that happening and where Council members are involved, if you talk to one, then you talk to all. Council members will keep each other informed.

Ms. Wells suggested another option: to have committee chairs give a synopsis of meetings that could be sent out with Council communications. Mr. Wagstaff said that it could be random; just as committee chairs have something to report they could schedule time in a Committee of the Whole, leaving it the chair's responsibility.

Ms. Wells asked how the Council would feel about information coming to them in the Council Communications with major reporting done at a Committee of the Whole. Mr. Brass felt that would be a good idea, pointing out that this is new ground and we may have to learn as we go along. If we err on the side of more information that could not possibly be wrong. Mr. Shaver suggested if there were questions about information related in the Council Communications, then a report at the Committee of the Whole could be requested of that chair.

Mr. Nicponski gave an example of needing to know bonding capacity due to the urgency of giving an answer to the performing arts people. That is the kind of information that he sees these committees providing to the Council. He asked if budget needs, and adherence to budgets are the kind of things these committees would let the Council know. That was confirmed.

Ms. Wells proposed that the Council members take time to think about the committees and let her know which ones they would like to be involved with and then the chairs can begin to work with their committees.

Mr. Brass stated that each Council member has different interests and strengths. Mr. Nicponski said he would leave it to the Council Chair to solicit from the Council their desires and then let Ms. Wells know the outcome.

Along with this, Ms. Wells mentioned the other area that needs attention is to get the employees involved in the Strategic Plan and let them know of the focus areas, Mission, Values and Vision. They have some ideas to introduce it and make it fun for the employees to get excited about participation and helping to use this in everyday efforts.

Mr. Tingey inquired if everyone felt comfortable with the direction. It was confirmed that up to two Council members could sit on a committee without notice of the meeting, and some may have one or none.

Mr. Nicponski asked if the committee members would feel better if a Council member is there or would they feel less important if no Council member were in attendance. Ms. Wells said that she did not feel that made any difference. It is more up to the Council, their time and interest.

Mr. Hill asked if everyone were familiar with the Best Practice recommendations. There were several pages referring to this suggesting establishing a performance management system, establishing a centralized fleet system and clarifying the role of Chief of Staff. There are a lot of specific things that are not focused on any single department but more toward changing the structure of the City. Mr. Nicponski noted his excitement at having these guidelines and they should be prioritized.

Mr. Shaver mentioned that the Council is going through this, as well, setting up best practices for the Council on its issues. Determining how and why things are done.

Ms. Wells said that she would like Council members help on this and sees the use of sub-committees important here.

### **Fiscal Year 2012-2013 Budget Discussion – Justin Zollinger**

Mr. Zollinger proceeded to show the Council the process the administration had gone through to get to the Mayor's level budget. The pages show the summary of each department's expenses and at the very bottom is the comparison from last year's budget to this year's budget including the revenue over expenses. This report gives a pretty good feel for where the City is.

Page One - This is as if nothing from 2012 has changed. There were some capital expenses from the prior year that caused some savings. Other savings are a result of the early retirement. The total difference is a \$2 million savings from the prior year.

To clarify Mr. Zollinger detailed that he is speaking of the 2012 fiscal year (FY) budget compared to the next years (2013) projected budget.

When you look at the revenue over the expenses there is a \$1 million surplus. This is a positive thing. The revenue is Mr. Zollinger's projection.

Mr. Zollinger pointed out that the Fire budget is down \$347,000 from the previous budget. Part of that is savings from early retirees. The same goes for police and some of the other departments. Mr. Shaver noted that we do not see the enterprise funds here. Mr. Zollinger said that most of his concern is in the General Fund.

Page Two – This shows the base budget with the retirement and insurance increases. The health insurance went up 8.5% and various percentages for Utah Retirement Systems (URS). You see on the bottom line that the City does have a surplus; however, it is not as much. This is a \$450,000 surplus showing a substantial decrease from the \$1 million on the previous page. He said the administration was hoping to use that for raises.

Mr. Haacke asked if the increase from URS is a dictated number. That was confirmed by Mr. Zollinger. Mr. Haacke asked if this was based on the Liljenquist bill. Ms. Wells said that the way they have planned to keep the fund whole was to have large increases for the next two years and then level it off over three more years. Mr. Haacke asked if it is based on the number of employees we have or salaries or is there a formula they use. Mr. Terry said it is a percent of salary. So everyone in the police pension is at 32%, instead of what they were before. Police are in one pool, fire fighters are in another pool and other employees in another pool.

Page Three - The next projection shows a 3% COLA (cost of living adjustment) for employees and a pay adjustment for compression. For example, an officer hired three years ago is being paid the same as an officer hired today, which we will try to remedy with pay adjustments. Three new positions are included here. That takes the bottom line to a negative \$345,000. Ms. Wells mentioned that the three positions are to replace retirees in police, and two in parks. Mr. Wagstaff questioned whether this takes into consideration changing the pay grade scale from 10 years to 20 years.

Page Four - The next scenario shows a 3% COLA, no pay adjustments, 3 new positions and an 8% fee in lieu of taxes (ILOT) across the board. Currently, the ILOT is 8.3% for water, sewer, storm and solid waste; and power is 6.8%. Making that standard is the idea. This puts us into a positive balance of \$384,000. This is the plan that is currently in the Mayor's level budget. There is no increase in training or operations, just the 3% and fee ILOT. There have been some requests for operational increases. They were requests to cover actual expenses. That surplus really could be used based on those requests. Vehicles are on the CIP (capital investment program). The only vehicles included here are the Class C vehicles. There were questions regarding the inclusion of benefits in this scenario. Mr. Zollinger stated that everything from each preceding page is included in the next proposal, except where it specifies that no adjustments are made.

Ms. Wells expressed that the requests for operational funds to get to where the departments expenses currently are come to about \$450,000.

Page Five - The final scenario has the 3% COLA, pay adjustments, three new positions and the 8.3% ILOT fee. The operational requests still are not included here. The revenue and expenditure difference here is \$151,604.

Mr. Zollinger stressed his willingness to work some other scenarios if there were additional ideas from this group.

Mr. Shaver asked Mike Terry to review the pay adjustments and years span that he had detailed in an earlier meeting. Mr. Terry stated that he had broken down the scale of employees by each year so that a two year person would be making more than a one year person and a ten year person would move to mid-point in the range. He has figured where each person would rank according to years of service.

Mr. Shaver said that in his mind the real discrepancy comes in fire or police where a one year person is hired at the same rate as someone who has been here for five years. That is where the real discrepancy exists, not in the people who have been here 20 years. He asked if it is possible to put in a pay adjustment increase for a portion of the employees and not all employees. He understands that the scenarios presented have increases for all employees. Mr. Terry said that they have retooled it so that people are only pushed out to mid-point. They have not gone beyond that. The scenarios presented by Mr. Zollinger have only included pay adjustments to the mid-point. Anyone already above mid-point would just get the COLA. So a ten year employee will go to mid-point and the other criterion is to be in their current job for 10 years.

Mr. Hales asked if there is a cap on the increase amount and he wondered if someone could benefit by thousands of dollars because of that. Chief Rodriguez stated that the compression issues are not just from the last three years. That has been an issue for a long time and that is part of the problem.

Mr. Shaver stated that he would like to look at the numbers if pay adjustments were given only for those employees in their jobs for the last five years. This would cover the last recession period, Mr. Zollinger noted. Mr. Shaver said that the numbers given were marvelous and easy to comprehend; however, there is only one option on the pay adjustments. Several options in ILOT and other areas, why not run three year, five year, seven and ten year pay adjustments. Then they can compare the savings.

Mr. Nicponski asked the Mayor his reasoning for picking the option that he decided upon. Mayor Snarr responded that it keeps the City in the black. Mr. Zollinger pointed out that it is a sustainable budget. He said the employees are being addressed, operational increases are being addressed, and capital is being addressed. Three of the major things to be achieved in a budget are being addressed, not completely fulfilled but being taken care of pretty well.

Mr. Hales confirmed that the budget being recommended was the 3% COLA, no adjustments, three new positions and 8% ILOT. He explained his understanding from conversations with department heads that they are concerned for their people. He asked what the feel is for getting a 3% COLA and no other pay adjustments. Chief Rodriguez replied that the compression is a big deal and he feels the problem will just be pushed to the next year. It has to be addressed sometime and he knows the money is tough, but his people are frustrated. At some point we push good people out the door. Mr. Shaver mentioned that it is also a morale issue for people who have been here for three years making the same wage as those just hired with benefits that have not improved, as well. Mayor Snarr remarked that it brings up the option of how to raise revenue.

Mr. Nakamura said we have the opportunity to discuss this at length and to resolve all the compression issues; however, the City will have to do it piece meal. We will start with the new people, entry level and not the highest paid people. These are generally the entry level fire and police and in all offices. We are not doing nothing, but just beginning to address these

issues. Mr. Terry stressed that if the City just does a COLA it does not begin to address the other issues.

Chief Fondaco understood the Mayor's viewpoint, but he feels the City needs to consider Mr. Terry's suggestion to look at pay adjustments from the mid-point down. Above that can receive the COLA only. The Chief has officers here for three plus years and he just hired two or three that came in making the same amount.

Mr. Shaver wants to hear from the department heads. He noted that there was a marvelous meeting with the employees; however, the trust factor between the employees and the Council present some challenges. He would like to do adjustments for the three and half year employees now, and the following year go up to five year employees and then up to the ten year employees. Seeing the regular increases in revenue is good, although, with the zero budget the City still has to do a swag to determine what the increase in tax rate will be. If the three and a half years were increased now, with the others to follow, what would that do to the employees? Would that help or make it worse? Chief Fondaco said that it will hurt the four to six year employees. Mr. Zollinger added that no matter what, someone will be unhappy.

Ms. Wells indicated that it would cost the General Fund \$263,000 to adjust to mid-point. Mr. Stam reported that from broader meetings that he has attended, other cities are trying to do something for their employees; although, some are only giving two percent. Have we considered the scenario with a two percent COLA? It sounds like that would allow the City to be at the same point with the three percent and no adjustments. Ms. Wells said it was something to look at. Mr. Stam said it benefits the younger ones the most and the older employees less with only the two percent.

Mr. Hales indicated his total understanding of Mr. Stam's suggestion; however, he insisted that a two percent increase comes across as nearly nothing and it will not help morale. He feels less than three percent should not be considered. Mr. Stam asked if that is true coming out of four years with nothing. That is the difference he sees; it is a time when two percent means more than usual with the adjustments for compression. Mr. Hales felt employees would disagree with that concept.

Mr. Nicponski asked if the City goes with the Mayor's recommendation of the three percent COLA with the compression adjustments, what the practical realities are. Would the City need other revenue sources to make it work? The Mayor replied that there are some suggestions and Ms. Wells said it is part of the discussion. Mayor Snarr said there are things some other cities do that he feels are reasonable.

Mr. Wagstaff asked if the \$263,000 is the cost of the compression adjustments. It was confirmed.

Mr. Brass said that the group has been presented with revenue issues and those alternatives and the costs need to be considered because the one thing that has been suggested is increasing the ILOT on power. We need to talk about the ramifications to power because our utilities keep our taxes low, however, if we sacrifice reliability to cover a budget shortfall then that impacts Murray businesses and everything. The power utility brings reliability and before he felt comfortable with that he would need assurance that it would not impact operations. Operations have been discussed everywhere else; he insisted the City not look at power as the City piggy bank. Ms. Wells said that conversation is on the agenda.

Mr. Hill commented that the operational costs, other than employees, are a big concern in Public Services. He added that he cannot continue to operate at the same level as this current budget. If all the money goes to employee raises, which he does support, with no adjustments to operational line items then he will not be able to operate within the budget. For example, Rocky Mountain Power costs for street lights have increased \$30,000, which will be short before the budget year starts. No money for overtime or temporary employees makes it simply impossible to operate at this level on an ongoing basis. He has a bigger concern of putting all the money toward employees and not addressing operational costs. He has let Justin and Jan know about that. The City cannot just discount the operational expenses.

Ms. Wells stated that this was the reason they decided on option four for the Mayor's budget. No one asked for fluff and she saw this as a way to cover actual expenditures that they know the City will be forced to spend. The compression concerns are well understood and she said she appreciates the discussion.

Mr. Nicponski appreciates that Mr. Hill is watching out for the residents that is important too.

CIP Committee – Ms. Wells explained that the CIP Committee has worked with \$3 million dollars. They have taken the requests from the departments and have made some recommendations for allocations that will be presented the next evening in Committee of the Whole for discussion. The three big issues that were not addressed were the City Hall replacement, Performing Arts Center downtown and the Hillcrest Junior High option. The City is at a point where some sense of direction must be prioritized.

The first decision is whether the City wants to be involved with the school district on Hillcrest Junior High options. The window for deciding is coming to a close.

The second priority involves the Performing Arts Center. Murray is in a process with the County, who is pressing for a commitment. They want to know if Murray will make a promise to bond for half of the money if the county gives us the other half the money. We must decide the priority and direction, because if we don't we may lose an opportunity.

As much as everyone thinks the new City Hall is the top priority, as far as timing goes it is really third. The second would be Performing Arts because of the squeeze from outside influences. As a group we need to discuss this.

Mr. Nicponski said it would be interesting for each Council person to give their priority. Personally, he would say no to Hillcrest Junior High, City Hall would be placed as number one and if there was money left, then he would put it toward performing arts center.

Mr. Shaver agreed with those positions with different reasoning. If Murray is told to do a bond for the performing arts center it is not a City choice; it must be voted upon by the public. He said that is not pressure on the City, it is not up to Murray officials. The citizens could say no. If yes, then the project could move forward if they wanted.

Ms. Wells asked if there were going to be a referendum, would he want it on City Hall first and then performing arts second.

Mr. Shaver said he believes there is a way to construct City Hall without a bond or with a limited bond. As a part of that committee he has discussed it with other committee members. If

we can do this and be financially sustainable, then it would free us to do a bond for performing arts.

Mr. Hill asked if we are saying that we withdraw our application to Salt Lake County for the performing arts center. We have to let them know by the end of April if we want any money from them. If it is not a priority, he does not want to be embarrassed by continuing to court the county. That would mean we withdraw the application.

Mr. Brass took this opportunity to talk with everyone as he had circumstances that prevented him from talking with his fellow Councilmen regarding this earlier. He received an email from the Friends of the Murray Centre for the Performing Arts (FMCPA) group about their meeting that occurred last Thursday. They wanted to know where the Council stood and he took the initiative to go and speak with them because Council members had talked at length about it and he felt he could accurately represent the Council. He told them bluntly that the City does not have bonding room at this time. He said we all support a performing arts center downtown; however, we can't commit to going into that kind of debt. If we have to come up with \$15 million it would mean a general obligation bond on top of the junior high school. He does not believe the citizens would vote for that and the City does not have room for bonding on sales tax. (Mr. Zollinger said that Mr. Matsumori confirmed that.) Mr. Brass told them the Council was disappointed in the presentation they gave because he was left with the impression that they kind of, maybe, had some people that might, if the situation was right, give some money, sort of. They now assure him that they have firm commitments for between \$4 and \$5 million making the City portion \$10 to \$11 million. He said that was interesting and if they decide to go forward, please talk with the Council. Mr. Chatterton said he would not reveal the donor's names. If you tell me you have these commitments, he will believe it, Mr. Brass explained. They honestly believe they have these firm commitments. He added that the City does not want another building that must be annually subsidized for \$800,000. Murray cannot afford that. He is concerned about the downtown because it all competes for dollars even if it is not the same market. As Mr. Hill said, a decision must be made. Mr. Hill confirmed that he is not trying to persuade anyone, but if that is the feeling, and it is what he is hearing from the Council, then he needs to tell the county not to consider Murray's application any longer. We have only two weeks to decide. Mr. Brass emphasized that we do not know our options right now.

Mayor Snarr said that timing has been difficult because of the pressure on the City to commit. Yes, we know we need a city hall and it will take several years to plan. His issue is that if someone buys into doing something downtown then we will convince people that the City is committed and wants to see it come alive and have something that will drive other developers. They will see the parking structure for multiple purposes. He sees the need for two of these options and has mixed feelings. It is a tough decision to make.

Mr. Hales stated that he has raised money his whole life and people drop out on commitments and it is hard to do it. He feels confused on which direction to go. When he hears two weeks to make a decision that is difficult.

Mr. Hill said that we have two weeks to make a decision regarding coming up with matching funds if Salt Lake County gives us money, but Murray has made this representation to them for over a year now. He feels that if we want to get out, this is a good time because he is not comfortable going forward if the City is not committed.

Mr. Hales asked Mr. Hill how he would feel if he were a constituent. Mr. Hill said that a performing arts center would do a whole lot more for the City and downtown than a new city hall

or the junior high. He would rather see the City make an investment in the downtown with a performing arts center because that creates many more economic development opportunities. Granted, it will be expensive, it will not pay for itself. If Mr. Hill had to vote for one or the other, he said he would vote for a performing arts center. Mr. Nicponski said the City would ask him to pay for one or the other. He continued that we would ask citizens to pay for the performing arts on a referendum and find another way to build the city hall. If we asked the citizens to pay for a city hall we would lose.

Mr. Brass added that he knows the citizens want something downtown. Mr. Hill understands the problem because it is a ton of money and he is not trying to persuade anyone, he just feels that we cannot keep telling Salt Lake County that we want their money if we really don't want the money. Now is the time we need to tell them if we are not in a position to build it. Or we are in a position to do it. Mr. Nicponski asked where else it would go. There are others who want it, Ms. Wells said. Cottonwood Heights and Taylorsville both have applications in.

Mr. Stam mentioned a couple of points. Russ Wall of Taylorsville said they built their city center with lots of property out in front to attract retail and they received no response. Finally, they installed grass in a large portion of it. He also realizes now that next week we could have an issue in the basement and have to be out of the building. He does not think that residents know that. If they knew that, and that we would not be able to provide the services they need, they would be pretty upset. It might change how they would vote. As a resident would you vote differently if you knew the consequences. Others added that people would not believe it. Mr. Stam indicated that he would probably agree with the other Council members on priority. He does not know if it will be a complete catalyst, but he does think it will have an effect. He does not feel we are in the same situation as Taylorsville because we are on State Street. He asked if the county would really have money to do anything in the next five to six years. Mr. Hill did not have the answer to that. Mr. Nicponski commented that things change at election time.

Mr. Shaver added that his answer to continuing to court the county is yes. There are so many variables that could change, so he says stay with the project.

Chief Fondaco expressed that he really has a problem with the performing arts center and spending \$30 million, because he feels that only government can spend \$30 million for a building knowing that it will cost a million dollars a year to keep it running. Only government can do that. No private company can spend that money knowing it will operate in the red. I have trouble because you say it will cost \$800,000 a year to operate and that means it will really cost \$1.2 million. That means \$1.2 million out of the General Fund, which is where he lives in public safety. Where will the \$1 million per year come from? Others agreed that was good input.

The meeting recessed shortly.

Ms. Wells resumed with a question to confirm what she heard about the Hillcrest Junior High project. Her understanding was that the City really is not interested in investing in the construction of Hillcrest.

Ms. Wells said regarding the performing arts center that we want to call the county's bluff and continuing pursuing the money to see if they award that to us. If they do give us the money, Mr. Shaver confirmed that the City is not encumbered in any way except to pay for a referendum bond election. If the citizens are willing to pay for it, then it can be done. Mr. Hill said that is the question, because he feels that this year Salt Lake County may move forward. They have already asked Murray to go to the TRACT Committee (Tourism Recreation Act) to make a

presentation. Mr. Hill believes the TRACT Committee will support the Murray facility because the Salt Palace Bond is coming off. They are going to have a ton of money next year. He believes they will decide to help Murray out with this project. If you are willing as a Council to put this on the ballot for our citizens to decide, then he feels we should stay in the game. If we are not willing to put it on the ballot for our citizens, then he says, let's get out because he feels it will damage the City's reputation and his own.

Mr. Tingey feels that the City needs to be proactive in getting this bond. There has been a lot of talk about downtown investment, the City has purchased property and in a lot of ways he has wondered when Murray would go out to bond to see what the citizens really think: whether it is for a performing arts center or a city hall. He feels we need to develop that plan and decide when to go on to the election. Mr. Nicponski said that the City needs to see how the recovery will pan out. He feels we should keep it alive and we need to let them know that we are also looking at a new city hall and we need to see how it plays out internally. There are some variables and we definitely want to do this; however, it may be down the road a ways.

Mr. Brass agrees with the Chief that we cannot afford to subsidize another building. But it could be an interesting attraction downtown. Another consideration is that plumbing is not the only issue in this building. If there is an earthquake City Hall will not survive and our public safety personnel, the police department, work here. That is something that we need, as we are ill prepared in this state for an earthquake. If you lose access to the valley, how do get the things you need to help. In a disaster are the people we need to help even going to be around?

Ms. Wells hears that everyone votes for City Hall as a number one priority; and the performing arts as number two but to stay on track with the county. Mr. Zollinger said that we will not be able to afford all that as the City will need revenue sources for each of the first two priorities. He is doubtful that the citizens would vote for two general obligation bonds. Mr. Hill agreed with that knowing that we really cannot afford it. He stated that it would be a relief to him to step back saying Murray cannot afford it. Mr. Stam said that we owe it to the citizens to ask them. Mr. Hill said that Chief Fondaco made a good point in that the facility has to be maintained every year.

Mr. Shaver recalled the University of Utah class that made a presentation on the operation of a performing arts center. He said that because of his expertise in this area he noticed so many issues in their numbers that were not addressed. Everything they talked about was conjecture: if we get this many days filled - if we can use it in this way - this is the money we will make. No one has made any commitment to use it. Tim and Doug have both said, we are either in it or we are not. Mr. Shaver thinks a formal vote of the Council should be made. We do not want Mr. Hill or FMCPA to be left in a precarious situation. We need a positive affirmation to go after it or dismiss it and back out the Murray application from the county process.

Ms. Wells said we might need a follow-up discussion on this.

Mr. Brass would still vote for a city hall and FMCPA was going to have a vote on whether to continue or not. That was supposed to be Thursday and we have not heard anything.

Mr. Nicponski said that, based on Mr. Zollinger's observations, we should proceed on a city hall and then a couple of years down the road, we can always worry about the performing arts and resurrect it if we desire.

Ms. Wells thanked everyone for the discussion and will tell the school district that the City is not interested in pursuing involvement.

Ms. Wells commented that the CIP for the enterprise funds will be in the budget when we get there. They are not part of the next CIP discussion.

Vehicle Replacement Policy - The Vehicle Replacement Policy is included with the other documents distributed. The CIP committee used this policy in determining what vehicles to recommend for replacement.

Mr. Shaver asked that the point system be explained. On the last page of the policy, the point system is explained.

Also, included is a list of the vehicles that could be replaced but the departments have not asked for all these vehicles. You will see the recommendations the next evening. This is just forming a standard so the vehicles can be tracked. Ms. Wells said that the policy is a starting place that Mr. Hill worked on and it is hoped that we will get to the point where it will be adopted. Adoption should be done before the budget is completed.

Operations - The operations budget includes about \$460,000 that has been requested.

Employees - Ms. Wells said she would run through some of the ideas for the employees. She asked for Council thoughts on these items. The salary increases and merit adjustments were mentioned by Mr. Terry earlier. Mr. Terry worked hard on the retirement system and health insurance increases, which were successfully negotiated from 11% to an 8.5% raise in premium.

Discounts - City employees have asked for some things at different times, one being discounts at the Park Center, outdoor pool and golf course. Mr. Hill worked up a proposal that offers about a 30% reduction for employees if they are interested in taking advantage of these things. Each is a little different: the golf course would give a senior fee with 15% off merchandise. The Park Center would give 30% off the resident rate and 50% off the daily admission. This is for entrance only. The outdoor pool would give a 50% discount. We don't feel it would cost a lot of money but maybe something that could be offered as a morale benefit. An ordinance would need to be approved to have that happen.

Tuition Reimbursement - Ms. Wells explained that there have been some requests to reinstate the tuition reimbursement, car pool payments and car allowances. Mr. Terry said that tuition reimbursement was formerly \$2,500, which was cut to \$1,200 a few years ago. Last year there were 16 employees taking advantage of that benefit for a total of \$17,600. Nine employees used the entire \$1,200 and seven did not utilize the full amount. If nine employees used the entire \$2,500 it would be an additional cost of \$11,000, assuming that these factors remain the same.

Mayor Snarr asked if those employees utilizing the tuition reimbursement must stay with the City for a certain period of time. Mr. Terry said that if you leave within one year of your last class, then the money must be repaid to the City. Mr. Stam said that if we raised the benefit, then the time should be raised to two years.

Alternative Transportation - In the mid 1990s the Department of Air Quality required governmental agencies to come up with an alternative transportation plan to try to get 20% of

employees to carpool, ride the bus, bicycles, or motorcycles to work. The City created an Alternative Transportation Rebate Plan that was eliminated with the economic crisis. Anyone that would use these alternative plans three times a week for a three month period would receive \$50 at the end of the quarter. The greatest benefit anyone could claim would be \$200 per year. The last time it was done was fiscal year 2010 with 39 people participating for a cost of \$5,600. The goal was to get vehicles off the road by using transportation other than driving yourself to work. The Department of Air Quality rescinded that requirement five years later. Mr. Terry suggested that if it is brought back then that amount should be increased as the \$50 per quarter would not even buy a bus pass.

There was a question regarding car allowances. Mr. Terry said they do not come through the HR office, but he was aware that allowances were decreased. That affected mostly department heads.

Safety Awards - The City formerly had a safety awards program for a calendar year that was discontinued in 2009, Mr. Terry related. If there were no at-fault vehicle accidents, no loss time injuries and no positive drug screens then an employee would earn a year-end safety award. The last annual payout was a \$15,400 cost to the City. Employees would receive a gift card to either Costco or Sportsman's Warehouse.

Dental Policy – Mr. Terry reviewed that PEHP increased health insurance by 8.5%; however, on dental coverage three options were offered.

Murray's current plan on the most common procedures is covered at 80% and the employee pays 20%. You always have a co-pay amount. This is the lowest covered benefit.

The second plan charges a \$25 deductible, which once that is met treatments are covered at 100%.

The final and best plan has no deductible and coverage is at 100%. These plans do not cover procedures like root canals where the employee will pay 50%, as is charged now. Our current plan has a waiting period of five years for major work, such as a tooth replacement. For other dental work the waiting period is six months.

The offer was a rate reduction of 8.4% for continuing the plan we are currently on, which nets a savings of \$23,000 to the City. The second option amounted to a \$15,000 to \$20,000 savings and the best plan would have cost the City an extra \$9,100. In a department head meeting it was decided to keep the current plan and take advantage of the \$23,000 savings. It was a split vote.

In conclusion, Mr. Terry reported that medical coverage increased 8.5% and dental went down 8.4%.

Mr. Hales asked if this is a benefit to the employees. The City pays 85% and the employee pays 15% so there will be a savings.

Additional Floating Holiday - Ms. Wells noted that the previous year the administration did add one additional floating holiday making the total three floating holidays because nothing had been done for the employees in so long. That made a total of 24 hours and they were told that it was for the one year only and may not be ongoing. The Mayor would like to leave this on if only the COLA is given in salary adjustments. Mayor Snarr feels that the work will still get

done even with the additional holiday. Mr. Hales said the floating holidays at the bank were a major thing and management did not feel like it cost a thing.

Revenue – Ms. Wells expressed that the Mayor has always wanted to do a street light program and it has been an ongoing discussion. He would like to charge a monthly fee to the residents; we already pay for lighting some of the streets in the old City area. In the new Murray area we pay Rocky Mountain Power for lighting. In order to do this we would like to do a citywide effort. We would have to work with Rocky Mountain Power and have them collect that on the power bill. It would be a pay for itself service, billed through Rocky Mountain. The infrastructure would have to be built on the east side. The Mayor said a certain amount would cover the power and the remainder would pay for the enhancements. They would have to give Murray a list of what is being done every year.

Mr. Shaver asked if Murray could supply and own the lamp and fixture and Rocky Mountain just supply the power. Mayor Snarr said that they do not want us to do any work on their infrastructure. If anything goes wrong they would hold us liable. Mr. Haacke said that Murray does not stock the same fixtures and standards.

Ms. Wells continued that to do this we would have to institute a citywide street lighting plan (make sure everyone had lighting) and then build the infrastructure. The other thing we could do is to pay for street lighting in the General Fund; we have had it in power before and it has moved back and forth. Mr. Zollinger said that currently we pay \$200,000 out of the General Fund for street lights. If we built a street light fee program we could match the cost with the revenue. This would take a lot of work to get in place and Ms. Wells admitted that she is not sure how much revenue could be expected.

Increase Property Taxes – Ms. Wells said this is unpopular.

Reserves – This is the possibility of using one time reserves for specific operation line item costs. For example, if we wanted to cover some training then we could put that in and then evaluate it at the end of the year.

Fees for Non-Profit Organizations – Ms. Wells stated that this had been talked about and she feels it is an untapped source; however, she does not know how to get there. Mr. Shaver asked if this would be a business license cost. She said it would be a little different, such as a fee for service or asking for some kind of ILOT. It is Intermountain Medical Center Mr. Tingey remarked. Mr. Shaver said you need to do it based on acreage. There are a number of different ideas, Ms. Wells added.

Power Department – Ms. Wells insured the group that the goal is never to use Power as a cash cow. The goal is to try and figure out the best way to help fund the City. They are part of the City and should participate like the other enterprise funds do.

Mr. Zollinger informed the group that prior to the UAMPS (Utah Association of Municipal Power Systems) payment the power reserve was at \$9.8 million. The UAMPS expense was \$1.3 to \$1.4 million, bringing reserves down to \$8.5 million currently. Mr. Haacke has worked hard to bring this reserve amount up. If anyone wants to see a possible explanation of why things have occurred and the difficulty in building reserves, then Mr. Zollinger would be happy to walk through the scenario. He has gone through this with Mr. Haacke and Mr. Bellon to come to an understanding as to why reserves have not grown as much as they would have liked.

Mr. Shaver asked if the enterprise funds have a requirement about the reserve amount. Mr. Zollinger said that it is the same as the General Fund at 18%.

Mr. Haacke takes ownership of the Power Department, even though everyone is in it together, as far as making the budget work; however, he needs to protect his interests. It would cost about \$500,000 to raise the ILOT amount to 8%. He would have to go back and look at the budget to make cuts. This is on top of the increase in ILOT last year; that was about \$350,000 to \$400,000. Mr. Zollinger said that in actuality it dropped last year based on the revenue. In the last two years he has had to come up with \$800,000, Mr. Haacke stated. He will have to go back and find ways in the budget to come up with that. Mr. Brass is right, it is based on revenue and that is frustrating when metered sales are down. July, August and September are his big months and if sales are down, he still has to pay the commitment to the General Fund. Mr. Haacke said he can come up with the money, 8% or 8.3%, however, it may mean some creative movement of backyard rebuilds put on hold or less money going into reserves. That is a big issue to him. When the last rate increase took place a few years prior there was a gentleman's agreement between power and the Council that \$500,000 would be put into reserve each year. He still feels that commitment. If it is okay with the Council that \$500,000 not go into reserves then it is okay with him.

Mr. Shaver noted the reduction of employees in power and he asked how much of a savings that produced. Mr. Haacke confirmed it was seven employees for about an \$800,000 savings. Mr. Shaver asked how things look based on that savings. Mr. Zollinger stated that he could provide that information. Mr. Haacke responded that he is planning \$1 million more in capital expenditures than the previous year. Mr. Zollinger said that it is all in the budget. His revenues are conservative and some good amounts are still going to reserves. With lower revenues, then lower expenses are budgeted. By operating that way all year long Mr. Haacke usually comes in below on expenses and this year power may come in above on revenue projections. Mr. Shaver commented that it is still a guess as to what it may be. You want to look at the numbers as best as possible.

Mr. Brass noted that last June was very cold and wet and power was not being sold for air conditioning which accounted for an impact in revenue. Now we are fortunate that natural gas costs are very low so overall power costs are very low. Years ago when California tried to game the system Murray power burnt through reserves very quickly paying \$100 to \$200 per MW and selling it for \$80, then money goes pretty quick and we cannot raise our rates to cover that. It is a balancing act. He does not want to see the City balance the budget and not keep up the infrastructure. The citizens will come apart if they don't have power or water or the ability to flush the toilet. We need to monitor that. For many years Murray's ILOT was pretty low and we are not asking more than other cities. This is every bit as important as roads.

Mr. Shaver added that the golf course needs a sprinkler system for a \$2 million investment. There is another possible bond. Mr. Shaver brought up the idea of the use of a grant writer as an opportunity to add revenue. Second, from a conversation with Mr. Stam and Mr. Wagstaff the City has services and expertise that can be sold to other cities. They hire someone to dig trenches and bury cable. If we have the manpower to do that, why doesn't Murray dig the trench and bury cable and get paid for it? Mr. Hill responded that we don't have enough resources to do it. Mr. Shaver suggested we create the resources, people or equipment, as an investment in the City, and also a revenue builder that can be utilized over and over. Midvale, Taylorsville and others are both building for UTOPIA and we could have a crew out daily making money for the City. Mayor Snarr said that for 14 years he has seen this battle go on at the Legislature every single year with allegations of crossing the line with private industry.

He loves the idea and believes there is money there. Mr. Shaver says that because UTOPIA is part of us and we are part of them, we are hiring us and the fact that we contract out to other organizations is only because we want to. UTOPIA is part of who we are. If we did that work for the City, UTOPIA has the money to pay us to do it.

Mr. Hill said that by state law we could only do up to \$180,000 for each project. Mr. Nicponski said that legislation dealing with that this year got stalled in the house but you don't know what it will trigger on Capitol Hill.

Mr. Zollinger made a last comment on the budget: he projected this year's sales tax to come in at \$11.85 million. Next year (FY 2012-2013) is the final year of the "hold harmless" agreement. Our budget is \$12.2 and we could cut \$200,000 but it would be a stretch and cause some grief. He wants everyone in the room to know that and when the "hold harmless" expires we are back at \$11.5 and Murray would be in a tough spot. Mr. Nicponski said that is another reason to tell the county that we will likely not be able to do anything.

Ms. Wells thanked everyone for their time and input. The meeting adjourned at 6:10 p.m.

Janet M. Lopez  
Council Office Administrator



**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, April 17, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

**Members in Attendance:**

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

**Others in Attendance:**

Michael D. Wagstaff	Council Executive Director	Dan Snarr	Mayor
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Tim Tingey	ADS Director	Russ Kakala	Public Services
Justin Zollinger	Finance Director	Angela Price	CDBG Coordinator
Peri Kinder	Valley Journals	Dwayne Woolley	Trans-Jordan Landfill

Chairman Brass called the Committee of the Whole meeting to order at 5:30 p.m. and welcomed those in attendance.

**Minutes:**

Mr. Brass asked for corrections or action on the minutes from the Committee of the Whole meeting held on March 20, 2012. Mr. Stam moved approval as written. Mr. Shaver seconded and the motion was approved 5-0.

**Business Item #1: Trans-Jordan Landfill Fee Increase Presentation – Doug Hill and Dwayne Woolley**

Mr. Hill introduced Dwayne Woolley General Manager of Trans-Jordan Landfill and pointed out that Murray City is a part owner of the Landfill. A few issues are forthcoming that he felt would be important for the Council to know of regarding future plans of Trans-Jordan.

Mr. Woolley said that Council members are always invited to visit the Landfill for a personal or group tour of the facility. There is a lot more to garbage than people realize. Most people just know that they put a garbage can out in front of the house and it is gone. It shows up at the landfill and is pushed out of the back of the truck that actually compacts the garbage to about twice its density to what it was in the can. Compactors at Trans-Jordan then go over it five times to make sure it is adequately crushed and shredded because landfill airspace is important.

Trans-Jordan started in 1958 without Murray. There are currently seven city members and all have active curbside recycling programs. This was a requirement for membership. Murray was the last to come on with curbside; although the City did have another reasonable recycling program. Current life expectancy is 20+ years and does depend on how much garbage is coming in. The prior 15 year life expectancy was increased due to lower than 3% growth rate. The last four years have not seen any growth. Additional recycling compensates for the growth of Daybreak and other areas. Current estimates are set at a 1% growth rate.

Mr. Woolley showed an aerial view of the facility, which covers 325 acres. Forty five acres are active with seven cells and six in lateral expansion, an EPA designation meeting all standards. The north area or old cell was prior to EPA requirements and is completed. The current area is in the center with a future mega cell in cell six. It will last a lot longer and is beginning to be dug now.

Mr. Shaver asked why cell six is so much larger. It is part of a design issue because the very first one comes in on an angle, shaped like a parallelogram; although, by the last cell you have both sides and is a function of an operating issue that works well.

The green waste area is 12.5 acres leased from South Valley Sewer and Murray is the only city not in it. The six other members are all part of the South Valley Sewer District. Because of location, Murray is part of Central Valley Sewer. This property is just south of Trans-Jordan where we had a composting program in conjunction with them composting bio-solids for about ten years. The smell in composting bio-solids is a challenge. It is difficult to keep people happy. Because of Daybreak construction, the entire south end of the valley pays higher sewer rates. Two thousand people live in that community and did not like the smell that was already there; therefore, now 400,000 pay higher sewer rates because the alternative to composting was a more expensive option. They physically dry it on site and then haul it out to different locations. Some of the wet sludge is still being buried in the Wasatch Regional Landfill, because they want three choices. Mayor Snarr noted that Central Valley composts most of their bio-solids. Mr. Woolley added that Central Valley has digesters in their sewer plant; it is a different product and cannot be compared by smell issues. It is easier to compost digested sludge. South Valley is one of only seven sewer plants in the nation under the old fashioned way, which is a little cheaper but with disadvantages. The new plant is a membrane technology that is different from their current plan.

Mr. Woolley showed a cross section of how landfills look. The bottom is lined to protect ground water, the garbage is added in layers called cells, the wide area at the top is the active area and when it is filled, the entire top is capped. To protect the environment a GCL liner is put down, which is a clay blanket equivalent to three feet of compacted clay. A 60 mil HDPE liner is put over it, following that two feet of dirt goes on the bottom and then the cell is ready. The dirt protects the liner from the garbage. Six feet of "good garbage" goes in first that is garbage only from a house so that nothing can puncture the liner. That creates an eight foot barrier before just anything goes in the cell. Mr. Woolley showed schematics of this process with photos of the HDPE that comes in 22 foot wide rolls and crosses each other, is sealed and covered with a drain net. It is similar to turtle tile that you see in recreation centers to keep your feet out of the water with a plastic layer for water to drain and a fabric over the top to keep garbage from going into that area. The entire landfill is built on side slopes that are 3 to 1 but the bottom slope is 2%. All the water that makes it through the landfill stops at the liner, flows to the low spot and is pumped out. This is called landfill coffee because it is a percolation process, the water picking up whatever is in the garbage. The landfill is designed to keep the water from going into ground water and then it is collected and taken out.

Mr. Woolley presented figures on how many vehicles visited the Landfill. A graph showed the number of member cities, commercial, green waste and residential vehicles. There

are more residential visits, almost 25%, which is mom and pop. There were 120,000 total vehicles. The interesting thing is a comparison to the tonnage equivalent. The member cities garbage comes in the large trucks after being compacted with more tons per visit amounting to greater than 50% of the total annual tonnage. Residential accounts for 30% of the traffic and only a very small percentage of the volume. Trans-Jordan provides all the services, where commercial facilities provide only the garbage. Allowing residential is a lost leader with lots of work for a small amount of money.

A graph of tonnage received over the last eleven years shows a spike in two years, which was from Kennecott's construction of Daybreak. They found 80,000 tons of garbage that had been dropped in a ravine and covered with dirt in the 1950s. It was put in Trans-Jordan over a two-year period. The tonnage is going down slightly even though there is growth in numbers. It is a concern when you try to balance with the fixed costs. Compactors are a must and cost \$885,000 each and lasting three years.

Mr. Woolley explained a graph that indicated the tonnage that comes in from different sources. The member city amounts are holding even, going up just slightly. The commercial tonnage is going down, with those close to Trans-Jordan still coming to them; however, there are other options.

Trans-Jordan offers the lowest member tipping fees in the area. Murray City pays \$12 per ton. The tipping fee is \$26 per ton at the gate. The operating costs are about \$15 to \$16 per ton, so the commercial subsidizes the cities. It is a great formula and works well. If the commercial receipts are going down then the subsidy is slowly disappearing. Several years ago the price was tied to 50% of the gate rate for the member cities. A couple of years ago, there was a gate rate increase; but no raise in rates was passed on to the cities. One of the reasons for the increase now is because it is necessary to break even, Mr. Woolley stated.

Mr. Shaver asked what is anticipated in five to ten years, knowing that the commercial tonnage is dropping. Mr. Woolley said he expects a similar drop. Garbage is changing and population is growing. The commercial is finding alternatives, such as private landfills. They are going to go to the cheapest location. Mr. Shaver asked how that will impact the 20 year life expectancy of the landfill. Mr. Woolley said it has been taken into account. Mayor Snarr commented that the commercial has a formula, looking at rising fuel costs versus the location and tipping charges.

Mr. Woolley said there is a judgment call. Two years ago when the \$2 increase in commercial tipping rates was proposed the Salt Lake landfill followed with the same increase in their rates. The fees have matched, not being in collusion. If commercial rates are too low then more tonnage would come to Trans-Jordan, filling it faster and creating a lost benefit to member cities. It is a trade off. They would like to stay there a reasonable period of time, and yet they have promised South Jordan City that they would not expand. If a transfer station is added then you will double the cost due to the additional expense. It would cost \$5 per ton to build, \$5 per ton to operate and \$5 per ton to get it from the transfer station to the disposal site. There is a desire not to close early; although, it will close someday.

Mr. Woolley pointed out the other tipping fees in the area:

Trans-Jordan	\$12.00
Salt Lake Valley	\$24.25
Bountiful	\$25.00
Wasatch Energy	\$16.00
Logan	\$29.00
Weber County	\$29.50

Northe Point \$31.00  
Southern Utah Valley \$33.00 (they have a transfer station)

Mr. Woolley pointed out that \$12 is substantially less than the others and his proposal is to raise it to \$13. The gate fee of \$26 would remain the same.

The state looks at Trans-Jordan as the model. The public Convenience Center has been replicated at three other locations. The benefits of the landfill include participation in service projects, litter control and enforcement of the state tarping laws. Trans-Jordan was instrumental in getting that legislation passed as a state ordinance.

The Public Convenience Center (PCC) was developed to prevent individual citizens from entering the landfill and being subject to accidents with the big trucks. They have an area where people can push their garbage out the back of a truck and then a machine pushes it into bins and the bins are hauled down. It is double handling but the liability makes it worthwhile. There is also an area for household waste and electronic recycling as a partnership with the County Health Department. Tires cost \$1 off the rim and \$2 on the rim. That is what it costs them to get rid of tires to a private company. Tires migrate to the surface, just like rocks in the garden. They cannot effectively be buried.

Over 23,000 tons of green waste was diverted last year. Murray does not bring in much because it has its own program. The fee for that is half the regular tipping fee. Compost and wood chips are available for purchase. There is a horizontal grinder that operates 1 to 1.5 days a week. The cost of this machine is \$500,000.

Trans-Jordan does have a recycling program taking metals, carpet pad, paper, cardboard, tires and batteries. They take refrigerators at \$8. They then remove the Freon. Every city has curbside recycling so they do not get a lot of that.

Mr. Woolley explained that household hazardous waste is taken, including acids, and there are two technicians that process it. Legally it could be put in the landfill, but the more we keep out the less chance there is to contaminate the ground water. Murray takes hazardous waste called ABOP, antifreeze, batteries, oil and paint.

Trans-Jordan does tours constantly with a lot of school groups. They have a float in the Murray parade each year.

Mr. Woolley noted that they have a gas recovery system. There are 100 wells with a flare and three generators and Murray gets the benefit from that. He met with a carbon credit group for verification of their process.

They do recycle glass and green waste. This is not bad to have in the landfill because it makes gas.

The final matter is the transfer station. Someday it will be necessary to build a transfer station. Currently, Sandy City wants to break away and build their own transfer station. Trans-Jordan does not think it is needed today. It is felt that when the landfill is closing would be the time to build.

Mr. Brass confirmed that the rate increase will be from \$12 to \$13 per ton. He said he had taken a tour to look at the generating plant and it is fascinating. The cells do fill up quickly. They look huge.

The increase would be on July 1, 2012, Mr. Woolley added.

Mr. Hill thanked Mr. Woolley for the presentation and informed the Council that the \$1 fee increase equates to about \$15,000 per year of a million dollar budget. They are seeing other issues and cost increases related to the solid waste program. The garbage cans ordered five years ago are wearing out and more are being replaced; therefore, they are seeing higher expenditures and anticipate going into reserves the next year. He has been working with Mr. Zollinger on the budget and he feels the City will likely have to recommend a rate increase if the Council would like to do that. Otherwise the reserves will continue to be utilized.

Mr. Brass said that could be brought up as a discussion item. He noted that Murray does benefit from the power that is generated and seeing the plumbing that goes into that on the capped part of the landfill is amazing.

**Business Item #2: Discuss Proposed Amendment to the Fiscal Year 2011-2012 City Budget – Justin Zollinger**

Mr. Zollinger mentioned three items that would be included in the Budget amendment: the Library, Capital Projects Fund and use of General Fund reserves for unanticipated professional fees in the Retained Risk Fund.

The Library has a restricted endowment of \$20,000. The endowment has been amended to allow \$10,000 to be spent for a stained glass window in the library. It will be paid for out of the Library budget.

The \$3 million transfer is the amount over the allowed reserves in the General Fund and will help get that in line and fund the Fiscal Year 2012-2013 Capital Improvement Project. The balance changes daily as revenues come in; however, after this transfer reserves will still be a little above where they should be.

Mr. Stam asked about some expenses that had been paid from the wrong fund. He wondered if that had been corrected. Mr. Zollinger responded that it had been taken care of and the reserves are still a little above. He hopes that this happens each year so that extra money can be transferred to the Capital Projects for the CIP money. It is a goal he would like to achieve.

The third issue involves fund reserves for professional fees in the retained risk fund, which Mr. Nakamura informed the Council of earlier. The amount is \$100,000.

**Business Item #3: Capital Improvement Program (CIP) Recommendations and Vehicle Policy Discussion – Brett Hales and Justin Zollinger**

Mr. Zollinger stated that the committee was pleased with the recommendations for the CIP. Ideas from all members have been pooled and it is a good start at getting back on the road to replacing capital needs. It obviously will not fill all the needs.

The Capital Projects category will have \$739,000, which is about 25.5%. The Information Technology (IT) Capital Maintenance is \$131,000, amounting to 4.5%. The Vehicles and Equipment group has \$957,000 planned for approximately 33%. Buildings and Facilities Maintenance will be appropriated \$552,000 making 19%. Capital Maintenance for Streets will be funded at \$500,000 in addition to the Class C funds in the General Fund. Personally, he feels that is a victory to keep funding the roads and not fall behind to incur really big costs later.

The Attorneys office will have \$2,500 and some money is being moved into the Golf Fund for future funding of the sprinkler system. Because they paid for part of the Parkway this is

a gesture to help build up golf reserves to fund that without going into a substantial amount of debt.

To show the allocations by department:

ADS is receiving \$157,000, 5% of the total;  
Police receives \$518,000, 18%;  
Parks gets 29%; and  
Public Service funding is 35%.

Vehicle Policy – Mr. Hill reviewed that the consultants recommended that the City adopt a vehicle replacement policy. This could be used as a guideline on when vehicles would be replaced. Mr. Hill met with the Fleet Manager, George Hamer and they looked at various cities' vehicle policies within the state and outside. They found one from Wyoming that they really liked. Some policies were very simple, for example, every five years you replace the vehicle. They did not feel that was a good guideline particularly in Murray City, because many of the vehicles do not have high mileage on them with use just around the City. We feel our vehicles can be kept much longer, even over 10 years on some.

The policy that they liked and recommended to the Mayor and the CIP Committee for adoption has a combination of years, miles or hours and the condition. City vehicles were placed in categories based on whether it was an emergency vehicle, car pool vehicle or personal vehicle (like police which is assigned to an individual). Then a point system was created taking into consideration the category, age and other criteria. Each vehicle is rated based on the point system. When the vehicle reaches a certain level in the point system, then it becomes eligible for replacement. We felt this was an objective way to judge the vehicle taking into consideration the various factors. They did receive feedback from the departments and have made adjustments based on that. To his knowledge the department heads agreed this was a fair way of doing it, Mr. Hill commented. It may make some keep their vehicles a little longer than perhaps they wanted to. It was his understanding that the CIP Committee used this policy to evaluate and make their recommendations on vehicle replacement. Because a vehicle meets the point system doesn't mean it must be replaced, it just means it is eligible. For example, the power department said that they have a couple of bucket trucks that meet the point system but they want to keep them. Mr. Shaver confirmed that replacement is not forced or compelled.

Mr. Hill advised that, on the other hand, there may be some vehicles that don't meet the point system but the purpose of the vehicle is changing. For example, in power, a big bucket truck doesn't meet the point system but they would like to purchase a smaller bucket truck to work in tighter neighborhood areas. The large bucket was not serving the purpose and they made a case for getting rid of the vehicle and replacing it with the smaller one. The CIP committee would take that into consideration and the department could make an argument for replacement.

Mr. Shaver noted that the department would have a voice in the process with the CIP. He asked if personal vehicles have a limit on mileage. Mr. Hill used the example of a police officer's patrol vehicle, which has to have 100,000 miles to be considered for replacement. Once a vehicle reaches that mileage, regardless of condition, it would be eligible for replacement; however, it could be replaced sooner if it has had major repairs making the point system elevated. Mr. Shaver said that he knows none of the department heads or people assigned vehicles would ever do such a thing, but if one wanted to get rid of a vehicle they could just run up mileage and beat it up and it would meet the point system. Mr. Hill said he supposed that could happen. If a vehicle is assigned to someone, is there a limitation to how many miles they could put on a vehicle every year, Mr. Shaver asked. Mr. Hill responded that there is no limit

under the policy. Mayor Snarr added that police officers are charged a monthly fee for the use of their vehicles. Mr. Shaver said that because some vehicles are not aged based on mileage, it may be done by hours and kind of usage. One used harshly will wear out faster than others. Is that a consideration in the point system, he asked. Mr. Hill said that it is for vehicles such as backhoes, which must reach a minimum number of hours for the category it fits into to be eligible for replacement.

Mr. Shaver is concerned about fuel costs and vehicle use. He detailed that possibly one trip can be made rather than three trips to the same location. He said that the policy recommendation says that usage over years shows that a particular vehicle is used 12,000 or 22,000 miles per year; therefore, we are conserving energy and conserving vehicle replacement as a part of the policy. He said we are trying to find a way to conserve fuel and one of the best things that happened is that the Crown Victorias are gone. This will help conserve fuel because those costs are going up. This would be a measure we would want to look at. Mr. Hill said that is something that could be discussed by the CIP committee or the Council when this comes forward to adoption. He said some policies did go beyond replacement and addressed energy usage. It is a different policy even though it is vehicle related. Many cities had policies that said they would convert all vehicles over to natural gas or hybrid type systems. Murray has not gone that far yet, but is something the Mayor and Council could talk about. We found that conversion has not been cost effective yet, but you don't always do things because it costs less. Sometimes the City may want to send a message that we want to use clean fuels and set an example for the community. That is something the Council could talk about, Mr. Hill stated.

Mr. Shaver asked if he recommends fuel conservation to be a separate policy from the replacement policy. Mr. Hill agreed. Mr. Shaver inquired if the City bids vehicles. Mr. Hill responded that they do bid vehicles and many are purchased off the state bid list. Specialty vehicles like the sewer TV camera vehicle that was just purchased was done on our own bid. Vehicles like police and pickups are done off the state list. Mayor Snarr said that sometimes vehicles on the lot may be purchased at a high discount and save a lot of money.

Mr. Shaver suggested that used vehicles could be put into a group and sold as a whole for someone to turn around and resell. Mr. Hill said that when a vehicle is no longer functional for one department, they first see if another department could benefit by using it. Mr. Shaver asked if that is part of the policy. Yes, Mr. Hill responded. When the City decides they can no longer use the vehicle it is surplus by the Recorder's office. They have a company that comes in and takes all the vehicles and equipment to an auction. In turn the City gets a portion of the proceeds.

Mr. Zollinger said that if it is a fixed asset then the revenue goes into the fixed asset account. On other items the revenue from the sale goes back to the appropriate fund depending on which fund the vehicle or equipment was purchased from.

Mr. Shaver referred to a conversation that took place regarding saving and if we are a wise manager of our money then a portion of that could go back in. Mr. Zollinger said that would be part of the pool, going back into the CIP. Mr. Zollinger said that going forward that would be easier because purchases came from the CIP and resale money will go there; but until all of our equipment has transitioned and been purchased there, it needs to go into the General Fund or whichever fund purchased it.

Mr. Stam said that another discussion in the CIP committee was instead of selecting the vehicles for replacement individually, a lump sum would be given to Fleet and let them decide which vehicles needed replacement or movement to another department to extend the life.

Mr. Zollinger asked if the Council would like to see the CIP list included in the budget document or broken up into the accounts for presentation. Mr. Shaver indicated that he preferred this list. Mr. Zollinger pointed out this list includes just the governmental funds and he would do the same type of list for the proprietary funds.

Mr. Nicponski asked if the City looks at leasing. Mr. Hill said that George Hamer has looked at leasing from time to time; although, it has not been done as a general practice. Some leasing has been done on golf carts and a lease purchase on large vehicles, such as a street sweeper and road paver, when the City did not have the money up front to purchase. The City has found it is less expensive to purchase rather than lease. It can be beneficial for government if you want to flatten out the dollar expense from year to year. Mr. Hill thinks it is better not to lease if you have the money. Mr. Zollinger might have another opinion. Mr. Hales said that we do have our own repair shop and that is one of the advantages for ownership. In leasing, because items are new, the maintenance costs are not as high. Mr. Zollinger said that there are limits in mileage. Mr. Nicponski said the numbers would have to be run but it might be considered. Mr. Hill said very few leases are done because the City keeps vehicles so long. Mr. Nicponski added that you run into a bubble where they have all been kept so long that they all need replacement at once. Mr. Zollinger commented that one of the goals of the CIP is to replace part of the fleet each year.

Mr. Zollinger explained that on the CIP list the departments prioritized in one column and the CIP committee prioritization can be seen according to what was funded.

Mr. Stam commented that it was discussed for the Council to hold a CIW (Council Initiative Workshop) or some other format to review the recommendations of the CIP committee. Others suggested it would be done during the budget meetings. Mr. Hales said the process had been impressive and he gave much credit to Mr. Stam for his insight.

With no further questions or business, Mr. Brass adjourned the meeting at 6:23 p.m.

Janet M. Lopez  
Council Office Administrator



**DRAFT**

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

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, May 1, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

**Members in Attendance:**

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

**Others in Attendance:**

Justin Zollinger	Finance Director	Dan Snarr	Mayor
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Tim Tingey	ADS Director	Sally Hoffelmeyer-Katz	Citizen
George Katz	Citizen	Peri Kinder	Murray Journals
Starlyn Nockos	Murray High School	Brandon Elwell	Murray HS Student
Alex Nixon	Murray HS Student	Adam Ebling	Murray HS Student
Taylor Palmer	Murray HS Student	Russ Kakala	Public Services
Mike Terry	HR Director	Chandler Page	Murray HS Student
Matt Dahle	Murray HS Student	Kolten Cooke	Murray HS Student
Jennifer Kennedy	City Recorder	Craig Burnett	Assistant Chief of Police
Maxwell Dunbar	Scout		

Chairman Brass called the Committee of the Whole meeting to order at 5:50 p.m. and welcomed those in attendance.

**Minutes**

Mr. Brass asked for corrections or action on the minutes from the Committee of the Whole meeting held on April 3, 2012. Mr. Shaver moved approval as written. Mr. Stam seconded and the motion was approved 5-0.

**Business Item #1:**

**Salt Lake Valley Health Department – Linda Bogdanow and Tom Trevino**

Ms. Bogdanow stated that the presentation was to introduce themselves as liaison from the Salt Lake Valley Health Department. If the Council had any questions or concerns they noted their availability to communicate by email or at future meetings.

Mr. Trevino said that Mayor Snarr had received a letter from Gary Edwards pertaining to meth houses and he pointed out that type of information can be expected in the future relating to all the cities. He works for Environmental Health off of Vine Street and is a resident of Murray City. His information addressed chemically contaminated properties and environmental health including the four bureaus that exist related to environmental programs. This packet gives an outline of what each of the bureaus do and he gave that to Ms. Lopez, who would copy and distribute to Council Members.

Mayor Snarr added that this is a serious problem and it is important for anyone moving into those houses to be protected from a health perspective.

Mr. Shaver asked for further explanation of what environmental issues are covered by the organization. The Bureau of Protection is involved in inspecting restaurants, nursing homes and any public facilities, as well as, mass gatherings, such as festivals and temporary food vendors, Mr. Trevino responded.

The Bureau of Safety and Sanitation work on housing issues, cosmetology, tattoo parlors, waste problems and the meth houses. The Bureau of Air Control monitors cars and pollution from permanent non-movable locations and are looking to advance in that area.

Mr. Trevino said the Bureau of Hazardous Waste and Water Quality, which is probably most recognizable for swimming pool inspections, deal with drinking water issues and chemical waste spills. Through this bureau is the emergency response team.

Mr. Shaver noted that they coordinate with local cities and county. Mr. Trevino confirmed that and said that the following day an environmental task force meeting would be held to review waste water issues that may be under notice of violation or heading in that direction. All agencies in the valley have representatives that attend this meeting to discuss these issues and determine how to handle future problems that may occur. Mr. Shaver asked if they have oversight for the work that is done by Murray City. He agreed with that concept.

Mr. Brass mentioned an issue in his district involving creatures and the SL Valley Health Department had been very involved and helpful in addressing that to make sure it was cleaned up. He spoke very highly of their work.

Mr. Nicponski commented that one area that affects everyone is the restaurant policing. He asked if Mr. Trevino considers the enforcement capability resource adequate. Mr. Trevino said that great improvements had been made in just the last couple of years. A good working relationship had been established with the District Attorney's (DA) office with individuals who are dedicated to working with the Department in all issues of environmental health. Most cases involving the DA office are concerning waste water, storm drain or chemical spills. They utilize the DA office, pointing out the Queso Fresco Mr. Cheese fiasco that has been ongoing for two years. Mr. Nicponski asked if the manpower for inspector level resources were adequate. Mr. Trevino said they are not. He thinks they were probably at about 80% of the needs. He can speak to this because he serves in management for the Bureau of Food Protection; however, he cannot speak for the other agencies accurately.

**Business Item #2: "Project Citizen" Recycling Presentation - Murray High School Speech and Debate, Starlyn Nockos**

Ms. Nockos is the Speech and Debate Coach at Murray High School and she presented a select group from her class who was in attendance to make the recycling presentation. The class had been exploring the theme of activism because they want to teach the students to use their skills acquired from speech and debate to make a positive impact on the community. They have compiled a lot of research and left a folder with Mayor Snarr. She introduced each student.

Mr. Palmer addressed problems stating that the earth is suffering. Recycling is vital because of its effects on the environment. He said that the citizens of Murray do not know enough about what to recycle and what not to recycle. It costs Murray City more when something is improperly recycled. That money comes from the citizens.

Adam Ebling addressed the alternatives to solving this problem. He suggested switching to a dual stream recycling collection, using other mediums of education or staying with the current system. The dual stream recycling would utilize a box for plastics, one for paper and one for specific types of plastics. Studies have shown that the single stream recycling system, like Murray's, results in improved recycling. Therefore, the current system will work best. Another alternative is education. Some mediums have been ignored such as public service announcements, television, radio and newspapers. Signs, public speakers and door to door campaigns may also prove helpful, he said. It has been recorded that 2.7 % of garbage is recycled in the state of Utah. This is drastically low compared to the EPA estimate that approximately 75% of garbage can be recycled. Another study shows that 20% of people contaminate recycling with garbage. Because the current situation cannot be sustained the Murray High School Debate Team offers a policy as the best alternative.

Alex Nixon stated that the Debate Team proposes a recycling education program to better inform the Murray community on the do's and don'ts of recycling, how to properly recycle and make it more accessible to residents. The main end goal is to adapt the Salt Lake City policy to Murray. They have free bins and pick up on a weekly basis and make a large positive balance off the recyclables. Since Murray is much smaller, it has a hard time with this. The students believe that if they can educate the population and get them involved in hands-on projects it will motivate them to recycle more giving a bigger incentive to change the current program. At this time, the students are trying to get the ball rolling to reach that stage.

Ms. Nixon stated that a study was done at Bentley College on recycling techniques comparing the results of flyers, campaigns, television announcements, or fairs. Many were shown to be very beneficial. She stated that the program and proposal for Murray City is completely constitutional both in Utah and the United States. Utah Code Section 76.10.20.101 states only what recycling is and the penalty. The maximum penalty for incorrect recycling is \$750. She feels this is hard to track and education of the citizens would be a better alternative than charging this fee thus bettering the community. The final part of the proposal would be to have the public service department put the program into action.

Brandon Elwell communicated how the Murray High School Speech and Debate Team proposed to accomplish the goal of better educating the public on recycling. The program has been outlined into five steps.

1. Working with the public service department, create a precise list of the biggest mistakes made by Murray residents when recycling.

2. Distribute the list to Murray residents informing them of improper recycling using flyers, speakers at the local schools, a website and an article in the Murray Journal. Educating students will affect the parents' education.
3. Take a more active role by having a recycling fair. Mr. Elwell suggested that the recycling fair would give people a chance to see and practice recycling properly while enjoying an entertaining activity.
4. Pull additional data to determine if there had been a reduction in the contamination of recycling products, if more fines were paid or if the recycling had improved. Getting this list out to residents would encourage continued improvement in recycling efforts.
5. Annually, go back through steps 2-4 as a reminder to residents. Another meeting such as this can take place with the City Council to determine if changes to the City recycling policy were necessary.

That was how the Murray High School Speech students felt they could better educate the public about recycling, Mr. Elwell said, in closing.

Mr. Shaver asked how the students chose the topic of recycling. Ms. Nixon said that they discussed several problems they saw in the community. As a class it was felt that recycling was very important, beneficial and impacts a lot of people.

Mayor Snarr commented that the City officials tried for five years before instituting the current recycling program. Ace Disposal has a recycling cop who checks the cans for improper recycling products and when found the cans are tagged with a list. He likes the students' ideas.

Other Council Members agreed that recycling has picked up greatly and Mr. Brass said that he was informed that pizza boxes are not recyclable because the oils in the box harm the recycling process for paper. The oils clog up the filters when broken down and made into paper again. Educating the public is a good thing.

Mr. Shaver asked that the students return to report when they are ready to implement. He suggested that for step four the City could help with data from Ace Disposal and he would be interested in the results.

Mayor Snarr proposed that the recycling fair would work simultaneously with the Health Fair. They get a lot of people there.

### **Business Item #3**

### **Open and Public Meeting Training – Frank Nakamura**

Mr. Nakamura stated that under Utah law the City is required to provide the Council members annual training on the Open and Public Meetings Act. The purpose is to make sure that all action and business is taken out in the open. If there is any question as to whether or not there is a meeting that should be noticed and published, we always err on the side of openness. We have a very good reputation in this area. Under the Open and Public Meetings Act, which he has provided a copy of for each Council member, the only issue raised with him was social meetings that are allowed without the requirement of notice. A social meeting is narrowly

construed and as a word of caution in a social setting the intent is not to transact or discuss business.

The notice is required to be sent out 24 hours in advance and to publish on the website and in the newspaper. He has seen no issues in regards to our publication notices and public hearings. Our agendas, openness and publications have never been challenged and he thinks Murray is one of the better cities on that.

One issue that has come up is the agenda. You want to err on the side of specificity and to be able to notify the public what it is that will be discussed during that meeting.

Mr. Shaver asked if the public notification can be done within 24 hours. Mr. Nakamura said that Murray has established a practice of notice anywhere from two weeks to 10 days or one week, and rarely do we publish a 24 hour notice. In meeting the criteria of an open meeting for creating the agenda, Mr. Shaver asked if there is a timeline specified as to how much time must be given. Mr. Nakamura said it is 24 hours. Therefore, if the Council would like to alter or change the agenda previous to the day of the meeting, a public notice can be made and still include it on the agenda. Mr. Nakamura confirmed that the agenda could be amended as needed and he would hope the changes would fit into the original agendaed notice. It must occur within 24 hours.

Mr. Brass said that typically Murray operates on the side of caution. It is not a good idea to drop a major budget hearing or budget change as a 24 hour notice. Citizenry complains that government does not give them enough time.

Mr. Shaver said that issues do arise that the Council would like to discuss. Usually budget hearings are scheduled well in advance; however, other issues can be noticed with a 24 hour period to meet legal requirements. He asked about areas in which a vote may be taken. In retreats or other discussions a vote may not be taken, but a vote should be taken only in an open meeting. Mr. Nakamura said a vote may not be taken in a closed meeting. Votes must take place in an open meeting in front of the public. Mr. Shaver asked if there must be discussion. Mr. Nakamura said that discussion can take place on a closed meeting item, but deliberation and the vote must occur out in the open.

Mr. Stam said that a point of record must be established with a reason why a decision is made. Mr. Nakamura said that is with any decision that is made and he admitted to being somewhat of a stickler particularly on land use decisions; however, the record is so important. It becomes what the public and courts can review. Matters and reasoning must be on the record. Mr. Shaver noted that on the reasoning, when a motion is given and a vote taken, the reasoning must also be there. That reasoning becomes a critical part of the record, is that correct, he asked. Mr. Nakamura confirmed that it is and the discussion prior to the vote becomes part of that reasoning. As a whole, it is viewed as the record.

Mr. Nakamura pointed out that closed meetings are legal and have taken place for real property purchase and sale and to avoid disclosing sale price or proposed purchase price. The City has the right to close the meeting and, also, at times, for litigation that is imminent and pending. The case must be very specific. Matters discussing the character and professional competence of an individual may also be closed. All these matters can be public, but there is a right to close the meeting on a two-thirds vote. The vote needs to be in the public.

Moving into a closed or executive session, Mr. Shaver noted, needs to be in an open forum before going into closed session. Then it comes back into the open meeting to adjourn, Mr. Stam added.

Mr. Nakamura advised that the final issue is something he has not alluded to in prior trainings, and that has to do with social networks and other electronic communications. He was not sure that the law had caught up to it, emails, texting, blogs, Facebook, and how they relate to the Open and Public Meetings Act. With citizens and other Council members responding brings up some issues as to whether or not that is undermining the Act. He has provided an article on this and he feels the law will have to deal with it as the new public forum. The existing Open and Public Meetings Act has not quite adjusted to how to deal with these electronic communications. If a Council member is making a decision with texting or emails going on then it does undermine the Open and Public Meeting Act. It cannot be done and is a little easier to identify than Facebook or other websites. He will be watching how the law adjusts to that. He asked that Council members be cognizant of texting and email and not do that to subvert the open meeting.

Mr. Shaver asked if the Council could establish its own rules until there is legislation regarding that. Mr. Nakamura said that could be done.

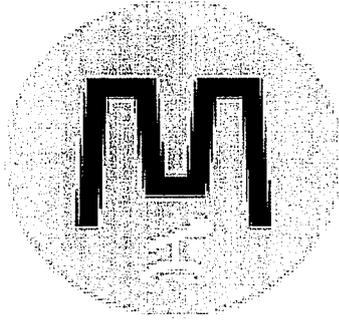
Mr. Stam said that the Council makes decisions in open meetings and takes votes. As time goes by, Council members and their feelings change. If a Council member decides he no longer agrees with that vote and wants to pursue a change, he may talk individually with other Council members, as is allowed. If a consensus is formed and then one acts on that is it legal for them to act on it, even though the issue had been voted on in a previous meeting?

Mr. Nakamura said that the only way an official decision can be made, even though discussions take place, is by a majority of three votes in a Council meeting. It is not an action by the Council if that takes place.

Mr. Stam remarked that if two Council members do something to take an action and state they are taking an action, then it becomes illegal. Mr. Nakamura said it is not illegal, they have no ability to take an action, they have no authority, and it must be an official Council action by a vote. They cannot possibly or legally take any action without a vote of the Council in an open meeting. They have no authority.

With no other business the meeting was adjourned at 6:37 p.m.

Janet M. Lopez  
Council Office Administrator



**MURRAY**  
CITY COUNCIL

# Discussion Item #1

# Murray City Municipal Council

## Request for Council Action

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

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)  
WATER AND STORM WATER RATE STUDY PRESENTATION

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)  
FINANCIALLY SUSTAINABLE; ENGAGED AND INFORMED RESIDENTS; WELL MAINTAINED, PLANNED AND PROTECTED INFRASTRUCTURE AND ASSETS.

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

Council Meeting OR  Committee of the Whole

Date requested APRIL 3, 2012 May 22, 2012

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

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

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

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)  
INCREASE IN STORM WATER FEES; NO CHANGE TO WATER FEES

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

6. **REQUESTOR:**

Name: DOUG HILL Title: PUBLIC SERVICES DIRECTOR

Presenter: SHAUN PIGOTT Title: SHAUN PIGOTT ASSOCIATES, LLC.

Agency: MURRAY CITY Phone: 801-270-2404

Date: March 21, 2012 Time: \_\_\_\_\_

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

Department Director: *Doug Hill* Date: 3/21/12

Mayor: *Daniel C. Jones* Date: 3/27/12

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

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

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

9. **NOTES:**



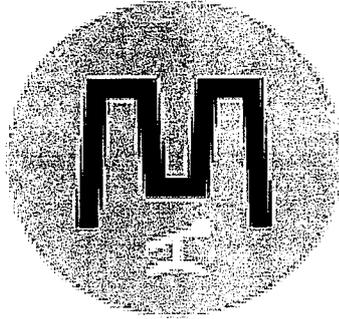
# MEMO

**To:** Mayor Daniel C. Snarr  
**From:** Doug Hill, Public Services Director  
**Cc:** Jan Wells, Chief of Staff  
Danny Astill, Water Superintendent  
Russ Kakala, Streets and Storm Water Superintendent  
Trae Stokes, City Engineer  
Justin Zollinger, Finance Director  
**Date:** March 21, 2012  
**Subject:** Water and Storm Water Rate Study

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Shaun Pigott Associates has completed the water and storm water rate study. I am requesting that the findings be presented at a City Council Committee-of-the-Whole Meeting on ~~April 3, 2012.~~ *May 22, 2012*

Thank you for your assistance in scheduling this presentation.



**MURRAY**  
CITY COUNCIL

# Discussion Item #2

# Murray City Municipal Council Request for Council Action

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

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2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)  
Financially Sustainable; Welcome and Thriving Business Climate; Responsive and Efficient City Services; Sub-committee on Employee Compensation; Engaged and Informed Residents; Well Maintained, Planned and Protected Infrastructure; Safe and Healthy Neighborhoods; Vibrant Parks, Recreation and Cultural Amenities.

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

Council Meeting OR  Committee of the Whole

Date requested May 22, 2012

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

Resolution (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

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

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

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

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5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)  
Committees for action plans and related tasks as identified in the Strategic Plan retreats.

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6. **REQUESTOR:**

Name: Jim Brass

Title: Council Chair

Presenter: Jim Brass

Title: Council Chair

Agency: Murray City Council

Phone:

Date: May 10, 2012

Time:

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

Department Director:

Date:

Mayor: N/A

Date:

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

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

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

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9. **NOTES:**

**Committees for action plans on the Strategic Plan**  
 April 2012

Seven Areas of Focus	Chair	Possible Participants	Initiative Priorities	Timing
Financial Sustainable CIP	Justin	Council, residents, staff <i>Financial Advisor</i>		
Welcome and Thriving Business Climate	Tim	Council, staff, business reprehensive, chamber		
Responsive and Efficient City Services	Jan	"City Services Review Team" Staff, Council, residents		
Sub- Committee to Services Employee Compensation and Resource Options	Mike T.	Benefits Committee		
Engaged and Informed Residents	Zach	Staff PIO's, community outreach, Council		
Well Maintained, Planned and Protected Infrastructure	Brett H.	CIP Committee		
Safe and Healthy Neighborhoods	Tim	Staff, Council, housing groups		
Vibrant Parks, Recreation and Cultural Amenities	Doug H.	Contingent on funding Parks Master Plan update		

Committee to coordinate Best Practice Recommendations from the Strategic Plan:  
 Mike Wagstaff, Chair; Jan Wells, Vice Chair, include Council, staff, others

## Financially Sustainable

**Initiative:** Diversify City revenue sources

**Desired Outcome:**

- Improved fiscal stability

<b>Tasks</b>	<b>Priority</b>	<b>Timeline</b>
<ul style="list-style-type: none"><li>• Investigate alternative revenue sources<ul style="list-style-type: none"><li>○ Identify options</li><li>○ Asses where we are</li><li>○ Benchmark against other communities</li></ul></li></ul>		
<ul style="list-style-type: none"><li>• Evaluate fees and In Lieu of Tax transfers<ul style="list-style-type: none"><li>○ Residential</li><li>○ Interdepartmental</li><li>○ Non-profits</li></ul></li></ul>		
<ul style="list-style-type: none"><li>• Review County and State policies and procedures affecting values in the City</li></ul>		
<ul style="list-style-type: none"><li>• Develop five year plan to diversify<ul style="list-style-type: none"><li>○ Set incremental annual targets</li></ul></li></ul>		

## Welcoming and Thriving Business Climate

**Initiative:** Develop a comprehensive economic development policy and incentive plan

**Desired Outcome:**

- Clearly defined economic development goals
- Increased development activity
- Increased and diversified tax base

Tasks	Priority	Timeline
<ul style="list-style-type: none"><li>• Evaluate existing policies<ul style="list-style-type: none"><li>○ Benchmark with neighbors and more broadly (Out of State?)</li></ul></li></ul>		
<ul style="list-style-type: none"><li>• Collaborate with others<ul style="list-style-type: none"><li>○ Chamber of Commerce</li><li>○ Large Businesses</li><li>○ Intermountain Medical Center</li><li>○ UTOPIA</li><li>○ Other large groups</li></ul></li></ul>		
<ul style="list-style-type: none"><li>• Establish a process and parameters regarding incentive options</li></ul>		
<ul style="list-style-type: none"><li>• Develop a marketing plan, assess opportunities, identify target markets</li></ul>		
<ul style="list-style-type: none"><li>• Draft plan with collaborative effort 5-10 years</li></ul>		

**Initiative:** Pursue aggressively the creation of a vibrant and sustainable Murray City downtown

**Desired Outcome:**

- Increased tax base
- Increased job creation

Tasks	Priority	Timeline
<ul style="list-style-type: none"> <li>• Actively and aggressively market downtown               <ul style="list-style-type: none"> <li>○ Cooperate on extended marketing</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>• Pursue cluster developments</li> </ul>		
<ul style="list-style-type: none"> <li>• Define redevelopment agency incentive options for developers</li> </ul>		
<ul style="list-style-type: none"> <li>• Pursue transportation investments               <ul style="list-style-type: none"> <li>○ City</li> <li>○ External</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>• Develop relationships with developers (Mayor, Council, Staff)               <ul style="list-style-type: none"> <li>○ Assist in developing relationships</li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>• Actively talk to existing businesses to keep them here-retention effort</li> </ul>		
<ul style="list-style-type: none"> <li>• Invest in public facilities downtown</li> </ul>		
<ul style="list-style-type: none"> <li>• Promote establishment of Business Improvement District for downtown</li> </ul>		

## Responsive and Efficient City Services

**Initiative:** Develop a performance management system and perform a City services review

**Desired Outcome:**

- Improved efficiency and effectiveness of City operations
- Identified best practices and industry standards appropriate for implantation in Murray City

Tasks	Priority	Timeline
• Appoint a City Services Review team		
• Identify initial priorities and for studies		
• Develop a process for routinely reviewing city services		
• Identify goals of each study		
• Hire outside consultant/expert in the field		
• Conduct study		
• Identify who to involve in study (department heads, staff, customers, stakeholders)		
• Present recommendation to City Service Review Team, then full Council		

**Initiative:** Develop an internal communication plan

**Desired Outcome:**

- Clear communication between administration and staff

Tasks	Priority	Timeline
<ul style="list-style-type: none"> <li>• Utilize Council-Administration meetings               <ul style="list-style-type: none"> <li>○ Chief of Staff and Executive Director meet</li> <li>○ to agree on agenda items                   <ul style="list-style-type: none"> <li>• Share agenda with Council/all</li> </ul> </li> </ul> </li> </ul>		
<ul style="list-style-type: none"> <li>• Continue annual employee meetings with Mayor at budget time</li> </ul>		
<ul style="list-style-type: none"> <li>• Survey Employees</li> </ul>		
<ul style="list-style-type: none"> <li>• Direct department heads to develop internal communication plans</li> </ul>		

**Initiative:** Evaluate employee compensation and resource options

**Desired Outcome:**

- Successful recruitments and retention of employees
- Reward employee performance

Tasks	Priority	Timeline
<ul style="list-style-type: none"> <li>• Identify employee satisfiers</li> </ul>		
<ul style="list-style-type: none"> <li>• Review compensation package as a whole</li> </ul>		
<ul style="list-style-type: none"> <li>• Compare compensation with peer jurisdictions</li> </ul>		
<ul style="list-style-type: none"> <li>• Determine pay and benefits philosophy</li> </ul>		

## Engaged and Informed Residents

**Initiative:** Develop a comprehensive external communications plan

**Desired Outcome:**

- Clear channels of communication between the City and its residents
- Engaged and informed residents

<b>Tasks</b>	<b>Priority</b>	<b>Timeline</b>
<ul style="list-style-type: none"><li>• Conduct a SWOT analysis of existing communication tools between the City and residents</li></ul>		
<ul style="list-style-type: none"><li>• Determine communication goals</li></ul>		
<ul style="list-style-type: none"><li>• Interview key stakeholders</li></ul>		
<ul style="list-style-type: none"><li>• Define audiences</li></ul>		
<ul style="list-style-type: none"><li>• Identify key messages<ul style="list-style-type: none"><li>○ Develop communication strategies and associated action plans</li></ul></li></ul>		

## Well Maintained, Planned and Protected Infrastructure

**Initiative:** Develop a comprehensive Capital Improvement Program

**Desired Outcome:**

- Improved maintenance of existing infrastructure
- Prioritized plan for new capital expenditures and investments

Tasks	Priority	Timeline
• Identify CIP funding source		
• Establish policy and procedure		
• Establish CIP Committee <ul style="list-style-type: none"> <li>○ Finalize Application process</li> </ul>		
• Inventory assets and conditions		
• Establish inventory of projects/needs		
• Establish infrastructure schedules/policy <ul style="list-style-type: none"> <li>○ Vehicles</li> <li>○ Streets</li> <li>○ Parks and Rec</li> <li>○ IT</li> </ul>		
• Implement the process		
• Get community buy-in		

## Vibrant Parks, Recreation and Cultural Amenities

**Initiative:** Develop a parks, recreation and cultural amenities master plan

**Desired Outcome:**

- Master plan adopted by Council
- Receive citizen input in the process

<b>Tasks</b>	<b>Priority</b>	<b>Timeline</b>
• Issue RFP for master plan consultant		
• Conduct a city survey/input mechanism		
• Encourage public input-utilize Parks Board, recreation participants		
• Prioritize programming and space use for a 10 year plan		
• Recommend funding in the CIP		

**Adjournment**

# Council Meeting

6:30 p.m.

Call to Order

Opening Ceremonies:

Pledge of Allegiance

# Council Minutes

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

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**DRAFT**

**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 17<sup>th</sup> day of April, 2012 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

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

Others who attended:

Dan Snarr,	Mayor
Jan Wells,	Chief of Staff
Brent Davidson,	Deputy City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Craig Burnett,	Assistant Police Chief
Tim Tingey,	Administrative & Developmental Services
Doug Hill,	Public Services Director
Gil Rodriguez,	Fire Chief
Justin Zollinger,	Finance Director
Dan Barr,	Library Director
Chad Wilkinson,	Division Manager
Kevin Potter,	Deputy Chief, Fire
Charles Crutcher,	Engineering
Mike Fernandez,	Murray Police
Bruce Turner,	Power Department
Jim Hendrickson,	Shade Tree Commission
Scouts	
Citizens	

**5. OPENING CEREMONIES**

- 5.1 Pledge of Allegiance – Karen Daniels, Planning & Zoning Commission
- 5.2 Approval of Minutes for March 20, 2012

Call vote taken, all ayes.

- 5.3 Special Recognition

**Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah declaring Friday, April 27, 2012 as Arbor Day.**

Mayor Snarr read the Resolution in its entirety.

Mr. Brass made a motion to adopt the Resolution.

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

Call vote recorded by Brent Davidson.

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

Motion passed 5-0

Mayor Snarr recognized Bruce Turner as the Operations Manager working cooperatively with the Arborists in the Power Department and the great work that they do; they are greatly appreciated.

Mayor Snarr introduced the other members of the Beautification Board, saying that these are great individuals who really have an interest in making Murray a great place to work, live and provide a better quality of life. If you look at all the CO2 that is being eaten up by the trees, you see that their job is very important.

Jim Hendrickson of the Shade Tree Commission thanked the citizens of Murray for their effort to help provide and make Murray City a Shade Tree City for the 35<sup>th</sup> year. Murray City is proud to be one of the leading cities in the state of Utah who are Shade Tree Cities.

Mr. Stam gave his appreciation to all of the volunteers that help with the program and the city, which makes Murray truly unique and different, and said that their service is greatly appreciated.

**5.3.2 Recognition and acknowledgement of Jerry Hatt's graduation and certification as a Generation/Substation Technician from the Utah Valley University/Salt Lake Community College.**

Staff presentation: Charles Crutcher, Engineering

Mr. Crutcher stated that Mr. Hatt had come to work for the Power Department in July of 1999 and was promoted to Apprentice Substation Technician in 2007 when he started his four-year apprenticeship, completing that in January 2012; this coursework included basic electric theory and went on to the actual maintenance and operations of the transformers, breakers and other basic relaying. In addition to his coursework, he also worked in-house with the city learning the electronic relay which the city employs, hydro maintenance on the hydro plant up Little Cottonwood Canyon and the continuous emissions monitoring for the gas turbine plant.

Mr. Hatt completed the IPSA program, which is the Intermountain Power Superintendents Program that started out at UVU and wound up at Salt Lake Community College. Mr. Crutcher presented Mr. Hatt a certificate for completing that classwork.

Mr. Crutcher added that in addition to that, the IPSA School is also recognized by the U.S. Department of Labor and they have a certificate from them giving Mr. Hatt the Journeyman Substation Technician title.

Mr. Stam congratulated Mr. Hatt, saying that this gives us a stronger, more educated and better work force and appreciates his efforts.

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

None given.

**Citizen comment closed**

7. **CONSENT AGENDA**

- 7.1 **Consider confirmation of the Mayor's appointment of Thomas Halliday to the Murray City Board of Adjustment in an At-Large position for a five year term to expire April 2, 2017.**

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

Call vote recorded by Brent Davidson.

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

Motion passed 5-0

8. **PUBLIC HEARINGS**

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

- 8.1 **Consider a Resolution approving modifications to prior appropriations of Community Development Block Grant ("CDBG") funds.**

Staff presentation: Angela Price, Community Development

Ms. Price stated that this is a reallocation of CDBG funds in the amount of \$19,471.00; the CDBG Advisory Committee is recommending approval of this Resolution.

Public hearing opened for public comment.

Allison Smith, NeighborWorks, 4843 Poplar Street, Murray, Utah

Ms. Smith said that NeighborWorks Salt Lake was founded in 1977 and almost two years ago expanded to Murray City; since that time, they have changed their focus in Murray- last year they began acquiring abandoned or run down homes within Murray in order to revitalize some of the communities within Murray City. They are very excited over the success that they have had.

Ms. Smith said that they had just completed their first home and sold it to a young woman. When she met this young woman, a single mother who works here in Murray as a manager of fast food restaurant, the woman said that she had been trying to live in Murray for over a year, looking for a house that she could afford. Her two problems had been that the homes that she wanted to move into, she couldn't afford with her job; the homes that she could afford, she would not have moved her children into. Some of the homes, she couldn't even open the doors to get into because the floors were so warped or had so many other structural issues. Then this home came onto the market-which sold within a week-which shows that the demand for these homes is very high. They are very appreciative of the support that the City has given them and thank the committee for the recommendation; they look forward to continue working with the City.

Public comment closed.

Council consideration of the above matter:

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

Call vote recorded by Brent Davidson.

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

Motion passed 5-0

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

**8.2 Consider a Resolution allocating the 38<sup>th</sup> Year Community Development Block Grant ("CDBG") funds for Program Year 2012-2013.**

Staff presentation: Angela Price, Community Development

Ms. Price introduced Karen Wiley of Salt Lake County, Community Development Coordinator.

Ms. Wiley has been working with the staff here at Murray and touts the city as her example city as part of the urban county because Ms. Price gets things done, does them correctly, before they are due and she loves working with her. All of the staff here are wonderful and the city has an amazing group of people working here.

Ms. Wiley stated that they have had the opportunity to have a review by HUD's housing office, so there have been several different tasks that they have all had to perform-the County and all of the urban cities-as far as doing surveys of their facilities and doing a plan to do any corrective action, and Ms. Price has worked with all of the different divisions in the city to make sure that this happened in a timely manner; this was not a small task, just the form itself was 49 pages long and Ms. Price and Murray City have been an amazing example of how things should work and it has been a privilege to work with.

Ms. Wiley continued: They have changed a lot of the things in the CDBG program this year; in the past, they changed it so that the soft cost applications-which are the public service applications-came to them and then the County gave them to the City. This year, they have simplified it further by bringing all of that up to the County and had members of each one of the jurisdictions to be on the CDAC Committee to review. Diane Turner was the representative for Murray City who was selected, she was an amazing advocate for Murray and really did an outstanding job and Ms. Wiley commended the City for selecting her.

Ms. Wiley said that as soon as the soft costs are approved, she will provide Ms. Price a list of those so that the City can see how they compare with the cities and the residents of Murray City; she thinks that the equity was amazingly even, which was really cool, and that was the whole purpose of it. It was very exciting to see that the agencies that received funding through the ranking and scoring that the committee did actually fell out into serving everybody in the urban county.

Ms. Wiley commended the staff and wanted everyone to know that there have been these changes and that there have been some real challenges that they have worked with the offices of Fair Housing at HUD and the staff here at Murray.

Ms. Price acknowledged the agencies, saying that Murray City has had a little over \$100,000 in cuts over the past two years in the CDBG funding which has made for really hard decisions by the advisory committee and she works with these agencies on a daily level and knows that they are seeing a stronger demand for their services with decreased funding and she wanted to thank them for the services they provide. Without them, the City would not be able to do the work that they do. Ms. Price also recognized the advisory committee: Mayor Snarr, Jan Wells and Chad Wilkinson who spent six hours one morning interviewing all of the CDBG applicants.

Ms. Price said that all of the interested applicants submit a letter of intent to the City and once that is submitted, they are able to go through the application process. They had eleven organizations apply for funding this year and once they receive all of the applications, they review them and interview each application giving them some hands-on time with each organization and ask any questions that the City has. Based on those interviews, the committee comes up with some funding recommendations that are never easy to do. This year, they came up with the recommendations that are before the Council tonight. Ms. Price added that there is one modification: there was a typo in the Murray program delivery expenses; it should be \$18,100.00, not \$22,500. Based on that, the advisory committee is recommending approval for this Resolution for \$175,613.00 for the 2012 -2013 CDBG funds.

Public hearing opened for public comment.

David Woodman, Assist Emergency Home Coordinator, 218 E 500 South, SLC, UT

Mr. Woodman stated that Assist has, for over 42 years, tried to have a positive effect on built environment in our community; they have also tried to enfranchise those who have no voice. The three main projects of Assist are:

- The Emergency Home Repair Program, which he is most closely affiliated with; this is a program that tries to help the city's lowest income residents with critical necessary plumbing, heating, roofing and electrical repairs on their homes. All work is done by local, licensed and insured contractors. Some of them are based in Murray City.
- The Accessibility Design Program, which is a program that helps remove architectural barriers from homes of people who have disabilities. Staff architects assess the situation and design practical modifications.
- Community Planning and Design; Assist works with local governments, neighborhood groups, non-profit and for-profit organizations to bring a community voice to the development table. Also, compliance with fair housing laws regarding accessibility.

Mr. Woodman mentioned three projects that they have been involved in this fiscal year:

- A 66 year old woman on Box Elder Street: they installed two iron railings on her front porch steps.
- A 91 year old couple on Angeles Street: they did critical repairs to the electrical system in their home.
- An 83 year old couple on Shiloh Way: they replaced a leaking water line.

Mr. Woodman said that all of these repairs were needed and absolutely necessary to help these families stay in their homes. They want to be a good community partner and they make many referrals to the NeighborWorks Program, the Community Development Corporation and Valley Services. Hopefully, this will help the family in need find the appropriate program that can best help them. In these austere times, they know that the City has very difficult decisions to make and he thanked the city for supporting these programs.

Terra Bueno, 244 E Myrtle Ave, Murray, Utah

Ms. Bueno said that she is the new Unit Director of the Boys and Girls Club of South Valley, and introduced Jaime Dunn who is the new Child Care Director; Ms. Bueno said that the Boys and Girls Club of South Valley serves about 100 kids a year, coming from at-risk homes, single parent families, alcohol, drugs, violence, etc. They work with these kids as more of a prevention to help them get off the streets and their biggest focus is to help them graduate and receive education-this is a big push for the club.

Ms. Dunn thanked the City for their help in previous years in funding and support; she said that when it comes to this specific funding, the Boys and Girls Club Child Care is a licensed child care facility, but one of the lowest costing center for child care in the valley. They provide low-income families and single parent families with the opportunity to take their kids to a safe place where they know that their kids are going to be taken care of in a setting that is regulated by the

state. In order to do that, they do have to get funding for certain things, such as the playground, to give the kids a safe place to play. Their playground is very big and they have kids from three to eighteen years of age and it is for all the ages of the children. Unfortunately, for little three year olds that come for pre-school, the playground is a little too big and not as safe for them, so they are hoping to put a playground in where the younger children can play and still be safe.

Ms. Bueno said that the second part of this is wheelchair accessibility and door openers. The Boys and Girls Club in Murray is one of the few clubs that have an inclusion program, so this will definitely help them to continue this program.

Celest Eggert, Development Director, The Road Home

Ms. Eggert reiterated Ms. Wiley's statements regarding how great it is to work with Ms. Price and the Advisory Committee, thanking them and the Mayor for their tireless efforts, and for Murray City being a faithful supporter of The Road Home. The Road Home is the largest homeless shelter in the State of Utah; they have a shelter for single women and women with children; they provide nightly shelter to approximately 700 people and last year they provided shelter to 5,939 people.

Ms. Eggert stated that they have a request for hard costs to renovate their bathrooms. Each one of their shelters have separate restroom facilities with showers and those are in desperate need of repair. Their men's restroom has never been renovated since they opened their doors in 1988 and they are asking for funding for that and would appreciate the City's support.

Stephanie Mackay, Columbus Community Center, 3495 S. West Temple, SLC, Utah

Ms. Mackay thanked the Mayor and the Advisory Committee for working so diligently with all of the non-profits and they realize how difficult these decisions are. Columbus Community Center is a non-profit organization which serves individuals with developmental disabilities; they serve 350 people across the county in three program areas: residential, vocational and day programs. In this area, they have six individuals living in the Jones Court Group Home and it was the first group home that was built in the county. Salt Lake County Housing Authority built it and they have operated the program for over 30 years.

Ms. Mackay said that the money that has been recommended is to renovate the bathroom and she wanted to speak to the process in which they go through for this block grant money; for them, it has been a critical process to help them plan for adaptations to the home; it has been around for a long time and every year there is always something to do and the block grant money has been critical for them to do many renovations. This year, they are asking for funding to renovate the bathroom so that it can be wheelchair accessible. The six individuals who live there are starting to age and they are trying to plan forward to make accommodations for those in the home. It is a beautiful home, the six individuals are fully integrated into the Murray community and the staff is very proud to work there and they are very glad to be a part of Murray.

Public comment closed.

Council consideration of the above matter:

Mr. Shaver made a motion to adopt the Resolution with the amendment changing the amount to \$18,100.00 from \$22,500.

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

Call vote recorded by Brent Davidson.

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

Motion passed 5-0

The Council Members gave their thanks to all of the organizations and their contributions to the City, as well as acknowledging the great efforts and knowledge of the City staff. Mr. Brass also thanked the County for streamlining the processes.

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

**8.3 Consider an Ordinance amending Section 16.16.090, 16.16.095 and 17.58.050 of the Murray City Municipal Code relating to the requirement that all newly created single family lots abut a public street.**

Staff presentation: Tim Tingey, Administrative & Developmental Services Director

Mr. Tingey stated that this item was discussed in a regular Council meeting, and since then, they have had new Council Members, so he wanted to give a background on this issue. Several years ago, in 2006, there was a citizen task force that was formulated that looked at a variety of issues that related to development. Their primary focus was Planned Unit Developments as well as larger homes and heights of these homes as they compared to neighborhood areas with smaller homes. As part of their deliberation, they met more than nine times and it was a committee of citizens, including developers and architects and part of their recommendation and some of their deliberation was on the public and private road issue. They made a recommendation to the Planning Commission and the Planning Commission made a recommendation to the Council to eliminate private roads in single-family subdivisions. In 2007 the City through the Planning Commission, recommended an ordinance called the 'Single-Family In-fill Ordinance'

which allowed for a reduction in standards in set-backs and street widths for in-fill development for single family homes. The street width current standard and the standard at that time was a 50' right-of-way width for public roads in subdivisions. The single-family in-fill allowed a reduction in that to 30'; as part of that, the Planning Commission could omit sidewalks and planter strips if there were some reason for doing so. That ordinance was adopted as part of the in-fill ordinance, which was also adopted in 2007.

Mr. Tingey said that this issue that is before you was brought forward in the summer of 2011-the Nielson family made a proposal basically to change the ordinance to allow for private streets in limited circumstances; in July, the Planning Commission recommended denial of the ordinance. It came before the City Council in December of 2011 and he recommended denial of that proposal for the following reasons: First of all, there was a committee that was established that addressed this issue, and they felt that it was a good policy, that it was adopted and was a sound policy for the city. The code allows for a reduction in the right-of-way with the single-family in-fill ordinance and that was approved through a public process. They get a lot of people that come in to their offices that have concerns that things go forward, such as private streets, and they did not have any say or input in that after they purchased homes with those private streets and didn't recognize the issues of concern and problems that come with private streets. Since he has been here, he has had several situations where he has sat in the Chambers with a whole neighborhood addressing the issues of their concerns of why the City allowed private streets and why they have to maintain the infrastructure-when water lines break and why they have to wheel their garbage cans a long way, why they pay the same taxes yet do not get the same services. That is what he has heard a lot in his career as well as here in Murray. That is an issue of concern that prompted the recommendation of denial.

Mr. Tingey stated that there are also conflicts between private property owners with private streets that they access; sometimes, some of the property owners think that they own a portion of that private street. Sometimes their parcel is in the street, but it is an easement that the private street runs through and they have put up fences. Then they have had public safety concerns: the Fire Department has concerns with ongoing maintenance of those private roads and if there is a fire, they have concerns if there is adequate access, that it is not blocked or in disrepair. Those are the reasons that they recommended denial and they are issues of concern; whenever you look at private and public streets, most cities that evaluate this have these issues. They have spoken with cities across the Salt Lake valley and there are these issues that occur.

Mr. Tingey continued: In December, the City Council had discussion of this item and they directed staff and he quotes their motion at that time: "the City Council, Staff and Planning Commission will agenda the item for the near future and have discussions and meetings to revisit the issue and look at amending the ordinance in a different way so that they may address these smaller than two acre parcels across the city." The staff immediately went to work on this issue and Community and Economic Development staff led the development of this proposed ordinance. They met with Public Services, Fire, Police, Power Department, Attorney's Office and others to craft an ordinance for the Council to evaluate, which is what they are doing tonight.

Mr. Tingey said that the proposed ordinance components are:

- Private streets would be allowed for residential in-fill subdivisions of two acres or less.
- Minimum paved width of 20'
- 8" road base with 3" of asphalt
- Curb and gutter required, designed as approved by the City Engineer
- Private streets are to be located on a separate lot or parcel and not counted toward the lot's square footage
- Set-backs measured from the edge of the private street parcel
- Sidewalks and park strips are required unless omitted through the residential in-fill approval process.

In addition to that, there are standards related to the approval of gates that are included in this regarding set backs from adjacent parcels-there is a separate standard for that, and also, extension of streets to adjoining property owners. What that means is that there may be some circumstances where they don't want to land-lock another property that is to be developed in the future, so there may be some circumstances where you can't have a private street if it will land-lock and cause issues with state law related to that. The private streets should also be separated from abutting private properties outside the post development by a minimum of 5'. These are the basic components.

Mr. Tingey stated that after they developed this proposal and taken it to the Planning Commission, the Nielson's expressed concerns about this ordinance. They countered some of the elements in the ordinance; one of those was that they requested eliminating the requirement to have a street as a separate parcel. They have big issues with that, and Mr. Tingey wanted to reiterate that there are property line issues and if it is allowed as an easement, if it is not a separate parcel, people will own a portion of the street all the way down the street and there will be conflicts of people putting things in the private street because it is their property. The set-back interpretation becomes very challenging; density could be affected, the maintenance of the street and who is to maintain that-it is not well described if you don't have it as a separate parcel; long term stability of a home owners association; and then, public safety and code requiring it be established as a separate parcel will promote access issues can be addressed more effectively. All of those issues are concerns that they have.

Mr. Tingey showed some pictures of private streets that they have had issues with-people building on the property line which has impacted access and other issues. He said that these are issues that they would like to avoid. The Nielson's also described some concerns with, and suggested an option, that they did not want to include curb, gutter and sidewalk and Mr. Tingey wanted to be very clear about this point. This ordinance does not allow for the City Engineer to make a decision to not require curb, gutter or sidewalk. This ordinance says that there is to be curb, gutter and sidewalk. There are some different design elements with the curb and gutter, but park strips and sidewalks are also required. There is an option for both the Planning Commission and the City Engineer-not one or the other, but both-to waive this if certain circumstances are met. This is not something

that the City Engineer can rank, Public Services cannot make a call on that; there was even some wording in the Minutes, as well as some comments made by the Nielson family, that they have talked to the City Engineer and think that these issues can be worked out. Potentially they can, related to curbing, but this is the standard for sidewalks and planter strips. The Planning Commission and City Engineer would have to waive something like that and there would have to be some legitimate reasons behind it; he wants to be clear about that.

Mr. Tingey stated that in addition to that, as part of the background on this, in January and February they brought this to the Planning Commission and also brought this draft proposal to the Council; there was public testimony at the Planning Commission meeting, two members of the former committee and the former task force was at that meeting and the Planning Commission recommended, unanimously, against this proposed ordinance. They went back as they were directed by the Council, to work with the Planning Commission and they have big concerns with this. They have submitted a letter to the Council, which Mr. Tingey would like to enter as part of the record, reiterating their concerns; this letter was submitted by the Chair, Jim Harland, on April 6, 2012.

Mr. Tingey summarized: this is a public policy and it is a public policy that needs to be focused on impacting the whole city. It will impact each one of the Council districts, potentially, in the future; it is not about one particular proposal and they need to understand that. It is about an ordinance that will impact and change the policy which is made for the whole city. There are potential-and he has had people in a variety of areas, including developers- that would probably eliminate, with this two-acre size, the public streets. It is less cost prohibitive to do that and so this is a public policy and not just about one proposal. Administrative Developmental Services staff has recommended approval of this ordinance as it has gone through to the Planning Commission, but this recommendation that they had as they took it to the Planning Commission doesn't alleviate the concerns that he has just addressed. Those issues are concerns that this ordinance will not address and you will still potentially create conflicts, you will still potentially have dilapidation of those streets over time, we will also still have citizens potentially who will come in and say 'why am I paying taxes and not getting the same services.' This will not change that; the Planning Commission unanimously recommended denial and that is his presentation before them tonight.

Mr. Stam addressed Mr. Tingey: You live in an area that has a homeowner's association; how effective is that association at this point?

Mr. Tingey said that it is not very effective, and that is a challenge. They would hope that having properties like the private street ordinance like that is proposed right now allowing for those private streets as a separate parcel will help to keep those homeowners associations intact more, but you can't ever guarantee that. They have an issue in his subdivision where there is an area that is not being maintained, that the homeowners association was supposed to be maintaining and no one is willing to pay for that.

Mr. Shaver said that Mr. Tingey had mentioned issues that will continue to occur in the

future that this ordinance doesn't address. He asked if there is a possibility of addressing those issues separately.

Mr. Tingey said that the current policy that they have addresses those issues which is to not allow private streets, addressing those separately. There are some that can be mitigated but over time, he doesn't feel that with the private street ordinance that they can be mitigated. For example, if you live 200' or 300' from a public right-of-way, to get your trash picked up, this will not mitigate, over time, people from having to move their trash all the way to the public road. This is not going to address, over time, issues of if water lines break and it is in the private street and not a part of the public right-of-way, that homeowners association-those residents are going to have to pay for and address that.

Public hearing opened for public comment.

James Nielson, 41 Palo Circle, Sandy, Utah (Sponsor)

Mr. Nielson said that this was the most reluctant recommendation that he has heard for an amendment; they are not opposing this amendment, any part of it; it could be written to give more flexibility to property owners, but they understand the City's concerns with the problems that the city has had in the past and they understand that this amendment was written specifically in order to address those concerns. Parts of the amendment were not mentioned: one specific item that he would like to bring up is that the private street will be posted as a private street and a notice will be posted at the head of the street that it is a private street and people on the street will not be receiving services. He hopes that this would alleviate the concern of receiving phone calls from angry citizens who are not receiving the services that others do on public streets. There is also the consideration-he admires the city's desire to take care of any potential issues that residents might have, however, there is the idea that people can choose where they live, whether it is a public or private street, and can take on that responsibility for themselves and they should have that choice.

Cities surrounding Murray do allow private streets; he assumes that they have had issues in the past, but have worked to address them if not eliminated them all together; he feels that this is a consideration as well. They are there to ask, on behalf of themselves and all other small property owners who might be able to take advantage of this ordinance, they are here to ask for a slightly narrower access. This is for small pieces of property that can support in-fill zoning requirements but do not have the area to support a full width public road. These properties would still have an area to support fire code approved access, which currently is 20'. They are not asking to change density or set-backs and he knows that in their case, they are not considering his property particularly, but a road length of less than 400' and two houses. It seems to him that this could be considered an elongated driveway rather than a road. Streets of this type would be very limited in scope; this is not an ordinance that would allow new neighborhoods to be created-it is limited to two acres and 600'.

Mr. Nielson wanted to address the issue of private streets specifically: why are they asking for a private road? They are not; what they are asking for is narrower access and a private road in Murray City is currently the only option to get that access. That is why they are asking for a private road; they have tried to find every option to amending the entire ordinance, understanding that it would be difficult. They have searched the Code for language that would allow the Mayor to give special approval based on the history of the property, but that didn't work. They asked that the existing private lane on the property-there is a road on the property that served two residences and by definition in Murray City, that establishes it as a private lane-they asked that the road be grandfathered in, since it has existed since the 70's and they be allowed to use it for development on the land, they were told they could not do that. They suggested an alternate access, perhaps through the amphitheater parking lot which is adjacent to the property and they were told they could not do that either. They discussed, with the City, the possibility of a narrower public road and it is his understanding that perhaps that conversation will continue, but at the time, he was told that the City was not comfortable with that option and they needed to pursue this as a private street.

Mr. Nielson said that he hopes it is very clear that from the beginning, they have done everything they can to find an alternate means of achieving access into the property. They have enough room for 20'-there are other properties around the city that will have enough room for 20', which is what fire code deems to be safe, they just can't support the width of a public road and the question needs to be asked, why if you are serving two or three houses, do you need a full width public road, isn't that overkill? Some of the benefits of narrower access, for the Council's consideration, are: a narrower road is a better fit for smaller developments where the current public road standard doesn't make sense; in their specific case, they are talking about two houses. It will slow traffic speeds; for those who are familiar with the Leed rating system in architecture, you can receive sustainable site credits for reducing impervious surface-in other words, you can receive credits for reducing the amount of pavement that you put on a site. Less pavement results in reduced storm water, and as we know, every Spring Cottonwood Creek has a tendency to overflow its banks-less storm water being a good thing. If you pave less, there is more area for a natural infiltration of storm water without it ending up in waterways. There is increased retention of natural vegetation; less pavement reduces the urban heat island effect, which is higher temperatures around cities where dense pavement is common; the pavement collects heat and reflects it back during the night, raising the temperature.

Mr. Nielson continued: This also makes small developments more financially viable for property owners; this was a point that came up with the Council in the last meeting. There was a desire for some flexibility for owners of small pieces of property to be able to develop them. In their case, it would allow them to come back to Murray-his brother and him-to build houses and to live and raise their children in the city where they grew up. He doesn't need to go through the merits of the ordinance-he just wants to say one more time that this has been written to specifically address the problems that have had in the past and if those people are here to remind you of those the issues, this is the new ordinance; it is comparing apples to oranges-this is something that has not been tried. In closing, he would like the Council to consider one more time, as far as they know, a

private street is the only vehicle for a narrower access. Murray's General Plan for the property under consideration allows one house per 8,000 square feet; they are proposing two houses to go on approximately 43,000 square feet; fire code allows access of 20'. Both of these things-the General Plan of Murray City and the International Fire Code have both been written with the public's safety and well-being in mind. They are planning to adhere to both of those standards; all they are asking for is reduced width so that they can develop this property for their family and on behalf of other property owners who will find themselves in the same situation.

Mr. Nielson stated that if this amendment is the right path, please pass it; if it is not, then please help them to find a way to use the property.

Mr. Stam addressed Mr. Nielson: It has been stated several times that this is for two homes; he was told by a member of the Nielson family that it is actually, long-termed-planned for four.

Mr. Nielson said that in the beginning of this process, that was the discussion; however, the way that this amendment is written, to require the lane to be on a separate parcel of land...this is why they requested that the road be defined as an easement, which he believes it can be legally defined as an easement if he understands it correctly, and the line of the road can be as clearly defined as if it is a separate parcel; regardless, with these small pieces of property around the city, they are not all flat or regularly shaped. If this road is required to be on a separate parcel it cuts off a big chunk of land that is a slope. They cannot build the road right up to the property line, it cuts off a big piece and reduces the area of the lot significantly. They had a heart to heart with the other people who are involved, his siblings, and two of them are happy where they are and are willing to let the other two build on the land, understanding that because of the way that the amendment is worded, it restricts the use of the property as such that they are basically left with two lots.

Martin Buchert, 5459 S 555 W, Murray Planning Commission

Mr. Buchert said that the Planning Commission's deliberations and decision is already on the record and he does not want to reiterate that, he wanted to make a few points that had not been made tonight. He thinks that the critical decision is not about narrower roads, the policy change that they are deliberating is a policy change about whether private or public streets will be required for future in-fill on small lots. The Council has heard testimony from the city staff that they already have policy established that facilitates the development of those small in-fill lots and on that basis, he would again encourage the Council not to decide to change an existing policy that is working for the city, that has been reviewed by professional experts multiple times over this multi-year process to address the kinds of problems and challenges that have been pointed out again and again.

He understands the desire-the emotional appeal of the homeland, so to speak, and if the sticking point is the width of the road, then that is a point to be worked out under the umbrella of the existing policy and the existing in-fill development ordinance and not to change the policy regarding private and public roads to accommodate a need for a narrower road. He would also emphasize the point again-his world view says that you respect expert opinion; he seeks expert opinion when he has a decision to make, he seeks to exercise common sense himself, but he knows enough about the world and the universe to know that he can't know very much about it in the grand scheme of things and that his expertise is limited in his scope.

Mr. Buchert said they had all heard that city staff, in a variety of disciplines have reviewed this multiple times, the citizen committed has reviewed it, the Planning staff has reviewed it and he respects the expert, professional judgment of these people, including many of his colleagues in the Planning and Zoning Commission.

Ben Savage, 600 E 4800 S, Murray, UT

Mr. Savage stated that it has been unclear in the meetings why this particular project can't be done through the in-fill ordinance or flag lot and it amazes him that they are talking about making a broad brush move here and go back to something in the past that they have had task forces on and know doesn't work for Murray City. Now we are going to go to something, if this is approved, that they are quite familiar with-the problems. They know that the system being used right now does work, so why would they want to take a huge step backwards to something that doesn't. As a last word of caution on this, he knows that to go this private, narrower road, it takes both P&Z and staff to recommend that you have maybe 1' of curb and gutter, no planter strips, no sidewalks...the minute you do this for one person or one developer, you are going to be faced with a long line of people right here saying that you did this for that one person, why not them. This is the real issue that you open up with this, other than safety.

Ray Black, 1010 Peaks Circle, Murray, Utah

Mr. Black said that he serves on the Planning Commission and has lived the life with the public streets and all of the problems that came to them at that time, which were many. In 2006 they addressed that and had a task force that recommended that they do away with public streets. It went to the Planning Commission and they approved it; since that time, the problems that he used to face and those that were on the commission, they haven't had any of them since they got rid of public streets and enacted the in-fill.....Mr. Black corrected himself to mean private streets.....they haven't had any problems. It is hard for him to understand that if you had a problem and you fixed it and things are going right, why do you go back and get the old problems back? He doesn't see the logic behind that.

Just recently, they have had people who live on private streets here in Murray, come to

the staff and ask them to convert those to a public street so that the City would manage it. There is a message there-they don't want that private street for all of the reasons that you have heard tonight.

Mr. Black said that he feels that if the City goes back to this, they are kicking the door open and this isn't something that will only apply to a piece of property on 5300 South, this is going to be city-wide and he doesn't know why they need to kick the barn door open, it doesn't seem to make sense. He believes that this defies common sense and it is not prudent to go back to what they had in the past, where there were a multitude of problems and he always thought that the tenants of logic was to learn from the past; for the past five or six years, they learned that it was a bad idea when they had those private streets and now that they have the public streets, they don't have the traffic or problems that are presented to them.

Karen Daniels, 788 W. Bullion St., Murray, UT

Ms. Daniels said that she is a member of the Planning and Zoning Commission and wanted to explain why they sent a negative recommendation on this issue; as a Planning and Zoning Member, they sit and look at public safety issues and so forth when they are looking at different issues and one of the strongest ones was the sidewalks that were wanting to be eliminated, this was something she wanted in this ordinance if it did change. Nothing is worse in your personal life than to get a call at work telling you that one of your children have been hit by a car. She feels that it is very important that we have sidewalks, if they do go ahead and approve this. They came up with the in-fill ordinance-the Nielson's are great people and she understands how they want to develop their property-but they looked at this as a whole and came up with the in-fill ordinance, which has the ability to have the smaller streets and still keep it public. It is just a matter of being able to work together with the City on something that they already have.

Ms. Daniels feels that the staff has done a great job-they have looked at it, the task force looked at it and her recommendation is that they don't change what is already in place.

Bill Finch, 1055 E Chevy Chase Lane, Murray, UT

Mr. Finch stated that he was also on the task force along with several others, and in all the meetings that they had, what came out was that there would no longer be private streets; what he does not understand about the Nielson's is why they would want a narrower street-if the fire engine were to come up that street, they need 20'. Mr. Finch agreed with the former speaker of curb, gutter and sidewalk; with a 400' driveway and only 10' wide, it doesn't make sense if a fire truck were to come up that road. He agrees with everyone else that there is no reason in going back to the past.

Debbie Reid, 5811 Cove Creek Pl., Murray, UT

Ms. Reid stated that she too was on the task force in 2006, and not only did they meet often, but also took many field trips around the city looking at different neighborhoods

and different roads they were discussing. They discussed at length the curb, gutter and sidewalk options in their meetings and made the recommendation to the city to create a policy or law about the curb, gutter and sidewalks; they made the recommendation to the city to eliminate private roads. The reason she was asked to be on the committee at that time was because she did, and still does, live on a private road with an H.O.A. She does not know the Nielson's, but her heart goes out to them in this situation because she can imagine growing up on the property and having it be a family property and being told that it doesn't get to look the way they want it to; it would be difficult and she has empathy for them with that issue.

Ms. Reid continued: as everyone has said, making an exception to this law and this ordinance for this one family is going to open up a lot of problems that the city was having and in some areas still currently has because of the private roads. Since that time that she was on the commission and the experiences she has had living on a private road and an H.O.A., she and her neighbors purchased the lot in between them and came to the city and had it rezoned; the plat redrawn up and went before the H.O.A., did everything they were supposed to do by law to make the changes. Over the course of years, those neighbors moved out and new neighbors came in and have had several different H.O.A. Board Members and the new board members in 2008 decided that what they did was not legal and they sued them. They went through a two-year process of fighting, a lot of contention in their neighborhood and still has neighbors who will not speak to her and it was finally resolved that what they did-after the H.O.A. spent thousands of dollars going through four different attorneys-all was washed away. The impact that it had on all of the neighborhood was really detrimental; having your neighbors sue you does not bode very well. She can see future problems as the different families leave, that is the potential of something happening. Regardless of the H.O.A., they did make a recommendation for several reasons that there would be no more private roads; there were a lot of different reasons for that.

Marta Nielson, 5495 Walden Meadows Drive, Murray, Utah

Ms. Nielson clarified that this ordinance amendment is for 20' not for 10', which is what fire code requires; she knows there was some mention of expert opinion and that staff has spent a lot of months consulting with different departments within the City and also that it is based on fire codes, so she feels that they do have good experts on this ordinance amendment that would support its passage tonight.

Ms. Nielson said there has also been a lot of talk about taking steps back, or opening the barn door but they are not taking steps back; there was a problem in 2006 and that problem was addressed with the ordinance that they have now. They come six years later to 2012 and there is another problem which needs a new solution; the present ordinance that addresses the issues that came up in 2006 is not the barn door-it is a window, a different entrance. It is not about cost or the way the property will look it is about design; what makes sense for property owners so that they can have good designs and a good community. It is also about physical space; her father-in-law built his house with his father in the 70's, it is beautiful and you would literally have to tear it down to build the

road that is required; she is sure that there are other properties that would face similar situations and if it makes sense for them.....someone said there would be a line of people wanting the same thing, but why aren't they allowed to use their property as well? There should be a solution that makes sense for the properties.

It is easy to hear the squeaky wheel, to hear the complaints that come in; she works for city government too and answers a lot of angry phone calls every day, but that is our job as city employees to respond to those. You don't often hear from the successful projects- in their research on this over the past two years, they have gone out and driven through a lot of different private street neighborhoods in Murray and there are some good ones out there. She feels that this can be done in a way that works and that doesn't come up with the problems. She encourages the Council to have open minds about this, to see it as a new solution that addresses the problems and to see that there are other ways to address the problems than just saying no.

Public comment closed.

Council consideration of the above matter:

Mr. Brass said that he has struggled with this issue; he has been around a long time too. Mr. Brass stated that he was the Councilman who called for the original task force on this; private streets became a part of it, but the driving force was a P.U.D. and the way they calculated the lot sizes using the streets and that stirred up this issue. He has also stated from the beginning of his discussions with the Nielson's that he did not want to go back and revisit that; he lived through that, it was not a fun time and he is not a fan of private streets. The reason that he has advocated for this thing is that they make laws and decisions, and the late Dick Stauffer loved to use the phrase 'law of unintended consequences' and we can't always consider all issues when we pass a law. He has spoken to members on the task force and one of the things that were not considered is what happens to all of the A-1 zones when they go R-1-8, which is what the Master Plan and General Plan calls for, the very reason that we eliminate private streets is what became an endless stream of people coming to them wanting to know why they can't have a public street; they said 'enough' they don't want to deal with this anymore.

Mr. Brass's concern is that with the thirty to fifty one A-1 properties they will have that endless stream of Nielson's coming to them and saying 'what are we going to do with our properties' because a flag lot is inadequate; you can say we are not denying you use of your property, but he doesn't know if they are allowing them fair use of their property. What you end up with is a house and another house, and it is still a very big piece of ground. Nationally they are seeing that large lots are not desirable in neighborhoods. That being said, he doesn't know what they do; he doesn't know how this vote is going to go, he doesn't like private streets but he has continually asked the question of why they cannot have a public street that would address this issue. What is the minimum, safe standard for a public street- width, curb and gutter, hard edge, whatever. What they don't need is the driving force behind people wanting to have their roads converted is when their road breaks down, they don't want to pay to have it repaved, they want the City to

do it. If you put a road in and we have to take it over, we don't have to pay to have it repaved either so we want a specific standard. Mr. Brass doesn't know what that standard is, or what is going to happen tonight, but he would urge them to take a look at this because this problem will still come up and he doesn't dislike what they are looking at any more than he would dislike similar properties, but he does know if you open the barn door, there are people out there that will take advantage to the smallest issue and we have to protect the city.

You will learn that as you age in your career with the city, you make difficult decisions and it impacts people's lives; this is your life, your family, but it is our city. As he said from the beginning, there are 45,000 of us and he doesn't know that they have looked at the standard. He would like to know, if indeed, fire code and ICC says 20' for certain sizes, then let's talk about that; if it doesn't, if Mr. Roberts can show him that a bunch of people died in a fire because they couldn't get an engine down the road because it was too narrow, then it's a health and safety welfare issue and he is good with that. He will go to the wall with that. He would urge that they go with a public option for all of those properties, not just this one-it is not about this one, and it's about all of them.

Mr. Shaver said that one of the things that he feels is constitutional in the United States is that he has a right to property, but the State says 'yes you do, but we are going to tell you how you may or may not use it,' That gets into a conflict of interest-the State telling you what you can or cannot do with your own property and those are hard issues. One of the things is that overall view, the overall perspective and trying to maintain that is sometimes difficult. He has had conversations with the Nielson's, walked their property with them, talked with them about what they wanted to accomplish, etc. and it becomes very personal at that point. Trying to remain somewhat objective is a challenge; he does not envy what they do on the Planning and Zoning Commission-he knows how hard it gets on the Council when they do that, but at this point, they have to consider overall what the city needs and what would be best for all. As Mr. Brass so eloquently stated, the private roads are not...both of the Nielson's asked if there isn't some way to do this, that is what he would like to see. He would like to see them do that to the property and build it the way they like within the confines of what is available. How we do that, he doesn't know, but if there is a possibility of a solution, he feels that they should do everything they can to do that. It was said that the conversation would continue and that is what he would hope because what was brought up is exactly an issue that they all need to face and it is not going to go away. As his part on the Council, he wants to keep that very open, a very broad perspective and that is what he is planning to do.

Mr. Nicponski stated that, for him, it is pretty obvious-there are members of the Planning Commission here who tirelessly served, who unanimously objected to this and he thinks it is an ill-conceived proposal or amendment. He sat in the December meeting and was unimpressed by the way that they grappled with it then, recommended working out an ordinance and it didn't make sense to him. The Planning Commission spoke and they know what they are doing; he will support them and he would vote against this amendment-he feels that it is a bad idea, ill-thought and ill-conceived.

Mr. Nicponski made a motion to deny the Ordinance/amendment.

Mr. Nakamura reminded the Council that a matter can fail without a motion and second as well, whether they need to take affirmative or negative action on this matter.

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

Call vote recorded by Brent Davidson.

  A   Mr. Brass

Mr. Brass said that because he feels the way he does about private streets, he will make his vote, but he would request, and urge the support of the Council, that a CIW be done and the process started for them to look for a public solution.

  N   Mr. Shaver

  N   Mr. Hales

  A   Mr. Nicponski

  A   Mr. Stam

Mr. Stam said that he has had experience on the task force and has gone back and forth on several things on this, and has one concern and suggestion that he had brought up in the original meeting in December: because of flag lots and size of properties, he would entertain a possibility of a two home flag lot because of the size of the property in the back. Any additional properties would create an issue. Based on that and his feelings and experiences, he votes to deny.

Motion to deny passed 3-0

Mr. Stam wanted to clarify: the motion was to deny the new ordinance; so a vote of Aye was a vote to deny the ordinance, a vote of Nay was to approve.

Mr. Nakamura said that this is the problem with negative motions and suggested taking a re-vote. He clarified: the motion on the floor is that Mr. Nicponski made the motion that they would deny the ordinance that has been proposed; there would be no changes to the ordinance. With that understanding, a re-vote was called.

Mr. Nicponski made a motion to deny the Ordinance/amendment.

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

Call vote recorded by Brent Davidson.

  A   Mr. Brass

  A   Mr. Shaver

  A   Mr. Hales

  A   Mr. Nicponski

  A   Mr. Stam

Motion to deny passed 5-0 (Amendment fails)

9. **UNFINISHED BUSINESS**

None scheduled

10. **NEW BUSINESS**

None scheduled.

11. **MAYOR**

11.1 **Mayor's Report**

Mayor Snarr stated that they are in the process of diversion around Big Cottonwood Creek; they put in an elaborate pipe system and will create a dam upstream to the east, diverting it and sending it quite a ways down and around so they create a dry area where they can rebuild the bridge on. If you want a nice road trip, you're going to have to walk about 75 yards around Big Cottonwood Creek due to the diversion. It is very interesting the way they do that project; it is nice this year that we do not have the run-off that we have had the past couple of years and they should be able to address it and take care of it, and hopefully sometime in August the project will be completed. After being the Mayor for 15 years and on numerous years the County said they would partner with us to get this project done, it's finally coming. Financing had been an issue along the way, the design of the bridge was finally completed, although it was a little later than he had hoped for, it is costing more money now because of some other mitigating circumstances that occurred and we have had to anti-up additional money, but it is critical to our infrastructure and critical to the development of the Fireclay area; we will have a safe way to finally go

across the Big Cottonwood Creek at Main Street.

If you notice, both the sides of the creek are deteriorated and the rebar is showing; it is sloughing off on both sides and begun to break and deteriorate to the point where it is no longer safe and this project will make it safer and make that area come alive faster and in a way that most people are looking forward to. We have had some issues in the past with individuals who have called and expressed their concerns about the Miller Paving trucks coming in there at six in the morning; they were doing it last Fall because they were under the gun to finish projects and wrap them up before the asphalt plants close down. They no longer can stack on the south side of the Big Cottonwood Bridge-they will have to go back over to the where there are no residential units on the north side, which will address that issue. He has had a conversation with the Millers and they will make sure that in the future, that will no longer happen.

## **11.2 Questions of the Mayor**

Mr. Shaver said that he has seen work over on 4800 South.

Mayor Snarr said that they are going to do a grind and overlay on that, and then some collars. They are doing some curb and gutter work, but were not able to finish that last Fall because of the limited time they had before the weather came in. They are going to grind and overlay that from State Street all the way to Winchester, so there will be clean asphalt all the way down. There are a few bumps and ridges along the way which will be addressed when they do the final overlay and after that they will collar it going around any of the infrastructure like the sewer lines, turn-offs, valves, etc. It will be finished off as they had originally bid it out.

Mr. Shaver asked for a time frame on this.

Mayor Snarr said it should be started sometime in May, being weather contingent and it will take more than a couple of weeks because going through and putting individual collars around each of those manholes takes longer than doing the grind and overlay.

## **12. ADJOURNMENT**

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

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**DRAFT**

**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 1<sup>st</sup> day of May, 2012 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

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

Others who attended:

Dan Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Craig Burnett,	Assistant Police Chief
Tim Tingey,	Administrative & Developmental Services
Doug Hill,	Public Services Director
Gil Rodriguez,	Fire Chief
Justin Zollinger,	Finance Director
Russ Kakala,	Streets Superintendent
Greg Bellon,	Asst. General Manager
Mike Terry,	Human Resources Director
Bruce Turner,	Power Department
Rondi Knowlton-Jeffries,	Mayor's Office
Janet Lopez,	Council Office
Mike Estrada,	Fire Department
Dave Florin,	Fire Department
Daren Wightman,	Fire Department
Mike Williams,	Murray Justice Court
Scouts	
Citizens	

Mr. Brass excused Mr. Nicponski from the meeting.

**5. OPENING CEREMONIES**

5.1 Pledge of Allegiance – Reed Diamond, Boy Scout

5.2 Mr. Brass stated that they have a tradition in Murray to have the Scouts in attendance stand and introduce themselves, their Troop Leaders and which Merit Badges they are working on.

The Scouts introduced themselves.

5.3 Approval of Minutes for April 03, 2012

Call vote taken, all ayes.

5.4 Special Recognition

**Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah recognizing and supporting May 2012 as Building Safety Month – “An International Celebration of Safe and Sensible Structures.”**

Mayor Snarr read the Resolution in its entirety.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

Mr. Tingey accepted the resolution for Mr Gonzales, thanking the Council for this proclamation. Mr. Tingey said that this is really an unrecognized service that often times people take for granted-the safety codes and the implementation of that by the Building Inspection Department, who do a great job. Just last week, he was doing an inspection with the inspectors of the Birkhill parking structure and it is amazing, the detail of what they have to do to make that safe. The important work of the conscientious building inspectors is really appreciated.

Mr. Shaver said, being in the construction industry, he would like to commend the City's inspectors; as he has heard, other cities come to our inspectors for help and guidance because they know that our inspectors are up to date on the codes and the things that are out there, which goes to commend our inspectors for their due diligence in staying up to date.

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

Mr. Brass thanked the firefighters in attendance for their great work, especially when he really needed them, saying that they all do wonderful work for the community.

**Citizen comment closed**

7. **CONSENT AGENDA**

None scheduled.

8. **PUBLIC HEARINGS**

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

8.1 **Consider an Ordinance amending the Fiscal Year 2011-2012 City Budget.**

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that there are three items that they are opening the budget for:

- Transfer to the Capital Projects fund for the next years CIP, bringing us down to the statutory limit of 18%; we are still a little above that based on a two-week old calculation.
- \$100,000 increase for the Retained Risk Fund for expenses that have come up this year that haven't been there in the past.
- Library Endowment Fund reserve; this is money that has been restricted in the past and now the donor has said that we can use the money for specific projects using those restricted funds.

Mr. Shaver asked if Mr. Barr, Library Director, would address the Endowment Fund money and how it will be used.

Mr. Zollinger said that the money would be for a stained glass window.

Mr. Barr said that this was an enhancement to the community. What they are doing, is as a result of the Centennial Celebration is that the library board has chosen to do an art project to not only commemorate the past, but hopefully provide a vision for the future. They set about working to raise funds from the community-donations-and working with the Friends of the Library which is a group of volunteers who do fund raising events, everywhere from the Star Wars Celebrations: May the Fourth Be With You” this Friday.... they have approached the donor in the Endowment and asked if they could use a portion of the endowment for this project. The donor agreed as long as they could match the amount, which they have done. The contract has been signed; the project has begun and should be completed and installed sometime this Fall.

Mr. Shaver said that this will be a wonderful addition to the Library and that it is a marvelous commemoration because it is light and open. He commended Mr. Barr and the Library Board and Friends of the Library for doing this.

Public hearing opened for public comment.

None given.

Public comment closed.

Council consideration of the above matter:

Mr. Shaver said that the Retained Risk Fund that the City has is a vital part of how they plan to move forward in budgeting; this took them by surprise, and he went to a comment that Mr. Brass had made some weeks ago, when he said ‘if we had planned better in that Retained Risk, we would be in a much better position today’ it is a step that they do need to take, it is something that needs to become part of our thinking that we hold in reserves those things that will protect the City so that we don’t get taken by surprise and we have the means within ourselves. Murray has a history, as well as a tradition, to take care of their own, to serve their own needs; we have a marvelous Power Department, we have our own Fire and Police. Murray takes care of its own and we want to continue to do that-take care of our own and that Retained Risk fund is really critical. This hit is more than what they anticipated, but they need to make that as a solid part of their budgeting process and he looks forward to being a part of that as part of City Council.

Mr. Shaver made a motion to adopt the Resolution.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

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

9. **UNFINISHED BUSINESS**

None scheduled

10. **NEW BUSINESS**

10.1 Consider a Resolution approving the City Vehicle and Equipment Replacement Policy.

Staff presentation: Jan Wells, Chief of Staff

Ms. Wells stated that they had the pleasure to work with the Novak Group in creating the city's Strategic Plan and as part of that process they also worked with the city on the Capital Improvement Plan; it was suggested that as part of that process they also create a Vehicle Replacement Policy. They have been working on this for quite some time and appreciate the work of Doug Hill and George Hamer who undertook the challenge to do a draft and bring it to them; it has been worked over and they have all worked through this.

Ms. Wells said that the policy helps them to evaluate the current conditions of their fleet vehicles in an objective way and to score them. It also provides directions as they put a priority schedule in place where, based on the funding in place, they can replace the most outdated vehicles first. The policy provides information for the CIP Committee so that recommendations for replacement can be understood and reviewed and will help them as they reach their objectives in their decision making. The policy has been reviewed with the Council and they would appreciate their consideration.

Mr. Shaver said that if he understands it correctly, with the Replacement Policy as it was reviewed, one of the things that they began to understand is that by doing it over time they were able to meet the needs of every department rather than meeting one department over another and it is possible that they will be saving money in the process.

Ms. Wells said that was correct; having an objective evaluation, having a process that relies not only on the age of the vehicle but the condition of it, some vehicle don't have that many miles on them and can last a lot longer-it depends on the purpose of those. There are classifications in the ordinance that allows them to review those and as part of the CIP Committee and the work that is done there, it gives them the chance to look at those on the list and then match those with the funding that they have available.

Mr. Shaver asked what the feelings of the department heads were as they reviewed this as being part of the CIP versus being a normal part of the budgets. Was it a bit of a challenge or was it something that they accepted?

Ms. Wells said that she felt that the departments were pretty excited that there would actually be some funding set aside for vehicles-it has just been so many years since they have actually been able to do something-and they are very enthused that they can finally do this, it's been a long time since they have been able to replace anything and haven't had capital for the last three years.

Mr. Brass said that Councilmembers Stam and Hales have worked very hard on this committee along with many staff members. Murray provides all of our services, it is one of the things that makes Murray Great; we do everything and a lot of that requires special vehicles, some of those being breathtakingly expensive-the fire trucks last a long time, but when you have to buy one, there is a lot of money involved. On the other side of that, we use a lot of police cars to keep the city safe and they put a lot of miles on those cars and this was very important to them. They are constantly looking at replacing vehicles.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

**10.2 Consider a Resolution acknowledging receipt of the Fiscal Year 2012-2013 Tentative Budget from the Mayor and the Budget Officer, and referring the Mayor's Tentative Budget for review and consideration to the Budget and Finance Committee of the Murray City Municipal Council.**

Staff presentation: Mayor Snarr

*Budget Address  
May 1, 2012*

*Thank you for giving me the opportunity to address you tonight and present my budget for fiscal year 2013. Murray City, like the rest of the Country, has been on a financial roller coaster for the last three years. Most of the time, the coaster has been traveling on a downhill slide only leveling out periodically. The good news is that we are starting to see a slow, but steady upward progression. We have held our property taxes steady during this time. City departments have made repeated cuts in budgets and capital projects have been limited. Employees have not received additional compensation, but have willingly supported us as they have continued to accomplish their jobs in a stellar manner. An early retirement incentive was offered and 34 positions were vacated. Several jobs have been refilled after the costs for the program were recouped. Overall, there has been a savings of about \$800,000 to \$1 million dollars in **both** the General Fund and Enterprise Funds. These funds are available to help us cover increases to retirement and health care now. This effort also gave us the opportunity to look at the organization of the City and changes were made to consolidate to improve productivity. Our Finance Director retired and we have a new director, Justin Zollinger, who has been instrumental in helping with this budget process. Justin worked for Logan City and brings great experience to our community. I am happy to have him as part of our team.*

*If you have been around town, you have seen evidence of some of the positive changes that are taking place. Fashion Place Mall has been a key focus of development as they have opened a new lifestyle wing with several new stores and restaurants. The Larry Miller Dealerships continue to be rebuilt and opened. A new dealership for Mini of Murray is also being constructed and Murdock Hyundai is coming to town. The Fireclay area around Main Street and 4300 South is busy with a variety of housing projects. These are all good signs that our economic engine is starting to generate again.*

*The upcoming budget year takes us to the conclusion of the "hold harmless" on sales tax. This has been a safety net that we have used to allow us to hold our sales tax numbers at about \$12.2 million dollars, reflecting where we were in 2006, when the distribution formula was adjusted by the State Legislature. This year we will be close to reaching that number and I am optimistic that by the end of this agreement, we will be past this floor.*

*We have taken advantage of this time to work on completing a new strategic plan that provides focus on the direction for the City to move in the future. I have appreciated the coordinated effort that has taken place with my staff and the Council. We are looking forward to sharing the tenants of this new plan. As part of this process, we also created a Capital Improvement Plan. This gives us the opportunity to undertake larger purchases over several years, if necessary, and allows us to rotate equipment and vehicles in an orderly fashion. This year the CIP Committee worked with a one-time amount of \$3 million dollars from reserves to program as part of the budget recommendations. Included in these recommendations are:*

- Funds to replace outdated Police radios and move to UCAN for dispatch service*
- Purchase specific replacement vehicles*

- Refurbish one of our older fire engines
- Add an additional ½ million dollars to roads for a \$1.8 million dollar total including Class C funds
- Replace the rusted stairs in the Park Center Pool
- Build a new restroom at Southwood Park

Plans are in place to help us add money to the CIP in future years to fund high dollar projects and keep us better able to serve our residents. Reserves in the Power Department and Water Department are adequate to allow us to accomplish the Capital Improvement requests from these enterprise funds. My budget includes the recommendation that our fee-in-lieu-of-tax dollars be balanced among all of the enterprise funds at 8%. This is an increase to some and a decrease to others, but provides consistency and fairness.

I have recently been made aware that there will be an increase to the tipping fees for TransJordan Landfill. We will need to address these increased costs and should consider a fee increase to handle these expenses. A Water and Storm Water Study is currently underway that may indicate a need to accomplish more storm water improvements at a faster pace. This, too, may generate the need for a small fee increase. These are both enterprise funds and need to be kept whole to provide the services that are received.

Department Heads have been very modest in their requests for operational expenditures. The majority of their requests are to cover the actual costs that are incurred to do their work. I am recommending that four more of the positions that were vacated due to the incentive, be filled - two for Parks, one for Water and one for Police. Under the direction of our new Administrative and Development Services Department, we have consolidated computer purchasing to one line item that will help us put a good rotation program in place.

Our employees have been amazing partners as we have dealt with this financial roller coaster and have not had pay increases for the last three years. To recognize their commitment and hard work, I am recommending a 3% cost of living adjustment for them this year, along with covering the new amounts for their retirement and health care. Their sacrifices have helped us continue to provide great service through these lean years. They are the faces our residents see doing their jobs each day and I hope you will support this effort.

While our revenues continue to slowly improve, the steps that have been taken in past years have helped us weather these financial challenges. We have cut costs and looked at every operation to make us as fiscally responsible as possible. As a result, our reserves are healthy, which gives us the flexibility to take care of unforeseen situations that always arise as we provide services. Our employees have been the backbone of these efforts and I appreciate each of them. I am looking forward to a smoother ride this year and invite you along as Murray City moves forward and upward. Thank you.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

## 11. MAYOR

### 11.1 Mayor's Report

Mayor Snarr said that he has some interesting things to share with everyone-he feels that they are interesting because it gives people an idea of where the City is going, what peoples plans are, etc. In meeting with the Richard Reese, the new school district director, they indicated that they are not planning on taking those 23 structures down until next Spring because the building plan is such that by the time they are ready to roll out the new building until the Fall of 2015, why not keep the those people that have the houses rented out in them until then. In the Spring of 2013 the demolition process will begin and they expect to have those houses down within six weeks and the footings will be constructed and the design of the school will be completed.

Mayor Snarr said that he spoke with Murdock Hyundai to get a sense of when they are planning on moving into the new facility and was told that the plan is, and they were assured by the builder, that it will be available for occupancy between May 23 – 25, 2012. This is a very expedited construction process, but that is what they expect. They still need to do the façade on the outside and the landscaping is going in now, and they expect to be finished with the interior remodel within two weeks. They are really excited to come to Murray and think that they will be able to do a lot better in Murray as a business giving them more display area for the vehicles plus a larger parking lot.

Mayor Snarr said for those who have always been annoyed by the fence that is part of the IMC property where the trailer park used to be, that was all torn down, a new footing done and a small retaining wall put in. They wanted something that would not be tagged by the graffiti artists and it is not very tall but much more attractive than before and this wall is also keeping the rocks from sliding down the hill.

Mayor Snarr said that BMW Mini Dealership has sent out invitations to their open house which will be held on June 7, 2012 from five until eight; that dealership is nice and they got permission to take the tree down in front of Hubcap Tony's and Doc Holliday's building. The tree had a lot of issues as well as doing things to the curb and sidewalk and now that it has been removed, those challenges have gone as well. It gives a beautiful visual perspective when coming down State Street. The Soffe's have commented on several occasions that it is a beautiful addition to that portion of Murray. The City appreciates that significantly large investment.

Mayor Snarr added that the plans are in for the new Lexus Dealership; that goes before the Planning and Zoning Commission this Thursday and they will get site approval for that. Everything looks like it's in order and they have made all the necessary adjustments, so we will be missing out on a used car dealership for a while but they have the tattoo parlor under contract to buy that, the white house and the older hotel.

Mayor Snarr said that one of his biggest pet peeves is the graffiti artists. He was down looking at the new construction of the Main Street bridge and they have a canvass along a piece of vacant property there and they have graffiti all over that again. The city spends a lot of money every year trying to keep these things from becoming a tagging target where some erases what one person puts on there and replaces it with their own tag. One thing though: tagging artists are respectful of great artwork and we have some murals underneath the 54<sup>th</sup> South area as well as I-215. That is one big area and we have allowed people to go down there and paint those murals and they have not been tagged; they do not want to ruin someone else's creative art work.

Mayor Snarr had an absolutely incredible meeting with a delightful senior couple who said that there was something incredible that he had to look at. Mayor Snarr showed some photos of utility boxes by Sea World in San Diego, saying that in Vancouver, BC the city and utilities work cooperatively to redo all the utility boxes with wraps or paintings. The wrapping costs approximately \$500 -\$600 apiece to wrap and he would like to see the city do that-he is willing to sponsor one, saying it would be nice to say thank you to Costco for what they have done for the City. The boxes in Vancouver have never been tagged; this is a serious problem here and costs the city over \$50,000 a year in removing graffiti. The city could use that money for other more useful purposes, and he would like to check into this further to see if this is possible to do.

## **11.2 Questions of the Mayor**

None

## **12. ADJOURNMENT**

# Special Recognition #1

# Murray City Municipal Council

## Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items each Tuesday in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 107, no later than 5:00 p.m. on the Tuesday one week before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages.

1. **TITLE:** (State how it is to be listed on the agenda)  
**CONSIDER THE SWEARING-IN OF TWO NEW POLICE OFFICERS; BRANDON FRANCIS AND RYAN TESCH**

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

Discussion Only  
 Ordinance (attach copy) Has the Attorney reviewed the attached copy?   
 Resolution (attach copy) Has the Attorney reviewed the attached copy?   
 Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy?   
 Appeal (explain) \_\_\_\_\_  
 Other (explain) **Special Recognition by the Swearing-In of new personnel of the Murray City Police Department by Jennifer Kennedy, City Recorder.**

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
**May 22<sup>nd</sup> 2012**

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

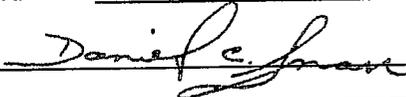
5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)  
Memo

6. **REQUESTOR:**

Name: Pete Fondaco Title: Chief of Police  
Presenter: Pete Fondaco Title: Chief of Police  
Agency: MC Police Dept. Phone: 264-2605  
Date: May 9<sup>th</sup> 2012 Time: \_\_\_\_\_

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

Head of Department: Pete Fondaco Date: May 9<sup>th</sup> 2012

Mayor:  Date: May 9<sup>th</sup> 2012

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

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

9. **NOTES:**



**MURRAY CITY CORPORATION  
POLICE DEPARTMENT**

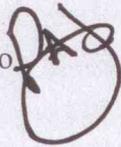
Daniel C. Snarr, Mayor

Peter A. Fondaco, Police Chief

801-264-2673 FAX 801-264-2568

**MEMORANDUM**

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

**FROM:** Peter A. Fondaco   
Chief of Police

**RE:** Murray City Municipal Council

**DATE:** May 11, 2012

We would like to be placed on the Murray Municipal Council agenda May 22, 2012.

We would like to swear in 2 newly hired officers at the council meeting on that date.  
The two we are hiring are Ryan Tesch and Brandon Francis.

Thanks you for your assistance in this matter.

# Special Recognition #2

# Murray City Municipal Council

## Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items each Tuesday in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 107, no later than 5:00 p.m. on the Tuesday one week before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages.

1. **TITLE:** (State how it is to be listed on the agenda)  
**CONSIDER A JOINT RESOLUTION OF THE MAYOR AND MUNICIPAL COUNCIL OF MURRAY CITY, UTAH TO DESIGNATE AND SUPPORT THE WEEK OF MAY 20<sup>th</sup> - 26<sup>th</sup> 2012 AS EMERGENCY MEDICAL SERVICES WEEK**

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

Discussion Only  
 Ordinance (attach copy)  
Has the Attorney reviewed the attached copy?

Resolution (attach copy)  
Has the Attorney reviewed the attached copy? YES

Public Hearing (attach copy of legal notice)  
Has the Attorney reviewed the attached copy?

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

Other (explain) Special Recognition

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
May 22<sup>nd</sup> 2012

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

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)  
Joint Resolution and supplementary info regarding the scheduled events for the Murray residents during the EMS Week Celebration and Recognition

6. **REQUESTOR:**

Name: <u>Gil Rodriguez &amp; Mike Dykman</u>	Title: <u>Fire Chief &amp; Battalion Chief EMS</u>
Presenter: <u>Gil Rodriguez &amp; Dr. Mark Oraskovich</u>	Title: <u>Fire Chief &amp; an Emergency Doctor</u>
Agency: <u>Murray City Fire Department</u>	Phone: <u>264-2762</u>
Date: <u>May 9<sup>th</sup> 2012</u>	Time: _____

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

Head of Department: Gil Rodriguez Date: May 9<sup>th</sup> 2012

Mayor:  Date: May 9<sup>th</sup> 2012

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

Number of pages \_\_\_\_\_ Number of copies submitted \_\_\_\_\_  
Received by: \_\_\_\_\_ Date: \_\_\_\_\_  
Recommendation: \_\_\_\_\_

9. **NOTES:**

Battalion Chief EMS Mike Dykman of the Fire Department, Fire Chief Gil Rodriguez, and Dr. Mark Oraskovich will receive the signed Joint Resolution and speak briefly about EMS Week.

## Murray City Fire Department to Participate in National Emergency Medical Services Week

May 20-26, 2012 has been designated as National Emergency Medical Service (EMS) Week. National EMS week honors the lifesaving care EMS providers offer nationwide, 24 hours a day, seven days a week. This years theme is, "EMS: More than a job. A Calling."

During the week, fire department paramedics will be at the Murray City Heritage Center between 12:00 noon and 1:00 PM providing free blood pressure checks.

On Saturday May 26, the Department will host an open house at Ambulance Station #84 (192 East 5900 South) between the hours of 11:00 am and 2:00 pm. The public is invited to stop by and meet the proud members of the fire department, take a tour of the station, and enjoy a free hamburger/hotdog lunch!

The members of the Murray City Fire Department are proud and excited to continue to provide the highest level of service and continue to build on life saving programs including 12 lead data field interpretation for heart attack victims, hypothermic resuscitation for victims in full arrest, and management of difficult airways. Those persons needing the ambulance service experience the highest level of rapid response with emergency care and transportation.

EMS Week is an opportunity for the public to learn about injury prevention, safety awareness, and emergency preparedness. The EMS professionals of the Murray City Fire Department, with the support of the Murray City Council and Mayor, work to provide the highest level of service – "More than a job. A calling."

**A JOINT RESOLUTION OF THE MAYOR  
AND MUNICIPAL COUNCIL OF MURRAY CITY, UTAH  
TO DESIGNATE AND SUPPORT THE WEEK OF  
MAY 20<sup>th</sup> - 26<sup>th</sup> 2012  
AS  
EMERGENCY MEDICAL SERVICES WEEK**

"EMS: More than a Job. A Calling"

**WHEREAS**, emergency medical services is a vital public service; and

**WHEREAS**, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

**WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS**, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

**WHEREAS**, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their life-saving skills; and

**WHEREAS**, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

**NOW, THEREFORE, BE IT RESOLVED**, that in recognition of this event, and all those who serve in "EMS: More than a Job. A Calling", I, Mayor Dan Snarr and the Municipal Council of Murray City do hereby designate and support with much appreciation the week of

**May 20<sup>th</sup> - 26<sup>th</sup> 2012  
as  
EMERGENCY MEDICAL SERVICES WEEK**

with the theme, "EMS: More than a Job. A Calling", and we encourage the community to observe this week with appropriate programs, ceremonies and activities while remembering to thank those who are called to serve in so great a capacity, sometimes at their own peril.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Municipal Council of Murray City, Utah this 22<sup>nd</sup> day of May, 2012.

**MURRAY CITY CORPORATION**

**MURRAY CITY MUNICIPAL COUNCIL**

\_\_\_\_\_  
Daniel C. Snarr, Mayor

\_\_\_\_\_  
James A. Brass, Chairman, District 3

\_\_\_\_\_  
Dave Nicponski, District 1

\_\_\_\_\_  
Darren V. Stam, District 2

ATTEST:

\_\_\_\_\_  
Jared A. Shaver, District 4

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

\_\_\_\_\_  
Brett Hales, District 5

# Citizen Comments

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

# Consent Agenda

# Murray City Municipal Council

## Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items each Tuesday in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 107, no later than 5:00 p.m. on the Tuesday one week before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages.

1. **TITLE:** (State how it is to be listed on the agenda)  
Consider confirmation of the Mayor's reappointment of **Preston Olsen** to the **Murray Board of Adjustment** in an **At-Large** position while residing in District 2 to a **second five year term** effective this past **April 2<sup>nd</sup> 2012 to April 2<sup>nd</sup> 2017**

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

Discussion Only  
 Ordinance (attach copy) Has the Attorney reviewed the attached copy?   
 Resolution (attach copy) Has the Attorney reviewed the attached copy?   
 Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy?   
 Appeal (explain) \_\_\_\_\_  
 Other (explain) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
May 22<sup>nd</sup> 2012

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

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

6. **REQUESTOR:**

Name: Ray Christensen Title: Sr. Planner  
Presenter: Dan Snarr Title: Mayor  
Agency: COMM-ED Division Phone: 270-2422  
Date: May 9<sup>th</sup> 2012 Time: \_\_\_\_\_

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

Head of Department: Tim Tingey Date: May 9<sup>th</sup> 2012  
Mayor:  Date: May 9<sup>th</sup> 2012

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

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

9. **NOTES:**  
Preston Olsen will continue serving on the Board of Adjustment effective **April 2<sup>nd</sup> 2012** through **April 2<sup>nd</sup> 2017**

# Ballard Spahr LLP



**Preston F. Olsen**  
*Associate*

**OLSEN@BALLARDSPAHR.COM**  
**TEL 801.531.3077**  
**FAX 801.531.3001**  
**SALT LAKE CITY**

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**PRACTICE AREAS**

Public Finance, Housing, Transactional Finance

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**BACKGROUND & EXPERIENCE**

Preston Olsen is an associate in the Public Finance Department and a member of the Housing and Transactional Finance Groups. His practice is concentrated in the area of single-family and multifamily housing finance.

**Representative Matters**

- Represents the Utah Housing Corporation as bond counsel for its single-family and multifamily housing finance programs
- Represents Barclays Capital Inc. as underwriter's counsel for its single-family housing finance program in Idaho
- Represents the State Charter School Finance Authority in Utah as bond counsel
- Represents AIG Retirement Services, Inc., in its multifamily housing bond program and

- securitization program
  - Works with Freddie Mac on several of its tax-exempt bond securitizations
  - Represents Idaho Housing and Finance Association as bond counsel for its GARVEE bond program
- 

**EDUCATION**

University of Chicago Law School (J.D. 2003)

Brigham Young University (B.A. 2000)

**Languages**

Portuguese

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**ADMISSIONS**

New York 2003

Utah 2006

**Public  
Hearing #1**

# Murray City Corporation

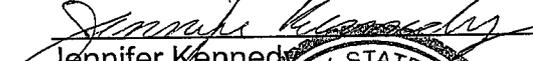
## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 22<sup>nd</sup> day of May, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing on and pertaining to the consideration of a zoning ordinance amendment allowing distilling/manufacturing of alcoholic beverages as a use in the M-G-C (Manufacturing General) zone and classifying said use as a conditional use.

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

DATED this 13<sup>th</sup> day of April, 2012.

MURRAY CITY CORPORATION

  
Jennifer Kennedy  
City Recorder

DATES OF PUBLICATION:  
PH 12-11

May 6, 2012



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

AN ORDINANCE AMENDING SECTION 17.152.030 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO CONDITIONAL USES IN THE MANUFACTURING GENERAL ZONE (M-G-C). (Cory Ellsworth & Matthew Perry.)

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1. Purpose.* The purpose of this ordinance is to amend Section 17.152.030 of the Murray City Municipal Code relating to conditional uses in the Manufacturing General Zone.

*Section 2. Amendment to Section 17.152.030 of the Murray City Municipal Code.* Section 17.152.030 of the Murray City Municipal Code shall be amended to read as follows:

**17.152.030: CONDITIONAL USES:**

The following uses and structures are permitted in the M-G zone only after a conditional use permit has been approved by the planning commission and subject to the terms and conditions thereof:

Use No.    Use Classification

...

2181            Malt liquors and extracts (including beer and near beer).

2182            Malt, barley, rye, wheat, and corn byproducts. (Includes whiskey, Bourbon, rye, scotch and corn liquors.)

2183            Wine, brandy, and brandy spirits.

2184            Distilling, rectifying, and blending liquors, except brandy.

...

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

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

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
James A. Brass, Chair

ATTEST:

\_\_\_\_\_  
City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

MAYOR'S ACTION:

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Daniel C. Snarr, Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_

4. Comply with the requirements of the City Engineer, including the following:
  - A. Meet City lot split subdivision standards.
  - B. Provide a lot split plat with standard easements and signature blocks for recording at Salt Lake County.
  - C. Provide utility, drainage and grading plans.
  - D. Repair or replace any damaged sidewalk or curb and gutter on 5300 South street frontage.
5. Comply with applicable subdivision and flag lot zoning regulations.
6. The applicant shall provide a scaled drawing to show the new drive access, the existing dwelling and new dwelling location on the lots and removal of the stair at the east side of the house. The rear lot line behind the existing dwelling and garage shall meet required rear yard setback.
7. The driveway on the east side of the house shall be a minimum 20 ft. wide. The installation of the 20 ft. wide driveway will require the removal of the concrete stair at the east side of the house and the door will need to be closed off to meet building code requirements.

Mr. Buchert seconded the motion.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Martin Buchert  
A \_\_\_\_\_ Ray Black

Motion passed, 5-0.

The meeting was opened for Public Hearing the following items:

LAND USE ORDINANCE TEXT AMENDMENT – Allow Manufacturing Alcoholic Beverages as a Conditional Use in the M-G-C Zone (Applicants: Matthew Perry & Cory Ellsworth) – Project #12-29

Cory Ellsworth was the applicant present to represent this request. Joshua Beach reviewed the request for an ordinance text amendment to add land use 2181, 2182, 2183, and 2184 alcoholic beverage distilling/manufacturing as a conditional use in the M-G-C zoning district. The zoning ordinance currently does not allow for alcohol distilling/manufacturing in the M-G-C zone. The Murray City Standard Land Use Code does include a category of land uses under the headings of “2180: Beverage” related to the distilling/manufacturing of alcoholic beverages. Under the heading 2180, there are a number of land use codes (2181, 2182, 2183, and 2184) that deal with the distilling/manufacturing of alcoholic beverages. The applicant has requested to include this category as a conditional use in order to provide alcoholic beverage

distilling/manufacturing opportunities in the city of Murray. Since the use is not allowed in the M-G-C zoning district, the City is unable to issue a business license. Mr. Beach explained that it is unclear why alcoholic beverage distilling/manufacturing was not included as an allowed or conditional use in the M-G-C zone when the code was originally adopted other than the obvious concerns related to health, safety, and welfare of residents located near an alcohol distilling/manufacturing facility. In addition, requiring a conditional use permit review by the Planning Commission will provide additional scrutiny of individual business operations. With the change to the request recommended by staff, the amendment is consistent with the Goals and Policies of "Chapter 8: Economic Development" of the General Plan. Specific goals and policies contained in Chapter 8 that are addressed by the proposed amendment include:

- Goal: To attract new businesses to Murray City
- Goal: Expand the types of businesses available in Murray City

Mr. Markham made mention that the language on land use 2180 except brandy, in 2183 it states; wine, brandy and brandy spirits, 2184 states; distilling and rectifying and blending liquors except brandy. Mr. Buchert stated that it may be due to the carbohydrates source where one uses grain and the other uses fruit inputs. Mr. Beach did not have a definitive answer for that question.

Cory Ellsworth, 4350 South 500 West, stated that distilling is more of a long term goal. They will not be distilling anytime soon and that process would most likely take place in a different city. Upon the approval of this Ordinance Text Amendment they plan on bringing in the alcohol, diluting, labeling, bottling and distributing to the DABC.

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

Ms. Daniels made a motion to forward a recommendation of approval to the City Council for the requested ordinance text amendment. The amendment would provide the ability of businesses that fall under land use codes 2181, 2182, 2183 and 2184 the opportunity to obtain a Conditional Use Permit and to locate their business in the city of Murray. Mr. Black seconded the motion.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Martin Buchert  
A \_\_\_\_\_ Ray Black

Motion passed, 5-0.

**TO: Murray City Planning Commission**

**FROM: Murray City Community & Economic Development Staff**

**DATE OF REPORT: March 9, 2012**

**DATE OF HEARING: March 15, 2012**

**PROJECT NAME: Alcoholic Beverage Distillery Amendment**

**PROJECT NUMBER: 12-29**

**PROJECT TYPE: Ordinance Text Amendment**

**APPLICANT: Matthew Perry & Cory Ellsworth**

**ZONE: M-G-C**

## **I. REQUEST:**

The applicant is requesting an ordinance text amendment to add land use 2181, 2182, 2183, and 2184 alcoholic beverage distilling/manufacturing as a conditional use in the M-G-C zoning district.

## **II. DISCUSSION**

The zoning ordinance currently does not allow for alcohol distilling/manufacturing in the M-G-C zone. The Murray City Standard Land Use Code does include a category of land uses under the headings of "2180: Beverage" related to the distilling/manufacturing of alcoholic beverages. Under the heading 2180, there are a number of land use codes (2181, 2182, 2183, and 2184 that deal with the distilling/manufacturing of alcoholic beverages. **(See the attached Page 17 from the Standard Land Use Code)**. The applicant has requested to include this category as a conditional use in order to provide alcoholic beverage distilling/manufacturing opportunities in the city of Murray. Since the use is not allowed in the M-G-C zoning district, the City is unable to issue a business license.

It is unclear why alcoholic beverage distilling/manufacturing was not included as an allowed or conditional use in the M-G-C zone when the code was originally adopted other than the obvious concerns related to health, safety, and welfare of residents located near an alcohol distilling/manufacturing facility.

In addition, requiring a conditional use permit review by the Planning Commission will provide additional scrutiny of individual business operations.

With the change to the request recommended by staff, the amendment is consistent with the Goals and Policies of "Chapter 8: Economic Development" of the General Plan. Specific goals and policies contained in Chapter 8 that are addressed by the proposed amendment include:

- **Goal: To attract new businesses to Murray City**
- **Goal: Expand the types of businesses available in Murray City**

### III. FINDINGS AND CONCLUSION

- i. The proposed amendment is consistent with the policies of the Economic Development Chapter of the General Plan.
- ii. Allowing alcoholic beverage distilling/manufacturing in the M-G-C zone will provide expansion opportunities for existing businesses in the City.
- iii. Allowing for alcoholic beverage distilling/manufacturing on site will protect the health, safety, and welfare of Murray residents.

### IV. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to zoning ordinance. The amendment would provide the ability of businesses that fall under land use codes 2181, 2182, 2183, and 2184 the opportunity to obtain a conditional use permit and to locate their business in the city of Murray.

# ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

Zoning Map Amendment

Text Amendment

Complies with General Plan

Yes  No

Subject Property Address: 4370 South 500 West N/A

Parcel Identification (Sidwell) Number: 21011510460000 N/A

Parcel Area: .82 acre Current Use: Warehouse

Existing Zone: M-G-C Proposed Zone: M-G-C

Applicant Name: Matthew Perry & Cory Ellsworth

Mailing Address: 4350 S. 500 West

City, State, ZIP: Murray, UT 84123

Daytime Phone #: 801-548-7477 Fax #: 801-261-0463

Business Name (If applicable): Twisted Spirits LLC.

Property Owner's Name (If different): D.F.G. Enterprises

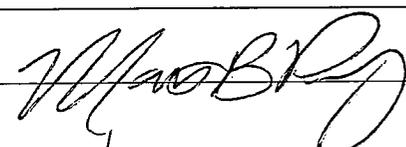
Property Owner's Mailing Address: 4370 S. 500 W.

City, State, Zip: Murray UT 84123

Daytime Phone #: 801-288-1114 Fax #: 801-288-9991

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

We would like to add standard use code 2184 to the M-G-C Zone.

Authorized Signature:  Date: 2/22/12

Matt @ twistedspirits.com  
Cory @ twistedspirits.com

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

The Salt Lake Tribune  
WWW.SLTTRIB.COM

MEDIAOne  
A NEWSPAPER AGENCY COMPANY  
WWW.MEDIAONEUTAH.COM

Deseret News  
WWW.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER,  5025 S STATE, ROOM 113  MURRAY, UT 84107	9001341938	3/5/2012

**FILE COPY**

*Twisted  
Spirits  
text  
amend*

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8012642660	0000772434 /
SCHEDULE	
Start 03/04/2012	End 03/04/2012
CUST. REF. NO.	
MGC/MCCD PC	
CAPTION	
PUBLIC NOTICE MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARINGS NOTICE	
SIZE	
37 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD CHARGES
TOTAL COST	
67.16	

**PUBLIC NOTICE**  
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARINGS NOTICE IS HEREBY GIVEN that on the 15th day of March, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct Public Hearings on and pertaining to the consideration of a land use ordinance text amendment to add Land Use Codes #2181, 2182, 2183 & 2184; manufacture of alcoholic beverages to the Manufacturing (M-G-C) Zoning District and a land use ordinance amendment to clarify manufacture of alcoholic beverages in the Murray City Center District (MCCD). The purpose of this public hearing is to receive public comment concerning the proposed land use ordinance text amendments as described above.  
MURRAY CITY CORPORATION  
Chad Wilkinson, Manager  
Community & Economic Development  
772434 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **PUBLIC NOTICE MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARINGS NOTICE IS HEREBY GIVEN that on the 15th day of March, 2012, at the hour of 6:30 p.m. of said day** FOR **MURRAY CITY RECORDER**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON Start 03/04/2012 End 03/04/2012

SIGNATURE *Virginia M. Mung*

DATE 3/5/2012

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

*Virginia Craft*

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

**P/C AGENDA MAILINGS**  
"AFFECTED ENTITIES"  
Updated 5/16/11

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

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

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

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

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

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

MIDVALE CITY  
PLANNING DEPT  
655 W CENTER ST  
MIDVALE UT 84047

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

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

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

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

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

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8125 S 1300 W  
WEST JORDAN UT 84084

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT84117

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

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

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

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

**GENERAL PLAN MAILINGS:**  
(in addition to above)

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

GOVERNORS OFFICE OF PLANNING  
& BUDGET  
ATTN: RICHARD ELLIS, DIR  
STATE CAPITOL, E210  
SLC UT 84114-2210

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

**Public  
Hearing #2**

# Murray City Corporation

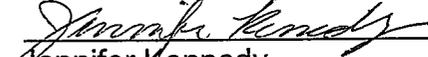
## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 22<sup>nd</sup> day of May, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing on and pertaining to the consideration of a zoning ordinance amendment clarifying that alcoholic beverage distilling/manufacturing be permitted use in the MCCD (Murray City Center District) only in conjunction with a restaurant 5,000 square feet or smaller.

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

DATED this 13<sup>th</sup> day of April, 2012.

MURRAY CITY CORPORATION

  
Jennifer Kennedy  
City Recorder

DATES OF PUBLICATION:  
PH 12-12

May 6, 2012





ATTEST:

\_\_\_\_\_  
City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_ day of \_\_\_\_\_, 2012.

MAYOR'S ACTION:

DATED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Daniel C. Snarr, Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_

LAND USE ORDINANCE TEXT AMENDMENT – Clarify Manufacture of Alcoholic Beverages in the MCCD Zone (Applicant: Murray City Corp) – Project #12-31

Murray City Corporation is the applicant requesting a Land Use Text Amendment to the Murray City Center District (MCCD). Joshua Beach reviewed the request for the Ordinance Text Amendment. This amendment will clarify the land use 2180 (beverage) and will restrict the land uses under code 2180 to be allowed only in conjunction with a restaurant and limit to 5,000 square feet or less. The land use 2180 (beverage) will be a permitted use in the MCCD with a land use code 2180: Beverages (only in conjunction with a restaurant, 5,000 sq. ft. or smaller). The zoning ordinance currently allows for the manufacturing of various types of alcoholic beverages including beer, whiskey, bourbon, rye, scotch, brandy, wine, etc. It also allows for bottling or canning of soft drinks, and other non-alcoholic products. After receiving a text amendment to add these uses to the M-G-C (manufacturing zone), staff reviewed the land use code and determined that this use would be better suited for the manufacturing zone except for when it is in conjunction with a restaurant. The original intent was to allow uses such as microbreweries in conjunction with a restaurant. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested text amendment. The amendment would clarify that alcoholic beverage distilling/manufacturing obtain a conditional use permit in the MCCD and that the use only be allowed in conjunction with a restaurant and limit the size of the use to 5,000 square feet or smaller.

Mr. Markham commended Staff for appropriate timing in taking care of issues such as this.

For the record, Mr. Harland wanted to properly designate both text amendments as public hearings.

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

Ms. Daniels made a motion to send a recommendation of approval to the City Council for the requested text amendment. The amendment would clarify that alcoholic beverage distilling/manufacturing is a permitted use in the MCCD and that the use only be allowed in conjunction with a restaurant and limit the size of the use to 5,000 square feet or smaller. Mr. Markham seconded the motion.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Martin Buchert  
A \_\_\_\_\_ Ray Black

Motion passed, 5-0.

TO: Murray City Planning Commission

FROM: Murray City Community & Economic Development Staff

DATE OF REPORT: March 9, 2012

DATE OF HEARING: March 15, 2012

PROJECT NAME: Manufacture of Alcoholic Beverages in M-C-C-D

PROJECT NUMBER: 12-31

PROJECT TYPE: Ordinance Text Amendment

APPLICANT: Murray City Corporation

## I. REQUEST:

Murray City Corporation is requesting a zoning text amendment to the Murray City Center District (MCCD) area. This amendment will clarify the land use 2180 (beverage) and will restrict the land uses under code 2180 to be allowed only in conjunction with a restaurant and limit to 5,000 square feet or less. The land use 2180 (Beverage) will be a permitted use in the MCCD with a land use code **2180: Beverages (only in conjunction with a restaurant, 5,000 sq. ft. or smaller).**

## II. DISCUSSION

The zoning ordinance currently allows for the manufacturing of various types of alcoholic beverages including beer, whiskey, bourbon, rye, scotch, brandy, wine, etc. It also allows for bottling or canning of soft drinks, and other non-alcoholic products. **(See the attached Page 17 from the Standard Land Use Code).**

After receiving a text amendment to add these uses to the M-G-C (Manufacturing zone), staff reviewed the land use code and determined that this use would be better suited for the Manufacturing zone except for when it is in conjunction with a restaurant. The original intent was to allow uses such as microbreweries in conjunction with a restaurant.

#### IV. FINDINGS AND CONCLUSION

- i. The proposed amendment is consistent with the policies of the Economic Development Chapter of the General Plan.
- ii. Allowing for alcoholic beverage manufacturing only in conjunction with a restaurant and limiting the size of the use to 5,000 sq. ft. will provide opportunities for these types of business within the city and will protect the health, safety, and welfare of Murray residents.

#### V. 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 text amendment. The amendment would clarify that alcoholic beverage distilling/manufacturing obtain a conditional use permit in the MCCD and that the use only be allowed in conjunction with a restaurant and limit the size of the use to 5,000 sq. ft. or smaller.

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

**The Salt Lake Tribune**  
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A NEWSPAPER AGENCY COMPANY  
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**Deseret News**  
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PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	3/5/2012

**FILE COPY**

ACCOUNT NAME			
MURRAY CITY RECORDER,			
TELEPHONE		ADORDER# / INVOICE NUMBER	
8012642660		0000772434 /	
SCHEDULE			
Start 03/04/2012		End 03/04/2012	
CUST. REF. NO.			
MGC/MCCD PC			
CAPTION			
PUBLIC NOTICE MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARINGS NOTICE			
SIZE			
37	Lines	1.00	COLUMN
TIMES		RATE	
4			
MISC. CHARGES		AD. CHARGES	
TOTAL COST			
67.16			

**PUBLIC NOTICE**  
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARINGS. NOTICE IS HEREBY GIVEN that on the 15th day of March, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct Public Hearings on and pertaining to the consideration of a land use ordinance text amendment to add Land Use Codes #2181, 2182, 2183 & 2184, manufacture of alcoholic beverages to the Manufacturing (M-G-C) Zoning District and a land use ordinance amendment to clarify manufacture of alcoholic beverages in the Murray City Center District (MCCD). The purpose of this public hearing is to receive public comment concerning the proposed land use ordinance text amendments as described above.  
MURRAY CITY CORPORATION  
Chad Wilkinson, Manager  
Community & Economic Development

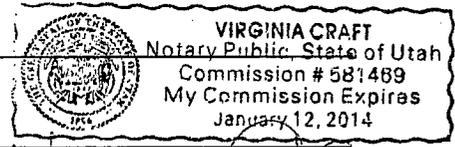
AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **PUBLIC NOTICE MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARINGS NOTICE IS HEREBY GIVEN** that on the 15th day of March, 2012, at the hour of 6:30 p.m. of said day FOR **MURRAY CITY RECORDER**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON Start 03/04/2012 End 03/04/2012

SIGNATURE *Virginia Craft*

DATE 3/5/2012



*Virginia Craft*

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

**P/C AGENDA MAILINGS**

"AFFECTED ENTITIES"

Updated 5/16/11

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

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

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

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

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT84117

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

**GENERAL PLAN MAILINGS:**  
(in addition to above)

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

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

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

MIDVALE CITY  
PLANNING DEPT  
655 W CENTER ST  
MIDVALE UT 84047

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

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8125 S 1300 W  
WEST JORDAN UT 84084

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

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

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

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

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

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

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

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

GOVERNORS OFFICE OF PLANNING  
& BUDGET  
ATTN: RICHARD ELLIS, DIR  
STATE CAPITOL , E210  
SLC UT 84114-2210

**Public  
Hearing #3**

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 22<sup>nd</sup> day of May, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to rezoning property located at approximately 5668 and 5636 South Bullion Street, Murray, Utah.

The purpose of this hearing is to receive public comment concerning rezoning the property from A-1 (Agricultural) zoning district to R-1-8 (Single Family Low Density Residential) zoning district.

DATED this 27<sup>th</sup> day of April, 2012.

MURRAY CITY CORPORATION

  
City Recorder

DATES OF PUBLICATION: May 6, 2012  
PH 12-13

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

AN ORDINANCE RELATING TO LAND USE; AMENDS THE ZONING MAP FOR PROPERTY LOCATED AT 5668 AND 5636 SOUTH BULLION STREET, MURRAY CITY, UTAH FROM A-1 (AGRICULTURAL DISTRICT) TO R-1-8 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT).

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

WHEREAS, the owner of the real property located at approximately 5668 and 5636 South Bullion Street, Murray, Utah, has requested a proposed amendment to the zoning map to designate the property in a R-1-8 zone district; and

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

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

NOW, THEREFORE, BE IT ENACTED:

*Section 1.* That the Zoning Map and the zone district designation be amended for the following described property located at approximately 5668 and 5636 South Bullion Street, Murray, Salt Lake County, Utah from the A-1 (Agricultural) zone district to the R-1-8 (Single-Family Low Density Residential) zone district:

Parcel No. 21-14-176-015  
5668 South Bullion Street

BEGINNING AT A POINT LOCATED NORTH 67 DEGREES 49 MINUTES 56 SECONDS WEST, 3105.355 FEET FROM THE EAST QUARTER CORNER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN: AND RUNNING THENSE NORTH 83 DEGREES 19 MINUTES WEST, 93.92 FEET; THENSE SOUTH 0 DEGREES 26 MINUTES WEST, 94.51 FEET; THENSE SOUTH 83 DEGREES 44 MINUTES EAST, 36.19 FEET; THENSE SOUTH 0 DEGREES 26 MINUTES WEST, 29.51 FEET; THENSE SOUTH 83 DEGREES 44 MINUTES EAST, 58.809 FEET; THENSE NORTH 0 DEGREES 06 MINUTES WEST, 123.6 FEET TO THE POINT OF BEGINNING.

5636 South Bullion Street (Portion)

BEGINNING AT A POINT LOCATED 1090.28 FEET NORTH 00°12'39" WEST ALONG THE SECTION LINE, 2864.91 FEET WEST; 35 FEET SOUTH 0°06'00 EAST AND 93.92 FEET NORTH 83°21'56" WEST FROM THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 83°21'56" WEST 14.08 FEET; THENCE SOUTH 0°06'00" WEST 94.51 FEET; TO THE POINT OF BEGINNING.

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

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

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
James A. Brass, Chair

ATTEST:

\_\_\_\_\_  
City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

MAYOR'S ACTION: Approved

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Daniel C. Snarr, Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the \_\_\_\_  
day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
City Recorder

TONY REZAC – 5668 & 5636 South Bullion Street – Project #12-42

This portion of the meeting is a public hearing.

Tony Rezac and Brock Rezac were the applicants present to represent this request. Chad Wilkinson reviewed the location and request for Tony Rezac requesting a zoning map amendment from an A-1 (agricultural) zone to R-1-8 (residential) zone for a portion of the property addressed 5668 & 5636 South Bullion Street. The proposed zone map amendment is consistent with the Murray General Plan for a change to residential single family low density. The West Bullion Street Lot Split subdivision was recorded in 2011, but the applicant stated the lot was not large enough for the dwelling planned for the lot. The applicant is now requesting this zone map amendment to increase the size of the building lot by 1,330 sq. ft. After the zone map change is completed, an amended subdivision plat will need to be approved by Murray City Officials and recorded at Salt Lake County Recorder's office prior to application and approval of a building permit for a dwelling on the lot. The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the Murray City Council for the requested zone change from A-1 to R-1-8 because it is consistent with the Murray City General Plan.

Tony Rezac, 5668 South Bullion Street, stated that the lot was laid out to the property size and the surveyor inadvertently miscalculated by a 15 foot depth and therefore, this additional process is necessary.

Ms. Daniels asked about the strip of property to the north of the subject property. Mr. Rezac responded that there is a pump house located in this area and this strip of property is the drive access to the pump house.

Mr. Buchert asked if this zone map amendment will require re-platting of the subdivision and be consolidated. Mr. Rezac responded in the affirmative. Mr. Rezac stated that the property has already been re-platted at the county. Mr. Wilkinson indicated that an amendment to the plat will be required which is done administratively, but that the property has already been deeded over correctly.

No comments were made by the public for this agenda item.

Mr. Taylor made a motion to send a positive recommendation to the City Council for a zone map amendment for the property addressed 5668 & 5636 South Bullion Street from A-1 (agricultural) to R-1-8 (residential single family) because it is consistent with the city's general plan. Seconded by Ms. Daniels.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Karen Daniels

Planning Commission Meeting

April 19, 2012

Page 5

A \_\_\_\_\_ Martin Buchert

A \_\_\_\_\_ Vicki Mackay

A \_\_\_\_\_ Ray Black

A \_\_\_\_\_ Jim Harland

Motion passed, 6-0.

Meeting adjourned.

---

Chad Wilkinson, Manager  
Community & Economic Development

**TO: Murray City Planning Commission**

**FROM: Murray City Community & Economic Development Staff**

**DATE OF REPORT: April 13, 2012**

**DATE OF HEARING: April 19, 2012**

**PROJECT NAME: Tony Rezac**

**PROJECT NUMBER: 12-42**

**PROJECT TYPE: Zoning Change Amendment**

**APPLICANT: Tony Rezac**

**PROPERTY ADDRESS: 5668 South Bullion Street**

**SIDWELL #: 21-14-176-015**

**ZONE: A-1**

**PROPERTY SIZE: .03 Acre**

**I. REQUEST:**

Tony Rezac is requesting a zoning map amendment from an A-1 (agricultural) zone to R-1-8 (residential) zone for a portion of the property addressed 5668 South Bullion Street.

**II. BACKGROUND AND ANALYSIS**

Background:

The proposed zone change from an A-1 (agricultural) zone to a R-1-8 (residential) zone is consistent with the Murray General Plan for a change to residential single family low density. The West Bullion Street Lot Split subdivision was recorded in 2011, but the applicant stated the lot was not large enough for the dwelling planned for the lot. The applicant is now requesting this zone map amendment to increase the size of the building lot by 1,330 sq. ft. (See the attached plan). After the zone map change is completed, an amended subdivision plat will need to be approved by Murray City Officials and recorded at Salt Lake County Recorder's office prior to application and approval of a building permit for a dwelling on the lot.

### Site Location/Detail

The subject parcel is located at the west side of Bullion Street within the A-1 zone district.

### Surrounding Land Use & Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Residential	R-1-8
South	Residential	A-1 and R-1-8
East	Power Line Corridor	A-1
West	Residential	R-1-8

### Allowed Land Uses

#### Existing:

Various permitted uses are allowed in the A-1 zone such as dwellings and accessory uses, field crops, orchards and vineyards, cattle, horses, chickens, rabbits, apiaries, aviaries, pasture and rangeland, and other agriculture uses. Other uses allowed by Conditional Use Permit include uses such as churches, schools, public parks, libraries and farm variety animals (commercial).

#### Proposed:

Various permitted uses are allowed in the R-1-8 zone such as dwellings and accessory uses, garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include uses such as churches, schools, public parks, and libraries.

### **III. PUBLIC INPUT**

A mailing was sent on April 4, 2012 to the surrounding property owners in the area. As of the date of this report there has not been any public comment.

### **IV. GENERAL PLAN ANALYSIS**

The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land

use in the community. The plan also identifies future land use as depicted in Map 2-4.

## **V. FINDINGS**

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

The applicant's request for the proposed zone change to R-1-8 is consistent with the General Plan for residential single family low density use at the subject location.

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

The uses allowed in the R-1-8 zone for residential uses are types of uses selected to be compatible with the surrounding neighborhood and residential uses.

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

The subject area is located in a developed part of the City and is served by all utilities, public services and facilities. The uses allowed will have little effects on utilities and services provided.

## **VI. CONCLUSION**

- i.** The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.
- ii.** The requested change has been carefully considered based on characteristics of the site and surrounding area and policies of the General Plan.
- iii.** The request is consistent with the general plan for future land use map amendments which shows the property transitioning from agricultural to residential single family low density.

## VII. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the Murray City Council for the requested zone change from A-1 to R-1-8 because it is consistent with the Murray General Plan.



5668 S. Bullion St.



MURRAY  
COMMUNITY AND  
ECONOMIC  
DEVELOPMENT



BEGINNING, AT A POINT NORTH 67°13' WEST 3118.87 FEET FROM THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 83°19' WEST 491.90 FEET; THENCE SOUTH 0°26' WEST 306.5 FEET; THENCE SOUTH 83°44' EAST 494.4 FEET; THENCE NORTH 0°06' WEST 302.2 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT:

AS-SURVEYED LEGAL DESCRIPTION

BEGINNING AT A POINT 1090.28 FEET NORTH 00°12'39" WEST ALONG THE SECTION LINE AND 2864.91 FEET WEST FROM THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 83°21'56" WEST 493.01 FEET; THENCE SOUTH 0°26'00" WEST 186.60 FEET; THENCE SOUTH 83°44'00" EAST 494.40 FEET; THENCE NORTH 0°06'00" WEST 183.60 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT, TO BE KNOWN HEREAFTER AS 5636 SOUTH BULLION STREET:

BEGINNING AT A POINT LOCATED 1090.28 FEET NORTH 00°12'39" WEST ALONG THE SECTION LINE, 2864.91 FEET WEST AND 35 FEET SOUTH 0°06'00" EAST FROM THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 83°21'56" WEST 93.92 FEET; THENCE SOUTH 0°06'00" WEST 94.51 FEET; THENCE SOUTH 83°44'00" EAST 36.19 FEET; THENCE SOUTH 0°26'00" WEST 29.51 FEET; THENCE SOUTH 83°44'00" EAST 58.10 FEET; THENCE NORTH 00°06'00" WEST 123.46 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED TRACT OF LAND:

BEGINNING AT A POINT LOCATED 1090.28 FEET NORTH 00°12'39" WEST ALONG THE SECTION LINE, 2864.91 FEET WEST; 35 FEET SOUTH 0°06'00" EAST AND 93.92 FEET NORTH 83°21'56" WEST FROM THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 83°21'56" WEST 14.08 FEET; THENCE SOUTH 0°06'00" WEST 94.51 FEET; THENCE SOUTH 83°44'00" EAST 14.08 FEET; THENCE NORTH 0°06'00" EAST 94.51 FEET; TO THE POINT OF BEGINNING.

*Rezone Parcel*

THE OVERALL BOUNDARY OF 5636 SOUTH BULLION STREET IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED 1090.28 FEET NORTH 00°12'39" WEST ALONG THE SECTION LINE, 2864.91 FEET WEST AND 35 FEET SOUTH 0°06'00" EAST FROM THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 83°21'56" WEST 108.00 FEET; THENCE SOUTH 0°06'00" WEST 94.51 FEET; THENCE SOUTH 83°44'00" EAST 50.27 FEET; THENCE SOUTH 0°26'00" WEST 29.51 FEET; THENCE SOUTH 83°44'00" EAST 58.10 FEET; THENCE NORTH 00°06'00" WEST 123.46 FEET TO THE POINT OF BEGINNING.

NOTES:

1: ALL LOTS WILL BE SUBJECT TO ANY AND ALL APPLICABLE ZONING REGULATIONS FOR RESIDENTIAL LOTS, INCLUDING SET BACK LIMITS AND MINIMUM LOT SIZE.

2: DOCUMENTS USED IN THE PREPARATION OF THIS SURVEY INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

A) WARRANTY DEED RECORDED AS ENTRY NUMBER 7592111 BOOK 8347 PAGE 3830 ON FILE IN THE SALT LAKE COUNTY RECORDER'S OFFICE

B) WARRANTY DEED RECORDED AS ENTRY NUMBER 3110598 BOOK 4675

WEST BULLION LOT SPLIT  
5668 AND 5636 South Bullion Ct

DARY SURVEY



#12-42

# ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

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

Subject Property Address: 5668 So Bullion St. Murray, VT 84123

Parcel Identification (Sidwell) Number: 21-14-176-015-0000

Parcel Area: \_\_\_\_\_ Current Use: A-1

Existing Zone: A1 Proposed Zone: PART TO R18

Applicant Name: ANTON P REZAC

Mailing Address: 5668 So Bullion St

City, State, ZIP: MURRAY, VT 84123 Earl Rezac

Daytime Phone #: 801-266-3154 Fax #: — 573-0207

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):

BUILD A NEW HOME

Authorized Signature: Anton P Rezac Date: 3-28-12

Property Owners Affidavit

I (we) Anton P. Rezac, 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.

Anton P. Rezac

Owner's Signature

Owner's Signature (co-owner if any)

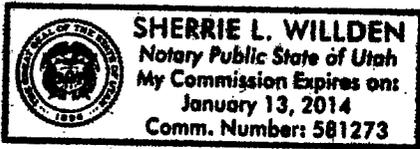
Subscribed and sworn to before me this 28th day of March, 2012.

Sherrie L. Willden

Notary Public

Residing in Salt Lake County

My commission expires: 1-13-2014



Agent Authorization

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

Owner's Signature

Owner's Signature (co-owner if any)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me

\_\_\_\_\_ the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.

Notary Public

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_



April 4, 2012

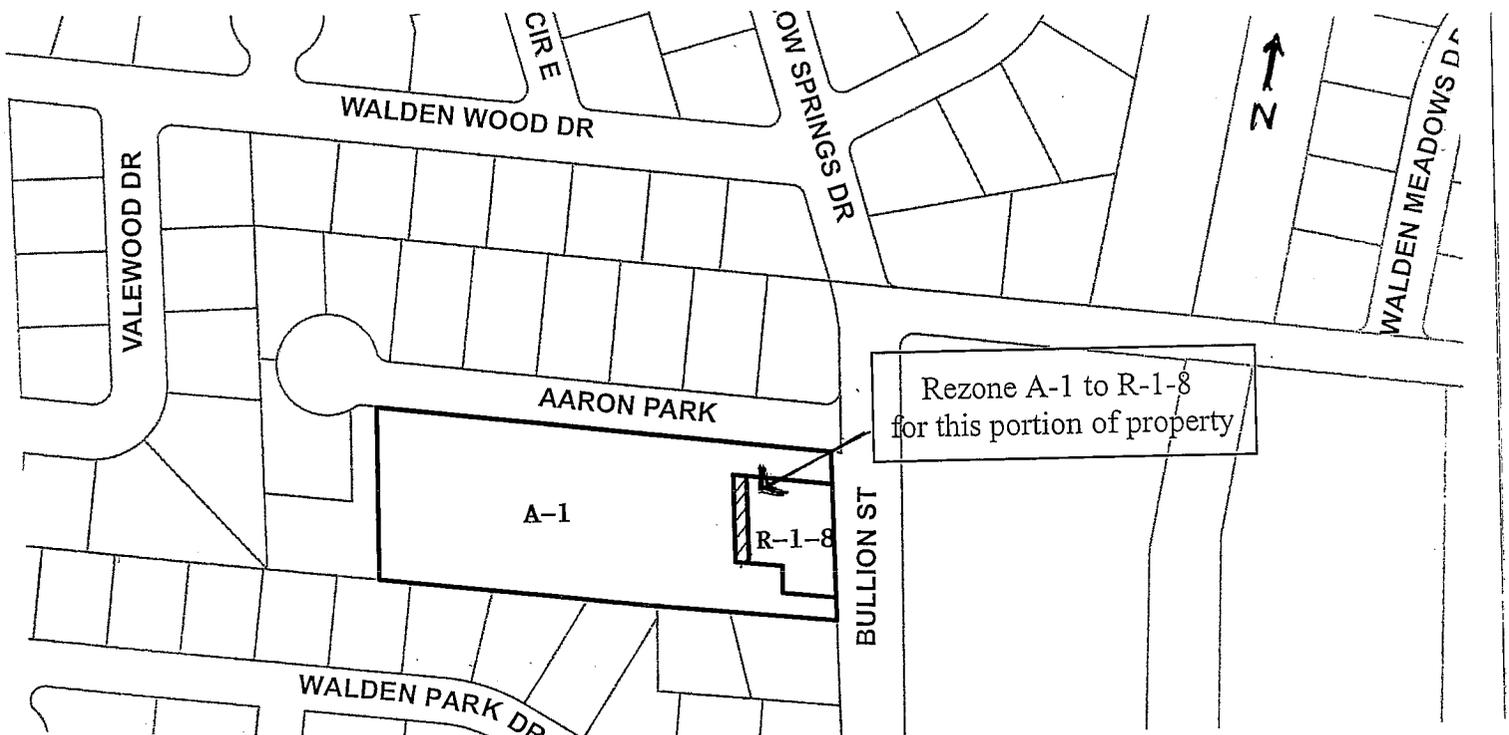
**NOTICE OF PUBLIC HEARING**

This notice is to inform you of a Planning Commission Hearing scheduled for Thursday, April 19, 2012, at 6:30 p.m., in the Murray City Municipal Council Chambers, 5025 South State Street.

Tony Rezac is requesting a Murray Zone Map Amendment from A-1 (agricultural) to R-1-8 (single family residential low density) at the property addressed 5636 & 5668 South Bullion Street. (See the attached property map). This notice is being sent to you since you own property within the near vicinity. Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

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

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



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

**The Salt Lake Tribune**  
 WWW.SLTTRIB.COM

**MEDIA One**  
 OF UTAH  
 A NEWSPAPER AGENCY COMPANY  
 WWW.MEDIAONEUTAH.COM

**Deseret News**  
 WWW.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	4/9/2012

**FILE COPY**

*Rezac rezone  
 P/C  
 5668 + 5636 S  
 Bullion St*

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8012642660	0000782201 /
SCHEDULE	
Start 04/08/2012	End 04/08/2012
CUST. REF. NO.	
PC 041912	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
30 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD. CHARGES
TOTAL COST	
55.40	

MURRAY CITY CORPORATION  
 NOTICE OF PUBLIC HEARING  
 NOTICE IS HEREBY GIVEN that on the 19TH day of April, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing on and pertaining to Zoning Map Amendment from an A-1 (agricultural) zone to R-1-B (single family residential) zone for the properties located at 5668 & 5636 S Bullion St, in Murray City, Salt Lake County, State of Utah. The purpose of this public hearing is to receive public comment concerning the above application.  
 MURRAY CITY CORPORATION  
 Chad Wilkinson, Manager  
 Community Development Division  
 782201 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 19TH day of April, 2012, at the hour of 6:30 p.m. of said day in the Council** FOR **MURRAY CITY RECORDER**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON Start 04/08/2012 End 04/08/2012

SIGNATURE *Angela M. Mary*

DATE 4/9/2012

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

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

Rezac Arizona Plc 4/19/12  
+ A.E.

ANDERSON, PHILIP E &  
1112 W WALDEN PARK DR  
MURRAY UT 84123

B G REAL ESTATE SERVICES LLC  
107 HIGHLAND  
NEWPORT BEACH CA 92663

BATEMAN, KENT W &  
5668 S 1090 W  
MURRAY UT 84123

BAUER, KIRBY A & VAL LYNN  
5667 S 1090 W  
MURRAY UT 84123

BENNION, CHAD E  
5700 S BULLION ST  
MURRAY UT 84123

CHARLESWORTH, GLADE &  
PO BOX 57291  
MURRAY UT 84157

CHASE, WARD A &  
1041 W WALDEN PARK DR  
MURRAY UT 84123

COLEMAN, RICHARD H &  
1122 W VALEWOOD DR  
MURRAY UT 84123

COURTNEY, NEAL S &  
1026 W AARON PARK CIR  
MURRAY UT 84123

CUNDICK, ROGER W &  
1091 W WALDEN WOOD DR  
MURRAY UT 84123

DEAN, CATHERINE V  
3586 E HEUGHS CANYON CIR  
HOLLADAY UT 84121

DIAZ, ARTHUR P &  
1047 W WALDEN WOOD DR  
MURRAY UT 84123

FARMER, KATIE L &  
1088 W WALDEN PARK DR  
MURRAY UT 84123

FILLMORE, JAMES B; TR  
5619 S VALEWOOD DR  
MURRAY UT 84123

FROST, JACK E  
5674 S BULLION ST  
MURRAY UT 84123

HANSGEN, BRYAN D &  
5627 S VALEWOOD DR  
MURRAY UT 84123

HARRIS, JONATHAN A  
5675 S 1090 W  
MURRAY UT 84123

HILL, JAY L &  
1068 W AARON PARK CIR  
MURRAY UT 84123

JAMES, ERIC E &  
1073 W AARON PARK CIR  
MURRAY UT 84123

JAMESON, AUBREY R &  
1049 W WALDEN PARK DR  
MURRAY UT 84123

JENSEN, GORDON M & BARBARA A  
1065 W WALDEN PARK DR  
MURRAY UT 84123

JOHNSON, DENNIS L &  
5587 S VALEWOOD DR  
MURRAY UT 84123

KETCHAM, CARL C  
1077 W AARON PARK CIR  
MURRAY UT 84123

KITCHEN, MARY E  
1075 W WALDEN PARK DR  
MURRAY UT 84123

KOUGIOULIS, JOSEPH D &  
1104 W WALDEN PARK DR  
MURRAY UT 84123

LITTLE JOE S PRINTING INC  
7152 S TREASURE RIDGE CIR  
COTTONWOOD HTS UT 84121

LOPEZ, DARRELL G &  
998 W BULLION ST  
MURRAY UT 84123

MCELROY, DANIELLE L &  
1058 W AARON PARK CIR  
MURRAY UT 84123

MECHAM, WILLIAM  
1102 W WALDEN PARK DR  
MURRAY UT 84123

MOYES, GORDON R &  
1063 W WALDEN WOOD DR  
MURRAY UT 84123

OLIVER, ALEX A  
1054 W WALDEN PARK DR  
MURRAY UT 84123

REZAC, BROCK  
5662 S 1090 W  
MURRAY UT 84123

RYAN, JOHN C & KATHRYN M;  
1076 W WALDEN PARK DR  
MURRAY UT 84123

STEADMAN, GLEN J & LORI L (JT)  
1039 W WALDEN WOOD DR  
MURRAY UT 84123

SUNDLOFF, THOMAS K &  
5597 S VALEWOOD DR  
MURRAY UT 84123

VARNEY, ERIK G &  
1042 W AARON PARK CIR  
MURRAY UT 84123

MANIS, CINDY A &  
1081 W WALDEN WOOD DR  
MURRAY UT 84123

MCGEE, CINDI F  
5595 S WALDEN WOOD DR  
MURRAY UT 84123

MILLER, JOHN S &  
1064 W AARON PARK CIR  
MURRAY UT 84123

NELSON, CHRISTOPHER A &  
1034 W AARON PARK CIR  
MURRAY UT 84123

POULSEN, AARON G &  
1064 W WALDEN PARK DR  
MURRAY UT 84123

REZAC, EARL J & MICHELLE T  
5662 S 1090 W  
MURRAY UT 84123

SCHEID, KEVIN &  
5605 S HOLLOW SPRINGS DR  
MURRAY UT 84123

STOMNESS, GUYNELL  
1081 W WALDEN PARK DR  
MURRAY UT 84123

SWENSON, ROBERT R & IRENE G;  
1070 W WALDEN PARK DR  
MURRAY UT 84123

VIETTI, BARTLEY J &  
2338 S COUNTRY CLUB CIR  
SALT LAKE CITY UT 84109

MARTIN, THOMAS  
1055 W WALDEN WOOD DR  
MURRAY UT 84123

MCMULLIN HOMES INC  
1098 E SOUTHUNION AVE  
MIDVALE UT 84047

MILLOM, MARGARET  
1072 W AARON PARK CIR  
MURRAY UT 84123

OKI, JEANNE M; TR  
1052 W AARON PARK CIR  
MURRAY UT 84123

REZAC, ANTON P &  
5668 S BULLION ST  
MURRAY UT 84123

RIET, THOMAS E &  
1069 W WALDEN PARK DR  
MURRAY UT 84123

SIMMONS, CHAD M &  
1073 W WALDEN WOOD DR  
MURRAY UT 84123

STRANG, GARY R  
1082 W WALDEN PARK DR  
MURRAY UT 84123

UTAH POWER & LIGHT CO  
825 NE MULTNOMAH ST #1900  
PORTLAND OR 97232

WHITE, ROBERT E &  
5609 S VALEWOOD DR  
MURRAY UT 84123

**P/C AGENDA MAILINGS**  
"AFFECTED ENTITIES"  
Updated 5/16/11

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

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

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

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

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

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

MIDVALE CITY  
PLANNING DEPT  
655 W CENTER ST  
MIDVALE UT 84047

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

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

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

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

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

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8125 S 1300 W  
WEST JORDAN UT 84084

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT84117

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

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

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

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

**GENERAL PLAN MAILINGS:**  
(in addition to above)

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

GOVERNORS OFFICE OF PLANNING  
& BUDGET  
ATTN: RICHARD ELLIS, DIR  
STATE CAPITOL , E210  
SLC UT 84114-2210

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

5400-S

300' Buffer

BRANDONWOOD DR

BRISTER DR

MURRAY PARKWAY AVE

FAIRHAVEN CIR W

FAIRHAVEN CIR E

WALDEN MEADOWS DR

WALDEN MEADOWS

HOLLOW SPRINGS DR

WALDENWOOD DR

WALDEN HILLS DR

VALEWOOD DR

AARON PARK

BULLION ST

RIVERSIDE DR

WALDEN PARK DR

1090 W

ROPCKE DR

CHESTERBROOK CV

RIVER PARK DR

WALDEN RIDGE DR

BRANDERMILL CV

BLOOMSBURY CV

MURRAY PARKWAY AVE

BRYANSTON CV

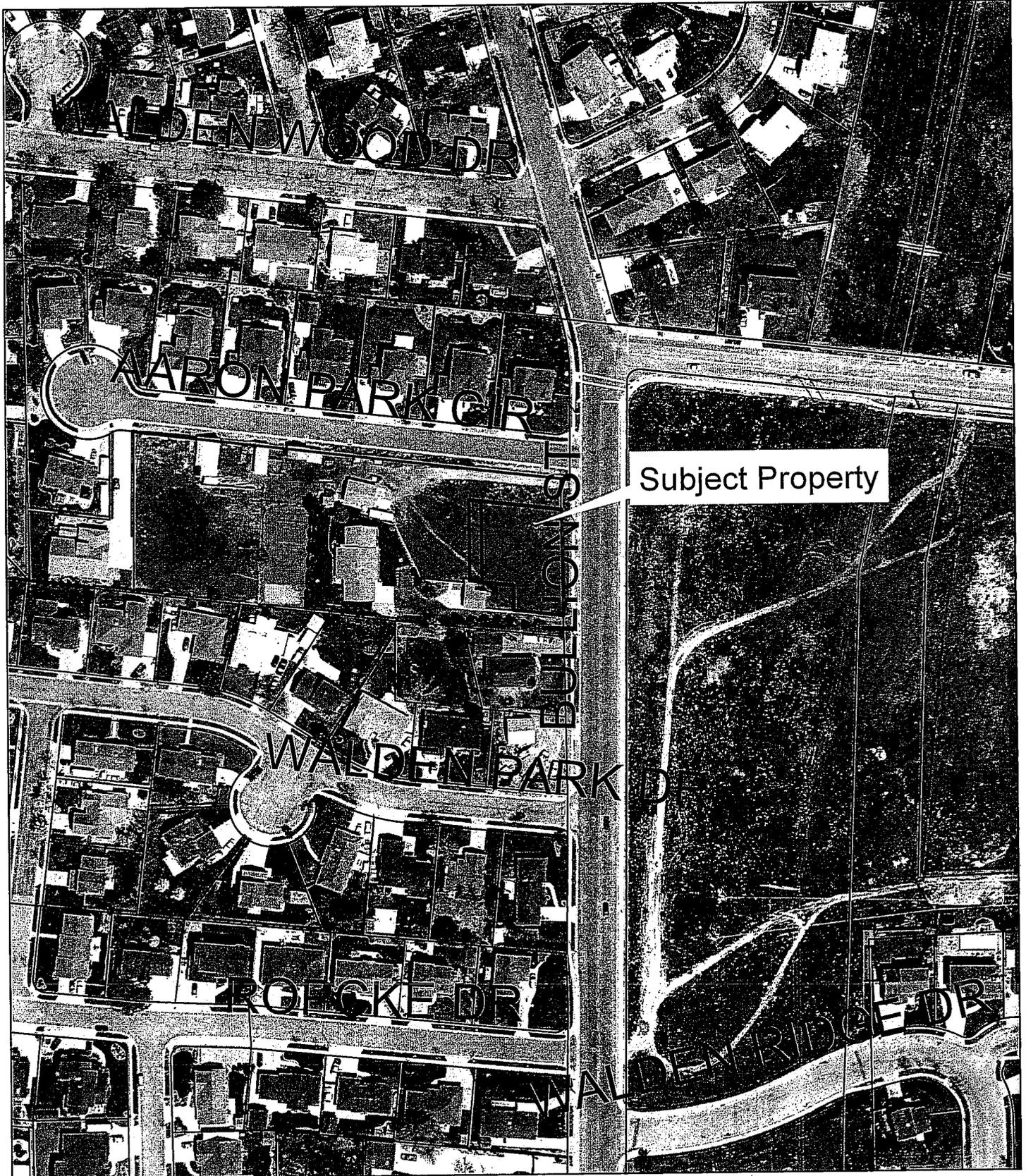
LISA HILLS CV



# 5668 S. Bullion St.



**MURRAY**  
COMMUNITY AND  
ECONOMIC  
DEVELOPMENT



**RULES OF THE MURRAY CITY MUNICIPAL COUNCIL  
MURRAY CITY CORPORATION**

**IV. AGENDA**

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

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

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

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

# New Business Item #1



# MEMO

**To:** Mayor Snarr  
City Council

**From:** Peter A Fondaco, Chief of Police

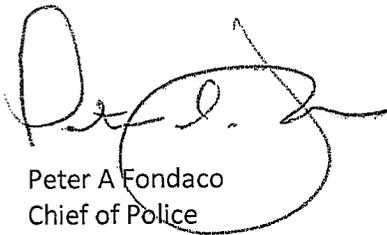
**Date:** 5/3/2012

**Re:** Mutual Aide agreement consideration

**Message:**

We are requesting the Council adopt a resolution allowing Murray City Police Department to enter into a Mutual Aide agreement with all Law Enforcement Agencies with-in Salt Lake County. This is a long standing agreement which has been before the Council several times. These changes are strictly date related to extend the life of the agreement.

Thank you,



Peter A Fondaco  
Chief of Police

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

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY AND THE ATTORNEY GENERAL'S OFFICE, COTTONWOOD HEIGHTS, DRAPER CITY, GRANITE SCHOOL DISTRICT, SALT LAKE AIRPORT POLICE, SALT LAKE COUNTY, SALT LAKE CITY, SANDY CITY, SOUTH JORDAN CITY, SOUTH SALT LAKE CITY, TAYLORSVILLE CITY, TOOELE CITY, TOWN OF ALTA, UTAH STATE DEPARTMENT OF CORRECTIONS, UTAH STATE DEPARTMENT OF NATURAL RESOURCES, UNIFIED POLICE DEPARTMENT, UNITED STATES MARSHAL FOR UTAH, UNIVERSITY OF UTAH POLICE, UTAH TRANSIT AUTHORITY (UTA), UTAH STATE DEPARTMENT OF PUBLIC SAFETY, UTAH STATE MOTOR VEHICLE DIVISION, WEST JORDAN CITY AND WEST VALLEY CITY

WHEREAS, the City along with the Attorney General's Office, Cottonwood Heights, Draper City, Granite School District, Salt Lake Airport Police, Salt Lake County, Salt Lake City, Sandy City, South Jordan City, South Salt Lake City, Taylorsville City, Tooele City, Town of Alta, Utah State Department of Corrections, Utah State Department of Natural Resources, Unified Police Department, United States Marshall for Utah, University of Utah Police, Utah Transit Authority (UTA), Utah State Department of Public Safety, Utah State Motor Vehicle Division, West Jordan City and West Valley City, one of which shall be called an "Agency", or any two or more of which may be called "Agencies" want to provide for their mutual assistance in situations which require police resources over and above those that can be provided by the Agency in whose jurisdiction the incident or emergency occurs, subject to the control of each individual agency; and

WHEREAS, the Agencies do not wish to provide for reimbursement for the assistance they render; and

WHEREAS, this Agreement is intended to replace the Multi-Jurisdictional Mutual Aid Agreement for Police and Sheriff Services dated August, 1991, as amended; and

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

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

1. It does hereby approve an Interlocal Cooperation Agreement between the City and the Attorney General's Office, Cottonwood Heights, Draper City, Granite School District, Salt Lake Airport Police, Salt Lake County, Salt Lake City, Sandy City, South Jordan City, South Salt Lake City, Taylorsville City,



**MULTI-JURISDICTIONAL MUTUAL AID AGREEMENT  
FOR SHERIFF AND POLICE SERVICES**  
(An Interlocal Cooperation Agreement)

AN INTERLOCAL COOPERATION AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and among: Attorney General's Office, Cottonwood Heights, Draper City, Granite School District, Murray City, Salt Lake Airport Police, Salt Lake County, Salt Lake City, Sandy City, South Jordan City, South Salt Lake City; Taylorsville City, Tooele City, Town of Alta, Utah State Department of Corrections, Utah State Department of Natural Resources, Unified Police Department, United States Marshall for Utah, University of Utah Police, Utah Transit Authority (UTA), Utah State Department of Public Safety, Utah Motor Vehicle Enforcement Division, West Jordan City, West Valley City one of which shall be called an "Agency", or any two or more of which may be called "Agencies" herein. The term "all Agencies" shall refer to parties which are signatories to this Agreement and which have not terminated their participation herein.

**PURPOSE:** Each of the Agencies has or is a law enforcement agency or department with equipment and personnel trained and equipped to prevent and detect crimes, and authorized to enforce criminal statutes or ordinances in the State of Utah. The Agencies wish to provide for their mutual assistance in situations involving crimes, disturbances of the peace, riots, and other emergency situations which require police resources over and above those that can be provided by the Agency in whose jurisdiction the incident or emergency occurs, subject to the control of each individual Agency. All equipment and personnel of any Agency's law enforcement department shall herein be referred to as "Resources." The Agencies do not wish to provide for reimbursement for the assistance they render. However, nothing herein is intended to replace or terminate any pre-existing interlocal agreement between or among any of the Agencies which provide for first response or assistance by one Agency's law enforcement department within the political boundaries of another on a regular or routine basis. This Agreement is intended to replace the Multi-jurisdictional Mutual Aid Agreement for Police and Sheriff Services dated August, 1991, and amended and extended in or about 1996. The Agencies intend by this Agreement to commit to assist each other whenever possible, while allowing each Agency the sole discretion to determine when its Resources cannot be spared for assisting other Agencies. This Agreement is not intended as a substitute for or to abrogate Agreements created pursuant to Section 53-12-302, Utah Code Annotated.

**CONSIDERATION:** The consideration for this Agreement consists of the mutual benefits and exchange of promises provided herein.

**EFFECTIVE DATE, TERM:** This Agreement shall become effective when two or more agencies each execute an original or copy of this Agreement as required by law, and send or deliver an original copy of the executed Agreement to the Sandy City Police Chief, 10000 South Centennial Parkway, Sandy, Utah 84070. The Sandy City Police Chief shall send notice of properly executed agreements he receives to all other Agencies who are parties hereto. This Agreement shall continue in force from the effective date hereof until midnight June 30, 2015,

subject to termination by any Agency or all the Agencies as provided in Section 8.

NOW THEREFORE, based upon the mutual promises and conditions contained herein, the parties agree as follows:

### **SPECIFIC PROVISIONS**

1. Assistance. The Agencies shall each provide their available Resources to assist any other Agency upon request by any other Agency, provided that the responding Agency shall have Resources reasonably available, in the sole discretion of the responding Agency. Except when otherwise requested, or except when the circumstances otherwise clearly indicate, a responding Agency shall send only certified peace officers to an Agency requesting assistance hereunder unless the requesting Agency requests otherwise. Any responding Agency's law enforcement officers shall be fully certified, authorized and empowered as law enforcement officers when in a requesting Agency's jurisdictional boundaries and when following orders of the requesting Agency's Commander or the incident commander.

2. Agency First Response, Dispatch. Each Agency shall instruct its dispatchers or the organization which provides dispatching services for its law enforcement department to first send Resources from its own department to any police emergency which the department is equipped to handle within its own political boundaries before requesting assistance from other Agencies. The chief officer from the department in whose boundaries the emergency occurs, who is responsible for coordinating law enforcement response to the emergency or such other officer whom he shall designate shall be the commanding officer at the scene or location for which police assistance is sought from other Agencies (herein called the "Incident Commander"). He or she may request that his or her dispatcher request assistance from any other Agency or Agencies.

3. Command at Scene, Release of Resources. The responding personnel or the chief officer from each Agency sending personnel and Resources to assist another Agency shall report to the Incident Commander upon arrival at the scene of an emergency or the location where assistance is requested, and shall follow the lawful directions of the Incident Commander with respect to the emergency. The Incident Commander shall, where reasonably able to do so, release Resources from other Agencies before releasing the Resources of his own Agency when no longer needed at the incident scene.

4. No Compensation. No Agency shall request or receive reimbursement for providing Resources to another Agency under this Agreement, except as otherwise provided herein, or except as the Agencies otherwise agree.

5. No Waiver of Immunity. Nothing herein shall be construed to waive any of the privileges and immunities associated with law enforcement or other related services, including emergency medical services, or of any other nature of any of the Agencies.

6. Workers Compensation, Insurance, Benefits. Each Agency shall be solely responsible for providing workers compensation and benefits for its own personnel who provide assistance under this Agreement unless the parties otherwise agree. Each Agency shall provide insurance or shall

self insure to cover the negligent acts and omissions of its own personnel rendering services under this Agreement.

7. Hold Harmless and Indemnity. Each party (the responsible party) agrees to indemnify, defend, and hold harmless each other party from and against any claims, lawsuits, liability, damages, loss, costs or expense, including attorneys' fees incurred as a result of bodily injury, death, personal injury or damage to property caused by or arising out of the intentional, wrongful, or negligent acts or omissions of the responsible party. Notwithstanding the forgoing sentence, no party waives any defenses or immunity available under the Utah Governmental Immunity Act of Utah (Chapter 63-30D, Utah Code Annotated), nor does any party waive any limits of liability currently provided by the Act.

8. Termination. Any Agency may terminate its participation under this Agreement by giving each other Agency to the Agreement 30 day's prior written notice of its intent to terminate participation in it. Any obligations incurred by any Agency to any other hereunder prior to termination, including obligations of under paragraph 7, shall survive the termination of this Agreement.

9. Satisfaction of Responsibility. This Agreement shall not relieve any Agency of any obligation imposed upon it by law, provided that the performance of a responding Agency may be offered in satisfaction of any such obligation of the Agency requesting assistance to the extent of actual and timely performance by the responding Agency.

10. Additional Agencies. Any subdivision of the State of Utah not specifically named herein ("Prospective Agency") which shall hereafter sign this Agreement or a copy hereof shall become an Agency hereto provided that it employ law enforcement officers, and provided that it first give 30 days' written notice to each Agency hereto of its intent to become an Agency, and provided that a majority of the Agencies shall not within 30 days thereafter notify the Sandy City Police Chief in writing that they object to the Prospective Agency becoming a party hereto. In the event that a majority of the Agencies objects to the Prospective Agency becoming a party hereto, then the Sandy City Police Chief or his designee shall promptly notify the Prospective Agency that its application was rejected. A prospective agency thus rejected may reapply for membership hereunder after one year has passed. Any Agency which becomes a newly accepted Agency to this Agreement is entitled to all the rights and privileges and subject to the obligations of any Agency as set out herein.

11. No Separate Legal Entity. No separate legal entity is created by this Agreement, however, to the extent that any administration of this Agreement becomes necessary, then the Agencies' police chiefs, or their designees, shall constitute a joint board for such purpose.

12. No Effect on Other First Response Agreements. This Agreement shall supercede the Multijurisdictional Mutual Aid Agreement for Police and Sheriff Services made in or about August, 1991 among some of the Agencies, which was amended and extended in or about 1996 for an additional five years, but this Agreement shall not supercede those existing agreements of Agencies which provide for first response or assistance by one Agency's law enforcement

department within the political boundaries of another on a regular or routine basis.

13. Whole Agreement, Modifications. This Agreement constitutes the whole agreement of the parties, and replaces all prior agreements and understandings, written or oral, between the parties. This Agreement may be modified only by a writing signed by all parties hereto.

14. Severability. If any provision of this Agreement shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatever.

15. No Third Party Beneficiaries. This Agreement is not intended to benefit any party or person not named as an Agency specifically herein, or which does not later become a signatory hereto as provided herein.

16. Agency Personnel Not Agents of the Other. The employees of the Agencies providing services pursuant to or consistent with the terms of this Agreement are solely the officers, agents, or employees of the entity which hired them. Each agency shall assume any and all liability for the payment of salaries, wages, or other compensation due or claimed due, including workers' compensation claims, and each public entity shall hold the other harmless there from. The Agencies shall not be liable for compensation or indemnity to any other agency's employee for any injury or sickness arising out of his or her employment, and the Agencies shall not be liable for compensation or indemnity to any agency employee for injury or sickness arising out of his or her employment, and each party hereby agrees to hold the other party harmless against any such claim.

17. Real or Personal Property. The Agencies do not anticipate that they will acquire or hold any real or personal property in this cooperative undertaking, but in the event that any such property is acquired by the Agencies jointly for the undertaking, and paid for by two or more of them, then it shall be divided as the contributing Agencies' representatives shall agree, or, if no agreement is reached, then it shall be divided according to their respective payments for the property, or if it cannot be practically divided, then the property shall be sold and the proceeds divided according to the Agencies' proportionate share of the purchase of the item of property.

18. Counterparts. This Agreement may be executed in original counterparts, each of which will be deemed an original.

19. Titles and Captions. The titles and captions of this Agreement are for convenience only and shall not be deemed part of this Agreement and in no way define, limit, augment, extend or describe the scope, content or intent of any part or parts of this Agreement

IN WITNESS WHEREOF, the parties have entered into this Agreement on the day and year set out below.

AGENCY: \_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

APPROVED AS TO LEGAL FORM AND  
COMPLIANCE WITH APPLICABLE LAW:

\_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

# New Business Item #2

# Murray City Municipal Council

## Request for Council Action

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

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1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)  
CONSIDER A RESOLUTION ADOPTING THE CITY COUNCIL'S TENTATIVE BUDGET, AS AMENDED, FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 AND SCHEDULING A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT BEFORE THE FINAL BUDGET IS ADOPTED.
- 

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

3. **MEETING, DATE & ACTION:** (Check all that apply)  
 Council Meeting OR  Committee of the Whole  
 Date requested May 22, 2012  
 Discussion Only  
 Ordinance (attach copy)  
Has the Attorney reviewed the attached copy?   
 Resolution (attach copy)  
Has the Attorney reviewed the attached copy?  yes  
 Public Hearing (attach copy of legal notice)  
Has the Attorney reviewed the attached copy?   
 Appeal (explain) \_\_\_\_\_  
 Other (explain) \_\_\_\_\_
- 

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

As detailed in the budget documents.

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

Resolution attached

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6. **REQUESTOR:**  
Name: Justin Zollinger Title: Finance Director  
Presenter: Justin Zollinger Title: Finance Director  
Agency: Phone:  
Date: May 10, 2012 Time:
- 

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

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

Mayor: N/A Date: \_\_\_\_\_

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8. **COUNCIL STAFF:** (For Council use only)  
Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_
- 

9. **NOTES:**

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

A RESOLUTION ADOPTING THE CITY COUNCIL'S TENTATIVE BUDGET, AS AMENDED, FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 AND SCHEDULING A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT BEFORE THE FINAL BUDGET IS ADOPTED.

WHEREAS, the City Council is required to review, consider and adopt the tentative budget in a regular or special meeting called for that purpose; and

WHEREAS, the tentative budget adopted by the City Council and all supporting schedules and data shall be a public record in the offices of the City Finance Director and City Recorder, available for public inspection for a period of at least ten (10) days prior to the adoption of the City final budget; and

WHEREAS, at the meeting in which the City Council's tentative budget is adopted, the City Council shall establish the time and place of a public hearing to receive public comment on the budget and shall order that notice thereof be published at least seven (7) days prior to the hearing as required in State law; and

WHEREAS, the purpose of the public hearing is to receive public comment before adoption of the final budget.

NOW, THEREFORE, be it Resolved by the Murray City Municipal Council as follows:

1. The City Council's tentative budget for fiscal year 2012 - 2013, as amended, submitted herewith, is hereby adopted and is ordered to be filed and maintained as a public record, available for public inspection in the office of the City Finance Director, Murray City Center, 5025 South State Street, Room 113, Murray, Utah, and the office of the City Recorder, Murray City Center, 5025 South State Street, Room 115, Murray, Utah until adoption of the final budget.

2. A public hearing to receive public comment before the City's final budget is adopted shall be held on Tuesday, June 5, 2012 at approximately 6:30 p.m. in the City Council Chambers, Murray City Center, 5025 South State Street, Murray, Utah.

3. The City Recorder shall publish notice of said public hearing consistent with the requirements of Section 10-6-11 of the Utah Code Annotated.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 22<sup>nd</sup> day of May, 2012.

MURRAY CITY MUNICIPAL COUNCIL

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James A. Brass, Chair

ATTEST:

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Jennifer Kennedy  
City Recorder

**Mayor's  
Report  
and Questions**

**Adjournment**