

**MURRAY**  
CITY COUNCIL

**Council Meeting  
August 27, 2013**



**MURRAY**  
CITY COUNCIL

**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, August 27, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

6:30 p.m. **Committee of the Whole:** To be held in the Council Chambers  
Brett Hales conducting.

**1. Approval of Minutes**

- 1.1 Committee of the Whole – June 19, 2013
- 1.2 Committee of the Whole – July 9, 2013
- 1.3 Council Initiative Workshop – July 9, 2013

**2. Adjournment**

6:31 p.m. **Council Meeting:** To be held in the Council Chambers  
Jim Brass conducting.

**3. Opening Ceremonies**

- 3.1 Pledge of Allegiance
- 3.2 Approval of Minutes

- 3.2.1 July 9, 2013
- 3.2.2 July 16, 2013

**3.3 Special Recognition**

- 3.3.1 Murray City Council **Employee of the Month, Teresa McLeod**, Assistant Librarian. (Kim Fong presenting.)

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

**5. Consent Agenda**

- 5.1 None scheduled.

**6. Public Hearings**

**6.1 Public Hearing #1**

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

Consider an ordinance relating to land use; amends the General Plan from Residential Single-Family Medium Density to Commercial Retail and Amends the Zoning Map from R-1-6

(Residential Single-Family Medium Density) to C-D-C (Commercial Development Conditional) for the property located at approximately 4679 South Hanauer Street. (Murdock Hyundai.) (Tim Tingey presenting.)

6.1.2 Council consideration of the above matter.

6.2 Public Hearing #2

6.2.1 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 the properties located at approximately 703, 709, and 753 East Winchester Street, Murray City, Utah from R-1-8 (Single-Family Low Density Residential District) to R-N-B (Residential Neighborhood Business District). (Steven Feder, Roger Knight, Ned & Carolyn Walker, Estate of Edward Collett & Mildred Page Collett Living Trust, Ralph & Elaine McDonald Trust.) (Tim Tingey presenting.)

6.2.2 Council consideration of the above matter.

7. Unfinished Business

7.1 None scheduled.

8. New Business

8.1 None scheduled.

9. Mayor

9.1 Report

9.2 Questions of the Mayor

10. 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, August 23, 2013, at 10:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder 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>.

  
Janet M. Lopez  
Council Administrator  
Murray City Municipal Council

# Committee of the Whole

# Committee of the Whole Minutes



**MURRAY**  
CITY COUNCIL

**DRAFT**

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

The Murray City Municipal Council met as a Committee of the Whole on Wednesday, June 19, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

**Members in Attendance:**

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

**Others in Attendance:**

Justin Zollinger	Finance	Tim Tingey	ADS Director
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Kim Fong	Library
Georganne Weidenbach	Centurylink	Larry Walters	Centurylink
Blair Camp	Resident	Kellie Challburg	Council Office
Diane Turner	Resident	Mike Terry	HR
Sage Fitch	Resident	Buck Swaney	Resident
Cari Barrios	Treasurer	Jennifer Kennedy	Recorder
Jackie Sadler	MCEA	Peri Kinder	Valley Journals

Chairman Hales called the Committee of the Whole meeting to order at 5:17 and welcomed those in attendance. He excused the Mayor's absence.

**Minutes**

Mr. Hales asked for corrections or action on the minutes from the Canal Meeting on May 9, 2013, the Committee of the Whole meeting held on May 21, 2013, and also minutes from the Council Initiative Workshop meeting held on May 14, 2013. The minutes were all approved as written, all in favor.

## **Business Items 2.1**

## **Board and Committee Reports**

### **Trans-Jordan Cities**

### **Russ Kakala**

Mr. Kakala stated that the 2013 budget should hit about 100% of revenue. Trans-Jordan is doing a good job controlling expenses, and are coming in around 80%. Salt Lake Valley is holding off on the proposed fee increase of \$2.00 until mid-year, so it won't impact the budget this year. It could increase to \$14 or a little higher, but that will be revisited in January. The 2013-14 budget was adopted with a 2% COLA and a 2% merit increase. There was a fee schedule adopted also, and the only change in that fee schedule was an increase for the cost of Freon from \$8 to \$9 per unit. Mr. Stam clarified that it is probably a waste charge, for people that are turning in a refrigerator or something similar that contains Freon. Mr. Kakala agreed. He also stated that they don't accept commercial waste, and residential is free of charge. The fees are staying the same as last year.

The transfer station area that was being looked into was the fur breeders property. Trans-Jordan made an offer of \$4.5 million, and there was a counter offer of \$5 million. The appraisal came in at \$4.8 million, and they have also requested a 200 foot buffer in between the two areas. Trans-Jordan is still trying to decide if it is going to work out. Mr. Shaver asked about the buffer and if it was a property that needed to be purchased to create the buffer. Mr. Kakala said that was unclear about how the buffer was going to work. They decided to wait until the estimates were returned and those should be back in time for the next board meeting.

Sandy City is trying to put a waste/ energy facility in place. Mr. Nicponski asked if it was a burn facility that vaporizes it. Mr. Kakala said he is unsure of the details but that Sandy City is bringing it to the next board meeting after things are finalized. Mr. Nicponski noted that he had heard that there were financing problems. Mr. Kakala said that Sandy City is pretty tight-lipped about the facility right now. He is unsure of the effect it will have on Trans-Jordan, but could affect it greatly.

Mr. Nicponski thanked Mr. Kakala and his crew for their assistance with the Murray Bluffs canal break. Their efforts were commendable and produced a great amount of good will.

### **Murray City Library**

### **Kim Fong**

Ms. Fong stated that the new circulation policy had been instituted. There had not been any issues, and patrons seem to be happy with the new policy. The library specific collection agency will begin in July, and that should be a good reminder to patrons to return items before they end up in a collection/credit report issue. Mr. Hales asked if that would be reported to credit agencies. Ms. Fong said that at 60 days they receive the first letter from a collection agency, so it is probably close to 180 days before any negative reporting would happen. The emphasis is on returning the items, rather than paying the fees.

There is a much anticipated event this Saturday when the new windows in the Library will be unveiled. The windows are beautiful and she invited all to attend the short ceremony and public open house.

Mr. Shaver commented that the Library Board had been very fiscally responsible, and that is much appreciated. Ms. Fong said she would pass that on to the Board at the meeting that

evening. She also mentioned that the windows were paid for entirely by donations, and not with any Library funds. She complimented the Friends of the Library for raising those funds.

Legislative Policy Committee (LPC)

Jan Wells

Ms. Wells has been on this committee with Mr. Fountain for a long time. One item of focus with the League is the Marketplace Fairness Act Bill by Senator Harper. This bill would tax internet sales. People have different opinions on this bill, but it could be very positive for cities, if it ever passes. The question is whether or not the cities would get a portion of that tax. The League is spending a lot of time and energy on this bill, and working with Senator Harper. Mr. Shaver asked what Mr. Harper believes the distribution would be. He has heard other opinions weighed in, but not the opinion of the Senator. Ms. Wells said that Senator Harper has an interesting perspective on this and has worked with the cities a lot. She believes that Senator Harper feels like the cities should get a portion of that, although, she doesn't know what the portion would be. The emphasis hasn't been on the distribution of it, but rather getting the bill passed. Once the bill is passed, she believes he would then take up the job of dividing up the money. He is aware that the cities have an interest and have been his partners in helping with this for years.

WFRC (Wasatch Front Regional Council) has been hosting a variety of meetings to talk about future plans for transportation. Basically, the STIP (Statewide Transportation Improvement Program) has to be redone every four years and updated. That is also a part of ongoing legislation and is tied to funding for projects.

The Department of Water Quality Task Force met on nutrients and water quality, and is recommending a monthly fee of \$3 to \$6 for every resident in order to meet the EPA (Environmental Protection Agency) standards for cleaning up water. Mr. Brass has mentioned this before as well. Ms. Wells noted that this would impact all of the residents but will most likely happen because of a Federal mandate. The League is trying to mitigate this in whatever ways possible, to keep the impact reasonable. Mr. Stam asked if this would be a state-wide fee. Ms. Wells said yes, although the amount of the fee may be different in some locations. It is believed to be a State wide issue, because it is a National issue. Mr. Brass said the problem is that the sewer rates in Utah are very low compared to the rest of the Country, so there is no sympathy there. The reality of it is the money will be collected and the resulting impact, according to the available science will be minimal. The EPA is not taking into consideration all of the other sources that feed into the water supply. For example, a City like Corrine that feeds into the Bear River could suffer serious financial problems if they have to build a water treatment plant. Ms. Wells said the League is aware of this issue and is working on it, even though there are certain mandates that are going to be unavoidable. Mr. Brass said the fees would most likely be paid again if the plant is required to drop phosphorous and nitrogen.

The Justice Courts are having a variety of issues. There is a lot of talk about how to deal with the perceived challenges.

Ms. Wells met with Cameron Diehl to see if cities could have the ability to sign plats that the County changes or approves. Currently, the City doesn't have the ability to know what the County has done with plats. For example, there was a property in Murray that the County approved a change, and completely removed all the easements from a property. That property becomes effectively useless. This is a Murray driven initiative but Ms. Wells has spoken with the League about it. Ms. Wells was told that the clerks and recorders of the different entities don't

want to take this responsibility. This will also be discussed in the land use committee over the next year.

Council of Governments (COG)

Jan Wells

Ms. Wells stated that a letter was sent from the Governor to all Utah cities asking them to look at their regulations regarding zoning in an effort to make cities more business friendly. Mr. Tingey is working on that response detailing Murray efforts that are being made and will be made in the future. The Governor believes cities may be enacting too many regulations that make it more difficult for businesses. He would like cities to look at the requirements that may have been on the books for a long time and are possibly antiquated. Ms. Wells believes Murray has done a good job keeping requirements current.

There is a lot of work being done on air quality. Mayor Becker is the current Chair of COG and is driving this initiative in COG. The State Department of Environmental Quality, and the Air Quality Division have a goal to cut emissions by half. The two main focal points of these initiatives are large industrial areas that provide goods and services that are used by all; and the second one is transportation. This will cost everybody in a variety of ways. The States are required to comply with Federal standards. WFRC is working on the easy and voluntary fixes by encouraging people to comply. UDOT (Utah Department of Transportation) has created a website called Travelwise that encourages people to use public transportation and combine trips.

The VECC (Valley Emergency Communications Center) merger is being worked on with COG and UPD (Unified Police Department). Mayor Johnson from West Jordan has taken the lead on this. One of the biggest issues is the fact that there are two operating systems: Spillman and Versaterm. It is unknown how to combine those or how those would play together. Murray uses Spillman, but some of the cities and the County use Versaterm. Originally, when the County was joining, the plan was to use both CAD (Computer-aided design) systems simultaneously, and then determine the effectiveness of each and select one after a year. The latest thinking is that the UPD doesn't like that plan and they won't come in unless Versaterm is chosen. That could cost additional expenses if it goes in that direction. Mr. Nicponski noted that it is too bad that issue developed because the merger had been moving along at a pretty good pace. There isn't a need for three systems, so at least two of them would have to be combined. The State could then force Sandy and Salt Lake City to be absorbed by the current system. Mr. Shaver clarified that there is a group of multiple cities using the same system and possibly the State could force the others into using it also. The Legislature basically said there could be two systems, but not three. Salt Lake City is so large that they are able to have their own system right now, but as Mr. Nicponski said possibly when the situation is worked out with UPD and VECC members, there could be a push to combine even further. Mr. Nicponski noted that Brad Dee, the Majority Leader of the House, carries this agenda. He passed a bill this past session that would consolidate the State systems, including those for Highway Patrol and Public Works. VECC approved their budget today and is continuing to work on this issue. It doesn't appear to be a cost increase for Murray at this point. VECC is also working on getting a new Executive Director. The previous Executive Director relocated to Monterey, California.

There have been several reports on proposed transportation projects and the various funding sources in COG. There is \$4 million in the STIP recommended for the 2014-2019 plan for Vine Street, from 9th East to 13th East. That \$4 million has been confirmed. Vine Street is on the STIP as listed but not funded, and will be an expensive project. The TAP (Transportation

Alternative Program) has the Hawk Signal on 7th West to Bullion Street and 5900 South with Federal funding of \$99,000 approved. This will help with the children's crossing of the two schools there.

The homelessness funding request also came through COG. The City has sent an approved agreement and placed the funding in the budget to be approved. This item will be an ongoing request in the future. There was a note from Taylorsville that they had cut this request from their budget.

UTOPIA (Utah Telecommunications Open Infrastructure Agency) Jan Wells

The bonding for the next round of funding is underway. The approval for this UIA funding was previously given. There are several projects in Murray that may benefit from this fiber installation. The plan is that it would be used for areas that can provide a high return on investment, in a short period of time. Some of the fiber will be placed in business locations outside the current City network. For example, there are some facilities in Salt Lake City that they are looking at that can provide a quick return on the investment there. Mr. Shaver said he had heard about a challenge by others investing in places not a part of the UTOPIA group as a whole. Ms. Wells said those discussions have been ongoing for quite a while. She doesn't know if there had been a resolution one way or another. At this point, she believes they are planning to move ahead. Mr. Stam said there is nothing that says that fiber can or cannot be placed outside the network.

Murray has not paid the portion of the operational funding that is needed right now, and the City Managers group has basically shut down. The other cities are not interested in discussing the utility model with Murray staff at this point. The focus by the majority of the cities is to move forward with this separation, with only minimal ties to run the core of the fiber system. Murray needs to answer the question of what the participation will be in the future, and make some decisions. She stated that not making a decision, isn't really a decision. Murray still needs to decide what the future will be. That decision still is on the table, even though the decision to not pay has been made.

The number of subscribers in the City continues to increase. There are almost 200 queue customers being billed in Murray. Businesses continue to call the office constantly asking for this service. There is an increasing knowledge and also demand for the service. There is also a UTOPIA/ULCT committee that has been meeting for a while. They are in the process of making legislators aware of the utility model, so there are not problems when moving to this model. Ms. Wells passed around some literature with the new model. She restated that Murray is not included in this. Ms. Wells said she is still included in the board discussions. These other things are handled in a different way and being driven by the League.

UIA (Utah Infrastructure Agency)

Darren Stam

Mr. Stam said that Phase 1 for UIA is drawing to a close officially because of the new bonding that is going forward. The original plan called for a monthly revenue income of \$264,000 at the end of Phase 1. The current monthly revenue income is \$254,000 per month, which is \$10,000 less than the original projection, and the exact deadline is unknown, so they are pretty close to the original projection. The bond moving forward looks like it is coming in just under 4%. Mr. Shaver clarified that was the interest rate. Mr. Stam confirmed. That provided an opportunity to revise the projection for Phase 2 going forward, seeking the highest return on investment. Mr. Hales asked about the bond interest rate, and how it was less than 4%. Mr.

Stam replied it was based on the market and their credit. The UTOPIA bonds were about 6%. In the plan going forward, which is based on the return on investment, there was a shortfall of \$225,000. That shortfall would end in July 2016 at about \$50,000 per month. Because of the lower interest rate, it is going from \$225,000 shortfall to about \$19,000 shortfall per month based on the projections. Their projections were based on the first request for assistance due to the shortfall, they were requesting a figure based on the \$225,000 per month. At this point, at the end of this month, the shortfall should be \$196,000 per month. Currently, the shortfall is at \$192,000, so they exceeded their projections. They closely met their revenue source and exceeded their expectations on decreases in the shortfall over the last three months. UJA did do what they said they were going to do. Mr. Shaver agreed they are getting closer and the 4% rate is a positive thing.

VECC (Valley Emergency Communications Center)

Dave Nicponski

Mr. Nicponski noted that VECC had previously been discussed.

Association of Municipal Councils

Dave Nicponski

The Association of Municipal Councils is made up of one Councilmember from each city. The meetings are held once a month, and there is usually a group making a presentation. Last month, CDBG (Community Development Block Grants) made the presentation. The meetings are held in Murray, and probably about 50% attend.

Central Valley Water Reclamation

Jim Brass

One of the bigger concerns has been the nutrient issue that is now being handled by the State. The Board has been very concerned about this issue because of the money involved, and the impact it will have on many cities. Any city that discharges into any waterway will be affected.

There was an RFP (Request for Proposal) sent out to look at the feasibility of generating more energy within the facility from the waste products that are processed. Those responses from the RFP are being evaluated now. Sewage plants by their nature create a lot of methane gas, and heat. There is water flowing through the plant, which creates a variety of different ways to recover energy. Currently, some electricity is generated using methane off the plant, through the turbine generators, much the same as the landfill gas plants. The study is to determine whether it is worthwhile to bring in more restaurant garbage and run it through the digesters to boost the output and make the plant self-sufficient. Also, can enough power be generated to make it a viable source to sell to other people, he asked. There is no expense right now to evaluate it and it could prove to be interesting, he noted. Mr. Brass commented that if enough excess power could be generated and if it qualified as renewable power, he would talk to Murray Power. The two landfill gas plants have been very successful, and adding renewable power to the City's portfolio would be a positive thing.

WFWARD (Wasatch Front Waste and Recycling District)

Jim Brass

This Committee is the old Salt Lake County Garbage and Solid Waste Fund. It has been changed to a special service district and since the east side of Murray is in that district, the City has a position on the Board.

The issue facing Murray is that when this area became a District, the citizens received letters telling them they would be billed directly. It was previously part of their mortgage payment, and most residents weren't aware of what they were paying for garbage. Those residents that were paying from an escrow account will be charged twice this year and refunded next year. The bottom line is that Murray is receiving calls and complaints about the way this is being handled.

This issue created the discussion of whether Murray could provide the services to the citizens on the east side. The annexed area doesn't receive too many Murray services, and it would be very difficult to connect some of the other utilities. Police, Fire, and Roads are currently serviced to the annexed area by Murray City, so garbage pickup is another possible service the City could provide. Discussions have been started with WFWARD to see if they would consider de-annexing that area to Murray City.

There has been a survey created which has been shown to the WFWARD board and director, so that the survey is fair and balanced. WFWARD does provide specific services and is looking at additional services that Murray City doesn't provide. Murray City charges lower fees, and the cost for additional cans is lower. The question is whether it would net out. There is another meeting scheduled for the City to meet with the director and the County Councilmembers that sit on the Board. The feeling is that the City should be able to survey the Murray citizens and find out what they want. If the vast majority chooses to go with Murray City, then the City could provide services, but it could be contentious.

Some examples of the different services are: Murray does not do an annual neighborhood cleanup, and the City does not drop large dumpsters off at no charge. Murray City will provide a large dumpster for a fee of \$110. WFWARD has started a pilot program of a green waste program for an initial fee of \$90 plus the monthly charge for the can. Murray is not looking into any such plans at the moment. WFWARD is also looking at a fee increase. There is a requirement for a specific fund balance in the reserves, and WFWARD will be a shortage sometime in 2014.

Mr. Shaver asked what some of the issues might be, including new cans. Mr. Brass said the City would have to buy new cans, because their cans are not compatible with Murray's systems, including different colored cans. There would be an upfront cost of approximately \$300,000. The cost would be bearable and it would make the east side citizens feel more like they are a part of Murray. The east side residents were given the option of going with Murray or staying with the County when they were first annexed, and they chose to go with the County. For the most part, it has worked reasonably well. This new discussion simply came about because of the change in billing that made the price difference highly visible. Mr. Hales noted that he believes it would make the residents in that area feel more included in the City. He hears from those residents, and they speak very complimentary of the Police and Fire services. He believes this would be an additional positive service to them.

The cost to bring Murray Power to that area would be very expensive and right now Rocky Mountain Power is not amenable to selling the system to Murray. Murray isn't looking at buying their system either, because of the need to rebuild it.

#### Announcements

Jan Lopez

Ms. Lopez reminded the Council Members of the Golf tournament and lunch coming up and reminded them to get their responses to Kellie Challburg.

Also, Fun Days parade will be on July 4<sup>th</sup>. Ms. Lopez has arranged for vehicles to be provided through Larry H. Miller auto dealerships. She has also ordered three cases of candy for each Council Member. The candy and magnetic signs will be here on June 28<sup>th</sup> and available for pick up. The cars will be available on June 3<sup>rd</sup>.

Mr. Hales thanked everyone for their presentations and the meeting was adjourned.

Kellie Challburg  
Office Administrator II



**MURRAY**  
CITY COUNCIL

**DRAFT**

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

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, July 9, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

**Members in Attendance:**

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

**Others in Attendance:**

Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Pam Roberts	WFWRD
Pete Fondaco	Police Chief	Craig Burnett	Police
Russ Kakala	Public Works	Diane Turner	Resident
Greg Bellon	Power	Trae Stokes	Engineer
Justin Zollinger	Finance	Kellie Challburg	Council Office
Jennifer Brass	Resident	George Katz	Resident
Sally Hoffelmeyer-Katz	Resident	Blair Camp	Resident
Gil Rodriguez	Fire	Ted Eyre	Resident
Peri Kinder	Murray Journal	Jennifer Kennedy	Recorder
Doug Hill	Public Works		

Chairman Hales called the Committee of the Whole meeting to order and welcomed those in attendance. He excused the Mayor's absence and welcomed Doug Hill, as Mayor pro-tem.

**Minutes**

Mr. Hales asked for corrections or action on the minutes from the Committee of the Whole meeting held on May 7, 2013. Mr. Shaver moved for approval. Mr. Nicponski seconded the motion. All were in favor.

**Business Item 4.2**

**Radar Speed Sign Placement- Asst.  
Chief Burnett & Trae Stokes**

Asst. Chief Burnett stated that the Traffic Safety Committee was asked to present a list of prioritized areas in the City that could use radar speed signs. The Committee looked first at the areas they receive the most complaints about from either residents or staff. All 24 locations listed are areas that have received complaints. It was fairly easy to come up with the top five or six locations. Asst. Chief Burnett noted that often it depends on the length of the streets and also the arteries nearby.

Mr. Stokes added that numerous traffic studies have been done over the years on almost all of these roads. There are very good traffic and speed counts and that played into the prioritization. As Asst. Chief Burnett mentioned, the top roads are higher volume roads that connect arterials and have higher speeds. That was primarily the reason for the prioritization. All locations on the list had merit, but they believe the top eight to ten listed are real good candidates for radar sign placement.

Mr. Nicponski asked how much funding was available. Mr. Hill said there is \$20,000 to spend, which is the equivalent of eight signs. The quotes came in just above \$20,000 for eight signs, but eight signs will be purchased. Mr. Nicponski asked if this program is successful, would this amount be budgeted every year in the future, and could they keep working off of this list. That way, if a location is not in the top eight this year, it could possibly receive a speed sign in the next couple of years.

Mr. Stokes commented that the list may change and grow, but for the most part is pretty static. Mr. Shaver said it may need to be reviewed four or five years down the road to see whether the rest of the roads are necessary. If there is a sign on every corner, they become less effective, he noted. Mr. Nicponski added that the signs gather important data.

Mr. Stam asked about the signs that were installed last year and what the feedback has been. Mr. Stokes said there has been positive feedback from the residents. There have been before and after speed studies done at all of the locations. Three of the four locations saw a reduction in speed, only one did not have a reduction in speed. They believe that there are a few offenders in that area that must drive really fast, because overall the average speed dropped. Mr. Stokes noted that the area that didn't see a reduction in speed was in Murray Bluffs. There are more people going the speed limit but there are still a lot of offenders driving really fast which drives up the 85<sup>th</sup> percentile.

Mr. Brass commented that he found the list interesting and was happy to see Atwood Drive on the list. He said he didn't see 4800 South and believes that street has turned into a speed zone since the repaving. Asst. Chief Burnett said 4800 South and East Vine Street were both discussed, but because of the dynamics of the road more focus was spent on the 25 mile per hour streets. Mr. Brass said that the road is all beat up and people hate it, but it does slow traffic down and that may be a problem once it is repaved. Mr. Shaver asked if there would be two signs on Atwood. Asst. Chief Burnett said there would be two signs; one on each side between 4800 and Vine and also between 4500 and 4800. Mr. Stokes noted that there is a lot of traffic on those roads, so it needs a sign in each direction.

Mr. Hales asked about 725 East and if there would be two there also. There are a lot of locations that could use two signs, but that shrinks down the number of locations that could be

served with signs. Mr. Stam asked if there are more offenders going one direction or the other. Asst. Chief Burnett said the counters would be put out and would really nail down the direction of the offenders. He said for example, on GreenOaks Drive, westbound traffic has a higher number of offenders than eastbound. Mr. Brass said he would believe traffic on Atwood would travel faster coming from 4500 South than 4800 South because traffic is coming off of a slower speed road, whereas 4500 South has a 40 mph speed limit.

Mr. Shaver reiterated that based on the budget, the top eight locations would receive signs. Mr. Stokes noted that if two signs are placed on Atwood, the budget would cover the top seven locations.

Chief Fondaco noted that the top seven locations would include one sign on the road, not one in each direction. This is an attempt to stretch the budget to impact as many roads as possible. Ideally, the roads should have a sign in each direction, but in working with the budget, that would only really impact three to four roads.

Mr. Shaver asked if it would be more effective to put two signs on each road, and limit the locations. Asst. Chief Burnett said that it depends on the street, and if one direction on a street has higher speeds, then you could start with one sign, and add more as funding becomes available. It may be decided that 725 East needs two signs also, but could be changed after studying it some more. Mr. Stokes agreed that 725 East and Atwood are both problem streets.

Mr. Brass said the signs are relatively easy to move because they are solar powered. Mr. Kakala added that the City would install the signs, and could move them to different locations. Mr. Brass added that the residents like to see the signs and see how money is being spent. He appreciates what Chief Fondaco has said but believes it is best to touch as many areas as possible. Chief Fondaco agreed but wanted to make sure they knew that only one direction would be impacted. Mr. Stam said this study will also help them to understand and possibly one sign may slow traffic in both directions. Asst. Chief Burnett stated that the signs can be moved if the study shows it isn't needed in that location. Mr. Stokes estimated about three to four hours labor to relocate a sign.

Mr. Hales asked if there were any objections to the locations that the Traffic and Safety Committee had designated. Mr. Shaver said he believes that the Committee should be allowed to make the best decisions as to the locations of the signs. Mr. Stam commented that he had a volunteer that agreed to put the sign on his property on Green Oaks. Mr. Stokes said it should be close to 7<sup>th</sup> West and it would need to not be blocked by trees, etc.

#### **Business Item 4.1**

#### **Wasatch Front Waste and Recycling District (WFWARD) Pam Roberts**

Ms. Roberts apologized that her visit was long overdue. The pocket of Murray City that includes about 2800 homes resides in the Special Service District, formally known as the Salt Lake County Sanitation District. WFWARD became its own independent organization as of January 1, 2013. It was a long process that began in 1977 when the County Commissioners established the District and outlined all the unincorporated areas, and set up the Sanitation Division as the service provider for that part of the County. Since then, many cities have incorporated. Taylorsville, Herriman, Cottonwood Heights and Holladay all incorporated and stayed within the Service District, and the sanitation services. West Valley City was one City

that requested to be deannexed from the Special District, and was granted that permission in the early 1980's. Since that time, WFWARD now provides services to 81,000 homes.

Ms. Roberts wanted to inform the Council of the services that they do provide. She is aware that there are three Council Members representing the residents that are served by WFWARD.

Ms. Roberts started with the Sanitation Division in July 2007. She noted that last year was a huge challenge, but things are improving.

The mission is to provide sustainable integrated waste and recycling collection services for the health and safety of the community. The tagline was added to state, "not everything fits in the can", and so integrated services were added. The vision is to be the industry leader by 2016. WFWARD looks at industry trends to see what is happening. Everything is moving towards diversion of waste to prolong the life of landfills and capture those commodities with recycling and composting as much as possible.

The organizational chart, as shown, shows Ms. Roberts is appointed by the Board, and Councilman Jim Brass sits on the Board and represents the 2800 homes of Murray City. She commented that Mr. Brass is a very good representative. There is a nine member Board consisting of elected officials, with the exception of Patrick Leary who is serving at the appointment of Mayor McAdams. There are 77 FTE's (full-time equivalents) at WFWARD, and approximately 88% of those FTE's are on the front lines delivering services.

The new change in billing was an administrative challenge for WFWARD to ensure that the calls from customers could be fielded. She loves the new billing process, it had to grow on her but it is much more transparent. Customers thought they were being double billed since they had just paid on their taxes for 2012. There was a lot of education needed for them to understand that they paid in 2012 for services performed in 2012. They had about 17% of the customers calling in all at once. She believes WFWARD did a good job in managing the volume of calls.

The District is mandated to collect and dispose of the waste generated in the district. Of the 81,000 homes, there is approximately 141,000 tons of waste generated.

WFWARD offers a variety of services, such as the annual clean-up which is very popular. They also provide weekly recycling collection district wide, and that equals about 20,000 tons collected. Garbage is collected weekly and that is over 100,000 tons collected weekly. They have central glass collection sites in an attempt to divert that waste.

There were some waste audits done. This meant that people were sorting through garbage to see what was going in the black can. This was done in the summer of 2010 and the winter of 2011 to see the seasonability of that. The results are listed on their website. Three percent collected in the black can is glass, which equals about 3,000 tons annually that they would like to divert out of the black can.

The trailer rental program consists of a green waste trailer available for \$30 to rent. That would be dropped off in their driveway to dispose of yard waste, tree branches, etc.

They also brought back the availability of a bulk trailer for residents to call and reserve. If residents are making home repairs themselves, not contractors, and need to dispose of bulky waste, the trailer can be rented for \$125

They offer curbside Christmas tree collection the week of the customer's collection day and pick up the trees at the curb.

They also offer central collection leaf sites throughout the valley. The location most frequently used by the Murray customers is the Cottonwood Complex on 4500 South and 1300 East.

WFWARD is also prepared for emergency disasters, and the tonnage on that varies. There was a flood in Taylorsville that they helped provide containers for, as well as disasters in Herriman.

Specific areas in the district have specific days of the week for collection. The portion of Murray is serviced on Tuesdays. In 2014, that will change to servicing every area every day to increase efficiency and absorb increased costs associated with dumping and maintenance fees. Mr. Shaver asked for an explanation on that. Ms. Roberts said for example the other homes in Murray City are served on Mondays, and other sections the other four days. Rather than servicing the 2800 homes on Tuesday, there may be a section serviced on another day. There will be a big education for the customers before that program rolls out on February 3<sup>rd</sup>. Mr. Shaver asked if that would cut costs. Ms. Roberts explained that costs wouldn't be cut, but rather absorbed. This would be a way of meeting the increased costs.

There is tremendous growth in the Southwest. Herriman City is the fastest growing City in the district. From 2005-2007, the average growth was 1000 homes a year so there was a need to push direct services to Herriman City. When the economy suffered, Herriman went to about 200 homes per year but is currently creeping back up to about 800 new homes per year. That is another reason to go to the daily collections, so that the growth can be managed.

The charge per month for service is \$12.75, or \$153 annually. She is aware that it is \$1.75 per month more than the other residents in Murray are paying. Part of that is because of the additional services provided such as, the annual clean-up and weekly recycling. Ms. Roberts showed a chart illustrating the breakdown of the \$12.75 per month per household. The biggest cost is garbage collection and disposal of that waste.

Ms. Roberts stated that the cost of diversion for curbside recycling collection is \$2.74 per month, other waste diversion for green area clean up and trailer rental, as well as glass is \$1.00 per month. Public outreach and education programs is .19 per month, for a total of \$3.93. That is part of the \$12.75 monthly charge.

WFWARD is a governmental entity so fees collected go back to services, there is no profit taken. The next couple of charts may have some confusing verbiage but the dollars are accurate. Ms. Roberts held up a plastic water bottle and said if it goes to the landfill, it costs WFWARD \$26 a ton. If it is placed in a blue can for recycling, then WFWARD receives about \$21 per ton, creating a revenue swing. In 2012, the commodities collected from Murray customers equaled \$31,362 saved, a portion of that was the actual revenue of \$13,000 collected from the 661 tons. By diverting the 661 tons of recyclables and 96 tons of green waster for composting, over \$18,000 of dumping fees was saved.

Mr. Brass asked if there was a market in Utah for glass. Ms. Roberts said that there was and they have been approached by a company called Momentum Recycling that has spearheaded a subscription curbside glass collection in Salt Lake City. They want to take that service to the district and are coming to a Board meeting this month to discuss it.

Mr. Nicponski asked what the customer pays per month. Ms. Roberts replied \$12.75. He asked what that charge would be, if it wasn't subsidized by the recycling revenue. Any revenue collected over the \$12.75 would go back into the services, the \$12.75 doesn't pay for all the services itself. The way that revenue is made up is through the truck sales and the selling of the commodities.

Through the month of May 2013, Murray customers saved over \$19,000 for diversion, including \$8,888 from recycling revenue. The diversion of 396 tons of recycling and the 47 tons of green, over \$10,000 was saved in dumping fees through the revenue swing.

There was 35 tons of green waste collected in the area cleanup. That was done separately, rather than have the customers put the green waste into the container on the street. The customers can put their green waste on the curb or parking strip and it is collected separately. It is more efficient to collect it that way, rather than pull it out of the bin. Mr. Stam asked if there was a separate can for the green waste. Ms. Roberts said there is not one currently. The container on the street is mainly for bulk waste, although some people do put their green waste in. WFWARD tries to collect as much of that green waste as possible.

There is a customer satisfaction survey done every year. In 2012, Murray customers rated the service at 98% satisfaction. That 98% satisfactory rate is in line with the goal of WFWARD. That was a 3% improvement for Murray customers since 2011. Most of that positive swing could be attributed to the weekly recycling, as well as the area cleanup program.

WFWARD wants to be the industry leader by 2016. They have rolled out the compressed natural gas (CNG) trucks, and are also using bio-diesel. The entire fleet is running on alternative fuel of one kind or another. The anticipated savings this year from those changes is \$75,000. There are currently 5 CNG trucks out there, and WFWARD received a grant from the Department of Environmental Quality (DEQ) in the amount of \$79,000 to help offset the increased cost of purchasing CNG trucks. The team works hard on reducing idling time and the light duty fleet saved close to \$10,000 in fuel costs by turning off the ignition when getting out of the vehicles. CNG costs \$1.85 per gallon and bio-diesel is currently \$3.53 per gallon. The average diesel cost right now is around \$3.80, so there is a big cost savings there with CNG.

Some new things in the District include the bulk trailer rental, the acceptance of the state grant funds, and a non-sufficient funds fee was implemented to charge the customer back on those delinquent accounts.

There is a new program that WFWARD is rolling out next year that is a subscription curbside green waste program. There is an initial start-up fee of \$60 to purchase the carts. Since this is a subscription program, it needs to be self-sustaining. Also, there are not any tax dollars collected on the service. After the one-time fee of \$60, the annual fee for a 9 month program is \$115 per year. It is anticipated that many of those customers using the second black can at \$180 per year will switch to this new program at a reduced cost over time. They anticipate some savings from dumping fees. The cost for green waste is \$16 per ton and \$26

per ton for garbage. Fees at the landfill are scheduled to increase soon. The garbage from the Murray residents is taken to the transfer station at the Salt Lake County landfill. So far, of the 2800 homes there have been about a half dozen sign up without any marketing efforts. They anticipate that number will grow as the word gets out.

Mr. Stam clarified that recycling is collected every week. Ms. Roberts said that was correct. He asked if the customers have full recycling cans every week and are putting less in the black cans. Ms. Roberts said recycling has gone up about 16% with the weekly collection, and garbage has gone down by a smaller amount. She stated that it is hard to know which is due to the economy also. The tonnage for garbage goes down when the economy falters; people purchase less and don't throw away as much. When the market returns, recycling increases due to the cardboard boxes from purchases that require a box.

As the economy rebounds it is the hope that recycling tonnage will go down and garbage slightly increase, especially with the subscription green service. It was discovered during the waste audit that 39% of the waste in the black can was green waste, and could be captured for composting. Only 43% of the contents of the black can was garbage, with the remaining percentage being recyclables.

Mr. Stam asked if lawn clippings could be put in the green waste can in bags, using the subscription green service. Ms. Roberts replied that there could not be any bags, it would have to be put in bagless. The can will be vented which should hopefully reduce the stench. Ms. Roberts is currently trying out the can and there is a lot less condensation and seems to really help with the odor. It also makes a better product for composting because it doesn't decompose as quickly.

TransJordan didn't want the green waste initially, but after learning that it was subscription, which cuts back on the contamination rate, decided to take it. That will help with the South West area.

Mr. Kakala asked if WFWARD will compete with Ace Disposal down the road, or just maintain their existing customer base. Ms. Roberts said she would love to maintain the existing customers and the competition would depend on the desires of the WFWARD Board. Ms. Roberts stated that she would answer questions from the cities and take any bid requests to the Board.

#### **Business Item 4.3**

#### **North Jordan Canal Remediation Funding- Dave Nicponski**

Mr. Nicponski stated that a Canal Task Force had been formed. Mr. Nakamura and Mr. Hill were very active in helping to establish that. The Task Force consists of four citizens, the North Jordan Canal Company representative and two Council Members, as well as staff.

The Task Force has met three times; May 28<sup>th</sup>, June 11<sup>th</sup> and July 2<sup>nd</sup>. The room has been filled with residents from the area. The North Jordan Canal Company has been very forthcoming and responsive relative to their remediation plan and schedule. This has been an educational and empathetic process. Initially, every resident that knew an engineer had a solution, and that was difficult. That was the purpose of the Task Force to educate people. The State Engineer investigated and reviewed the North Jordan Canal contractor that had put

together a solution for the repairs. The State Engineer approved the plan of the North Jordan Canal Company.

The repair will consist of a reproductive liner made of steel mesh and a canal liner over that. There will be some earth work done to reinforce it. There is also a system called Supervisory Control and Data Acquisition (SCADA) which would act as an early warning system if the water rises or accelerates. This SCADA system would alert the Canal Company of any problems.

The estimated cost was \$1.8 million but the bid process has been favorable and bids have come in at just over \$1 million.

The Canal Company has gone to different entities and asked for participation. West Jordan has been asked to put in 10%, Salt Lake County 25%, Murray City 30% and the North Jordan Canal Company would take a loan and put in 22.3%, Kennecott would pay 65% of the 22.3% that the North Jordan Canal Company would incur in costs.

West Jordan has basically ignored the request and there is no inclination of their participation at this point. Salt Lake County has agreed to 20% of the proposed 25%. Mayor Snarr has proposed that Murray give 10% versus 30%, and Mr. Nicponski is in support of that number. If the cost comes in at \$1 million, Murray would be responsible for \$100,000, but the North Jordan Canal Company would be committed to \$22,300, of which Kennecott is picking up 65%. Kennecott would only pay \$14,000, so he believes Murray should be commended for their commitment.

Mr. Nicponski is recommending two things:

1. Murray City needs to be indemnified.
2. Assurances that the SCADA system would be implemented.

The meetings have been very constructive, with the exception of the meeting on July 2<sup>nd</sup>. Some of the water users came to the meeting to share their experiences since the break, and their concerns that the repairs happen quickly. The users were obviously at their wits end and were not very refined. One person, who happens to be a State Legislator was embarrassing with his demeaning and degrading behavior. The Canal Company representative also made a statement as such, that things don't begin with a Cadillac, but rather a Volkswagen and then transition to a Cadillac. Mr. Nicponski believes that was a reference to the SCADA system and wants assurances that SCADA is implemented. Mr. Shaver asked for clarification that the vehicle reference meant that SCADA wouldn't be implemented, or rather another system would be implemented. Mr. Brass commented that there are varying levels of control within the SCADA system also. Both the Fire and Water Departments also use a SCADA system, and there are different levels of notification. Mr. Nicponski noted that the canal liner will be expensive at \$418,000, and the SCADA system is around \$200,000.

Mr. Nicponski stated that there may be citizens at the meeting tonight and would reiterate their desire for the SCADA system.

Mr. Shaver asked what group monitors the SCADA system, the Canal Company or a government agency. Mr. Kakala asked if the SCADA system would run the length of the canal

or just a specific section. Mr. Hill replied that the \$200,000 SCADA estimate is to cover the entire North Jordan Canal. Mr. Brass asked if it would be just alarms or would the ability to close flood gates be there. Mr. Hill replied that he wasn't sure of the plans.

Mr. Brass declared that he is in this business and has sold SCADA systems occasionally. He doesn't believe it is a conflict but wanted to make that statement. Mr. Nicponski asked if SCADA systems are worth the money. Mr. Brass said it depends on what the purpose is. For every request for action, there needs to be an intelligent device to recognize that in the field and cause that action to take place; that is where the cost really increases. Sometimes the cost of putting in the intelligent devices and automate a system can be quite a bit more than the system itself, he noted. Mr. Shaver noted that a notification system to alert that a break has occurred is entirely different than a system that can automatically notify and make changes to prevent further damage.

Mr. Hales commented that the residents have been great. After the discussions of the different entities cost participation, the residents recognized that it would affect the tax payers of Murray, and didn't want Murray to overpay.

Mr. Shaver asked if there was a time line.

Mr. Nicponski said he doesn't know what a \$200,000 SCADA system does and would like to find that out. Mr. Hill said he believes that it would not include automatic closures for the head gates. He believes it is an early electronic warning device that would go off before the water gets too high. The Canal Company could then send people out to manually release the water. Mr. Stam asked if it would signal that the water level is changing which could mean a breach has already happened. Mr. Hill noted that it would monitor the water level, but wouldn't send an alert if the bank was sloughing. Mr. Brass said an inexpensive flow monitor could be installed. It would localize it around the location of the device.

Mr. Nicponski stated that he wants to support the residents by tying the City's contribution to the SCADA system. Mr. Brass said the SCADA system should give a status of what is happening in the canal and that should be helpful. Mr. Nicponski commented that the residents are fearful of their houses being flooded and their children being in harm. He noted that Representative Larry Wylie was out of line and made derogatory comments to the residents. He noted that Van King from the Canal Company had been excellent to work with but is not real comfortable with his replacement.

Mr. Hales noted that the residents always thank Murray City for the efforts that have been made.

Mr. Nakamura said the Council's obligations are funding and that a budget amendment hearing has been noticed for July 16<sup>th</sup>. The Council's role is purely to decide the amount that the budget be amended. The Mayor would negotiate the agreement.

Mr. Nicponski asked about a resolution asking for indemnification and also the inclusion of the SCADA system. Mr. Nakamura said the Council could advise the Mayor that these important terms of the agreement be included. Mr. Shaver noted that the amount could be increased or decreased due to the fiduciary responsibilities of the Council. Mr. Hill clarified that the agreement was made after the funding level was set. Murray has agreed to pay 10% of the total cost, with a maximum of \$180,000.

Mr. Hill asked if he understands correctly that the Council doesn't want to give any money, unless a SCADA system is implemented. Mr. Nicponski stated that was correct, and unless SCADA is part of this remediation, then they would not pay the money. Mr. Nakamura noted that Murray's commitment should be 10% of the SCADA cost also. Mr. Nicponski asked why the taxpayers in that district should be burdened with the expense if they are not able to feel safe.

Mr. Stam asked if there was an individual that could answer questions about the SCADA system. Mr. Shaver agreed and would like more information also. Mr. Brass said he is unsure if the Council needs to go into that much detail. Mr. Nicponski noted that the point was that this be leveraged with an early warning system. Mr. Stam said that they may not be happy with the Volkswagen and maybe there is something in the middle, like a Chevrolet that they could be happy with rather than the expensive Cadillac. Mr. Nicponski asked Mr. Hill if he could find out what the \$200,000 SCADA system does and make a resolution after that.

Mr. Shaver reminded them that SCADA is one issue, but there is also the issue of indemnification. Mr. Nicponski noted that indemnification is a must, and that one water user was already pointing fingers at the City, and saying that the City was at fault. Mr. Nicponski replied that the City was not at fault and that this was a private property owner that had rights when that property was zoned residential. The City had to operate under the burden of the law and allow houses to be built.

Mr. Shaver clarified that if there is no indemnification, and no SCADA system, there would be no money given.

#### **Business Item 4.4**

#### **Power Fund Donation of Football Scoreboard to Murray High School- Mayor Snarr, Blaine Haacke, & Brett Hales**

Mr. Hales explained that the cost for a new scoreboard for the football field at Murray High would cost approximately \$60,000. Murray School District representatives have spoken with Mr. Hales and Mr. Haacke about a donation to help pay for the scoreboard. Mr. Haacke suggested donating possibly \$30,000 from the Power Department with advertising allowed, similar to the Ken Price Stadium. The School District stated that they would recognize Murray City as a partner in the years to come.

Ms. Wells commented that there are some challenges with this proposal and it is different from the Ken Price Stadium sign. The School District is a separate entity and the high school isn't City owned property. There needs to be more of a public process that this needs to go through. It does create a precedent for these types of things that the City has tried to avoid in the past. Ms. Wells would love to support the school but remembers a similar request from Cottonwood and the City opted to make a small donation from the City, not the Power Department. The donation was also in return for advertisement there, and the amount of money was less.

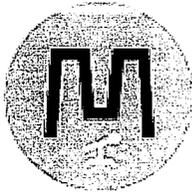
Mr. Hales noted that Mr. Haacke stated that it could be a recognition of the 100 year celebration of Murray Power. Mr. Bellon noted that there was money in an account, usually set aside for something else, but they could facilitate that kind of money.

Mr. Brass noted that the money would be from the Power Department budget and wouldn't affect the Power Advisory Board. Mr. Bellon said he could advise the Power Advisory Board at the next meeting. Ms. Wells noted that the Power Advisory Board doesn't have a role in this.

Mr. Shaver asked where the recommendation was coming from. Mr. Hales said he was under the assumption that the Mayor's office was in support of this. Ms. Wells said the Mayor was out of town, but loves to support the School District. Ms. Wells believes the Mayor would be happy with the decision of the Council. Mr. Stam asked if the residents that attend Cottonwood High would feel more alienated than now if this was done for Murray High School. Ms. Wells said that this decision would open the doors for many more requests, and makes fairness difficult. Mr. Stam said he would like to know the amount that was given to Cottonwood. Mr. Hales said that issue could be researched. Ms. Wells confirmed that the football field was paid for by private citizens.

Mr. Hales adjourned the meeting at 6:27 p.m.

Kellie Challburg  
Council Office Administrator II



**MURRAY CITY MUNICIPAL COUNCIL  
COUNCIL INITIATIVE WORKSHOP**

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A Murray City Council Initiative Workshop was held on Tuesday, July 9, 2013 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

**Members in Attendance:**

Brett Hales	Council Chairman
Dave Nicponski	Council Vice Chairman
Darren Stam	Council Member
Jim Brass	Council Member
Jared Shaver	Council Member

**Others in Attendance:**

Frank Nakamura	City Attorney	Janet M. Lopez	Council Staff
Jan Wells	Mayor's office	Mike Terry	Human Resources
Kellie Challburg	Council Office	Jennifer Brass	Resident
Justin Zollinger	Finance	Diane Turner	Resident
Greg Bellon	Power	Craig Burnett	Police
Pete Fondaco	Police	George Katz	Resident
Sally Hoffelmeyer-Katz	Resident	Doug Hill	Mayor pro-tem

Mr. Hales called the Council Initiative Workshop to order at 5:02 p.m. and welcomed those in attendance. Mr. Hales excused the Mayor's absence, and welcomed Doug Hill as the pro-tem Mayor.

**Discussion Item**

**Registration, fee and permit process for individuals or businesses wishing to solicit goods or services in Murray neighborhoods.**

Mr. Stam noted that this issue was brought to his attention from residents that had heard about a solicitation policy in other cities. This is also based on some experiences that he has had. Mr. Stam said he and his wife were out of town one time, and his children were home alone and someone knocked on the door selling soaps. It was a young black kid. The children stated that they were not interested and asked the young salesman to leave. The solicitor continued harassing the children, and accusing the children of racial discrimination. Mr. Stam's daughter called Mr. Stam and he could hear the young kid

yelling outside.

Recently, in Herriman, there was a young salesman arrested for being too aggressive. Mr. Stam has heard concerns from residents that they are concerned with the manner they are being addressed at their front doors, and would like the industry to be regulated a little better. Mr. Stam was asked about a registration system, so the City and the police would know who was going door to door in the City. Then, the City would have done a background check on these individuals walking in the City. There are some similar ordinances in nearby cities. Cottonwood Heights has an ordinance that the solicitor has to pay a \$25 registration fee, and prove that the employees wishing to solicit have had a BCI background check.

Mr. Nakamura brought up a concern on the constitutionality of that type of ordinance. Mr. Stam asked if this was something that should be looked into, adding a little more regulation, or are there adequate laws that cover it. If the City does have an aggressive sales person, what kind of response would a resident get if they called for help, he asked.

Mr. Shaver noted that he didn't see a real specific ordinance on solicitation and asked if Mr. Nakamura would comment on the subject.

Mr. Nakamura apologized for the late distribution of the material because he had been on vacation. He stated that he believes Murray and all cities have an interest in protecting the public and also their privacy, and the courts recognize that. The courts have also recognized that it is speech, and there are some first amendment protections.

Prior to 2007, the City did have an ordinance with a registration process, including fingerprinting and background checks. The solicitors had to have an identification card if they were going door to door.

In 2004, Murray City along with ten other cities were sued by Pacific Frontiers, the company that runs Kirby vacuums. Pleasant Grove and Kaysville went to court first and received unfavorable rulings, both in the Federal District Court and the Tenth Circuit Court of Appeals. It was ruled that the ordinance must be narrowly crafted and show a true governmental interest and there are no other laws that could take care of this matter, without interfering with the first amendment of commercial speech. Ordinances are rather general and attempt to cover anybody and everybody. Some of the other laws, such as trespassing are done on a case by case basis. The ten other cities, after seeing Kaysville and Pleasant Grove, including Murray City decided to settle the case. As part of that settlement, Murray was approached with this option: either have an ordinance that is the model ordinance similar to the one Cottonwood Heights uses, or no ordinance at all. Those options were presented to the Council in 2007. Even though Kirby vacuums agreed not to sue those cities using the model ordinance, it doesn't mean that others wouldn't sue. There are still first amendment issues.

Secondly, after discussing it with Chief Fondaco and the City Recorder at that time, it was decided that the City could protect the citizens with the current trespass and harassment laws. The City Recorder said that not many solicitors were not actually coming in to register but still going door to

door. Also, there were not any citations issued by the Police Department. It was decided to bypass the registration format, along with the constitutionality questions, and not have any ordinance at all. This was based on the premise that the other laws in place would be enough to enforce any problems. It was decided at that time to handle it on a case by case basis. He realizes that resources are spread thin and the Police have many other matters to deal with also. In 2007, the ordinance was repealed, rather than adopting the model ordinance that Cottonwood Heights uses.

Chief Fondaco commented that if there was an incident similar to the one Mr. Stam described, the resident could call the Police for harassment and disorderly conduct, and the response would be the same. It would be a lower priority depending on the caseload when the call comes in. The response by the Police Department would be the same whether there was the model ordinance or no ordinance at all. The result would also be the same, both either a Class B or Class C misdemeanor. The Salt Lake County jail isn't taking a person on a Class B misdemeanor so a citation would be issued. The Police can always get the offensive solicitor to leave the area. Chief Fondaco would be worried about the enforceability of the ordinance, and also whether it was constitutional. Like Mr. Nakamura stated, there are some questions still as to whether the model ordinance could be challenged.

Mr. Nakamura stated the question is whether this changes the sense of community that people can go door to door and talk to residents. He doesn't want to go after the few harassers and leave a chilling effect on the community. After looking at the Cottonwood Heights ordinance, trick or treaters are probably in violation as they are not representing a charitable or school organization. He feels like the ordinance itself would not escalate the prosecution and enforcement. The enforcement becomes an issue of availability and resources. He believes that laws are there that can handle them. He is aware that there are fraud issues out there, and this ordinance would not solve that either. There are criminal statutes on the books for that.

Mr. Shaver asked about the issue of free speech, and the fact that these people are doing business in Murray without a business license. These sales people are soliciting money and asking the residents to purchase something. There is a transaction there, and asked if taxes are collected on those purchases. Chief Fondaco said that usually they get one business license from a city and that is honored by other cities. A person can get a business license in Salt Lake City and come to Murray and sell their goods or services. There is a reciprocity agreement there. Chief Fondaco said the registration ordinance would not be reciprocal. Every business or solicitor would have to be registered in each city and that is where the constitutional problems come up. Mr. Nakamura agreed and said the argument that Kirby Vacuums made was that there was no commerce at all due to having to register in each city. Mr. Shaver asked again whether taxes were collected. Mr. Nakamura said he didn't know. Mr. Brass said it would probably be the responsibility of the entity that issued the license.

Mr. Nicponski asked about the settlement and the cost to Murray. Mr. Nakamura said it cost the City \$40,000. It was a million dollar settlement split between the ten cities. Mr. Nakamura expressed some disappointment in the settlement, but Murray was grouped together with all the other cities. He would have liked Murray City to represent Murray City and have a separate set of facts.

Chief Fondaco added the fact that not many sales people came in and registered. The law

abiding solicitors that came in and registered were not the problems in the neighborhood. The problem is these groups that have five or six teenagers and are dropped off in a certain neighborhood to flood that neighborhood, and that person dropping the teenagers off doesn't have to register under the law. Mr. Shaver asked if this would fall under the public nuisance law currently. Mr. Nakamura said many people put up the sign that states no solicitors, and if they violate that sign, then they are trespassing.

The question came up if campaigning door to door violates the no trespassing also. Mr. Nakamura stated that there is an exception allowed for campaigning.

Mr. Brass asked Mr. Hales if this should go forward to a Committee of the Whole. Mr. Stam said the point of that was to bring up a discussion to see if it should be looked into further. Mr. Shaver said it may be something worth pursuing at a later meeting. Mr. Nakamura said the safest thing to do would probably be to use the model ordinance that all the cities have. The benefits and the risks of having such an ordinance should be looked at. Mr. Stam asked if it was worth the time for the Attorney's office to look into it and possibly enact the model ordinance. Mr. Nakamura didn't believe the model ordinance had been tested. Mr. Nicponski noted that it is probably worth moving on to another discussion, and learn more about the model ordinance. Ms. Lopez commented that there were copies of the model ordinance available in the packet.

Mr. Hales said that the Council would move forward with it, and research it further. Mr. Brass said he remembered in 2007 when this issue came up, and it was discouraging. He is concerned with the manpower it would require to enforce all the solicitors that come into the neighborhoods. He doesn't have a problem with Mr. Nakamura looking into it further, and see if a solution could be found. Mr. Nicponski added that he doesn't want to restrict the neighborhood children from being able to go door to door either. Mr. Hales noted that the Council would move forward with the issue.

Mr. Hales adjourned the meeting.

Kellie Challburg  
Council Office Administrator II

**Adjournment**

# Council Meeting

6:30 p.m.

Call to Order

Opening Ceremonies:

Pledge of Allegiance

# Council Minutes

# DRAFT

## Murray City Municipal Council Chambers Murray City, Utah

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The Municipal Council of Murray City, Utah, met on Tuesday, the 9<sup>th</sup> day of July, 2013 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

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

Others who attended:

Doug Hill,	Mayor Pro-tem
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Gil Rodriquez,	Fire Chief
Kim Fong,	Library Director
Scouts	
Citizens	

Mr. Stam excused the Mayor from the meeting.

7. **OPENING CEREMONIES**

7.1 Pledge of Allegiance - Jensen Dye, Boy Scout, Troop #1046.

7.2 Mr. Stam stated that there is a tradition in Murray to have the Scouts in attendance stand and introduce themselves, their leaders and state what Merit Badges they are working on.

The Scouts introduced themselves and their leaders.

Mr. Dye stated that he is working on his Eagle Project. He said that as everyone knows, Murray Bluffs II recently experienced a canal breach which resulted in homes being flooded. For his Eagle Project, he would like to organize an emergency safety fair for the residents of Murray Bluffs II on Saturday, August 17, 2013. As part of this fair he would like to have multiple booths manned by people explaining different situations that may arise during an emergency and how to solve those issues. He would respectfully request a Murray City Fireman, Police Officer or Public Works associate be in attendance on that day for one hour to help explain emergency situations and how to react to them. They plan to have barbeque hamburgers and hotdogs that afternoon so this person would be well fed during the event. He thanked the City for its consideration.

Mr. Shaver asked if this would be done in the Murray Bluffs neighborhood.

Mr. Dye said it would be.

7.2 Approval of Minutes

7.2.1 Approval of minutes for April 30, 2013.

7.2.2 Approval of minutes for May 7, 2013.

Mr. Hales made a motion to approve the minutes for April 30, 2013 and May 7, 2013.

Mr. Shaver seconded the motion.

Voice vote taken - all "ayes."

7.3 Special Recognition:

None scheduled.

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

Bill Fink, 6759 Saddle Bluff Drive, Murray, Utah

Mr. Fink stated that he lives across the street from the flooded homes. He has come

here before and told the Council how sincere he is about the efforts of the City that jump in on a Saturday night and a Sunday save them. You people, the Mayor and everyone else, did not go check the insurance or see who was going to reimburse them; they just sent everything they had out there. He has told everybody about it, he is proud to live in Murray and really respects what was done. He was told that the City would be reimbursed for their costs of that effort and he is glad if they have been. If they haven't, they as citizens of Murray realize what has been done and they will pay for it. Don't be blackmailed by getting money.

Mr. Fink said that the City is looking a big proposal now, a million proposal, to put another patch on that canal. He has told the City, he can't get anyone to agree with him but nobody disagrees, that breach in that canal was from mismanagement, not roots and rodents. If the City wants to take the time, he can show them and prove it. That is not a questionable item. The City is looking at putting another multi-million dollar patch on that system. Mr. Fink will admit that if the City lines the canal behind their house, their houses would probably be safer. But it is going to happen again somewhere and we have an opportunity to stop and question whether we should proceed. That canal is not in Murray, so why is the City putting up any money? He questions why the City is throwing any money at this. It is not a Murray canal, the canal is in West Jordan. The only argument he hears is that they have to have it to cover the storm water coming down the hill. It isn't the City's storm water. The City doesn't have it on the books that you have to take care of your neighbor's storm water. It is a problem but it can be solved. You haven't spent time worrying about the water users. We have had enough time since the breach that you could have solved most of the water user's problems if we had opened our eyes and gone and done that. The water users deserve the water but don't necessarily deserve that open canal. Everyone sitting here, without argument, realizes that open canals and urban sprawl are not compatible. Even if it is a flat level canal and sprawl. This canal is on a hillside. It is going to happen again. We can help the people that need water. He sympathizes with them because nothing has really been done about this.

There are two things. The upstream people from his subdivision; you could have water to them in a week or ten days. You can go up and put a diversion or confer dam up at Gardner Village that would balance the water out and everyone upstream would have water. It could be done in short order but nobody even looks at that. Everyone has their blinders on saying that they have to spend some money to put a patch on the canal. That isn't where it is. You shouldn't be looking at that. He encourages the City not to throw money at it. He learned very early in his corporate life that you don't solve a problem just by throwing money at it but he feels that is what the City is doing. You are being coaxed to throw money at it. The people downstream need to look at who they are. According to the North Jordan records, they say the big user is Kennecott. Golly, they seem to be getting along pretty well without the water right now. Who has talked to them? We can solve their problem; innovation can help their problem. We can drill wells, and he's told, but no, you can't drill wells. You have an aquifer problem. Who owns most of the water in the aquifer? Maybe you gentlemen sitting at the table do. That is not a problem.

If we take some water out of the aquifer to supply some needs, we'll put it back in. How do you do that? You just drill another well and pump it back in. In the oil business we are pumping billions and billions of gallons of water into the aquifer right now, all over the country. It is known technology, we can do that. In some places, such as Kennecott, maybe we pump the water from the river up to them. The cost isn't going to be as much as you are throwing at it and when we are done we are safe. Something needs to be done to help those people, not the ones by the canal. His parting comment is simple, we need some innovation and this can be done if you put your mind to it and put your engineers to it. In addition, it doesn't happen looking backward.

Scott Goodman, 1203 West Saddle Bluff Drive, Murray, Utah

Mr. Goodman said that on April 27, 2013, their neighborhoods life was changed forever by a complete failure of the North Jordan Irrigation Company's canal in Murray. It was such a complete failure that 70 cubic feet per second of water for over three hours rushed through their peaceful neighborhood. Most of them who were affected have still not been reimbursed for their losses but at least every day they get closer and closer to normalcy. It will most likely take years to be made whole by the bureaucracy of the insurance company. The canal company marches on, however. On June 6, 2013 the NJIC approached the Utah State Board of Water Resources for monetary assistance with the construction plan in hand from Stantec Engineering. This plan was accepted by the State with funds allowing the construction to commence with the understanding that this plan would not be deviated from. That plan is in the Council's hand right now. Since then, the NJIC has encountered issues with funding and finding investors for their endeavor and rumors have surfaced that they might cut portions of their plan to save money. One possible cut would be the elimination of the SCADA system, which is on the back page of the handout. That would have provided the NJIC and residents with early warning of problems with the canal. The NJIC has maintained that the canal could be retrofitted with the SCADA system after the canal was up and running. But according to Josh Hanks at Intermountain Environmental in Logan, Utah, it is so cost prohibitive and difficult that it is never done. In fact, Mr. Hanks has never, ever, seen a canal company retrofit a canal.

Mr. Goodman stated that this system is installed to save lives and property. His request is that if Murray City decides to fund the reconstruction of the canal that they place it in writing that the plan stays as is with no deviations. Also, as a show of good faith, that residents of Murray Bluffs II be given access by the NJIC to the data that is transmitted by the SCADA system. Mr. Goodman asked that the City consider this request because after they write that check, the NJIC is not bound by any legislation or to any kind of standards. This is their last chance to get it right.

Citizen comment closed

Mr. Nicponski thanked the residents for the time and energy that they have spent on

this matter. Murray City has benefitted by it and he wants them to know that his recommendation that he will be lobbying his peers on the Council to have is to have the Mayor attach the SCADA system to the City's contribution for the repairs. He feels that the citizens may want to be here on July 16, 2013 when the Council votes on authorizing that money. It will be Mr. Nicponski's intent to put forward a resolution by the Council. He also wanted to thank his Council peers for the support that they have given him and Councilman Brett Hales on this canal task force.

Mr. Shaver stated that the resident's patience is admirable and wanted to let them know that they are well represented by the Council at those meetings. The residents come and talk to the Council and tell them what is happening. Mr. Shaver supports what Mr. Nicponski will be recommending to the Mayor. It says money with this. Without that, there will be no money.

Mr. Hales added that they had discussed this issue just before this meeting and that was consensus of the Councilmembers and he doesn't believe that there will be a problem with that happening. He told the Council that the residents have been amazing and was impressed with how gracious they have all been. As emotional as this has all been with everything that has happened, the residents have always complimented Murray City as they did tonight. It is amazing because sometimes those emotions run high. Some things happen in the meeting last week that were not as pleasant as they would have liked to see with some of the things that were said and you still handled it very professionally and it was impressive.

Mr. Stam stated that this means we have great citizens in our City.

## **9. CONSENT AGENDA**

Mr. Stam asked that the following items be taken together. No objections noted.

- 9.1 Consider confirmation of the Mayor's appointment of Holly L. Hult to the Murray Library Board of Trustees in a District 2 position for a three-year term to expire June 30, 2016.
- 9.2 Consider confirmation of the Mayor's reappointment of Gamal Herbon to the Murray Library Board of Trustees in an At-Large position for a three-year term to expire June 30, 2016.
- 9.3 Consider confirmation of the Mayor's reappointment of Robbie Robertson to the Murray Personnel Advisory Board in an At-Large position for a three-year term to expire June 30, 2016.

Mr. Shaver invited Ms. Hult to stand and be recognized.

Mr. Nicponski asked if these are second or third term or what term are these folks being reappointed to.

Ms. Wells stated that these are second-term appointments. Most of these do have term limits on them.

Mr. Shaver added that Ms. Hult will be a first-term appointment.

Mr. Brass made a motion to approve the confirmations.  
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

Mr. Stam added that the City appreciates great citizens such as Ms. Hult who step up and support the City. He thanked Ms. Hult for the service that she will provide the City.

**10. PUBLIC HEARINGS**

None scheduled.

**11. UNFINISHED BUSINESS**

None scheduled.

**12. NEW BUSINESS**

- 12.1 Consider a Resolution authorizing the execution of an Interlocal Cooperation Agreement between Murray City School District (“District”) and Murray City (“City”) for shared use of the new Hillcrest Junior High.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated that the City Council, in the 2013 Budget intent language, set aside \$200,000.00 to give to the Murray School District if we could work out an agreement of use of the new Hillcrest Jr. High School that is currently being constructed. He is happy to report that with the help of the City Attorney, Frank Nakamura, and Mary Ann Kirk, Cultural Director, we were able to negotiate an agreement of shared use for the new Hillcrest Jr. High School which will be of great benefit to our Arts organizations, both those that are run by the City as well as those that the City sponsors, such as the Murray Symphony, the Miss Murray Pageant, the Murray Concert Band, etc.

In summary, the agreement lays out a process by which the City and the School District will get together twice per year and will discuss the dates that the City would like to reserve. We have some specific minimum uses for the art facilities at the school and hopefully we will agree on those dates. If we don't agree there is a provision in the agreement that the School Board and the City Council, through the coordinating council, would get together to resolve any disputes. They do not anticipate that would happen because they have always been able to work with the School District. They would agree upon the dates and those dates would be scheduled and the groups would be able to use the school district facilities at no cost in most cases. They would be allowed to store their equipment and costumes there at no cost and would be a great benefit to the arts organizations. There may be some instances where there the School District would charge us if we require access to the school which would require additional custodial staff or technical support that the School District would have to bring outside people in, but we are okay with paying for those kinds of costs; we currently do that now.

Mr. Hill said there is another provision in the agreement that says that the City and the School District have to agree as to who we sponsor. The School District didn't want to just say that anybody could come in and use the facility that the City says can use it. They want to make sure that the School Board approves who we are sponsoring. For example, their concern was that we wouldn't allow just anybody outside of Murray City coming in and using the school, Hillcrest Jr. High, at no cost. They want to make sure that it is a primary benefit to the Murray community. Essentially, that is the agreement. It is a ten year agreement with a renewable clause that allows us to extend that for an additional ten years. As Mr. Nakamura said earlier, this is one of the good things that the City and the School District have done for our community that will be of great benefit to the arts community in particular as a whole.

Mr. Shaver asked who would create that list. Would that be done through the Arts Board?

Mr. Hill said that initially it would start with the City. We already have a list of groups that we work with; he mentioned a few of them earlier. We would submit that to the School District at the time that we meet each six months and say this is going to be used by the Murray Symphony, it is going to be used by the Miss Murray Pageant. The School District would essentially have to agree to those that will be using that.

Mr. Shaver asked if another organization came in during that ten year period of time, could we amend the agreement to include that.

Mr. Hill said that we could.

Mr. Stam said that the City has an agreement with the School District with the Rec Center and swimming pool. Is there a time limit on the agreement for use there?

Mr. Hill said yes. He does not recall exactly how many years that agreement was for. He does know that it was a much longer term agreement, maybe 30 years.

Mr. Stam said that he was just curious why we picked the ten year mark for this one.

Mr. Hill said it was actually the School Board that they met with. The City had originally proposed that it be a 30 year agreement but the School Board was not comfortable with a 30 year agreement and that is why in their negotiations it ended up being a ten year agreement. Their concern was not that they want to take that away from the City in ten years, they just thought it was a good idea to review the agreement every ten years just to make it current and reflective of the times. Frankly, that is what we do as a City as well with the long-term agreements. We don't really do them as much anymore because we have found that when you have a long term agreement nobody looks at it and if you have a time that you can sit back, look at it and review where you are ten years from now, it gives you a chance to at least discuss it occasionally.

Mr. Stam asked if with the automatic renewal, is that a one-time renewal or possibly a multi renewal.

Mr. Hill said he believes that with the way it is written now, it is just a one-time renewal. If we were to go beyond, for example twenty years, we would have to go back to the School District and renegotiate a new agreement.

Mr. Nakamura stated that was correct. It was something that we negotiated and we understand their reasoning for that. The ten year is a one-time renewal. It could be a twenty year agreement based upon the same provisions.

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. Brass

A Mr. Shaver

A Mr. Hales

A Mr. Nicponski

A Mr. Stam

Motion passed 5-0

## 13. **MAYOR**

### 13.1 **Mayor's Report**

Mr. Hill, Mayor Pro-tem, stated that Mayor Snarr is out of town. Mr. Hill had a couple of items he wanted to update the Council on.

Mr. Hill stated that the body of a young man was found in Big Cottonwood Creek yesterday. He has been identified and the next of kin is being notified. It does not

appear to be a suspicious death.

It was on the news last night that Murray had a water main break down by the Jordan River Parkway near the Walden neighborhood. That pipe has been repaired and work will be done to get that road fixed shortly. The City has been dealing with other water line breaks, as well as storms this past week. There has been some flooding within the City and the Storm Water crews have been great in responding and addressing those issues.

As part of another waterline issue, they have been installing a new water line on Edison Avenue. The contractors have had a difficult time getting it to pass the water quality requirements so they have had to flush that line more than once. It has come to the attention of some of the people over there that the City is wasting water. He wants to go on record saying that the City has been following the requirements for the contractor to flush that line to get all of the bacteria out of it. As soon as it is able to pass water quality, the City won't be sending more water through that.

Mr. Hill wanted to thank all of the great employees in the City who gave up their 4<sup>th</sup> of July holiday to make Fun Days such a success. He thinks it was one of the better Fun Days and fireworks shows that the City has had in recent years. The Council has probably heard that from other residents but the City appreciates their participation in the parade and all of the work that the citizens put into it.

Mr. Stam asked if it was correct that the Power Department helped with the fireworks this year.

Mr. Hill said that they did.

Mr. Stam thanked the Power Department for extending it and making it a little better.

Mr. Shaver agreed and thanked the employees for what they have done in the City. There was one incident in the parade and he hopes that it did not color the event too harshly. It was a lot of fun.

### **13.2 Questions of the Mayor**

None

## **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 16<sup>th</sup> day of July, 2013 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

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

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Tim Tingey,	Administrative & Development Services Director
Justin Zollinger,	Finance Director
Doug Hill,	Public Services Director
Blaine Haacke,	General Manager, Power Department
Gilbert Gonzales,	Chief Building Official
Mike Williams,	Court Administrator
Michael Terry,	Human Resources Director
JoAnn Miller,	Payroll Coordinator
Ross Huff,	Police Department
Brenda Moore,	Finance Controller
Brian Shiozawa	Utah Senator, District 8
Scouts	
Citizens	

## 7. OPENING CEREMONIES

Mr. Stam recognized Senator Brian Shiozawa, Utah State Senate, District 8.

### 7.1 Pledge of Allegiance- Casey Horne, Boy Scout Troop #1487

Mr. Stam asked the Scouts in attendance to stand-up; introduce themselves, their leaders and which Merit Badges they are working on.

The Scouts introduced themselves.

Mr. Stam stated that the City has a contact list for the Scouts if they want or need information on who to contact for service projects in the City.

### 7.2 Approval of Minutes

#### 7.2.1 Approval of minutes for May 21, 2013.

Mr. Brass made a motion to approve the minutes.  
Mr. Hales seconded the motion.

Voice vote taken, all "ayes."

### 7.3 Special Recognition:

#### 7.3.1 Murray City Council Employee of the Month JoAnn Miller, Payroll Coordinator, Finance Department.

Staff Presentation: Justin Zollinger, Finance Director

Mr. Stam stated that this is the seventh award that the Council has presented for the Employee of the Month. He feels that is important to give people recognition for the programs that they bring in. He turned the time over to Mr. Hales.

Mr. Hales invited JoAnn Miller, Payroll Coordinator, and Justin Zollinger, Finance Director to come up and join him. Mr. Hales said that the Council began this recognition program in January and it has really turned out to be a cool thing. It is a great honor for each department every time and they pick an employee that they feel is worthy of this award. The Council presented Ms. Miller with a Murray City Council Employee of the Month certificate, a \$50.00 gift card to the Fashion Place Mall, and her name will be placed on the plaque in the Council Chambers. He turned the time over to Mr. Zollinger.

Mr. Zollinger expressed his appreciation to the Council for this program so that the City can recognize the employees who go above and beyond. Ms. Miller is one of those employees with her work ethics.

Ms. Miller is the type of employee that all employers would want to have. Some of her traits are: she is a hard worker, willing to help, is punctual, happy and she communicates well. She does not complain and she enjoys learning.

Mr. Zollinger gave a few examples of Ms. Miller's work ethic and willingness to help. The Finance Department had some difficult times this last year, losing one of their own to a tragedy. Ms. Miller was prepared though because she had cross-trained on the payroll coordinator job. When this tragedy occurred, Ms. Miller did both the accounts payable and payroll jobs as their department worked through budget constraints to fill the open position. This required long work days, but Ms. Miller did not complain or develop a negative attitude. She just kept things rolling. Even with these longer days, Ms. Miller still came to work fifteen minutes early every day.

Another example is when Ms. Miller was first hired in the Finance Department as their accounts payable clerk. She helped with duties pertaining to her previous job so utility billing would not fall behind. She also trained the new employee once they hired. Ms. Miller is concerned with helping Murray City be better. She is a great communicator. If she makes a mistake she is quick to recognize it and inform him that it occurred. She does not try to cover it up and then she learns to make it better. As she finds areas in the software that do not work so well, she communicates the problem to him but also finds ways to perform the task more efficiently. Ms. Miller was the first hire that Mr. Zollinger made. He is glad that she works in the Finance Department and Murray City is lucky to have her as part of our team.

Mr. Zollinger said that he and his wife also are providing Ms. Miller with dinner on them. He presented her with a gift card, adding that Ms. Miller is a part of the Finance Department branch of the Murray City family tree.

Ms. Miller said she wants the City to know how much she appreciates working for the Murray City family and that is how she feels about it. There is no way that she could have accomplished what she did without the support of their team; Finance and the other departments in the City. She appreciates everyone is glad that she works here. Ms. Miller introduced her husband, family and coworkers.

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

Edward Houston, 5606 Allendale Drive, Murray, Utah

Mr. Houston stated that he did not appreciate receiving a ballot for the Mayoral election and no bio on the individuals. It is like being given a list of names and say pick who it is. He was told he can go to the website but it wasn't up as Friday or yesterday. Mr. Houston's second complaint was regarding vehicles for dog catchers or animal control. There is a dog in his neighborhood that runs loose constantly. He has called and has been told that there is only one

vehicle and that he should take pictures. He has been told that the City has West Jordan under contract and doesn't know if that is correct or not. He told the Council they can respond in any way.

Mr. Shaver said that the ballot is a tricky situation because the City doesn't really control that. That comes from Salt Lake County.

Ms. Wells responded to Mr. Houston's concern over the election information. She stated that there is information on the website but it is a little tricky to get to. The City has tried to do the best they can with it. There is a connection on our website that shows the list of candidates. It does not give bios. That is not the responsibility of the City, that is the responsibility of the candidates. We have had great help from the Murray Journal who help with that. Usually, they like to do that after the primary election, which makes it a little bit rough. The Mayor's Office does have a list of contact information on all of the candidates if anyone would like that. The Mayor's Office would be happy to email it or give them a hard copy of that contact information.

Mr. Shaver reiterated that people could call the Mayor's Office and they can provide them with the contact information for the candidates.

Ms. Wells stated that was correct.

Mr. Stam said that the candidates have been given the option to submit bios to the County but he has not seen them come up yet. There is a Meet the Candidates night scheduled for July 29, 2013, over at IMC, Doty Lecture Hall.

Mayor Snarr said that the City does contract with West Jordan City for animal control. There are a lot of cities that have found it economically advantageous to do that. Also, from a point of service to have cities enter into agreements to provide animal control with other jurisdictions or other cities. West Jordan used to share our Animal Control facility with us while they were expanding and growing as a city. We looked at it as an issue of being able to provide, in some ways, almost better service because we have the ability, if needed, to call in additional vehicles if there was a situation where we needed other vehicles to respond. He doesn't know if it is true, we may have one patrolling at a certain time of the day but at other times we may have two. He has seen vehicles which say "West Jordan Proudly Serving Murray City". The City did that during our budget times when there were some constraints and it made perfect sense. He can point out numerous other cities that are now partnering with other communities to provide animal control. We still share our resources, as far as our Animal Control facility down on 300 West, with West Jordan.

Mr. Nicponski asked what Council District Mr. Houston is in.

Mr. Houston stated his address.

Mayor Snarr asked Mr. Houston if he had called Animal Control when he had the issue.

Mr. Houston stated he had and their response was that they only had one vehicle and that by the

time the vehicle would be able to get to his area, the dog would be gone. They told him to take a picture and bring it to them and they would have proof that the dog was running loose.

Mayor Snarr suggested that the next time he sees the dog to just take a picture real quick. It is unfortunate but there is a response time, there always will be. Dogs are pretty quick. They take care of their business and move on. They head out and go somewhere else.

Mr. Houston stated that he will do that but he has also been told that this very dog has been impounded before.

Mayor Snarr asked Mr. Houston to get that information to our Police Department who is over the jurisdiction of Animal Control. They work cooperatively with the West Jordan Animal Control.

Kenneth Hunt, Delta Disaster Services, 404 W. 6110 S., Murray, Utah

Mr. Hunt wanted to introduce himself and his business. They are one of the newest businesses in Murray City. They were welcomed in to Murray City at their grand opening in June by Mayor Snarr and a good round of cowboy poetry that he put the owner through. They are working with some other cities, with some water districts and different things around the valley. They are located at 404 W. 6110 S. in Murray just off of Stratler Street. They are a full service company that not only does initial cleanup, specializing in water, sewer, mold and asbestos abatement, but also are contractors. They have been in the business since about 1994 and not only do the initial cleanup but follow that through clear to the end. People will work with one person from start to finish. They focus on customer service. All of their techs that enter homes are back-ground checked, no visible tattoos, drug screened etc. They know that when they are dealing with people's homes they are concerned about who is going in to their home and they really focus on that. Mitigation and remediation services are a really competitive industry and a lot of people have a lot of the same equipment. They are really striving to focus on customer service. Being here in Murray and being a proud citizen of the Murray area they really wanted to introduce themselves, put a face to their name and let everyone know that if they can be of service to keep them in mind.

Citizen comment closed

9. **CONSENT AGENDA**

9.1 None Scheduled.

10. **PUBLIC HEARINGS**

10.1 Public Hearing #1

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

Consider an Ordinance amending the City's Fiscal Year 2012-2013 Budget.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that this ordinance is actually for the Fiscal Year of 2013-2014 Budget.

In Fiscal Year 2013, the City received some beer tax money that in the past they have been allowed to use for a D.A.R.E. Officer. They have changed the program. This is one of the things that they had talked about in one of their Budget and Finance meetings. They changed it so you can no longer use it for that. The money must be utilized for alcohol related prevention, treatment, law enforcement, prosecution and confinement programs. The Police have put together a program and submitted it to them and it has been accepted. They are going to buy some equipment with this money. The City will carry the money forward from last year. We will have to restrict it but this fiscal year we are budgeting it to use it. There will also be another one coming before us in January or February because we will get the other distribution then.

Mr. Zollinger said the North Jordan Canal Company requests the City to pay a portion of the costs for repairing the canal. Mayor Snarr suggested the assistance of 10% of the total project costs with a maximum limit of \$190,000.00. The funding source for these proceeds is from the General Fund reserves.

Mr. Nicponski added that there are some conditions to the funding and asked Mr. Zollinger to cover those.

Mr. Zollinger said that the conditions he remembers that were talked about in the last meeting were that we would provide assistance as long as they indemnify the City and also do a SCADA system.

Mr. Nicponski said it was important to point out that all the Council can do is recommend this to the Mayor. It is really up to the Mayor and we should be grateful to Mayor Snarr for taking that upon himself.

Mr. Shaver expressed his thanks to Mr. Hales and Mr. Nicponski for the amount of time that they have spent on this issue and for standing firm in saying these are the things that we need to have as part of that agreement. He feels that the SCADA and the indemnification are very important. He wants the citizens to know how much the City appreciates and supports their efforts in coming to meetings and trying to work this out.

Mr. Hales agreed with Mr. Shaver saying that the citizens have been amazing and very patient. Sometimes Mr. Hales might not have been so patient, so he is impressed with the way the citizens have handled themselves.

Mr. Stam said it is hard to keep your tongue tied sometimes and he has seen a very good job of that.

Public Hearing opened for public comment.

Jessica Goodman, 1203 W. Saddle Bluff Drive, Murray, Utah

Ms. Goodman said that Mr. Nicponski and Mr. Hales have been amazing through all of this. Speaking on behalf of their neighborhood, they would all agree. They have all put in a lot of time and effort into helping the citizens. She added that all of the Councilmembers have been very helpful and they are very much appreciated.

Ms. Goodman said that it has been told to her by Bob Wirthlin that they have no desire to put in a SCADA system. The SCADA system is a leak protection notification system which really would have helped them on April 27, 2013. She asked for Mr. Hunt's card to pass out to her neighbors because she feels that this could happen again if they don't put in some safety measures. The hill is filled, the breach is repaired. They show up at 7:00 a.m. with loud trucks and leave at 6:00 p.m. but what is funny is that nothing has happened to any of their houses. Nobody shows up and that part is very upsetting. She realizes that there are water users but that really needs to be enforced, other than an indemnification to Murray City, that the SCADA system need to be in place before the fill the water back up into that canal.

Brian Shiozawa, Utah State Senator, District 8

Senator Shiozawa said that as he has had the opportunity to work with you and this Senate District, this is a very down-to-earth issue that affects the citizenry. One of the things that he is happy to do is to represent our interest up on the Hill. One of the strategies that he feels we need to do is look into this further with our government officials up there. He thinks that at least part of the plan going forth, if it is agreeable with the Council, is that he would like to make some phone calls to talk to the State officials. After all, when you think about it, if the State enters into an agreement with an entity and that agreement is based on a performance that they will do certain things to protect the citizens and in return use taxpayer money as part of that, then we have to have an agreement on both sides of the issue in order for this to go forth. If this particular company is not doing that part of their bargain then we probably need to stop and reexamine before that payment is made. He cannot speak for Murray City but he can certainly state that they will look at it from a State standpoint. Senator Shiozawa said it is a great honor to be enjoying this great city, the Council and the citizens.

Scott Goodman, 1203 W. Saddle Bluff Drive, Murray, Utah

Mr. Goodman thanked the Council and pled with the Mayor. The plan is changed, the leadership is changed and it is not good. The plan that we have in our hands right now that was given to us by the North Jordan Irrigation Company is completely different from what they gave the State to get money. He can only fear what they would do after the

City gives them money. Kennecott has backed out by the tune of about \$800,000.00 and they are trimming back the project as we speak. He cautions Murray City in any tax payer money being used for a company that does not stand by its word.

Elena Odorizzi, 6762 Saddle Bluff Drive, Murray, Utah

Ms. Odorizzi thanked the Council for being so understanding and so great to the citizens. She is terrified now of living where she lives. Half her basement is packed up to the third level and she is going to be prepared for the next time the canal goes. She really, really wants the SCADA system and is begging the City to please get that SCADA system put in so that they can have a little bit more preparedness. She just asks that they give the citizens everything they can to be prepared for the next time.

Public comment closed.

#### 10.1.2 Council consideration of the above matter.

Mr. Nicponski pointed out to the residents in attendance that at every turn the City has done what it has the authority and power to do on behalf of the residents over there. It is a significant step to force North Jordan Irrigation Company to implement the SCADA system if they want this money. That is what the City can do. If they want to reject the money because they don't want to put in a SCADA, there isn't a lot more the City can do. That doesn't mean that we won't look at legislative remedies with our Senator and our Representatives. It is not just Johnny Anderson; we have a number of other Representatives that we have relationships with on Capitol Hill. If they don't do SCADA, Mr. Nicponski thinks that the City will look to the legislative remedy and we will work as best we can with the Senator and the Representatives. Mr. Nicponski said he will not rest while we have remedies that are possible and we will keep pursuing that.

Mr. Shaver echoed Councilman Nicponski's comments and wanted to let Senator Shiozawa know that the City supports him in what he needs to do. As those issues become readily apparent, we will do everything that we can; we can make phone calls and support these actions. If they are going to use taxpayer money, we do as a citizenry not just as a Council, need to stand up and say no, we do not support this and there has to be some option. We have two great Council representatives who are really listening and heading what the situation is and will do everything that they can, as will the Mayor and the staff and Department Heads, in supporting you in that.

Mr. Brass stated that the City uses SCADA systems here on our Enterprise Funds, particularly water and power, as a control and safety system. It is not unusual to ask for something like that, in his opinion. You can put a variety of monitors on it and run the cost up from what is being suggested, which is fairly nominal, to something that can be breathtaking. Again, for a utility and he would think that a canal should be considered that way; he spoke to Senator Shiozawa stating that as

he looks further into this, it probably should be, having some control over utility, your utility, and that system is just good business, as well as safety. It should be a required safety measure. We see all the time the destructive force that water has. The example that Mr. Brass uses is when Santa Clara flooded, the house that they showed going into the river became the poster child for the flood and it wasn't in the flood plain. That is how quickly water moves.

Mr. Stam said that his view on this would be a little bit different than the others maybe, but the City doesn't have any responsibility in the canal. For us to use tax payer dollars, those tax payer dollars have to go towards something that benefits the City. For it to benefit the City would mean a safety program that would benefit more than one or two residents. This is going to benefit all of those along the entire canal which is the only way that he sees that the City can justify the money.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

**11. UNFINISHED BUSINESS**

None scheduled.

**12. NEW BUSINESS**

12.1 Consider a Resolution appointing poll workers for the City's 2013 Primary and General Elections.

Staff presentation: Jennifer Kennedy, City Recorder.

Ms. Kennedy said that the City contracts with Salt Lake County for their election services. This Resolution is to approve the poll workers specified by Salt Lake County to use for our elections.

Mr. Shaver said he had someone ask him how they would go to work. Are they volunteers?

Ms. Kennedy said that they are paid employees hired by Salt Lake County.

Mr. Shaver asked if there are volunteers that would be able to help with an election.

Ms. Kennedy said she believes that for this upcoming election they have everyone that they need, but they may still be looking for people to help with the General Election.

Mr. Nicponski said that Ms. Kennedy had attached a list of the polling locations. He asked if this was just a partial list.

Ms. Kennedy stated that was the complete list of polling locations in Murray.

Mr. Nicponski said that some of the locations are not being used for the primary.

Mr. Shaver said that Mr. Nicponski brings up a good point. He thinks that it was changed, not just for the primary, but for the General Election as well.

Ms. Kennedy said that was correct, the polling locations were changed.

Mr. Nicponski asked if the election clerk will mail out notices to the residents on the changes.

Ms. Kennedy believes that had already been done but if anyone has any questions they are welcome to contact her office or the Salt Lake County Elections.

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. Brass

A Mr. Shaver

A Mr. Hales

A Mr. Nicponski

A Mr. Stam

Motion passed 5-0

### 13. **MAYOR**

#### 13.1 Mayor's Report

Mayor Snarr said that as far as those that work at the polling locations throughout the City, they are required to go through training and everyone has to be trained to do it a certain way to make sure that nothing happens that is inappropriate, that the ballots are being addressed appropriately after they go into the booth and such. It would be nice to

have volunteers to do that, but it is paid staff.

Mayor Snarr reminded everyone of the Annual Employee Appreciation and Ice Cream Day celebration on Monday, July 22, 2013. They will be serving lunch and ice cream to the employees from 11:30- to 1:00 p.m. and invited the Council to come and scoop ice cream. They have some history books that he will be autographing and wishing everyone well for his farewell. Mayor Snarr thanked everyone for hanging in there with him; he said he knows it wasn't always easy. He will also be giving everyone who shows up a "SUCKS" button.

Mayor Snarr said that the Murray Chamber will be hosting a "Meet the Candidate Night" on July 29, 2013 from 6:00 p.m. to 9:00 p.m. at the Doty Education Center at IMC. He wishes all those running for Mayor good luck.

The vote by mail ballots for the election can be placed in a secure ballot box in the City Recorder's Office. They must be postmarked by August 12, 2013. That has made quite a difference in the elections now that people can vote that early. To the question of the candidates bios; that is something people will need to do their homework on and see who they feel is going to do the best job in carrying Murray into the future.

Mayor Snarr said that he was a little bit late for the last meeting and wanted to let everyone know where he was. He was participating in a ribbon cutting for the dedication of the new Big Cottonwood Creek Trail, which he refers to as the Old Mill Trail. He has been going up there for the last five years, particularly during the Spring when we have run-off issues. He stops and gets a drink, supporting Cottonwood Heights and their tax revenue at the 7-11 store at the mouth of Big Cottonwood Canyon. He told them that he appreciate all of their residents shopping at the Costco here in Murray. They had a nice discussion and LeAnn Stillman, Jan Wells, Danny Astill, Frank Nakamura, and everyone else have worked on this extensively to secure our watershed area. They have put concertina wire across the top of the fence and went above and beyond to ensure that the area is secure from anyone tampering with the watershed.

There is now a beautiful trail there. They had some bike riders who rode all the way down from there to Market Street Grill and back in the time that he was still there after the ribbon cutting. This is something that we can all be proud of. It was critical for Murray to participate in this as a good portion of the trail through the really heavy sledding area goes through our protected watershed area. They were very appreciative of our help. The Mayor said it was a great day, not only for Cottonwood Heights, but also for Salt Lake County and the State of Utah. This is all about quality of life and if we can all work together to make the quality of life for all of the residents better, we are all better off. Kudos to everyone who made this day possible.

The City is looking at some other opportunities, some of which may happen while he is still the Mayor, but there are some issues that could be addressed that could provide some additional parking resources up there and they will need to see how they can work through that. It was a very nice day and the Mayor was very nice in his comments about

Murray City along with a few of the other speakers. Everyone complemented Murray, including the Mayor.

Mayor Snarr said that some people had some concerns about the storm last week. He had a long letter from Ethel Bradford and he spent an hour and a half with her. She lives on the curb of 4800 South and unfortunately the water jumped the curb and washed a lot of her mulch and bark across her driveway. He tried to explain to her that this doesn't happen often and he doesn't want to dig up 4800 South again. The beauty of the way it was before was that all of the water disappeared before it even hit the gutter because the road was in such bad shape. Lynn Potter worked on this extensively and the Mayor did try to show her from an engineering standpoint. Ms. Bradford did call him later and said she hoped they were still friends and he said they were and that it was just the reality of mother nature playing a trick at this point in time.

Mayor Snarr says he goes out and looks at different issues throughout the City that are tough. He did see a lot of organized debris today in someone's backyard that was concerning to another. The Mayor said it was stacked nicely and unfortunately there isn't really anything that the City can do from a Code Enforcement perspective but the neighbors think we should. In the end, he felt that this was organized chaos. That is what the City should do though, not ignore problems.

Mayor Snarr said that this is the first complaint the City has received in regards to West Jordan Animal Control since we partnered with them. There can be additional vehicles if there was an event where we needed several vehicles they would send out more.

### **13.2 Questions of the Mayor**

Mr. Hales asked if there had been any reports regarding deer. He said that they have had two bucks in his backyard for about a week now.

Mayor Snarr stated that the deer follow Big and Little Cottonwood Creeks down. If you go down along the Parkway, particularly in the winter, they will work their way down and you will find them pawing at the grass looking for food.

Mr. Shaver stated that the Marriot walls are now going up.

Mayor Snarr said that they are. They did have some challenges with the water but they have been able to address that with pumps and now with the way that they have the water directed it will actually go down into the storm drain system. It is going to be a really nice addition to the City and people will realize that the traffic impact is going to be very nominal.

Mr. Hales said that the traffic impact is over at Chick-fil-A. It is always jammed there and if you park in certain areas you get stuck.

Mayor Snarr said the contractors have done an excellent job at the hotel by putting in the

necessary infrastructure with the storm drain. They have tied back into the water system and cut off Park Lane for a couple of days but they have been excellent in making sure that project goes as smoothly as possible. They will block a portion of it with cinder blocks then fill those with concrete. Once they get that done the next four stories will be stick framed.

**12. ADJOURNMENT**

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**Jennifer Kennedy, City Recorder**

# Special Recognition #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.)

MURRAY CITY COUNCIL EMPLOYEE OF THE MONTH – AUGUST 2013  
TERESA McLEOD, ASSISTANT LIBRARIAN.

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

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

Council Meeting OR  Committee of the Whole

Date requested August 27, 2013

Discussion Only

Ordinance (attach copy)

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

Resolution (attach copy)

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

Public Hearing (attach copy of legal notice)

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

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

Other (explain) Special Presentation

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

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

6. **REQUESTOR:**

Name: Janet Lopez

Title: Council Administrator

Presenter: Kim Fong

Title: Murray City Library Director

Agency: Murray City Corporation

Phone: 801-264-2585

Date: August 14, 2013

Time: 4:25 p.m.

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: 8.14.13

Mayor:

Date:

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

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

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

9. **NOTES:**

See attached recommendation by Kim Fong.

EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:

DATE:

Library

7/16/13

NAME of person to be recognized:

Submitted by:

Teresa McLeod

Kim Fong

DIVISION AND JOB TITLE:

Library, Assistant Librarian

YEARS OF SERVICE:

7

REASON FOR RECOGNITION:

Teresa has developed a successful on-line story time service for the Murray Library's YouTube channel, called StoryTube. Using her own initiative, she learned the technical skills needed for filming these segments and has involved many staff members in reading books for the project. This project also includes DragonBeat, a series of interviews between community leaders and the library's dragon puppet, named Jalapeno. The puppet was named through a naming contest, which Teresa initiated. Besides the StoryTube project, Teresa conducts numerous activities for children in the library and at neighboring schools, touching the lives of hundreds of children every year. Teresa's enthusiasm, initiative and concern for the children that visit Murray Library make her a worthy recipient of this award.

COUNCIL USE:

MONTH/YEAR HONORED

August 27, 2013

# Citizen Comments

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

# Public Hearing #1

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 27<sup>th</sup> day of August, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to the consideration of amending the General Plan from Residential Single-Family Medium Density to Commercial Retail and amending the Zoning Map from the R-1-6 (Residential Single Family Medium Density) zoning district to the C-D-C (Commercial Development Commercial) zoning district for the property located at approximately 4679 South Hanauer Street, Murray, Utah.

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

DATED this 6<sup>th</sup> day of August, 2013.

MURRAY CITY CORPORATION

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

DATE OF PUBLICATION: August 11, 2013  
PH 13-22



**MURRAY CITY CORPORATION**  
**ADMINISTRATIVE &**  
**DEVELOPMENT SERVICES**

**B. Tim Tingey, Director**

Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

## **NOTICE OF PUBLIC HEARING**

This notice is to inform you of a Public Hearing scheduled for Tuesday, August 27, 2013 at 6:30 p.m. in the Murray City Council Chambers, 5025 South State Street.

Murdock Hyundai is requesting an amendment to the General Plan from Residential Single-Family Medium Density to Commercial Retail and amending the Zoning Map from the R-1-6 (Residential Single Family Medium Density) zoning district to the C-D-C (Commercial Development) zoning district for the property located at approximately 4679 South Hanauer Street, Murray, Utah.

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

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

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

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

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

AN ORDINANCE RELATING TO LAND USE; AMENDS THE GENERAL PLAN FROM RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY TO COMMERCIAL RETAIL AND AMENDS THE ZONING MAP FROM R-1-6 (RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY) TO C-D-C (COMMERCIAL DEVELOPMENT CONDITIONAL) FOR THE PROPERTY LOCATED AT APPROXIMATELY 4679 SOUTH HANAUER STREET. (Murdock Hyundai.)

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

WHEREAS, the owner of the real property located at approximately 4679 South Hanauer Street, Murray, Utah, has requested a proposed amendment to the General Plan of Murray City to reflect a projected land use for that property as Commercial Retail and to amend the zoning map to designate the property in a C-D-C zone district; and

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

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

NOW, THEREFORE, BE IT ENACTED:

*Section 1.* That the Murray City General Plan be amended to show a Commercial Retail projected use for the following described property located at approximately 4679 South Hanauer Street, Murray, Salt Lake County:

Parcel Id Number: 22-06-352-014

Beginning at a point in the center of 66 foot North and South Street, known as Hanauer Street at the intersection of the center of a 40 foot East and West Street known as Miller Street, 772.44 feet North and 307.0 feet East from the Southwest Corner of Section 6, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence North in the center of the aforesaid Hanauer Street 136.0 feet to the named point of beginning running North in the center of said Hanauer Street 60.0 feet; thence East 133.0 feet; thence South 60.0 feet to a point due East of the point of beginning; then West 133.0 feet to the point of beginning.



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Jennifer Kennedy, City Recorder

Minutes of the Planning Commission meeting held on Thursday, July 18, 2013 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Chair  
Tim Taylor, Vice-Chair  
Jim Harland  
Phil Markham  
Scot Woodbury  
Tim Tingey, Director, Administrative Development Services  
Mark Boren, Zoning Enforcement Officer  
Brad McIlrath, Assistant Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens

Excused: Vicki Mackay  
Maren Patterson

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The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Karen Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

Mr. Markham made a motion to approve the minutes of June 6 and June 20, 2013. Seconded by Mr. Woodbury.

A voice vote was made. Motion passed, 5-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Mr. Taylor made a motion to approve the Findings of Fact for Conditional Use Permits for Go Solar Group, Holiday Inn Express and Jeremy Circle Condominiums.

Seconded by Mr. Harland

A voice vote was made. Motion passed, 5-0.

#### MURDOCK HYUNDAI – 4679 South Hanauer Street – Project #13-96 & #13-112 – Public Hearing

Kevin Hunt was the applicant present to represent this request. Tim Tingey reviewed the location and request for a Murray General Plan amendment from Medium Density Single Family Residential to Commercial Retail and zone map amendment from R-1-6 (medium density single family residential) to C-D-C (commercial development

conditional) for the property addressed 4679 South Hanauer Street to expand the parking lot for Murdock Hyundai on the property. There was a similar request in July 2006 for General Plan and zone map amendment to commercial retail from Miller Family Real Estate for properties to the north of this property. The Planning Commission recommended denial based on noncompliance with the General Plan, but the properties were amended to commercial by the Murray City Council. The existing R-1-6 zoning allows for single family residential dwellings along with their accessory uses, as well as a number of conditional uses including cemeteries, schools, churches, libraries, parks, etc. The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan future land use map for this particular property show medium density single family residential. The business uses allowed in the C-D-C zone are not consistent with the Murray General Plan direction for this particular property location which is designated for medium density single family residential. The uses adjoining this property to the west and south are residential. It is not the direction of the General Plan for an expansion of commercial uses to the south of the existing commercial zoned property. One of the goals listed in the Murray General Plan is to preserve and protect the quality of life for viable residential neighborhoods. The General Plan Policy is to protect residential neighborhoods from inappropriate commercial and other uses that have incompatible characteristics. The Box Elder neighborhood is specifically identified as an area to be preserved and protected from encroachment by incompatible use. There is not a justifiable reason for an expansion of the C-D-C zone encroaching into the residential zoned area. The applicant's request for a Murray General Plan Map amendment from Residential Single Family Medium Density to Commercial Retail and a zoning map amendment from R-1-6 to C-D-C is not consistent with the Murray General Plan. The General Plan calls for preservation of residential areas, specifically the Box Elder neighborhood is identified as an area to be preserved. There is not a need to amend the General Plan and zoning map for commercial business uses at this location. There has not been a change in circumstances that necessitates changes to the General Plan. At the time the General Plan was adopted, the City Council reviewed the residential zone recommendations for this property and the Box Elder neighborhood was given a medium density single family residential use designation in the General Plan with a zone designation R-1-6. This property was not recommended to be commercial retail in the General Plan or zoned C-D-C (commercial development conditional) and is not consistent with the General Plan to preserve and protect the quality of life in residential areas. There is not a justifiable reason for an expansion of the C-D-C zone into the residential area. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of Denial to the City Council for the requested Murray General Plan Amendment and Zone Change.

Mr. Harland asked when the zoning of the three properties to the north changed. Mr. Tingey responded the three properties to the north were changed prior to 2008, but was unsure of the exact date. At that time the recommendation was a recommendation of denial from the planning commission, but was approved by the

city council.

Kevin Hunt, 113 Lakeview Drive, Stansbury, stated he is representing this request. He commented that the plat amendment was approved on August 15, 2006 by the city council with the general opinion concluding it would be an improvement in the area for the condition of the existing homes to be removed and subsequently the fencing and landscaping along Hanauer would be installed, which he believes is a logical break between the commercial and the residential zone. He stated they have recently removed the home that was on the property in question which was a flop house and they could not keep the transients out of the home and it was blight on the area. He stated it is a logical the move forward with an expansion of their parking. The biggest other issue is the Brown Ditch runs through the property and is an open ditch. As a part of this project, the ditch would be piped and is a safety factor for the children of the area. The fencing and landscaping would extend to the south.

Neil Fortie, 4686 South Hanauer Street, stated he was in opposition of the previous zone changes and each time the properties have been changed to commercial. He stated the property is currently being used for a parking lot and over the Memorial Day weekend the home was demolished and they have been parking on the property without a permit to do so. He stated he is not particularly opposed to the zoning change, but is concerned with the parking along the street that is currently occurring.

The public comment portion for this agenda item was closed.

Mr. Hunt clarified that they did obtain the necessary permits for demolition of the home and subsequent inspections. He stated the employees of Murdock Hyundai have been parking on the property and along the street but are attempting to soften the impact on the public right-of-way by parking on the property in question.

Mr. Woodbury asked the anticipated time frame for an update to the general plan. Mr. Tingey responded there was funding appropriated by the city council to start the general plan update process and that will begin the first of the year and will likely be a three year process.

Mr. Woodbury stated that it is important that things fall within the general plan and are done according to the process, but the city council may feel differently and that is their prerogative.

Mr. Taylor stated the challenge with this proposal is that the obligation of the planning commission is to make sure it meets the requirements the city sets for and it is consistent with the general plan, but there is a little corner remaining and this change would continue encroachment into the neighborhoods. The question is what will the happen to the property now that the house is gone; would another home be constructed on the property; would that maintain the character of the neighborhood better than it would if it there were a wall up against the sidewalk. He stated that the proposal is not consistent with the general plan.

Mr. Taylor made a motion to send a recommendation of denial to the city council for the requested Murray General Plan amendment and zone change for the property addressed 4679 South Hanauer Street. Seconded by Mr. Markham.

Call vote recorded by Tim Tingey.

A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

Ms. Daniel stated the recommendation for denial of the general plan amendment and zone change will be forwarded to the city council for an additional public hearing.

ROGER KNIGHT & STEVEN FEDER – 703, 709 & 753 East Winchester Street –  
Project #13-120 – Public Hearing

Steven Feder was present to represent this request. Tim Tingey reviewed the location and request for a Zoning Map Amendment from R-1-8 (Single Family Residential Low-Density) to R-N-B (Residential Neighborhood Business) for the properties addressed 703, 709, and 753 East Winchester Street. 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 churches, schools, public parks, and libraries. The existing R-1-8 zone allows low density single family residential on minimum 8,000 sq. ft. lots. A variety of permitted uses are allowed in the R-N-B zone such as single family and two family dwellings, office uses, florists, and photography studio's. Other uses allowed by Conditional Use Permit include bed and breakfast home-stay, delicatessen & lunch facilities, gift shop, books art & hobby supplies, banking services, churches and schools. The R-N-B zoning district is not what is typical along State Street which is C-D-C. The R-N-B zoning district is also not the G-O zoning which is adjacent to the east. The purpose of the residential neighborhood business zone is to provide a low intensity zoning designation that is a buffer or barrier between a heavy arterial area of a commercial area to a residential area. The purpose of the Residential Neighborhood District is to provide a varied mix use of low scale, low intensity residential commercial office and business operations as an appropriate transition from a high traffic arterial street area. There are a variety of mixed use, low scale, low intensity residential, single family dwellings, two-family dwellings, commercial, office and business uses as an appropriate transition between high traffic arterial streets to adjacent residential neighborhoods. There are also standards that include that the hours of operation include are limited to 7 a.m. to 10 p.m., landscaping requirements for buffer areas between the residential neighborhoods and the use; height regulations which have a maximum height of 30 feet which is lower than a residential neighborhood which is 35 feet. The standard maximum height is 20 feet but with a conditional use permit approval the height can be a maximum of 30 feet. Design standards are required so that the structure fits into a neighborhood with

**TO:** Murray City Planning Commission  
**FROM:** Murray City Community & Economic Development Staff  
**DATE OF REPORT:** July 12, 2013  
**DATE OF HEARING:** July 18, 2014  
**PROJECT NAME:** Murdock Hyundai  
**PROJECT NUMBER:** 13-00000112  
**PROJECT TYPE:** General Plan & Zone Map Amendment  
**APPLICANT:** Murdock Hyundai  
**PROPERTY ADDRESS:** 4679 South Hanauer Street  
**SIDWELL #:** 22-06-352-014  
**ZONE:** R-1-6  
**PROPERTY SIZE:** .18 Acre

**I. REQUEST:**

The applicant is requesting a Murray General Plan amendment from Medium Density Single Family Residential to Commercial Retail and zone map amendment from R-1-6 (medium density single family residential) to C-D-C (commercial development conditional) for the property addressed 4679 South Hanauer Street.

**II. BACKGROUND AND ANALYSIS**

Background: Representatives of Murdock Hyundai are requesting a Murray General Plan map amendment from Medium Density Single Family Residential to Commercial Retail and a zone map amendment from R-1-6 to C-D-C to expand the parking lot for Murdock Hyundai on the property. The request for Murray General Plan amendment change from Medium Density Single Family Residential to Commercial Retail and zone map change is not consistent with the General Plan. There was a similar request in July 2006 for General Plan and zone map amendment to commercial retail from Miller Family Real Estate for properties to the north of this property. The Planning Commission recommended denial based on noncompliance with the General Plan, but the properties were amended to commercial by the Murray City Council.

Site Location/Detail

The property is located at the east side of Hanauer Street.

Surrounding Land Use & Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Auto Sales	C-D-C
South	Apartments	R-1-6
East	Auto Sales	C-D-C
West	Single Family Residential	R-1-6

Allowed Land Uses

**Existing:** The existing R-1-6 zoning allows for single family residential dwellings along with their accessory uses, as well as a number of conditional uses including cemeteries, schools, churches, libraries, parks, etc.

**Proposed:** The proposed C-D-C zoning allows for a large variety of commercial uses. Typical uses include retail, auto sales, office, restaurant, etc.

III. PUBLIC INPUT

A public notice was sent to the surrounding property owners on July 2, 2013. As of the date of this report, we have not received any input for the proposed general plan and zone map changes.

IV. GENERAL PLAN ANALYSIS

The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan future land use map for this particular property show medium density single family residential. The business uses allowed in the C-D-C zone are not consistent with the Murray General Plan direction for this particular property location which is designated for medium density single family residential. The uses adjoining this property to the west and south are residential. It is not the direction of the General Plan for an expansion of commercial uses to the south of the existing commercial zoned property. One of the goals listed

in the Murray General Plan is to preserve and protect the quality of life for viable residential neighborhoods. The General Plan Policy is to protect residential neighborhoods from inappropriate commercial and other uses that have incompatible characteristics. The Box Elder neighborhood is specifically identified as an area to be preserved and protected from encroachment by incompatible use. There is not a justifiable reason for an expansion of the C-D-C zone encroaching into the residential zoned area.

## **V. FINDINGS**

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

The applicant's request for a Murray General Plan Map amendment from Residential Single Family Medium Density to Commercial Retail and a zoning map amendment from R-1-6 to C-D-C is not consistent with the Murray General Plan. The General Plan calls for preservation of residential areas, specifically the Box Elder neighborhood is identified as an area to be preserved. There is not a need to amend the General Plan and zoning map for commercial business uses at this location. There has not been a change in circumstances that necessitates changes to the General Plan and zone map.

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

The uses allowed in the C-D-C zone with a variety of commercial business uses, retail sales, offices, and services will not be compatible to the surrounding land uses with the existing residential uses to the south and west.

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

The effects of the variety of potential business uses on services will require additional review by utility companies.

## **VI. CONCLUSION**

- i. The requested change has been carefully considered based on characteristics of the site and surrounding area and policies of the General Plan.**

- ii. At the time the General Plan was adopted, the City Council reviewed the residential zone recommendations for this property and the Box Elder neighborhood was given a medium density single family residential use designation in the General Plan with a zone designation R-1-6.
- iii. This property was not recommended to be commercial retail in the General Plan or zoned C-D-C (commercial development conditional) and is not consistent with the General Plan to preserve and protect the quality of life in residential areas. There is not a justifiable reason for an expansion of the C-D-C zone into the residential area. Further expansion of the commercial zoning into this neighborhood is not consistent with the General Plan.

## VII. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of Denial to the City Council for the requested Murray General Plan Amendment and Zone Change.

# SITE INFORMATION



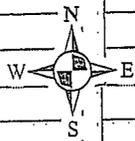
# 4679 South Hanauer Street



**MURRAY**  
ADMINISTRATIVE &  
DEVELOPMENT SERVICES



4679 S Hanauer Str



Miller St.

Regal

Hanauer Street

State Street

McHenry

Brown

Rainbow

M

4800

Elder

5th Avenue

Poplar

4th Avenue

Division

Court Ave.

Center

Vine

Street

State Street

Vin

# APPLICATION MATERIALS

# GENERAL PLAN AMENDMENT APPLICATION

Type of Application (check all that apply):

Text Amendment

Map Amendment

Subject Property Address: 4679 South Hanauer Street

Parcel Identification (Sidwell) Number: 22-06-352-014

Parcel Area: \_\_\_\_\_ Current Use: House

Land Use Designation: R-1-b Proposed Designation: C-D-C

Applicant Name: Ashlie Brace | New Concepts Construction

Mailing Address: 31 West Gregson Avenue

City, State, ZIP: Salt Lake City, UT 84115

Daytime Phone #: 801-463-1021 Fax #: 801-463-0765

Email Address: ashlie.b@nccinc2.com

Business Name (If applicable): New Concepts Construction

Property Owner's Name (If different): Blake Murdock

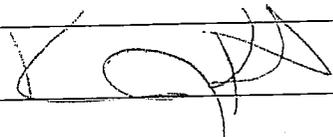
Property Owner's Mailing Address: 4646 South State Street

City, State, Zip: Murray, UT 84107

Daytime Phone #: 801-938-5950 Fax #: \_\_\_\_\_

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

Auto Dealership Lot Expansion

Authorized Signature:  Date: 5/20/13

# ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

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

Subject Property Address: 4679 South Hanauer Street

Parcel Identification (Sidwell) Number: 22-06-352-014

Parcel Area: \_\_\_\_\_ Current Use: House

Existing Zone: RH Proposed Zone: C-D-C

Applicant Name: Ashlie Brace / New Concepts Construction

Mailing Address: 31 West Gregson Avenue

City, State, ZIP: Salt Lake City, UT 84115

Daytime Phone #: 801-463-1021 Fax #: 801-463-0765

Email address: ashlie.b@nccinc2.com

Business Name (If applicable): New Concepts Construction

Property Owner's Name (If different): Blake Murdock

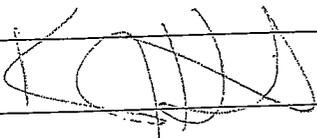
Property Owner's Mailing Address: 4646 South State Street

City, State, Zip: Murray, UT 84107

Daytime Phone #: 801-938-5950 Fax #: \_\_\_\_\_

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

Auto Dealership Lot expansion

Authorized Signature:  Date: 5/20/13

## PROPERTY DESCRIPTION

Beginning at a point in the center of a 66 foot North and South Street, known as Hanauer Street at the intersection of the center of a 40 foot East and West Street known as Miller Street, 772.44 feet North and 307.0 feet East from the Southwest Corner of Section 6, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence North in the center of the aforesaid Hanauer Street 136.0 feet to the named point of beginning running North in the center of said Hanauer Street 60.0 feet; thence East 133.0 feet; thence South 60.0 feet to a point due East of the point of beginning; then West 133.0 feet to the point of beginning.



Property Owners Affidavit

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

[Signature]  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 20 day of May, 2013.



[Signature]  
Notary Public  
Residing in Utah  
My commission expires: 5-16-14

Agent Authorization

I (we), Blake Murdock, the owner(s) of the real property located at 4646 South State Street, in Murray City, Utah, do hereby appoint New Concepts Construction, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

New Concepts Construction to appear on my (our) behalf before any City board or commission considering this application.

[Signature]  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

On the 20 day of May, 2013, personally appeared before me

[Signature] the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.



[Signature]  
Notary Public  
Residing in Utah  
My commission expires: 5-16-14



July 2, 2013

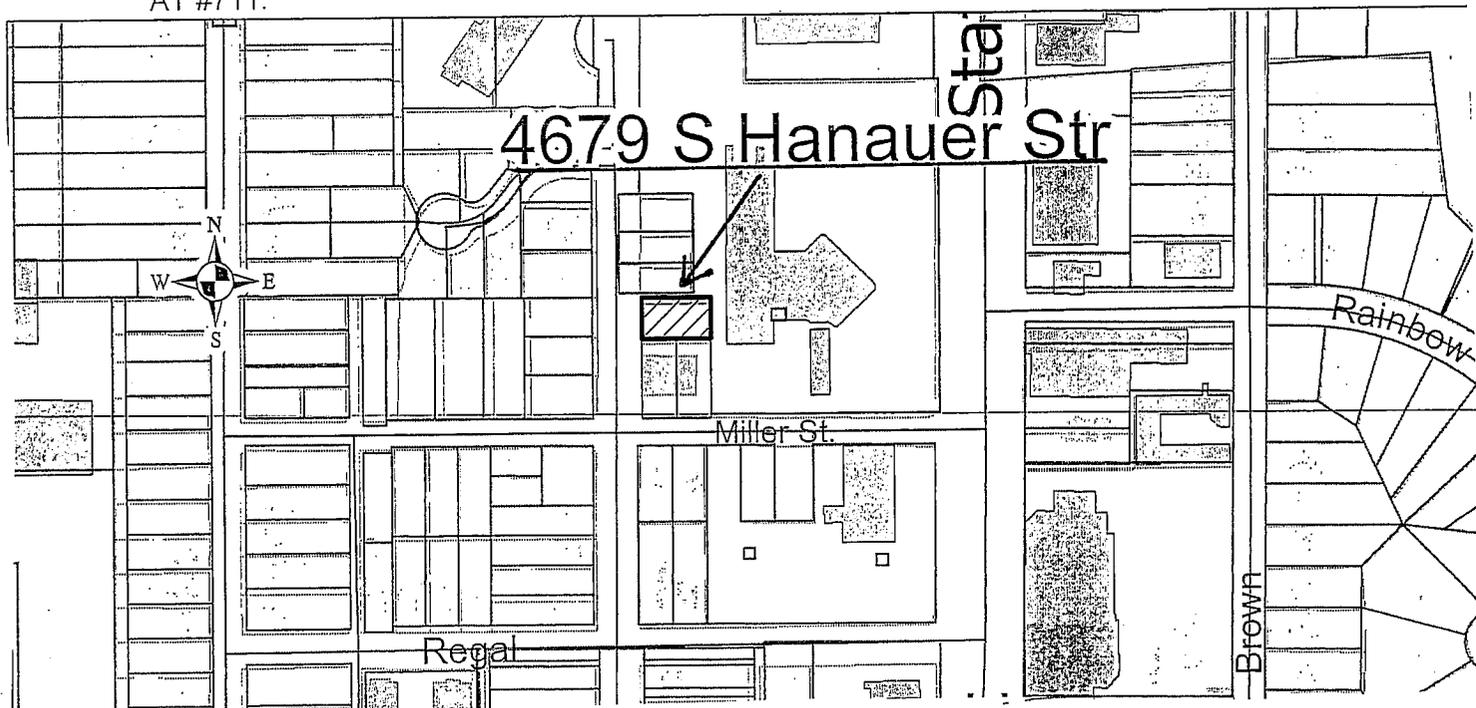
## NOTICE OF PUBLIC HEARING

This notice is to inform you of a Planning Commission Hearing scheduled for Thursday, July 18, 2013, at 6:30 p.m., in the Murray City Municipal Council Chambers, 5025 South State Street.

Representatives of Murdock Hyundai are requesting a Murray General Plan Amendment from residential single family medium density to commercial retail and a zone map amendment from R-1-6 to C-D-C at the property addressed 4679 South Hanauer Street. The applicant is requesting the amendments to development a parking lot at this property. See the attached plan. This notice is being sent to you since you own property within the near vicinity. Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

If you have questions or comments concerning this proposal, please call Ray Christensen with the Murray City Community Development office at 801-270-2420, or e-mail to [rchristensen@murray.utah.gov](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  
801-204-6910

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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	7/8/2013

**FILE COPY**

*Murdock  
Hyundai  
Rezone*

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8012642660	0000890951 /
SCHEDULE	
Start 07/07/2013	End 07/07/2013
CUST REF NO	
Murdock Hyundai	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
33 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC CHARGES	AD CHARGES
TOTAL COST	
60.44	

**MURRAY CITY CORPORATION  
NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN that on the 18th day of July, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to General Plan Amendment from Residential Single Family Medium Density to Commercial Retail and Zone Change from R-1-6 (Residential Single Family Medium Density) to C-D-C (Commercial Development Conditional) for the property located at 4679 S Hanauer St, in Murray City, Salt Lake County, State of Utah.  
MURRAY CITY CORPORATION  
Chad Wilkinson, Manager  
Community & Economic Development  
890951 UPAXL

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 18th day of July, 2013, 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 INDEFINITELY.

PUBLISHED ON Start 07/07/2013 End 07/07/2013

SIGNATURE

*[Handwritten Signature]*

DATE

7/8/2013



**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**

Murdock Hyundai P/c 7/18/13  
+ A.E.

ADHIKARI, HEM L & 4674 S HANAUER ST MURRAY UT 84107	ANDERSON, MATTHEW R 4712 S HANAUER ST MURRAY UT 84107	CHRISTENSEN, KERK 12 E MILLER ST MURRAY UT 84107
DOUROS, ANDY 16 E HANAUER PL MURRAY UT 84107	DOUROS, ANDY 16 E HANAUER PL MURRAY UT 84107	DURAN, JESSE 4666 S HANAUER ST MURRAY UT 84107
FORTIE, NEIL D 4682 S HANAUER ST MURRAY UT 84107	GILES, DANNY L & 13 E MILLER ST MURRAY UT 84107	GOODSELL, PHILL H & 327 E 2230 N #B NORTH LOGAN UT 84341
JENTZSCH, IAN M & 14 E MILLER ST MURRAY UT 84107	JARRETT, ANNETTE K 5339 S ALPINE DR MURRAY UT 84107	JENTZSCH, IAN M & 14 E MILLER ST MURRAY UT 84107
MUSTAFIC, ERMIN & 4678 S HANAUER ST MURRAY UT 84107	MASTEN, RACHAEL PO BOX 571328 MURRAY UT 84157	ROMAN, JORGE A & 8 E HANAUER PL MURRAY UT 84107
75 REGAL, LC 1552 E ARLINGTON DR SALT LAKE CITY UT 84103	RICHARDS, WAYNE G & 15 E MILLER ST MURRAY UT 84107	TALLEY, RONALD D & SUSAN; 4714 S HANAUER ST MURRAY UT 84107
THIBEAULT, JOHN R 13 E HANAUER PL MURRAY UT 84107	STODDARD, GARY M & 11528 S SUMMERFIELD LN SANDY UT 84092	WILLSON, JAYSON D 53 E REGAL ST MURRAY UT 84107
JAR GROUP LLC 8496 S HARRISON ST # 118 MIDVALE UT 84047	WAGSTAFF, VERL D 1074 E RANGE RD SALT LAKE CITY UT 84117	LSM LLC PO BOX 571375 MURRAY UT 84157
MURDOCK HYUNDAI SALT 3711 S STATE ST SOUTH SALT LAKE UT 84115	STRANG EXCAVATING INC 1113 W 9970 S SOUTH JORDAN UT 84095	75 REGAL LC 4700 S STATE ST MURRAY UT 84107
WAGSTAFF LANDSCAPING INC 12713 S GILBERT DR RIVERTON UT 84065	MURDOCK HYUNDAI SALT LAKE 4646 S STATE ST MURRAY UT 84107	75 REGAL LC 4735 S STATE ST MURRAY UT 84107

P/C AGENDA MAILINGS  
"AFFECTED ENTITIES"  
Updated 03/1/13

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

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

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

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

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

MURRAY SCHOOL DIST  
ATTN: 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: BRAD HASTY  
P O BOX 45360  
SLC UT 84145-0360

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

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

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY 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: JARED PANTIER  
2175 S REDWOOD RD  
WEST VALLEY UT 84119

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

**GENERAL PLAN MAILINGS:**

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

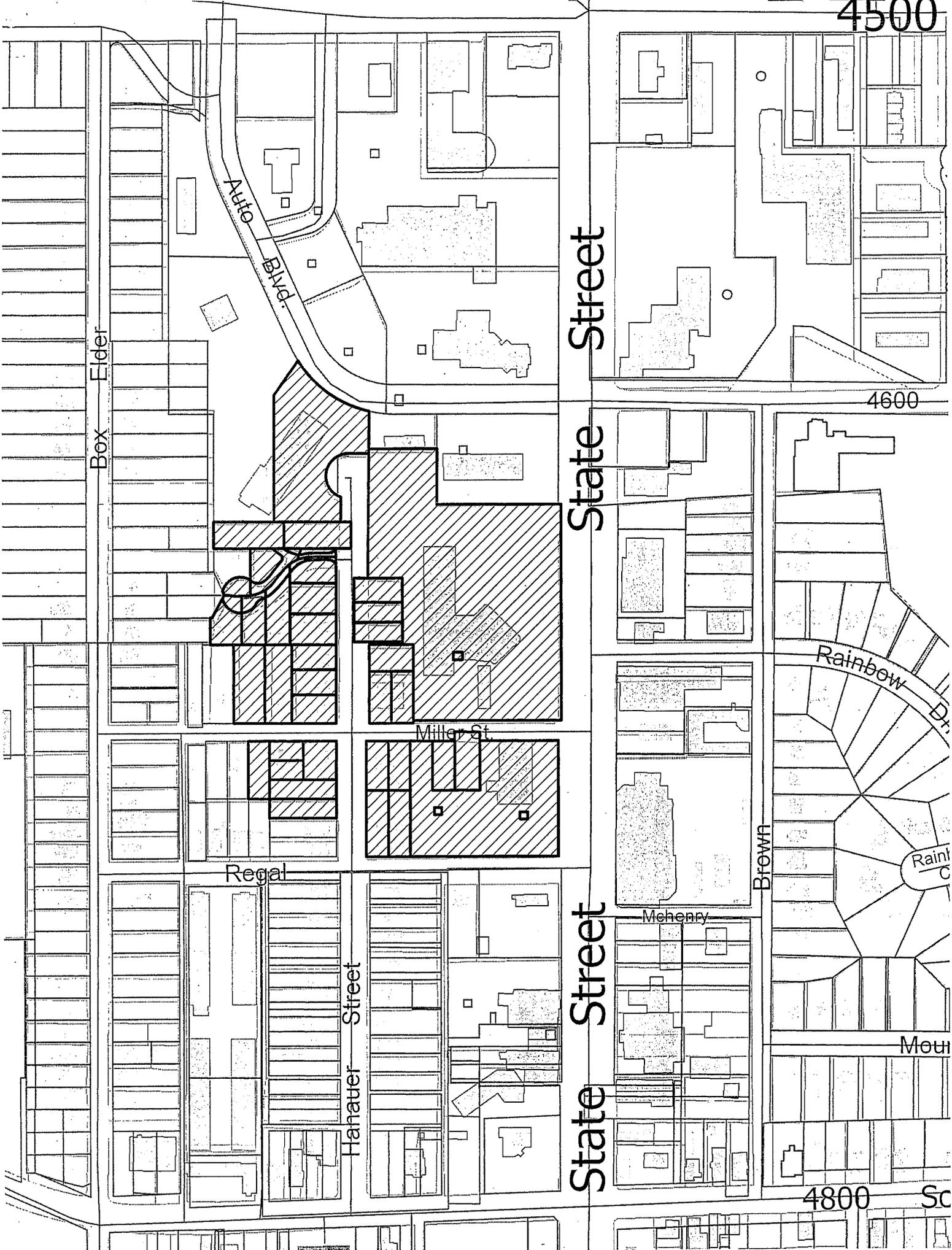
WASATCH FRONT REG CNCL  
PLANNING DEPT  
295 N JIMMY DOOLITTLE RD  
SLC UT 84116

«Next Record»

«Next Record»

«Next Record»

4500



Street

State

Street

State

Elder  
Box

Auto  
Blvd

Miller St

Regal

Hanauer  
Street

Mehenny

Brown

Rainbow  
Dr

Rain  
C

Mou

4800

Sc

**Public  
Hearing #2**

# MURRAY CITY CORPORATION

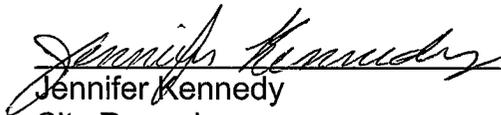
## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 27<sup>th</sup> day of August, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold a Public Hearing.

The purpose of this hearing is to receive public comment concerning a request to amend the Zoning Map for the properties located at approximately 703, 709, and 753 East Winchester Street, Murray, Utah, from Residential Single Family Low Density (R-1-8) to Residential Neighborhood Business (R-N-B) .

DATED this 6<sup>th</sup> day of August, 2013.

MURRAY CITY CORPORATION

  
Jennifer Kennedy  
City Recorder

DATES OF PUBLICATION: August 11, 2013  
PH 13-21



**MURRAY CITY CORPORATION**  
**ADMINISTRATIVE &**  
**DEVELOPMENT SERVICES**

**B. Tim Tingey, Director**

Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

## **NOTICE OF PUBLIC HEARING**

This notice is to inform you of a Public Hearing scheduled for Tuesday, August 27, 2013 at 6:30 p.m. in the Murray City Council Chambers, 5025 South State Street.

Steven Feder & Roger Knight are requesting an amendment to the Zoning Map for the properties located at approximately 703, 709, and 753 East Winchester Street, Murray, Utah, from Residential Single Family Low Density (R-1-8) to Residential Neighborhood Business (R-N-B).

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

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

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

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

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

AN ORDINANCE RELATING TO LAND USE; AMENDS THE ZONING MAP FOR THE PROPERTIES LOCATED AT APPROXIMATELY 703, 709, AND 753 EAST WINCHESTER STREET, MURRAY CITY, UTAH FROM R-1-8 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT) TO R-N-B (RESIDENTIAL NEIGHBORHOOD BUSINESS DISTRICT). (Steven Feder, Roger Knight, Ned & Carolyn Walker, Estate of Edward Collett & Mildred Page Collett Living Trust, Ralph & Elaine McDonald Trust.)

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

WHEREAS, the owners of the real property located at approximately 703, 709, and 753 East Winchester Street, Murray, Utah, has requested a proposed amendment to the zoning map to designate the property in a R-N-B zone district; and

WHEREAS, it appearing that said matter has been given full and complete consideration by the 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 properties located at approximately 703, 709, and 753 East Winchester Street, Murray, Salt Lake County, Utah from the R-1-8 (Single-Family Low Density Residential) zone district to the R-N-B (Residential Neighborhood Business) zone district:

Parcel Nos. 22-20-156-008  
22-20-156-041  
22-20-156-042

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 725 EAST STREET, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 12 OF THE "AS MONUMENTED" SOUTHDALE SUBDIVISION AMENDED, RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER IN BOOK 76 OF PLATS AT PAGE 64, SAID POINT ALSO BEING NORTH 00°12'02" WEST ALONG THE SECTION LINE 475.06 FEET AND NORTH 89°47'58" EAST 44.48 FEET FROM A FOUND BRASS CAP MONUMENT MARKING THE WEST QUARTER CORNER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, AND RUNNING



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

ATTEST:

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

CERTIFICATE OF PUBLICATION

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

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

Mr. Taylor made a motion to send a recommendation of denial to the city council for the requested Murray General Plan amendment and zone change for the property addressed 4679 South Hanauer Street. Seconded by Mr. Markham.

Call vote recorded by Tim Tingey.

A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

Ms. Daniel stated the recommendation for denial of the general plan amendment and zone change will be forwarded to the city council for an additional public hearing.

ROGER KNIGHT & STEVEN FEDER – 703, 709 & 753 East Winchester Street –  
Project #13-120 – Public Hearing

Steven Feder was present to represent this request. Tim Tingey reviewed the location and request for a Zoning Map Amendment from R-1-8 (Single Family Residential Low-Density) to R-N-B (Residential Neighborhood Business) for the properties addressed 703, 709, and 753 East Winchester Street. 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 churches, schools, public parks, and libraries. The existing R-1-8 zone allows low density single family residential on minimum 8,000 sq. ft. lots. A variety of permitted uses are allowed in the R-N-B zone such as single family and two family dwellings, office uses, florists, and photography studio's. Other uses allowed by Conditional Use Permit include bed and breakfast home-stay, delicatessen & lunch facilities, gift shop, books art & hobby supplies, banking services, churches and schools. The R-N-B zoning district is not what is typical along State Street which is C-D-C. The R-N-B zoning district is also not the G-O zoning which is adjacent to the east. The purpose of the residential neighborhood business zone is to provide a low intensity zoning designation that is a buffer or barrier between a heavy arterial area of a commercial area to a residential area. The purpose of the Residential Neighborhood District is to provide a varied mix use of low scale, low intensity residential commercial office and business operations as an appropriate transition from a high traffic arterial street area. There are a variety of mixed use, low scale, low intensity residential, single family dwellings, two-family dwellings, commercial, office and business uses as an appropriate transition between high traffic arterial streets to adjacent residential neighborhoods. There are also standards that include that the hours of operation include are limited to 7 a.m. to 10 p.m., landscaping requirements for buffer areas between the residential neighborhoods and the use; height regulations which have a maximum height of 30 feet which is lower than a residential neighborhood which is 35 feet. The standard maximum height is 20 feet but with a conditional use permit approval the height can be a maximum of 30 feet. Design standards are required so that the structure fits into a neighborhood with

gable roof elements, the structure must fit into the residential neighborhood and the design standards help mitigate impacts with adjacent residential neighborhoods such as fencing guidelines and lighting. This proposal is not for a specific structure and the notices sent to the surrounding residents did not include specific building elevations because the submittal is not a formal proposal and this agenda item is specifically for a rezone to R-N-B. A public notice was sent to adjacent properties on July 5, 2013. As of the date of this report several phone calls have been received voicing opposition to the proposal.

The purpose of the General Plan is to provide an overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan identifies this location as an area that is appropriate for a transition from single family residential development to residential neighborhood business. The proposed change is consistent with the General Plan which calls for the transition of properties along this section of Winchester Street from Single Family Residential to R-N-B. The uses allowed in the R-N-B zone are lower intensity commercial and residential uses. In addition, the development standards of the R-N-B zone limit the height of structures to 30 feet, which is lower than heights allowed by the R-1-8 zoning standards. Other standards provide additional buffering to adjacent residential properties.

- 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 property is planned for transition to R-N-B in the General Plan.
- iv. The uses allowed in the R-N-B zoning district include residential use and lower intensity commercial use in order to provide a transition between arterial streets and residential neighborhoods.
- v. The R-N-B zoning standards include development restrictions and design standards aimed toward providing buffering and mitigation of impacts to adjacent residential properties.

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment from R-1-8 to R-N-B. There will be another public hearing scheduled with the city council in the near future wherein the city council will decide whether to change the zoning or not. Any citizens who received a notice for this meeting will also receive a notice for the city council meeting.

Steven Feder, 6975 South Union Park Avenue, #600, Cottonwood Heights. Mr. Feder stated that the city put a lot of thought and effort into the original General Plan. He stated the general plan does allow for a residential neighborhood business which is an intelligent transitional zone between commercial and residential neighborhood and the entrance to the neighborhood. He asked that the commission recommend to the

city council as the general plan calls for which is residential neighborhood business district. He stated the site plan, which is not being considered tonight, has been carefully thought out. The site plan shows an entrance off Winchester Street and exit onto 725 East so that people exiting can come back to the stop light which is a stop lighted intersection. This would easily allow people to head back east without having to cross traffic lanes on Winchester Street. The intended users of the building are anticipated to be 2 users but no more than 4 users of the entire building. The interested tenants will not create a lot of traffic and do not have a lot of customers that would come to the site. The compliance with the 10 foot setback from the residential area and buffer wall has been incorporated into their plans. The minimum parking ratio of 5 stalls per 1,000 sq.ft. has been incorporated into their plans and actually will be exceeded by a few stalls. The building will be pushed as far forward towards Winchester Street as possible to create an even wider buffer from the residential neighborhood. The building height will not exceed 30 feet, which is less than the adjoining residential zone which has a maximum height of 35 feet. The building design will be of extreme high grade materials and will be an asset to the neighborhood and will not detract from the neighborhood. He stated if the existing three residential homes are to remain as is, the owners have indicated that they do not intend to do a lot of improvements and additions to the properties and maintenance and if the zoning does not go forward the properties may deteriorate more over the years and that would not be in the city's or neighbors best interest. This proposal will not create a traffic hazard to the neighborhood because the ingress and egress will all end up on Winchester Street either exiting around the corner heading south or will be exiting onto Winchester Street.

Mr. Feder stated their sole purpose tonight is to address the rezoning of the property and not the design of the property or structure. That process will be at a later day if the zoning is changed. Mr. Feder asked that the planning commission make a positive recommendation from R-1-8 zoning to R-N-B zoning in compliance with the city's general plan.

Mr. Tingey reiterated that this agenda item is for zone change only and the request is a zone change from R-1-8 to R-N-B. He stated if there is a proposal for this site other than residential it will have to come back to the planning commission by way of a public meeting about the specific design elements, traffic impacts, parking, and the structure itself.

Mr. Markham asked if fencing or solid walls come into play at this stage, or is that addressed at a later date. Mr. Tingey responded that if the zoning for this property is changed to R-N-B and there is a subsequent proposal for a commercial use, these issues are addressed in the ordinance relating to fencing, buffer, building height, lighting, and other pertinent issues.

The meeting was open for public comment for this agenda item. Ms. Daniels asked that there be respectful comments and that the citizens should act like adults.

Denny Lennell, 6466 Castlefield Lane, stated he understands that this proposal is for zoning only. Mr. Lennell stated as zonings occur and certain requirements are imposed as a condition, those conditions should be followed up on. The reason for

making this comment is that the properties across the street on Winchester Street, the James Point Apartments were originally approved as a senior community. He stated his opinion is that there have not been any changes on that approval, no public input or anything. However there are many children that reside in that complex and there has obviously been no enforcement follow up on this issue. He expressed concern with future enforcement of approvals. He asked that staff check on the James Point Condominiums original zoning and approval and why it has changed. Mr. Lennell stated that he saw an elevation of the proposal building which had 9,000 sq.ft. on an upper level and the main level totaling 18,000 sq.ft. He asked about the traffic access. Ms. Daniels responded that the traffic and anticipated building are not part of this discussion tonight and this is merely a zoning change request. Mr. Lennell asked that he could be notified of when the building approval is scheduled so that he could be involved with that process. He expressed concern that at that point there would not be room for input from the citizens.

Davis Hansen, 736 East Labrum Avenue, stated he is the adjacent property owner to the north. He expressed concern with what may be proposed for the properties in question. He stated the zoning is supposed to be mixed use, low scale, low intensity residential commercial office and business operations. He stated he has looked at the R-N-B projects that have occurred over the past few years on 900 East and Winchester Street and that the majority of those projects average about a 4,000 sq.ft. house/building. He stated the project that is being contemplated is significantly larger than 4,000 sq.ft. and how is that supposed to fit in with the neighborhood where the majority of the homes are 2,000 sq.ft. to 5,000 sq.ft. He stated that the Make A Wish building is only 13,000 sq.ft. and is huge. Ms. Daniels stated this agenda item is not to discuss the anticipated building for the property but is for the zone change only. Mr. Hansen stated once the zoning is in place, there is little room for input from the citizens for the actual project. He asked how they can be involved with any proposed project for this property if the zoning is changed to R-N-B. Ms. Daniels responded that the citizens would need to work with the developer.

Mr. Taylor commented that to be able to express at a zoning hearing the concerns about traffic or access onto 725 East or portions of Winchester Street are appropriate at this time and will be on the record which is forwarded to the city council.

Mr. Woodbury stated when something is zoned, any use that is listed as permitted or conditional use a potential use for the property. The actual development plan follows after the zone change and staff will make a recommendation. Mr. Woodbury stated the citizens can express concerns specifically about the R-N-B zoning at this time. He read several of the allowed uses in the R-N-B zone such as schools, florists, optical shops, etc. He stated that as citizens we should all be better educated on what are the allowable uses within each of those zones. He expressed concern with the feeling of the citizen's concerns not being heard. He stated there should be some restriction as to size of building. Mr. Markham indicated that there are restrictions.

Mr. Taylor stated that the type of uses that are allowed in the R-N-B, the maximum height, the building size setbacks, the parking requirements; those are the components that come into play when determining the "mass" of the structure that could be developed.

Mr. Hansen asked the commission if they recommend having some type of a forum with the developer regarding the potential building for this property. Mr. Harland responded that is the only option if the citizens wish to have their input prior to a project being presented to the planning commission.

Mr. Harland stated that when a development is proposed and a conditional use permit is required, the project will be reviewed by the commission in a similar fashion as this meeting tonight. Mr. Woodbury stated the general plan is a guide for the city in future zone changes.

Paul Ruben, 741 East Litson Circle, stated he grew up in this neighborhood and has lived here for the past 50 years. He stated that 725 East Street is still a 25 m.p.h. street and is about the only 25 m.p.h. street that has two yellow lines. Most drivers don't know that it is 25 m.p.h. because of the double yellow lines. He stated by changing the zoning for the property in question to R-N-B will only make 725 East traffic more dangerous. He stated that while traveling southbound on 725 East Street and making a left hand turn, traffic is not visible if there is someone else turning left onto 725 East Street northbound. He stated that there are a lot of people who would like to build nice homes on the three lots in question and that changing the zoning to commercial is not necessary.

Sergy Krasovsniy, 739 East Labrum Avenue, stated that the citizens do not want this rezoning. He stated the commercial is across the street and they just need to fill the spot with normal residential houses or twin houses and there is no need to make a barrier in this particular spot. The barrier should be against the properties across Winchester Street. He stated this is a desirable neighborhood.

Jerry Nelson, 6334 South 560 East, stated he used to own the lot that is designated R-N-B. It wasn't R-N-B when he owned the property. He stated he wanted to build a home on the property and the builder decided to lift their elevation out of the ground 4 feet to avoid having to install a sewer pump in the basement, the foundation would have been considerably higher. At that point he considered the aesthetics and impact to the residential neighbors and decided that it wasn't worth doing that. They then forfeited the home construction and incurred substantial costs in doing so and eventually sold the lot. He stated that an appeal to common sense is warranted. He stated that when someone says these lots are going to go to waste because they will not be developed is not true and that homes are selling rapidly if priced right. He stated if these three lots were priced right, they could and would be very desirable for single family dwelling. He stated he is opposed to the change in zoning due to the impact it would have on the quality of life around the immediate area. The Squires home to the west is an historical home and has been there for over 100 years. It doesn't make sense to allow commercial properties to keep encroaching in on the quality of life. He asked the commission members if they would like the R-N-B zoning development in their neighborhood. He stated that the traffic will substantially be increased on 725 East if the zoning is changed. It would almost be impossible to turn left on 725 East to get out to Winchester for the fact that traffic is already backed up 4-10 cars waiting to get through the intersection. He stated that many of the residents in this area are life time residents specifically in this neighborhood and he asked that

common sense be considered about the quality of life for this neighborhood and is it a never ending encroachment of commercial properties into the neighborhoods or is it protecting that quality of life by saying this proposal doesn't make sense.

Terry Steed, 754 E Labrum Avenue, stated he has lived in his home for 35 years and back in the day of 725 East had farmland in this area with horses, and eventually 725 East was made a through street. He stated that the businesses on Winchester Street have failed where the Cort Furniture business was located. Mr. Labrum who is the name sake for Labrum Avenue lived in the back house of one of the properties in question and her family lived in the home upfront. He stated that Mr. Labrum was an arborist for the state capital building with a lovely yard with incredible flowers. He stated this proposal is all about money and now the property owners want to get the zoning changed. He stated that the Make A Wish building was the buffer and the adjacent home was also zoned R-N-B and is a land management business which is a decent project, but when the property was a residential it was much nicer. He stated he was a police officer for 25 years for Murray City and that once 725 East Street was made a through street it became a real headache as far as speeding. He stated each evening between 4 p.m. and 6 p.m. going southbound the cars are backed up to Labrum Avenue (100+ feet) and this proposal would make the traffic worse. He stated that when the residents are continually told that "this is the buffer", "this is the buffer", it will only be a short period of time before the house on the northwest corner of will be encroached upon and it will continue. He stated he believes the citizens have been misled with regards to commercial encroachment. He asked if when the general plan is modified it is more in favor for the businesses or the residents. He stated that the Make A Wish business has been a good neighbor but that would not be the same situation with florists and photographers, etc. Mr. Markham responded that the general plan is periodically reviewed and modified.

Colleen Fisher, 740 East Labrum Avenue, stated she has lived in her home for the past 37 years and raised her family there. She concurred with Mr. Steed. She stated that when James Point Apartments was approved, it was based on the idea that it was for those over 55 years of age and older (an adult complex). However, since that time James Point has changed to low income housing with many children. She stated the notices that were sent for this agenda item were based upon the 300 foot radius and only 50 notices were sent, four of which were to her and her husband. She stated that the citizens are ill informed. She stated that the citizens were told that 725 East Street was never going to go through but eventually did anyway. She stated that when Make A Wish was proposed in the R-N-B zoning district, but was recently told by Mr. Wilkinson that the Make A Wish property is zoned G-O (general office). She stated that the residents weren't notified of this change either. She stated that she is opposed to the R-N-B zoning change.

Mr. Taylor stated that the R-N-B zoning district is fairly new and that the Make A Wish property could not have been developed under the R-N-B zoning district and was developed under the G-O (general office) zoning.

Pam Squires, 687 East Winchester Street, stated her home was built in 1898 and they have invested a lot of money to protect the historical home and also a fence around their property. She stated that they have had a car go through their fence on

Winchester Street, on the corner and also 725 East Street (three sides). She stated they have planter boxes filled with cement to protect their home. She stated that today there was another accident on the corner of where her home is located. She stated they have been there for the past 27 years. She stated she cannot get out of her driveway in December after 2 p.m. because of traffic congestion. She stated the glitch with contacting the developer prior to their proposal for the site development is that if the developer wishes not to hear their input that will not work. Ms. Squires stated she has not been notified of the general plan updates and that she is very involved with Murray City and what is going on. She asked why they have to pay a penalty now that their property is on the master plan and she is to the "whim" of the master plan. She asked who designed and started the master plan. She indicated that she was informed that the city master plan gets changed every 10 years, yet all the residents thought the master plan was in cement. She stated the citizens do not believe the planning commission and what is told at the meetings.

Janice Strobel, 4912 Wasatch Street, stated everyone here is expressing frustration with zoning and that as citizens there is nothing they can do and they are stuck with the zoning and the citizens do not wish the zoning to change. She stated that talking with the developer after the developer has purchased the property isn't an option.

John Thornton, 6384 South Castlefield Lane, stated he is representing the sellers of this property and that he also lives in this neighborhood. He stated that reality is difficult at times and he too is concerned about the neighborhood and the aesthetics and upkeep of the neighborhood. He stated he is trying to lend a hand in the rights of those sellers to sell their property as owners of property. He stated it is interesting that if it fits our needs then we are in favor of it. He stated the reality is that these properties have been on the market for 3 years. The fact is nobody wants to build a residential complex on Winchester. If it's not true, the property would have been sold before now. He stated he was involved in the assembling of the properties to the west that were blighted properties, and in reality that is what happens. He stated the wisdom of zoning on a major arterial needs to be looked at simply because nobody wants to invest in their properties and the properties will continue to be a blighted and reduce in value and be an eye sore to the neighborhood as opposed to something that is professionally managed that can be a positive entrance into the neighborhood. He asked what the positive affect to the neighborhood is by keeping it residential. No one has purchased the properties for residential uses in over 3 years.

Charlie Cayias, 730 East Labrum Avenue, stated the intersection needs some work and that he often times has to report traffic accidents. He stated he has been run off the road in this area, and drivers have passed him on the right hand side while he is trying to access his driveway. He stated he would love for the commission members to come to his home and watch the traffic and speeders on 725 East Street. He stated there have not been police officers on this street for six years. He stated that zoning must fit the neighborhood and works within the community. He asked the commission to continue this application and have a feasibility study completed before consideration.

John Nelson, 812 East Silver Shadows Drive, stated he is adamantly opposed to this zoning change. Mr. Nelson stated at any given point during the day, while sitting on

his front porch and watching business traffic speeding down Silver Shadows at any given time. He stated that he has followed drivers out of the neighborhood only to discover it is the transmission business on 900 East using this street for test drives, as well as the Apple Spice Junction deliveries. He stated that any change will affect him directly with traffic.

Jerry Nelson, 6334 South 560 East, stated that in his attempt to move his family back to Murray they looked many months for an opportunity to do so. A lot became available on Winchester Street and they debated due to the traffic, whether to build a home and came to the conclusion that yes, given the limited amount of real estate available they decided to purchase the lot. He stated for someone to say that those lots being discussed will become blighted is ludicrous. He stated that if the three properties in question were priced right, they would have sold.

Adam Hardman, 6372 South 725 East, stated he grew up in this neighborhood. He bought his home in October. He stated the community garden that is on the property is full of vegetables. He is not worried about the properties in question becoming dilapidated because of the way the community has pulled together and they really care about this property. He said the residents don't care for the residential business district buffer because the residents have their own buffer. There is no shortage of speeders on the neighborhood streets. The residents in this area pull together and take care of their own and he will be the first one with a paint brush and weed whacker to make sure those properties don't look bad.

Kristin Fisher, 802 East Silver Shadow Drive, stated her main concern is the traffic. She is opposed to this zoning request.

Lois Holt, 6359 South 725 East, concurred with the previous comments. She stated she does not see the benefits of the zone change but sees many disadvantages.

Shauna Nelson, 812 East Silver Shadow Drive, stated they are a small percentage of people who live in this neighborhood who found about this proposal a few days ago. She stated they depend on the commission to represent them and the residents are begging the commission to think about Murray City and the places where residential homes are located and those areas are diminishing. She stated the schools are affected by the residential areas diminishing and the school can't compete.

Heather Housekeeper, 639 East Birchfield Lane, stated she lives in the James Point Apartments. She crosses Winchester Street daily to go into the park in the neighborhood park on 725 East and there has been several times where cars almost hit her. She stated that 95% of the residents at James Point Apartments are family with several kids and she is opposed to this zone change request.

Angie Hansen, 736 East Labrum Avenue, stated she is the second home from the corner and her rear yard is only about 10 feet from the fence. She stated if these properties are changed to R-N-B then the building could potentially be 20 feet from her home and she has small children who play in their back yard.

Tim Tingey responded to the questions and comments identified in the public comments. He stated that he will research the James Point Apartments original use approval. If the James Point Apartments are in violation of their approval, enforcement procedures will be pursued. He explained the planning commission members are not elected officials, and are citizen volunteers and that those in attendance tonight need to recognize this as they make negative comments about the commission. He stated the city council will make the final decision on this zoning matter and tonight will be a recommendation only. Mr. Tingey explained the timing of the process. Tonight will be a recommendation from the planning commission, another notice will be mailed to the residents in the area informing them of when the public hearing is scheduled for the city council meeting at which time they will make a decision whether to change the zoning or not. The city council meeting is likely to be at the end of August, but that needs to be set by the city council. If the zone change is approved by the city council, a formal commercial use is proposed, it would need to be reviewed by the planning commission at a later day. That meeting would likely be another month after the zone change. He stated that in the R-N-B zone requires there are extended setback requirements that are more stringent than typical commercial zonings. He clarified that the setbacks are a 20 foot front setback, 20 feet rear setback, and a 10 foot landscape buffer. All these setbacks restrict the amount of space that can be developed. In addition there are parking requirements which restricts the size and mass of the building. Those components would not be restricted if there were no height limitation, but there is a height limitation of 30 feet, which further limits the size and mass of a building. He stated the city goes through a general plan process approximately every 10 years and the last time was in 2003. There are 46,000-47,000 citizens in Murray. The city does not send out notices to every citizens regarding the general plan but the city does meet the State requirements for notices which are published in the newspaper, in the Murray Journal, included inserts in utility billings, advertising on the city's website, published on the state's public meeting website, and multiple public meetings where input occurs. The city would love to have thousands of people come to those meetings, but the reality is they don't. Most of the time the citizens don't care and sometimes people don't understand the importance of this. He stated that he personally has been frustrated because he wants to get input from citizens and often times there isn't much input. He stated the public notices for this particular proposal are sent to property owners within 300 feet which is above and beyond the state requirements.

Mr. Tingey stated regarding the Make A Wish development, that it was developed in the G-O (general office) zone. He stated that issue prompted the city council to look at a residential neighborhood business zoning classification. Anyone can submit a request for records and it will have all the meeting minutes for that meeting. He stated he would be happy to research this information for anyone who desires it.

Mr. Tingey stated regarding the intersection and traffic concerns, that he would be happy to refer the concerns to the Murray Traffic & Safety Committee and the police department. The comment on the intersection work will be referred to the public services division.

Mr. Tingey reiterated that this meeting is a recommendation only and that the final decision will be made by the city council, who are the elected officials, at a later date.

Mr. Taylor asked if the city is in the process of preparing to have a general plan update. Mr. Tingey responded in the affirmative. He stated that a designated amount of money has been set aside and it will likely be a three year process with extensive public input that will likely start in January of 2014.

Ms. Daniel asked how the public gets involved in the general plan process. Mr. Tingey responded there will be numerous public meetings, open houses, study sessions with the planning commission and city council, and the input process will be extensive. Most likely between 10-15 public meetings will be held.

Ms. Daniels stated that traffic safety issues regarding 725 East, should be directed to the public safety committee and police department.

Mr. Taylor stated that 725 East Winchester Street intersection has been discussed numerous times over the years.

Mr. Markham commented that if this area is recommended to be changed to an R-N-B zoning, there could still be homes. He stated that people aren't chomping at the bit to build homes at these properties and if the zoning is changed residential homes would still not be restricted. Mr. Tingey responded that permitted uses in the R-N-B zoning include single family and two-family dwellings subject to meeting the requirements of the R-M-10 zoning.

Mr. Woodbury stated he has been in Murray for 13 years, and one of the things that attracted him to Murray was the combination of residents and businesses. He stated he grew up in Bountiful and there is not a lot of businesses which puts the tax burden on the residential homes. The challenge the city has is a balance between residential and business. He encouraged those in attendance to attend meetings and open houses when the general plan process begins.

Terry Stead commented that if any of the planning commission members lived in any of the three homes on Labrum Avenue, would they want at this point an office or business in their back yard.

The public comment portion for this agenda item was closed.

Mr. Harland reiterated that the general plan process in 2003 involved numerous meetings and open houses where only 4-5 citizens would attend at the most of the meetings, which is not a good representation of the citizens. Unfortunately for many situations, this input should have been given years ago when the general plan was being updated and discussed. Mr. Harland stated that the planning commission's obligation is to follow the general plan where possible because it was researched extensively. If the city council disagrees, then they have the option of not approving the zoning change.

Mr. Markham commented that this geographic area in general plan identifies this area as residential neighborhood business, and the commission is not ignoring the information here tonight. He stated over the past three years nothing has happened

with these properties and the big massive open area to the west which is not an improvement. He stated the three homes being discussed tonight are in disrepair because there is not intent to keep them as single family residential by their property owners.

Throughout the meeting while discussing this agenda item there were many derogatory outbursts from the audience and Ms. Daniels had to use the gavel to maintain order.

Mr. Tingey stated the public comment portion of the meeting is over and comments should not be continued and that the audience be respectful and allow deliberation time for the planning commission.

Mr. Taylor stated this area has been a tough area to address regarding zoning. He mentioned the possibility of delaying changing the zoning due to the highly controversial issue and study where is the right place to have the transition area, on the corner or is it okay to have it be where it currently exists. He stated it would be interesting to have that input from the neighborhood and from the city in general.

Mr. Woodbury made a motion that this item be tabled. Mr. Tingey stated that tabling this item is not an option because an application is in place and needs to move forward to a decision body. If the planning commission were the decision body, it could be tabled, but there needs to be a recommendation submitted to the city council. The planning commission could include comments to the city council about issues that they may want to consider in their public meeting, and the council will receive a copy of the minutes from this meeting.

Mr. Woodbury stated he would like residents to have the opportunity to discuss this issue further with the land owners.

Mr. Woodbury made a recommendation of denial to this application and forward that to the city council with a suggestion that there be further discussion and input from the citizens for a couple months. Mr. Markham seconded the motion. Mr. Woodbury clarified his motion that the recommendation be a negative recommendation with a suggestion that there be further discussion amongst the residents. Mr. Taylor commented that in his experience over the years, whether the planning commission makes a negative or positive recommendation, the city council ultimately makes the decision but takes into the consideration the input from the planning commission.

Ms. Daniels clarified that the motion from Mr. Woodbury is that the planning commission forward a recommendation of denial to the city council for the requested from R-1-8 to R-N-B zoning for the properties addressed 703, 709 & 753 East Winchester Street with the suggestion that there be further discussion with the land owners and the neighbors. The motion was seconded by made by Mr. Markham.

Mr. Tingey asked for clarification for the motion for the benefit of the city council in understanding the reasoning behind the motion.

Mr. Woodbury commented that he loves the passion of the citizens at this meeting and believes the issue deserves further discussion, he also feels the intersection issues should be further discussed and resolved, there is so much unknown, and the general plan for this area is residential neighborhood business but the general plan was updated 10 years ago. Once the zoning is changed, if it is an allowable use, there is nothing else that can be done at that point. He feels more discussion and research in this area is needed.

Mr. Markham stated he feels it is unfortunate that plans were presented tonight and were included in the staff presentation because the topic of discussion was not on the site itself, but on the zoning change. Presentation of the site plan clouds the entire decision process. He suggested that a site plan not be included in the future so that the focus will not on the site plan itself but on the zoning. He stated the recent zone changes on 900 East have been assets to that area. He stated the last proposal for R-N-B zoning on 900 East was initially denied and the applicant modified their request by having the back portion of the property be R-1-8 and the front portion that faced 900 East be R-N-B.

Mr. Taylor stated that looking strictly from a land use perspective; he likes the fact that there are residential areas that are out against the roadway boundaries verses the traditional commercial strip on both sides of the road. There is commercial to the east on the north side of Winchester Street, commercial to the west on the north side of Winchester and there is a little section of residential that is abutting Winchester Street verses a road that has residential on both sides of the road. He likes the mix of uses and the way it works in this area and that the transition happens where it does verses totally commercial along Winchester Street.

Mr. Harland stated he respectfully disagrees with the recommendation to deny this application. He stated in his opinion this is an appropriate zoning designation for this area although it is obviously going to have an impact on the neighborhood, but it is still unknown what will ultimately be developed. There are some good examples along 900 East that transition into a neighborhood very nicely, and in most recent applications the request for R-N-B & R-1-8 that was approved at 6358 South 900 East. He stated that the original application was going to include an arboretum at the western portion of the property and something similar for this application could help mitigate the impact to the adjacent residential properties. Mr. Harland stated he feels comfortable with the zoning changing to R-N-B.

Ms. Daniels commented that she has mixed feelings regarding this zone change request. She stated that having the site plan presented for this zoning request has not clouded the issue for her. She stated she appreciates the citizens voicing their opinion and it is their community, but the residential neighborhood business is a good zoning designation. She stated in her opinion it may be time to review this area once again with the upcoming update to the general plan. She stated there is a lot of commercial in this area and that 725 East Street is a difficult intersection for traffic in the area.

Mr. Tingey clarified that the process currently requires some type of site plan proposal and the site plan was not just inadvertently submitted by the applicant. He stated it is

Planning Commission Meeting

July 18, 2013

Page 16

a proposal and is not set in stone so consideration must be made on the merits of the zone change.

Call vote recorded by Tim Tingey.

A  Tim Taylor  
A  Scot Woodbury  
A  Phil Markham  
N  Jim Harland  
A  Karen Daniels

Motion passed, 4-1.

Ms. Daniels stated the recommendation to be forwarded to the city council is for denial of the request to change the zoning from R-1-8 to R-N-B zoning. The city council will have the final decision on this matter.

#### OTHER BUSINESS

Mr. Tingey stated there will be a boards and commission dinner forthcoming.

Meeting adjourned.

---

Chad Wilkinson, Manager  
Community & Economic Development

## **Agenda Item #15**

**TO: Murray City Planning Commission**

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

**DATE OF REPORT: July 12, 2013**

**DATE OF HEARING: July 18, 2013**

**PROJECT NAME: Roger Knight**

**PROJECT NUMBER: 13-00000120**

**PROJECT TYPE: Zoning Map Amendment**

**APPLICANT: Ned & Carolyn Walker**

**APPLICANT: Estate Of Edward Collett & Mildred Page Collett Living Trust**

**APPLICANT: Ralph & Elaine McDonald Trust**

**AUTHORIZED REPRESENTATIVES: Roger Knight and Steven Feder**

**PROPERTY ADDRESS: 703, 709 and 753 E. Winchester Street**

**SIDWELL #: 22-20-156-008, 041 & 042**

**ZONE: R-1-8**

**PROPOSED ZONING: R-N-B**

**PROPERTY SIZE: 1.372 acres**

**I. REQUEST:**

The applicants are requesting a Zoning Map Amendment from R-1-8 (Single Family Residential Low-Density) to R-N-B (Residential Neighborhood Business) for the properties addressed 703, 709, and 753 East Winchester Street.

**II. BACKGROUND AND ANALYSIS**

Site Location/Detail The properties are located on the northeast corner of the intersection of 725 East and Winchester Street. The properties are currently developed with Single Family homes.

## Surrounding Land Use & Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Single Family Residential	R-1-8
South	Office	G-O
East	Single Family and Office	R-1-8, R-N-B
West	Single Family Residential	R-1-8

## Allowed Land Uses

**Existing:** 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 churches, schools, public parks, and libraries. The existing R-1-8 zone allows low density single family residential on minimum 8,000 sq. ft. lots.

**Proposed:** A variety of permitted uses are allowed in the R-N-B zone such as single family and two family dwellings, office uses, florists, and photography studio. Other uses allowed by Conditional Use Permit include bed and breakfast home-stay, delicatessen & lunch facilities, gift shop, books art & hobby supplies, banking services, churches and schools. The purpose of the residential neighborhood business zone is to provide a variety of mixed use, low scale, low intensity residential, commercial, office and business uses as an appropriate transition between high traffic arterial streets to adjacent residential neighborhoods.

### **III. PUBLIC INPUT**

A public notice was sent to adjacent properties on July 5, 2013. As of the date of this report several phone calls have been received voicing opposition to the proposal.

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

The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan identifies this location as an area that is appropriate for a transition from single family residential development to residential neighborhood business.

## **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 proposed change is consistent with the General Plan which calls for the transition of properties along this section of Winchester Street from Single Family Residential to R-N-B.

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

The uses allowed in the R-N-B zone are lower intensity commercial and residential uses. In addition, the development standards of the R-N-B zone limit the height of structures to 30 feet, which is lower than heights allowed by the R-1-8 zoning standards. Other standards provide additional buffering to adjacent residential properties.

- 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 area is served by urban levels of public services and facilities.

## **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 property is planned for transition to R-N-B in the General Plan.**
- iv. The uses allowed in the R-N-B zoning district include residential use and lower intensity commercial use in order to provide a transition between arterial streets and residential neighborhoods.**
- v. The R-N-B zoning standards include development restrictions and design standards aimed toward providing buffering and mitigation of impacts to adjacent residential properties.**

## VII. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment from R-1-8 to R-N-B.

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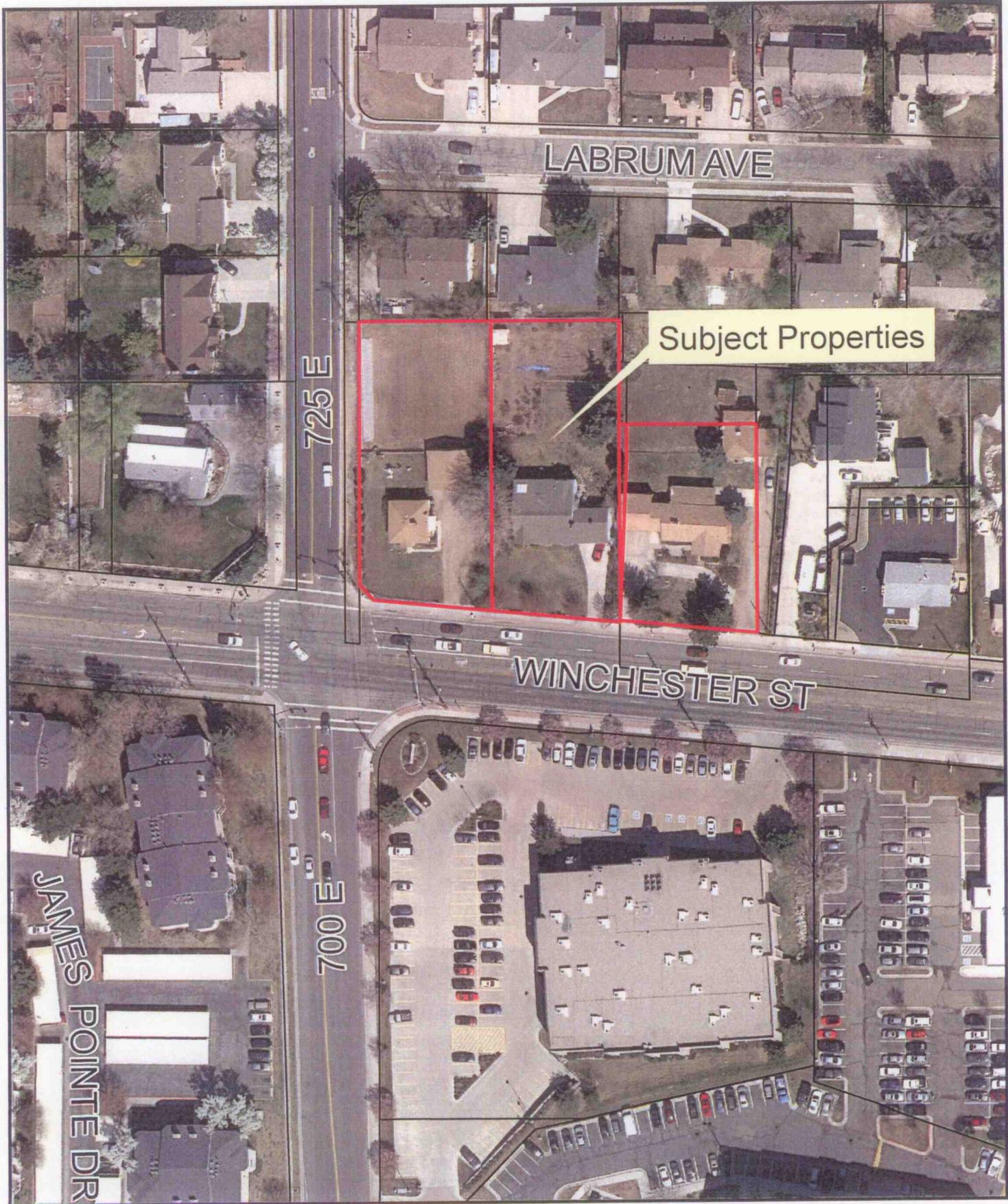
# Site Information



703, 709, 753 East Winchester St.



**MURRAY**  
ADMINISTRATIVE &  
DEVELOPMENT SERVICES





July 5, 2013

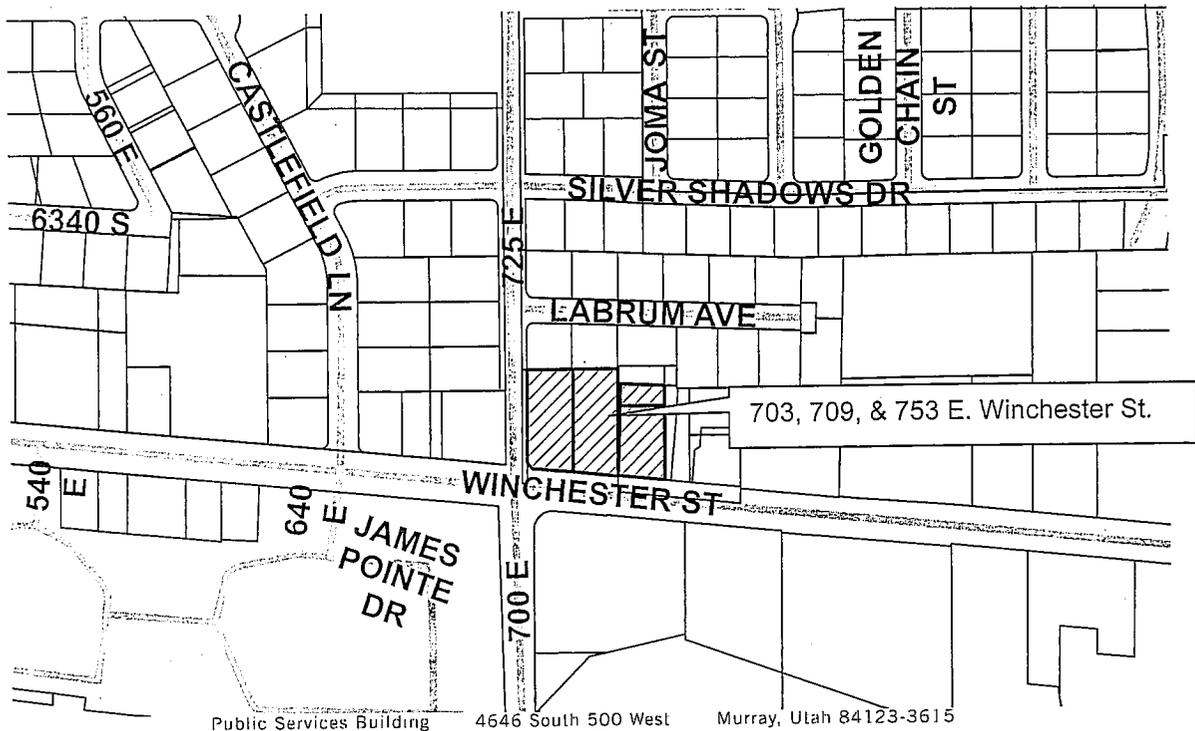
### NOTICE OF PUBLIC HEARING

This notice is to inform you of a Planning Commission Hearing scheduled for Thursday, July 18, 2013 at 6:30 p.m., in the Murray City Municipal Council Chambers, 5025 South State Street.

Representatives of Ned & Carolyn Walker, the estate of Edward Collett and the Mildred Page Collett Living Trust, and the Ralph & Elaine McDonald Trust are requesting a Zone Map Amendment from R-1-8 to R-N-B for the properties addressed 703, 709 and 753 East Winchester Street. 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 Chad Wilkinson with the Murray City planning dept., at 270-2420, or e-mail to [cwilkinson@murray.utah.gov](mailto:cwilkinson@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.



# **Application Materials**

# ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

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

Subject Property Address: 753 East Winchester Street

Parcel Identification (Sidwell) Number: 22-20-156-042

Parcel Area: 0.492 Acre Current Use: Residential Single Family  
(621,434 Sq. Ft.)

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

Applicant Name: Ralph C. McDonald and Elaine L. McDonald, Trustees  
of Ralph C. McDonald Trust

Mailing Address: 6300 S-725 E.

City, State, ZIP: MURRAY, Utah 84107

Daytime Phone #: 801-266-5175 Fax #: \_\_\_\_\_

Email address: \_\_\_\_\_

Business Name (If applicable): —

Property Owner's Name (If different): Richard R. McDonald

*Copies of Notices shall be sent to Owner as well as:*

Property Owner's Mailing Address: 6300 S-725 E.

*Steven B. Feder*

City, State, Zip: MURRAY, Utah 84107

*6975 South Union Park Suite 600*

Daytime Phone #: 801-266-5175 Fax #: —

*Cottonwood Heights, Utah 84047*

*Phone: 801-990-1444 FAX: 801-990-0499*

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

*EMAIL: SFeder@pru-utah.co*

It is desired that this subject property, along with the adjoining properties with addresses of 703 East and 709 East Winchester Street be developed as commercial and professional office use.

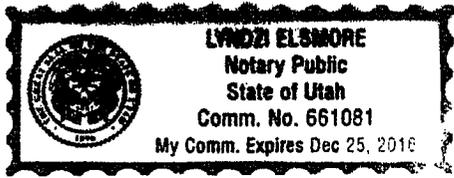
Authorized Signature: Richard R. McDonald Date: 29 May 2013

Property Owners Affidavit

I (we) Richard R. McDonald, 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.

Richard R. McDonald  
Owner's Signature  
\_\_\_\_\_  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 31 day of MAY, 20 13.



[Signature]  
Notary Public  
Residing in Murray, VT  
My commission expires: 12/25/2016

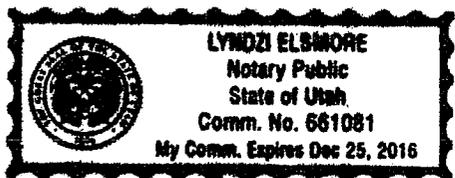
Agent Authorization

I (we), Richard R. McDonald, the owner(s) of the real property located at 753 E. Winchester Street, in Murray City, Utah, do hereby appoint Roger Knight and Steven B. Feder, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Roger Knight and Steven B. Feder to appear on my (our) behalf before any City board or commission considering this application.

Richard R. McDonald  
Owner's Signature  
\_\_\_\_\_  
Owner's Signature (co-owner if any)

On the 31 day of MAY, 20 13, personally appeared before me Richard R. McDonald the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.



he [Signature]  
Notary Public  
Residing in Murray, VT  
My commission expires: 12/25/2016

# ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

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

Subject Property Address: 703 East Winchester Street

Parcel Identification (Sidwell) Number: 22-20-156-008

Parcel Area: 0.434 Acre Current Use: R-1-8 Residential Single Family House  
(18,903 Sq. Ft.)

Existing Zone: R-1-8 Proposed Zone: R-N-B

Applicant Name: Ned L. Walker and Carolyn Walker

Mailing Address: 1601 Shenandoah Cr.

City, State, ZIP: Taylorville, UT 84123

Daytime Phone #: (801) 232-3125 Fax #: \_\_\_\_\_

Email address: \_\_\_\_\_

Business Name (If applicable): AND to: Copies of Notices should be sent to Owner above stated,

Property Owner's Name (If different): Steven B. Feder

Property Owner's Mailing Address: 6975 South Union Park  
Suite 600  
Cottonwood Heights, Utah 84047

City, State, Zip: \_\_\_\_\_

Daytime Phone #: 801-990-1444 Fax #: 801-990-0499

Describe your reasons for a zone change (use additional page if necessary):  
EMAIL: sfeder@pru-utah.com

It is desired that this subject property, along with the adjoining properties with addresses of 709 East and 753 East Winchester Street be developed as commercial and professional office use.

Authorized Signature: Ned L. Walker Date: 5/30/2013  
Carolyn Walker

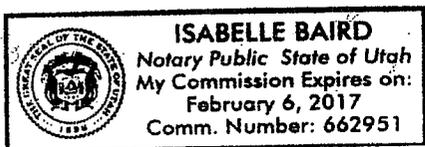
Property Owners Affidavit

I (we) Ned L. Walker and Carolyn Walker 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.

Ned L. Walker  
Owner's Signature

Carolyn Walker  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 30 day of May, 20 13.



Isabelle Baird  
Notary Public  
Residing in Taylorsville  
My commission expires: Feb 6, 2017

Agent Authorization

I (we), Ned L. and Carolyn Walker the owner(s) of the real property located at 703 E. Winchester St., in Murray City, Utah, do hereby appoint

Roger Knight and Steven B. Feder, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

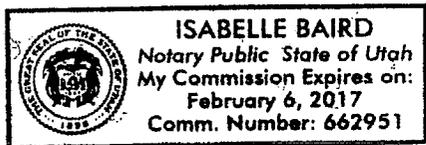
Roger Knight and Steven B. Feder to appear on my (our) behalf before any City board or commission considering this application.

Ned L. Walker  
Owner's Signature

Carolyn Walker  
Owner's Signature (co-owner if any)

On the 30 day of May, 20 13, personally appeared before me

Ned L. Walker & Carolyn Walker the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.



Isabelle Baird  
Notary Public  
Residing in Taylorsville  
My commission expires: Feb 6, 2017

# ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

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

Subject Property Address: 709 East Winchester Street

Parcel Identification (Sidwell) Number: 22-20-156-041

Parcel Area: 0.446 Acre Current Use: Residential Single Family House  
(19,416 sq. ft.)

Existing Zone: R-10 Proposed Zone: R-N-B

Applicant Name: Estate of Edward Collett and The Mildred Page Collett Living Trust

Mailing Address: 10259 South 2460 East.

City, State, ZIP: Sandy UT ~~84107~~ 84092

Daytime Phone #: 801-572-0272 Fax #: 801-572-0906

Email address: \_\_\_\_\_  
*Copies of Notices should be sent to Owner above stated*

Business Name (If applicable): AND to: Stevens Feder

Property Owner's Name (If different): \_\_\_\_\_

Property Owner's Mailing Address: 6975 South Union Park

City, State, Zip: Suite 600  
Cottonwood Heights, Utah 84047

Daytime Phone #: 801-990-1444 Fax #: 801-990-0499

Describe your reasons for a zone change (use additional page if necessary):  
EMAIL: Sfeder@pru-utah.com

It is desired that this subject property, along with the adjoining properties with addresses of 703 East and 753 East Winchester Street be developed as commercial and professional office use.

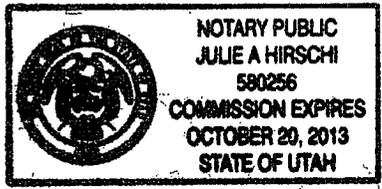
Authorized Signature: Glenn Collett Date: 6/10/13

Property Owners Affidavit

I (we) Glenn Collett, 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.

Glenn Collett  
Owner's Signature  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 11th day of June, 2013.



Julie A. Hirschi  
Notary Public  
Residing in Salt Lake Co.  
My commission expires: 10-20-2013

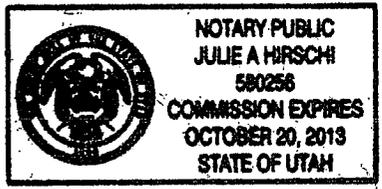
Agent Authorization

I (we), Glenn Collett, the owner(s) of the real property located at 709 E. Winchester Street, in Murray City, Utah, do hereby appoint Roger Knight and Steven B. Feder, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Roger Knight and Steven B. Feder to appear on my (our) behalf before any City board or commission considering this application.

Glenn Collett  
Owner's Signature  
Owner's Signature (co-owner if any)

On the 11th day of June, 20 13, personally appeared before me Glenn Collett the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.



Julie A. Hirschi  
Notary Public  
Residing in Salt Lake Co.  
My commission expires: 10-20-2013

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 725 EAST STREET, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 12 OF THE "AS MONUMENTED" SOUTHDALE SUBDIVISION AMENDED, RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER IN BOOK 76 OF PLATS AT PAGE 64, SAID POINT ALSO BEING NORTH 00°12'02" WEST ALONG THE SECTION LINE 475.06 FEET AND NORTH 89°47'58" EAST 44.48 FEET FROM A FOUND BRASS CAP MONUMENT MARKING THE WEST QUARTER CORNER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION 181.83 FEET; THENCE SOUTH 29.84 FEET TO A POINT ON THE EXTENSION OF A CHAIN LINK FENCE LINE; THENCE SOUTH 87°50'51" EAST ALONG SAID FENCE LINE AND LINE EXTENDED 120.63 FEET TO A POINT ON A WESTERLY LINE OF SAID SUBDIVISION; THENCE SOUTH ALONG SAID WESTERLY LINE 4.97 FEET; THENCE WEST 0.54 FEET TO A POINT ON A WOOD FENCE LINE; THENCE SOUTHERLY ALONG SAID FENCE LINE THE FOLLOWING FOUR COURSES: 1) SOUTH 03°56'31" WEST 71.52 FEET, 2) SOUTH 04°28'43" WEST 51.51 FEET, 3) SOUTH 04°32'23" WEST 38.66 FEET, 4) SOUTH 04°48'46" WEST 27.97 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WINCHESTER STREET; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: 1) NORTH 84°28'25" WEST 278.89 FEET, 2) NORTH 42°18'01" WEST 14.70 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE; THENCE NORTH ALONG SAID EASTERLY RIGHT OF WAY LINE 190.73 FEET TO THE POINT OF BEGINNING.

CONTAINS 59,758 SQ. FT. OR 1.372 ACRES

**This legal description includes the existing parcels:**

703 E WINCHESTER ST	22-20-156-008
709 E WINCHESTER ST	22-20-156-041
753 E WINCHESTER ST	22-20-156-042



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

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 A NEWSPAPER AGENCY COMPANY  
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**Deseret News**  
 www.deseretnews.com

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER,  5025 S STATE, ROOM 113  MURRAY, UT 84107	9001341938	7/8/2013

**FILE COPY**

*Fedor/Knight  
rezone*

ACCOUNT NAME			
MURRAY CITY RECORDER,			
TELEPHONE	ADORDER# / INVOICE NUMBER		
8012642660	0000890956 /		
SCHEDULE			
Start 07/07/2013		End 07/07/2013	
CUST. REF. NO.			
Roger Knight rezonег			
CAPTION			
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEI			
SIZE			
31	Lines	1.00	COLUMN
TIMES	RATE		
4			
MISC. CHARGES	AD. CHARGES		
TOTAL COST			
57.08			

**MURRAY CITY CORPORATION  
 NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 18th day of July, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to Zone Map Amendment from R-1-B (Residential Single Family Low Density) to R-N-B (Residential Neighborhood Business) for the properties located at: 703, 709 & 753 East Winchester Street; in Murray City, Salt Lake County, State of Utah.

MURRAY CITY CORPORATION  
 Chad Wilkinson, Manager  
 Community & Economic Development  
 890956 UPAxLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 18th day of July, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to Zone Map Amendment from R-1-B (Residential Single Family Low Density) to R-N-B (Residential Neighborhood Business) for the properties located at: 703, 709 & 753 East Winchester Street; in Murray City, Salt Lake County, State of Utah.** WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON Start 07/07/2013 End 07/07/2013

SIGNATURE




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

DATE 7/8/2013

*Virginia Craft*

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

TO: Murray City Planning Commission  
Murray City Board of Adjustments

FROM: Verl B. Greenhalgh; 771 East Labrum Ave; Murray, Utah; 84107

DATE: July 19, 2013

SUBJECT: Proposed Use of Property on Winchester Blvd & 725 East

---

I have concerns for the proposed commercial development for the land on the South side of Winchester Blvd, and East of 725 East. I was not notified by Murray City Planning Department of the meeting that was held on July 18<sup>th</sup>, 2013. I was under the impression that all within a 300' radius would be notified of "Conditional Use" reviews. I reside at 771 East Labrum. If my residence does not fall within the distance, the impact of this proposed development would have dire consequences on my residence. Here are my concerns:

### **Storm Water Detention and Retention:**

Any discharge of Water into the existing storm drainage system will impact my residence and the Dennis and Gail Ritz residence at 763 E. Labrum Ave. If the discharge is onto the Winchester Blvd system, the flow is to the East to the main drainage box. From that point, the storm drainage system flows north along the West R.C. Willey property line and my East property line. From there it travels West along my North Property line to a midpoint and then continues North to Silver Shadow and then West on Silver Shadow. At the middle of the R.C. Willey west parking lot, there is another storm drain box the connects to the Labrum Ave drainage system.

Presently; there are no orifices controlling the flow rate from the Winchester Blvd drain inlet boxes. Any additional discharge onto Winchester will add to the demand on the Murray City Storm Drainage system this is presently under sized.

If any discharge of Storm Water flows onto 725 East, the flow is to the North and then to the East on Labrum Ave to the Drainage Boxes at the end of Labrum Ave. The Storm Water System then connects to the same system that flows along the property line shared by R.C. Willey and my residence. My residence is at the low end of the Murray City Storm Water system.

I acknowledge that Storm Water flow is calculated for 100 year storms. Un-fortunately for me and the Ritz residences, we have had four 100 year storms in the last ten years. When that happens and even when there is a 50 year storm, we get flooded. The Murray City Storm Water system backs up and creates Lake Labrum at the end of our street. From top-back of curb to the front of my garage is 12". The lake does not need to get very deep before it floods my basement as it did on Tuesday the 16<sup>th</sup> of July this year...this week. On four occasions, Lake Labrum gets deep enough to back up Labrum Ave and then flows into the down grade driveway of the Ritz residence, who's basement acts as a overflow catch basin for the Murray City Storm Water System.

## **Height Restrictions:**

With over 60 parking stalls, and a ratio of 1 stall per 250 sq ft of building, there would be parking to support a 15,000 sq foot structure. That means they would have to have a multiple level building. At 15,000 square feet divided over two levels, that is a 7,500 sq ft footprint. Figure a commercial standard of 12' per floor from plate to plate, for two floors, that will be 24' from main floor to top floor plate. That will only give 8' of pitch before the building will exceed the 30' height restriction. That is calculated from floor grade and not mid-property grade, which I think is how the Murray City Building Department calculates height requirements. Bare with me for a moment. All the residences that are within 300' of this property have a minimum of a 4 in 12 pitch roof. Using that as the standard, the proposed structure will have to be less than 24' front to back if a single pitch roof is used and 48' front to back if a double pitch roof is used.

Since this property is zoned as a transitional use, it would seem that the style would need to "transition" to the residences surrounding the proposed use. There are no single pitch roofs surrounding this property. A building that has a 7,500 sq ft footprint will need to be longer than 300' to stay under 30' high. The proposed footprint does not show a building that is 300' wide. It doesn't show a building 150' wide. Does this mean that the building will be a flat roof building? If so, a "Box building does not seem to transition well into our neighborhood.

## **Traffic Flow onto 725 East:**

I note the proposed use has a traffic egress onto 725 East street. There are already many (more than 10 per year) traffic accidents at the intersection of 725 East and Winchester Blvd. Exiting traffic going South on 725 East will create a greater hazard than presently exists. 725 East street has a 10' offset from the north side of Winchester to the south side of Winchester. This has been a contributing factor to the traffic accidents. I fear that there will be added traffic going north on 725 East because of the danger trying to cross traffic going south to the Winchester intersection. This increase traffic flow will be onto a residential arterial street.

Labrum Ave is not a through street. Even with a sign stating such, many cars per day come down to the end of Labrum Ave and have to make a three-point turn to change directions and go back up the street. Mailboxes have been hit and replaced. We have many small children and a special needs young man presently living on Labrum Ave. I fear that any increase in traffic onto 725 East street will impact the traffic onto Labrum Ave. This will pose a danger to the residence of Labrum Ave.

I strongly suggest that Murray City Planning Commission and the Board of Adjustments does not grant any conditional use permit to this type of commercial development. I am not opposed to commercial development. But I am opposed to this proposed development for the reasons expressed above.

Thank you for your consideration.

Susan Dewey

FILE COPY

**From:** cherylferrin@aol.com  
**Sent:** Tuesday, July 23, 2013 2:51 PM  
**To:** Susan Dewey; mark.ferrin@ldschurch.org; cherylferrin@aol.com; bretthales@murray.utah.gov  
**Subject:** Rezone of Winchester property

**To:** Jim Harland  
**From:** Cheryl Ferrin, representing Dick McDonald, Ned Walker

Jim, we would like to thank you for opposing the decision that the committee made on rezoning the three lots on East Winchester Street last week. Through many difficult situations we were not able to attend and regret that very important information was not brought forth.

There are various issues that people who don't live in these houses don't understand. I would like to give you just three.

1-TRAFFIC It was brought up that traffic is bad and we would agree, however, none of these people have tried to back out and pull into these driveways. The Walker property is impossible because the driveway is at the light. The Collett property is difficult because people are trying to beat the light and are not going to slow down to let you turn in. The McDonald property is more accessible because they are three lots away from the light and have a U drive. I would challenge anyone to try to make a left turn to go into these properties as you have to sit right in the middle of the opposing traffic left turn lane and suffer honking and hand gestures as you wait for traffic to pass to make the turn. My mother was pulled over by a Murray City Policeman for turning into her driveway. When he finally understood how difficult it was to make that dangerous maneuver he said that he was sorry but had to give her a ticket as he had already written it and so he charged her with SPEEDING. It was the only ticket she ever received in 60 years of driving.

2-THE NEIGHBORHOOD We agree that it is a wonderful neighborhood. Those of us who grew up there and played in the area remember it with great fondness and still consider it our "homestead". As all the new people moved in on our sleigh riding hills and backyard ball diamonds they were welcomed with open arms. For those who do not have to deal with the road etc, it still seems the same old place. They do not have to constantly sweep their gutters and collect all the cigarette butts and fast food containers that people dump out of their cars as they wait for the light. They didn't have their 60 year old trees chopped out so that the road could be widened. They don't have to tell their guests to park across the street in a parking lot because that is the only safe place to park.

3-HOUSES It is ludicrous to think that someone would like to move into a house with the above problems and then go to great expense to try and update a 70 year old house. These homes were delightful years ago but at this time are not even grounded. The houses were kept up very nicely while their original owners were living. A great effort has been expended to keep them up but as all three houses are rented it has become a huge issue. Anyone who has enough money to buy a nice up-to-date house is not going to sink it into these homes on this busy street.

There are others issues and I have made an appointment with Tim Tingey for 8 AM Monday morning. I would hope that I could also talk to others who will make the decision on our properties. I would appreciate a phone call as well. Thank you kindly for reading this.

## Chad Wilkinson

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**From:** JANELL MCCASLIN <micknell@yahoo.com>  
**Sent:** Thursday, July 18, 2013 11:02 AM  
**To:** Chad Wilkinson  
**Subject:** zoning changes 703, 709 and 753 Winchester

We live on Labrum Ave and are unable to attend the meeting tonight, but are concerned about the zoning change. We are opposed to any business that would noticeably increase traffic or be open after 5:00 pm. The intersection of 725 E and Winchester is already dangerous, since 725 E is offset. Visibility for left hand turns is unacceptable now. Added traffic would worsen the problems at that intersection. We love our neighborhood and would hate to see something built at that corner which would detract from the neighborhood.

The zoning notice is so vague as to be nearly useless. Details about what is being proposed would better serve your customers. People get nervous when changes are proposed with no information offered.

Sincerely,  
Mick and Janell McCaslin  
764 Labrum Ave

## Chad Wilkinson

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**From:** Richard Seiger <rseiger@hotmail.com>  
**Sent:** Wednesday, July 24, 2013 1:26 PM  
**To:** Chad Wilkinson  
**Subject:** 753 E Winchester re-zoning

Chad,

I was unable to attend the public hearing regarding the proposed zone map amendment for 703, 709, & 753 E. Winchester St. to R-N-B. I live on Labrum Ave and am very concerned about this proposal. I understand that the zoning commission denied the proposed change, but the city council still has the final say for approval. Can you please email me the specifications for R-N-B zoning? What building restrictions must builders adhere to? Can you please also email the plans for the proposed building at that location? I have been told they have proposed a multi-story office building with 90 or so parking spots. Thank you and I look forward to looking at the documents.

Sincerely,  
Richard Seiger

Roger Knight  
703, 709 & 753 E Winchester rezoned  
P/C 7/18/13  
Plus Affected Entities

BENSON, JANEIL  
PO BOX 57278  
MURRAY UT 84157

BLAKE, STEVE C  
757 E WINCHESTER ST  
MURRAY UT 84107

BLAKE, STEVE C  
757 E WINCHESTER ST  
MURRAY UT 84107

BLAKE, STEVE C  
757 E WINCHESTER ST  
MURRAY UT 84107

BRINGHURST, LINDA  
742 E SILVER SHADOWS DR  
MURRAY UT 84107

BURBIDGE, LYNN M & MAUREEN W  
738 E SILVER SHADOWS DR  
MURRAY UT 84107

BURN, MATTHEW J  
732 E SILVER SHADOWS DR  
MURRAY UT 84107

CARTER, JAMES E &  
735 E LABRUM AVE  
MURRAY UT 84107

CAYIAS, CYNDIA T  
730 E LABRUM AVE  
MURRAY UT 84107

CHILD, JEFFREY B &  
6459 S CASTLEFIELD LN  
MURRAY UT 84107

COLLETT, MILDRED P; TR ET AL  
PO BOX 150  
EDEN UT 84310

COLLETT, MILDRED P; TR ET AL  
PO BOX 150  
EDEN UT 84310

FISHER, COLLEEN C; TR (FFPT)  
740 E LABRUM AVE  
MURRAY UT 84107

COLLETTE, R JEFF &  
678 E SILVER SHADOWS DR  
MURRAY UT 84107

COWAN, JOHN B &  
728 E SILVER SHADOWS DR  
MURRAY UT 84107

FISHER, MICHAEL M  
740 E LABRUM AVE  
MURRAY UT 84107

FISHER, COLLEEN C; TR (FFPT)  
740 E LABRUM AVE  
MURRAY UT 84107

FISHER, MICHAEL M  
740 E LABRUM AVE  
MURRAY UT 84107

HOWES, JOEL & MARY L (JT)  
6479 S CASTLEFIELD LN  
MURRAY UT 84107

HANSEN, DAVIS W &  
736 E LABRUM AVE  
MURRAY UT 84107

HORNE, JEFFERY K &  
752 E SILVER SHADOWS DR  
MURRAY UT 84107

KRASOVSKIY, SERGEY &  
739 E LABRUM AVE  
MURRAY UT 84107

JENSEN, BRENT I &  
6469 S CASTLEFIELD LN  
MURRAY UT 84107

JUVAN, CHARLOTTE E  
729 E LABRUM AVE  
MURRAY UT 84107

MCCASLIN, MICKI L &  
764 E LABRUM AVE  
MURRAY UT 84107

LEDINGHAM, RANAE F &  
PO BOX 572532  
SALT LAKE CITY UT 84157

MCDONALD, RALPH &  
753 E WINCHESTER ST  
MURRAY UT 84107

RITZ, DENNIS G & GAIL M  
763 E LABRUM AVE  
MURRAY UT 84107

MOORE, SUZANNE; TR (MLWT)  
747 E LABRUM AVE  
MURRAY UT 84107

RICHARDSON, TIMOTHY J &  
772 E LABRUM AVE  
MURRAY UT 84107

SMITH, DALE E  
692 E SILVER SHADOWS DR  
MURRAY UT 84107

SEIGER, RICHARD &  
753 E LABRUM AVE  
MURRAY UT 84107

SIMMONS, PAUL M &  
6468 S 725 E  
MURRAY UT 84107

STEED, TERRY D &  
754 E LABRUM AVE  
MURRAY UT 84107

SQUIRES, PATRICIA A; TR  
687 E WINCHESTER ST  
MURRAY UT 84107

UDAY, RICHARD G &  
6489 S CASTLEFIELD LN  
MURRAY UT 84107

UDAY, RICHARD G &  
6489 S CASTLEFIELD LN  
MURRAY UT 84107

SUTHERLAND, RICHARD K &  
748 E LABRUM AVE  
MURRAY UT 84107

WRIGHT, R PAUL &  
6458 S 725 E  
MURRAY UT 84107

AFP/SALT LAKE CITY LLC  
2007 BRADHOFF AVE  
SAN LEANDRO CA 94577

WALKER, NED L &  
1601 W SHENANDOAH CIR  
TAYLORSVILLE UT 84123

MAKE-A-WISH-FOUNDATION OF  
771 E WINCHESTER ST  
MURRAY UT 84107

TIO MILESTONE JAMES POINTE  
2235 FARADAY AVE STE O  
CARLSBAD CA 92008

BEAR RIVER MUTUAL INSURANCE  
PO BOX 571310  
MURRAY UT 84157

W HILL-WINCHESTER  
2235 FARADAY AVE SUITE O  
CARLSBAD CA 92008

**P/C AGENDA MAILINGS**

"AFFECTED ENTITIES"

Updated 03/1/13

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

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

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

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

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

MURRAY SCHOOL DIST  
ATTN: 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: BRAD HASTY  
P O BOX 45360  
SLC UT 84145-0360

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

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

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY 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: JARED PANTIER  
2175 S REDWOOD RD  
WEST VALLEY UT 84119

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

**GENERAL PLAN MAILINGS:**

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

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

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Plc  
7-18-13

management

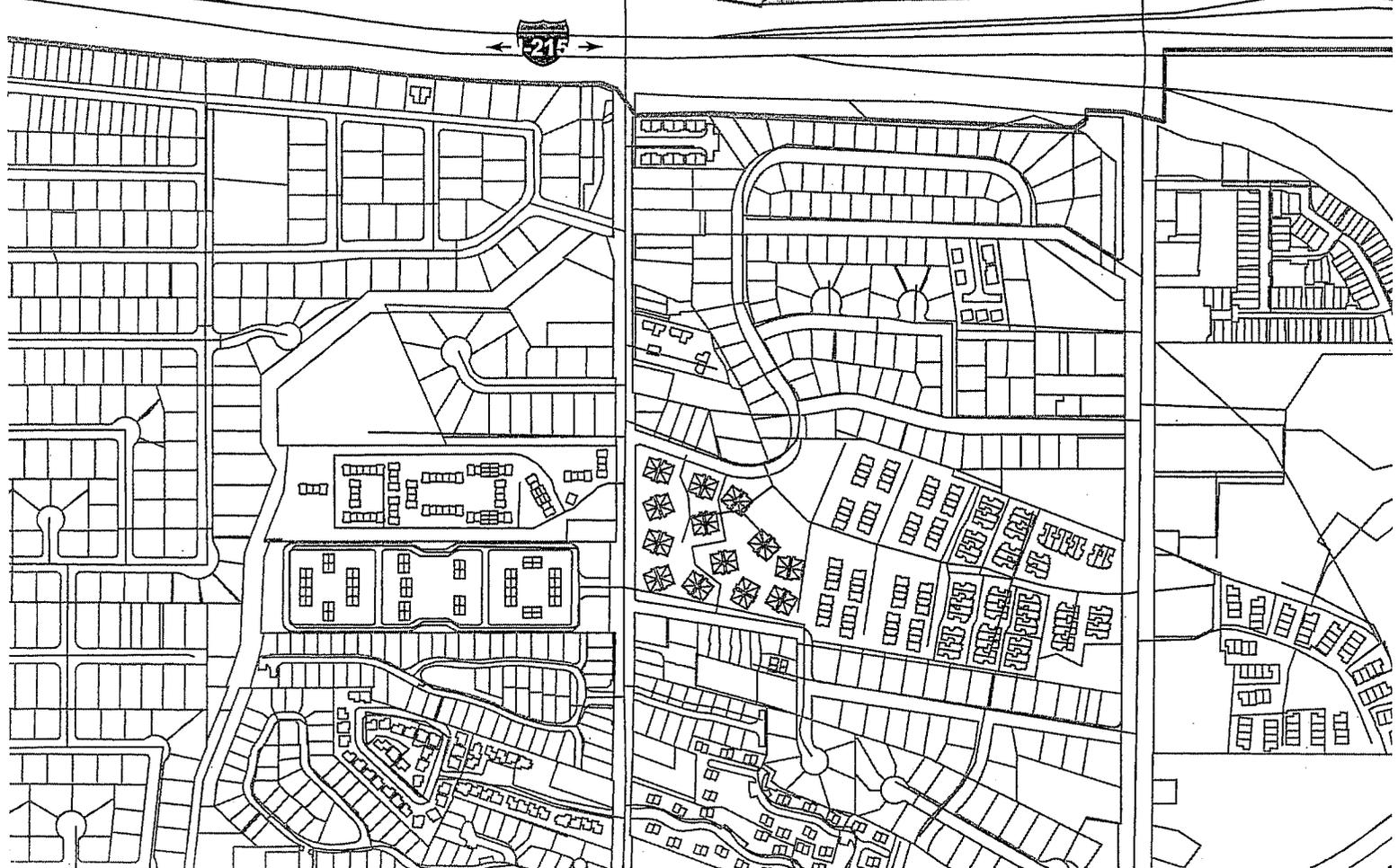
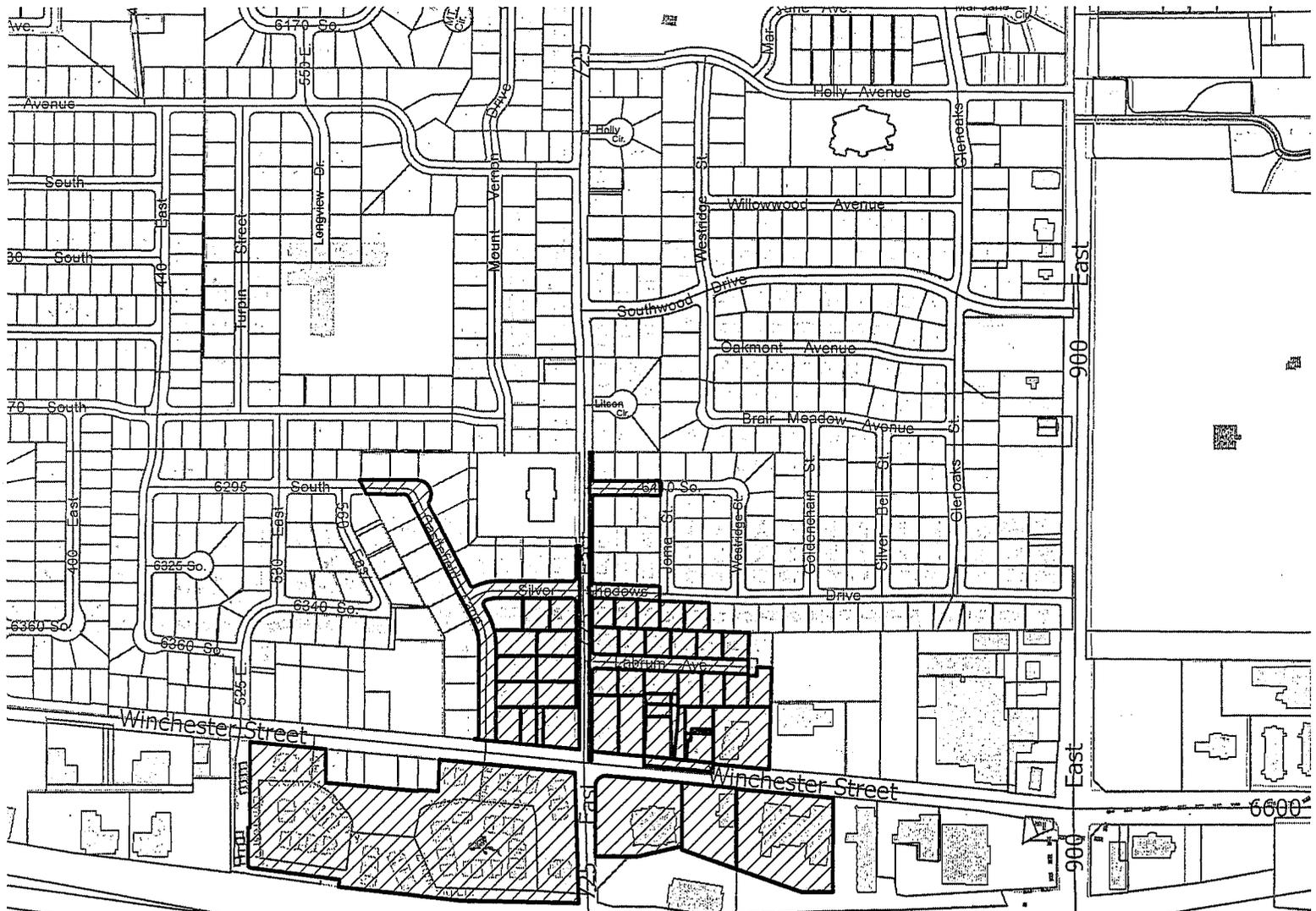
STEVEN FEDER  
6975 S UNION PARK #600  
COTTONWOOD HEIGHTS  
UT 84047

**\*\*ADDITIONAL NAMES \*\***

Richard & Elaine McDonald  
6300 S 725 E  
Murray UT 84107

Ned & Carolyn Walker  
1601 Shenandoah Cir  
Taylorsville UT 84123

Edward & Mildred Collett Trust  
10259 S 2460 E  
Sandy UT 84092



**Mayor's  
Report  
and Questions**

**Adjournment**