

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 1st day of July, 2014 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Brett Hales,	Council Chair – Conducted
Jim Brass,	Council Member – Excused
Blair Camp,	Council Member
Diane Turner,	Council Member
Dave Nicponski,	Council Member

Others who attended:

Ted Eyre,	Mayor
Jan Wells,	Chief Administrative Officer
Brent Davidson,	Deputy City Recorder
Frank Nakamura,	City Attorney
Janet Lopez,	Council Administrator
Janet Towers,	Executive Assistant to the Mayor
Craig Burnett,	Police Chief
Gil Rodriguez,	Fire Chief
Tim Tingey,	Administrative and Development Services Director
Citizens	

5. Opening Ceremonies

5.1 Pledge of Allegiance – Mayor Ted Eyre

5.2 Approval of Minutes

5.2.1 June 3, 2014

Mr. Camp made a motion to approve the minutes
Ms. Turner seconded the motion

Voice vote taken, all “ayes.”

5.3 Special Recognition

5.3.1 None Scheduled.

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

No citizen comments given.

7. Consent Agenda

7.1 None scheduled.

8. Public Hearings

8.1 Public Hearing #1

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

Consider an Ordinance amending Sections 17.160.030 of the Murray City Municipal Code relating to conditional uses in the Commercial Development Mixed Use District (C-D-C). (Applicant: Get Air Salt Lake)

Staff Presentation: Tim Tingey, Administrative and Development Services Director.

Mr. Tingey said this item was considered at a Public Hearing at the Planning Commission meeting on June 19, 2014. They forwarded a recommendation of approval on this item.

Mr. Tingey said the applicant is proposing to have a trampoline pit, or facility, in an area that is C-D-C zoned. The City’s current Ordinance does

not allow for this and so the applicant has requested this text amendment.

Mr. Tingey said staff has evaluated the proposal and included in the line item or category are amusements and the City allows for a number of amusements in the C-D-C zoning but not Land Use Code 7399 which includes trampoline pits. The proposed ordinance that the Council has would allow for trampoline pits to be in a C-D-C zone. It does not include all the other amusements in the 7399 line item but staff feels it is very appropriate for this area and they are recommending approval along with the Planning Commission's recommendation.

Mr. Hales invited James Nichols, the project manager for Get Air Trampoline Parks to speak.

Mr. Nichols asked the Council if they had any questions for him. The Council had no questions.

Public Hearing Open for Public Comment

Beverly Crangle – 1628 East Vine Street, Murray, Utah

Ms. Crangle asked if the City would incur any liability for allowing something like this.

Mr. Tingey replied no. The City does not incur liability. This is a land use that would be allowed in this area. We allow them in other areas and it would be a use that is permitted, but no liability.

Public comment closed

8.1.2 Council consideration of the above matter.

Mr. Nicponski made a motion to adopt the Ordinance
Ms. Turner seconded the motion

Call vote recorded by Brent Davidson

 A Mr. Nicponski
 A Mr. Camp
 A Ms. Turner
 A Mr. Hales

Motion passed 4-0

9. Unfinished Business

9.1 None scheduled.

10. New Business

- 10.1 IHC HEALTH SERVICES, INC. TEFRA RESOLUTION: Consider for adoption a resolution approving, for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, the issuance by Utah County, Utah (the “Issuer”) of its hospital revenue bonds in one or more series and in an aggregate principal amount not to exceed \$35,000,000 (the “Bonds”) with respect to certain health care facilities of IHC Health Services, Inc. located in Murray City, Utah, for the purpose of financing, refinancing or providing reimbursement for the acquisition, improvement and equipping of such health care facilities. Murray City conducted a public hearing with respect to the proposed issuance of the Bonds by the Issuer on June 18, 2014.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated on June 18, 2014 there was a Public Hearing pursuant to notice to do two things. One is to enter into an Interlocal Agreement with Utah County who is going to be the issuer of the bonds that pass through Utah County for Intermountain Health Care with Utah County and other entities. That Resolution was passed and the Interlocal Agreement has already been executed.

Mr. Nakamura said the second part was to receive public comment regarding the issuance of the bonds. The reason why Murray City is having public comment is because \$35,000,000 of the over \$200,000,000 that they are getting through bonds will be used here in Murray at the Tosh facilities.

Mr. Nakamura said the Public Hearing was held and there actually was no public comment to the issue. The City is now passing a Resolution to approve the issuance of the bonds of which \$35,000,000 will be spent here in Murray City and also to confirm that we did in fact have the Public Hearing on June 18, 2014 and did not get any public comment. This is required by the TEFRA laws (Tax, Equity, Finance and Responsibility Act) and that is the purpose of the Resolution.

Ms. Turner made a motion to approve the Resolution

Mr. Camp seconded the motion

Call vote recorded by Brent Davidson

 A Mr. Nicponski
 A Mr. Camp
 A Ms. Turner
 A Mr. Hales

Motion passed 4-0

- 10.2 Consider an Ordinance imposing a temporary ban on the discharge of fireworks

and other ignition sources in specified fire risk areas.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said at this time last year, the City passed an Ordinance banning fireworks and other ignition sources in specified areas of the City. The Ordinance remained in effect until this Council was advised otherwise to lift the ban but that did not happen.

However, staff felt and in talking to Mr. Camp and based on his experience with the fire service, it was indicated to Mr. Nakamura that the Legislature had passed their laws that say the legislative body of a city should be involved in imposing this ban. Because of the sanctions that are involved, Mr. Nakamura said he thought we would do two things. One would be for the Mayor to pass an Executive Order issuing the ban in those areas of the City that the Fire Marshal has talked about and also to make sure there is no confusion about the ban should we have to do some enforcement.

Mr. Nakamura said that is why this is being brought back before the Council, as the legislative body, to pass another Ordinance confirming the ban and the locations. There will be sanctions tied should someone violate the Ordinance. Mr. Nakamura said the Fire Marshal will tell the Council those areas that are at risk and why they are at risk.

Phil Roberts, Fire Marshal, said there are mainly three areas in the City they have restricted for fireworks. It is the Murray area along the Jordan River Parkway and 300 feet beyond, Wheeler Farm, and Murray Park. Those are pretty obvious areas.

Mr. Roberts continued saying that because of the activity in Murray Park during the July 4th holiday they have a number of people that will actively seek to bring fireworks into the park. There are some parking areas along the Jordan River Parkway as well as homes along the parkway and around Wheeler Farm. There is a lot of vegetation in those areas. Murray City does not have a lot of wild land space but these areas can be easily ignited by fireworks based on past experience.

Mr. Roberts said this is just a precaution to do this.

Mr. Nicponski said regarding the parkway; we go to the boundary line and then 300 feet from that point. He asked what 300 feet would be comparable to.

Mr. Roberts said it would be about a football field. He added the ban will encumber some homes that are along that pathway but it is just necessary to limit the fireworks. Especially since they have changed the fireworks laws and there are a lot of aerals now. It makes it very difficult for them to control it and they chase their tails a lot because they cannot tell the difference between what is illegal from single shots to those cakes that are multi-shots. A lot of them are

going 250 to 300 feet in the air.

Mr. Nicponski asked about the timeline for fireworks.

Mr. Roberts said today is the first day they can start. It is three days prior to the 4th and three days after. It is the same for the 24th of July. Utah is kind of an anomaly through the rest of the country because of the 24th of July holiday. He said it also includes the Chinese New Year.

Mr. Nicponski asked if the parkway was dry.

Mr. Roberts replied it is getting to that point and it is an item they don't want to take a risk on. He added they are following along with the rest of the regulations across the State from county to county. They are not doing anything that is out of the norm.

Mr. Roberts reiterated this is a minimum element to protect our citizens from the risk of life safety and the other is to encumber the cost of fighting these fires.

Mr. Nicponski said as a resident along the parkway he appreciates their enforcement on this. He thinks it is important.

A question was asked from the audience (inaudible).

Mr. Roberts stated the ban is on all fireworks and with the police officers driving the areas they can enforce it when they see it, but it is very difficult to pin it down unless it is very obvious.

Mr. Roberts said he hopes the public understands this is a difficult task and along with this are a lot of animal control issues. There are also smoke issues and noise ordinance issues. He added the fireworks have to be done by 10:00 previous to the 4th of July then on the 4th of July they can go until midnight. He said he hopes everybody understands that.

Mr. Roberts said they will do their diligence to get out there and take care of the issues but he thinks we need to focus on the major issues at hand for fireworks.

Mr. Camp said this is something that has been done for many, many years. It is just that the Legislature in recent years has taken the authority away from the Fire Marshal and said they want the legislative body to do the restrictions. He added he is supportive of this Ordinance.

Mr. Camp made a motion to adopt the Ordinance with the correction that "Marshall" be changed to the correct spelling of "Marshal" with one "l".

Mr. Nicponski seconded the motion

Call vote recorded by Brent Davidson

 A Mr. Nicponski
 A Mr. Camp
 A Ms. Turner
 A Mr. Hales

Motion passed 4-0

11. Mayor

11.1 Report

Mayor Eyre said that first and foremost he would like to bring up the untimely and tragic death of one of the City's fireman, Andy Walkingshaw while he was in Hawaii on vacation. He was an outstanding gentleman. The Mayor has had the opportunity to talk to people who have known him far greater than he did and all of them feel that he was one of the most kind and considerate individuals they have ever met. It is a real loss to the Fire Department, the community and a tragic loss to his family. Our hearts and prayers go out to him and his family.

Mayor Eyre said that the Fire Chief, Gil Rodriguez, contacted him right away and let him know the circumstance and what limited information he had at that time. Afterwards, the next morning, the Mayor contacted Chief Rodriguez regarding the City's responsibilities or opportunities in this situation and he assured the Mayor that they have those protocols in line and they would be coordinating with the family to see what level of involvement the family wanted us to do.

He added the City will do everything it can with regards to respecting the family and their wishes. He was not aware of any final funeral arrangements that had been made yet.

Mayor Eyre said he was able to watch the coverage on this and Chief Rodriguez did an incredible job representing, not only the interest of the family, but the Fire Department as well. He did a very professional, wonderful and compassionate job.

Mayor Eyre said the City has an RFP out for the General Plan. The last General Plan was done in 2003. This General Plan is a big undertaking. That RFP has been completed and the company that was chosen to start to work on the General Plan is a company called CSRA.

He said he is not familiar with this company, but Mr. Tingey said it was determined they would be the best company to work with on this General Plan. He told the Council he would keep them posted on how the General Plan is progressing and ask for their insight and input.

Mayor Eyre stated this week, he, Mr. Hales, and Doug Hill, Public Services Director were able to meet down at the Freeze Barn down in Murray Park right off of State Street to the north of Chick-fil-A. It is an old barn and is about the very last remnant of the Freeze family. The Freeze family owned an awful lot of State Street frontage and about 1/2 of the park at one time.

They were able to meet with the grandson of the person that homesteaded that area. His name is Brad Freeze. It looks like there is a very good possibility that property is going to be sold for commercial development so the area adjacent to and in front of that barn is part of that property that will also have to be torn down and renovated for the new property.

Mayor Eyre said he contacted Mr. Freeze at his home and asked him if they could come out there and look at that barn to see about the feasibility or possibility of moving the barn if they could find a location for it and contributors to help preserve it as a historical site. They also looked at if there was a way the City could utilize that barn other than just have it torn down. They do have some interest in using the barn wood as it is very valuable barn wood. However, the City would like to see if there is a possibility of us being able to preserve the entire structure and move it to a different location.

That is under investigation right now and we will see if we can do that at minimal or no cost. The Freeze family has given the City the barn free of charge in order to be able to do this; if in fact we can. If we cannot negotiate it, cannot find a reasonable use for it or it is too expensive to do then it will be left up to the Freeze family as to what they want to do with it.

Mayor Eyre stated the City is moving forward with the Murray Magazine. Many are familiar with this magazine we are having produced with regards to Murray. It is a very minimal cost to the City because of the advertising revenue that is also contained in the magazine. It is a very glossy type magazine; the type you find when you go to a hotel and there is a magazine in your hotel room about the city and location.

The magazine is being produced by a local company. We get the front cover as well as 10 pages on the inside of the magazine for the departments to write articles, if they want to, about the City. The rest of the magazine has calendars, activities, events and some advertising in it. They have received some good sponsors in there and we believe the magazine will be ready by the fourth quarter which will be perfect timing for the three new hotels that are just opening up.

We get 25,000 copies of that magazine; 17,000 copies will be mailed out to every resident and the remaining magazines will be distributed through the hotels, hospitals and other large businesses. It will be a very good representation of the City.

Mayor Eyre said he wanted to remind everyone of the time schedule for the Murray Fun Days. The sunrise service starts at 7:00 am followed by the 5K run which starts at 8:00 am. The parade starts at 8:30 am and following the parade will be the activities inside the park throughout the day with a lot of activities for youth and other residents.

The evening program will begin at 8:00 pm with the fireworks beginning at about 10:00 pm.

Mayor Eyre encouraged everyone to come out and enjoy the 4th of July with Murray and Murray's Fun Days.

11.2 Questions for the Mayor

Mr. Nicponski asked if the Freeze property was immediately north of Chick-fil-A.

Mayor Eyre replied that was correct.

Mr. Nicponski asked if that property accessed the Best Buy parking lot.

Mayor Eyre said it does not right now. There is not a road that accesses Best Buy at this time.

Mr. Nicponski said the City could not get it done with Chick-fil-A. Maybe we can get it done with this.

Mayor Eyre said they have been in discussions about that with the property owners.

Mr. Hales said he wanted to make a statement about Mr. Walkingshaw. He got to talk to Chief Rodriguez Sunday night. When Mr. Hales thinks about Mr. Walkingshaw, every time you went to his fire station he always took the time to tell you what was going on and really spent good time with you. The term that was used for him was "a gentle giant" and Mr. Hales said that is exactly what he reminded him of. He told the Mayor to keep them abreast of what is going on with his family and told him to let the family know of their concern and how much they appreciate the Fire Department and Mr. Walkingshaw.

12. Adjournment