

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 15th day of November, 2016 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:

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

Others who attended:

Tim Tingey,	Mayor Pro-Tem/Administrative and Development Services Director
Jennifer Kennedy,	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
Justin Zollinger,	Finance Director
Blaine Haacke,	Power Department General Manager
Bruce Turner,	Power Department Operations Manager
Citizens	

5. **Opening Ceremonies**

5.1 Pledge of Allegiance – Gil Rodriguez, Fire Chief

5.2 Approval of Minutes

5.2.1 Council Meeting – October 28, 2016

Ms. Turner made a motion to approve the minutes

Mr. Hales seconded the motion

Voice vote taken, all “ayes.”

5.3 Special Recognition

5.3.1 Murray City Council Employee of the Month, Eric Bracewell, Murray City Power Journey Lineworker.

Staff Presentation: Brett Hales, Councilmember

Blaine Haacke, Power Department General Manager

Mr. Hales said the Council started the Employee of the Month program a few years ago. They felt it was important to be able to recognize the City’s employees. He presented Mr. Bracewell with a certificate, a \$50 gift card and told him that his name would appear on the plaque located in the Council Chambers. He expressed his appreciation to Mr. Bracewell for all he does for the City.

Mr. Haacke spoke about Mr. Bracewell’s time with the City noting that he has been with the City for 11 years and has a very positive attitude. He went through the steps Mr. Bracewell took in order to become a Journey Lineworker.

Mr. Bracewell introduced his family and spoke about working for Murray City. He thanked Mr. Haacke and the Council for this recognition.

The Council congratulated Mr. Bracewell and thanked him for the work he does for the City.

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

No citizen comments were 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:

Receive public input with respect to (a) the issuance of approximately \$2,500,000 of Storm Water Revenue Bonds, and (b) any potential economic impact that the project to be financed with proceeds of said bonds may have on the private sector.

Staff Presentation: Justin Zollinger, Finance Director

Mr. Zollinger said the Storm Water Fund does not compete with the private sector. These bond proceeds will be used to help correct significant problems with the City's storm water drainage system. These changes should allow the rain from storms to drain more quickly.

Mr. Camp asked if these funds are earmarked for specific projects. Mr. Zollinger replied there are three projects this money will be used for.

The public hearing was open for public comment. No public comments were given and the public hearing was closed.

8.1.2 No Council action was required for this item.

9. Unfinished Business

9.1 None scheduled.

10. New Business

10.1 Consider a resolution to place on the agenda of the December 6, 2016 Murray City Municipal Council meeting for further discussion, review, and a definitive decision a request to amend the Zoning Map for property located at approximately 1500 East Vine Street, Murray City, Utah, from R-1-10 (Low Density Single-Family) to R-1-8 (Low Density Single-Family).

Staff presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey said this item was considered at the November 1st City Council meeting. Since that time, there have been some Councilmembers that were unclear about the final decision. This is an opportunity for the Council to put this item on the

December 6th agenda to review and provide a clear and definitive decision.

State Code, section 10-9a-509.5, supports bringing this item back before the Council. That section talks about a city's land use authority. Cities are required to review an application and approve or deny it with reasonable diligence.

A memo and resolution for this item have been prepared by the City Attorney's office. If the Council decides to put this item on the December 6th agenda, this item will be deliberated on at that meeting. The Council must consider tonight whether or not to bring this item back for review and clarification on the decision.

Mr. Brass asked if it would be a public hearing. Mr. Tingey replied that it would.

Mr. Nakamura said during the November 1st City Council meeting, there was a first motion given on this item, but no second. It was determined at that time that the matter was denied, however, it could have been interpreted as a no-action. These kinds of decisions are important to all interested parties including the applicant and the neighbors in the area. He feels there is a need for the Council to provide a more definitive answer as to their decision.

Mr. Nakamura added this is an opportunity to review the item and provide further direction, reasons, and comments. There wasn't an opportunity at the last meeting to do that because there was no second motion given. This opportunity will allow the Council to give a clear and definitive decision.

Mr. Nicponski asked what they are expected to do with this item tonight. Mr. Brass replied they have to adopt the resolution.

Mr. Hales said in his discussions, when he made his vote, he was very clear and he doesn't want anyone to question that. He has been told, and he wants to make sure he's clear, that this is something that is necessary because the motion died and there was no second. It's important for him to let his constituents know that a motion is required to have a second.

Mr. Nakamura said it's not a matter of a requirement. If there's a question about a motion, it's better to error on the side of clarity. He thinks the City should be cautious. That is why he would like to take this additional step; to make sure a decision is clear so that all interested parties will know what the decision is and why it was made.

Mr. Tingey said if the Council decides to add this item to the December 6th agenda, their decision to do that would be backed by the State Code where it talks about approving or denying each application with reasonable diligence.

Mr. Hales said he will vote for a resolution to do this if it is something he is required to do. If he is not required to vote for this or the decision on this is up in the air, that

makes him struggle with his decision.

Mr. Tingey said the Council has to determine if they want that clarification. It's the Council's decision, they can do this or not. He again referred to the State Code regarding reasonable diligence.

Mr. Camp stated that Mr. Hales thought his vote was clear, but there was no vote; that's the issue. This item was not approved nor denied; there was no vote. He favors bringing the item back so it can be voted on. Mr. Camp voiced his concerns with the statement in the resolution that states:

"Whereas, some Council members have indicated that it was unclear regarding its decision and believe that there needs to be further discussion and a more clear, definitive decision."

He suggested that statement be changed so it is not as confusing.

Mr. Nakamura made note of Mr. Camp's suggestion.

Mr. Brass said he agrees on putting this item back on the agenda. He stated as the person who was conducting the November 1st meeting, he should have gone for a motion.

Mr. Camp made a motion to approve the resolution with the changes noted
Ms. Turner seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 4-1

Mr. Nakamura stated this item will be on the agenda for December 6th as a public hearing. Public Notice to all the residents that are entitled to that notice will be given.

11. Mayor

11.1 Report

No Mayor's report was given.

11.2 Questions for the Mayor

12. Adjournment

Jennifer Kennedy, City Recorder