



MURRAY
CITY COUNCIL

MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, July 11, 2017 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Council Members in Attendance:

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

Others in Attendance:

| | | | |
|----------------|--------------------------|------------------|---------------------------|
| Ted Eyre | Mayor | Jan Lopez | Council Administrator |
| Janet Towers | Exec. Asst. to the Mayor | Tim Tingey | ADS – Director |
| Frank Nakamura | City Attorney | Jennifer Kennedy | City Recorder |
| Pattie Johnson | Council Office | Jim McNulty | Development Services Mgr. |
| Jennifer Brass | Resident | Darrell Pehrson | Resident |

Ms. Turner called the Committee of the Whole meeting to order at 5:16 pm and welcomed those in attendance.

1. Approval of Minutes – None scheduled.

2. Discussion Items

2.1 Park and Recreation Master Plan – Doug Hill

Mr. Hill explained the reason for his presentation of the city's Parks and Recreation Master Plan, adopted in 1994, was due to a recent petition made by residents, who requested the city to purchase land on the east Vine Street for construction of a park. As a result, the question as to whether the city would like to prioritize the construction of a park or open space was considered.

The 1994 plan included a 23-year old survey, taken by Dan Jones and Associates, noted as the Executive Summary, which revealed desires of residents at that time. Mr. Hill shared a handout depicting survey

results which stated; “of projects evaluated, residents tend to most favor the city spending money on: 1) expanding the cemetery, 2) construct a multi-use indoor recreation and art center, and 3) additional trail systems”. The 1993 survey was taken when the Jordan River Parkway was barely underway, the Park Center recreation facility was nonexistent, and the cemetery was much smaller than today.

Mr. Hill noted all 1994 recommendations in the Parks and Recreation Master Plan were complete with no more projects to work on. However, over the last three years, he received calls from citizens requesting the city to build various projects, and to buy certain properties for future recreational development. As a result, collected information was categorized and compiled into three different areas and a power point, titled *what would you fund*, was utilized to share the following list.

| New Parks | New Recreation Facilities | Maintain Existing |
|----------------------------------|-------------------------------|---------------------------|
| Wesley Road Park | Splash Pad | Pavilions 40+ years old |
| Vine Street Park | Dog Park | Restrooms - aging |
| Walden Glen Park | Skate Park | Murray Park Indian Statue |
| Ivory Homes Area Park | Little Cottonwood Creek Trail | Playground |
| 600 East and 4500 S. Park | Canal Trail | Parking lots and roads |
| | Racquetball Courts | |
| | Gymnasium(s) | |
| | Armory Building | |
| | Murray Theater | |

Mr. Hill said there was no shortage of city park requests. Recreation facilities were favored most, and requests to update existing structures and repair roads, typically came from parks and recreation staff. In the past, the city funded maintenance and improvements to existing facilities and structures on roads, playgrounds, and parking lots, when most were not necessarily falling apart.

Maintenance projects are continual, therefore, he wondered what projects should be funded. The city faced many options, with different hobbies, activities and passions, residents in different age groups, and living in different areas of the city. He believed having an updated master plan would help guide and prioritize current needs and requests.

The last request for funding a Parks and Recreation Master Plan was made in 2008, which was funded; however, with the economy taking a negative turn at the time, some projects were removed from the CIP. The plan has not been funded since.

Mr. Hill explained what the city wanted to achieve in 2008, was similar to what the city would typically do now with a new master plan, which was outlined in the following steps:

1. Gain citizen opinion, to identify parks and recreation trends and demands within the city.
2. Evaluate existing parks and recreation facility systems.
3. Identify the following:
 - a. Future and existing economic impact of parks and recreation
 - b. Need and location for future open spaces
4. Develop a capital improvement plan, for the next five, ten or twenty years, according to what citizens want to see built.

5. Find funding sources, such as grants.

The most recent quote was received at a National Parks and Recreation Association conference Mr. Hill spoke to companies that create comprehensive master plans and the cost was approximately \$100,000. He felt planning long term was a great investment, as opposed to constructing a single facility for the same cost without an overall plan. He believed good planning would guide the city and provide direction in policy planning and funding.

Mr. Hill shared master plan completed in 2015 by Salt Lake County. The 'East Side Planning Area', pinpointed Murray City. He explained prior to the creation of the plan, a needs assessment survey was conducted to provide a statistically valid survey. As follows, a power point was utilized to explain what citizens responses were according to the 2015 Salt Lake County survey:

- When citizens were asked to prioritize parks and recreation amenities, trails were highly requested and natural open spaces in urban settings, were top priority.
- When citizens were asked to prioritize outdoor sports amenities, outdoor basketball courts, soccer fields, little league baseball and softball diamonds, were top priority.
- When citizens were asked what projects they want the county to do, more hiking and biking trails, higher level of park maintenance, and the purchase of more land for future parks were indicated.

The Salt Lake County Master Plan for the East Side Planning Area recommended the purchase of large tracks of land. New county facilities included Big Cottonwood Regional Park, Wheeler Farm, and adding an ice sheet to the County Ice Skating Center, as well as, the purchase of an activity center in Millcreek, improvements to the Bonneville Shoreline Trail, and pickle ball facilities.

Mr. Hill said no major recommendations were made by the county for Murray City. He wondered if perhaps it was because the county believed Murray to be independent, having sufficient facilities already.

Mr. Hill said Murray City is very unique and does not receive funding from the county. He explained, all other cities contract with Salt Lake County and collect funding. In addition, areas considered improvement districts, such as, Cottonwood Heights and Oquirrh Park, receive great funding from Salt Lake County. He thought it would seem natural for Salt Lake County not to think about Murray City, when it comes to awarding funding, for example, as Murray recently experienced with Zoo Arts and Parks (ZAP) funding because they view the city as independent. In many degrees, when it comes to funding, the city created the independent attribution itself, with many advantages and disadvantages.

Ms. Turner wondered if a request for funding a new master plan would occur this year. Mr. Hill replied a request for \$100,000 would be made for next year's budget.

Mayor Eyre wondered if Murray staff could produce its own master plan for less than \$100,000 without hiring outside sources for assistance.

Mr. Hill agreed city staff could provide input, as to what projects citizens prefer because they work closely with them. However, as in transportation and utilities, he believed the benefit of using an outside source to create a master plan would provide the following:

1. An independent view of the city, as to what would be helpful overall, as opposed to internal staff views and opinions only. For example, an outside consultant would determine clear deficiencies and what might be lacking in particular locations.
2. Attain opinions from residents, as to what was personally important, whether by developing a process of a phone survey or on-site survey, or, a combination of both, to gain from visitors and citizens a well-rounded opinion.

Mr. Nicponski felt by hiring an outside source, decisions would not be considered politicized.

Ms. Turner said a great deal of public opinion was measured when the canal trail was considered. She wondered if by having a master plan to refer to, conflict of interest could be avoided in the future by having the document in place.

Mr. Hill confirmed a great deal of site and project specifics were completed for the canal trail, however, a master plan would shed light on the difficulty of prioritizing these types of projects. For example, more importantly, he said the council was elected to represent the citizens and make decisions for citizens. As a result, by having a master plan, derived from citizen input, approved by the council, decisions could be made based on the majority value. He believed reacting to random petitions and phone calls only, might lead to decisions not based on citywide priorities.

Mr. Camp stated 'opportunity' was another component, versus, just knowing what the most important projects were. He said, for example, open spaces are scarce; therefore, the Vine Street Park possibility, is currently one of opportunity, which may not be available again in five years - if ever. Therefore, he felt it was also vital to consider projects as the opportunity comes about.

Mr. Hill said Mr. Camp's point was excellent, and explained that walking distances to open spaces should be considered as well. If it happened to be that the Vine Street Park falls within the guidelines, and opportunity was there, he would agree. However, it would not be wise for the city buy a piece of property just because it was available, without noting whether a park already existed one half mile away.

Mr. Nicponski said he respected the idea of a master plan for parks and recreation because it would keep him in check. He personally advocated for a skate park in his district and felt it would only seem natural for council members to focus on their own immediate constituents if a master plan was not in place. Mr. Brass agreed.

Mr. Camp said a master plan and opportunity should be included as important, because opportunity could be easily lost when not considered. Mr. Hill agreed. Mr. Brass agreed opportunity was a good value.

2.2 Murray City Center District Ordinance regarding Cell Towers – Tim Tingey

The proposed ordinance went to the planning commission, where a public hearing was held, and would be considered by the council during a hearing on August 1, 2017. The change would address cell towers in the Murray City Center District (MCCD).

Mr. Tingey explained the city worked to negotiate relocation of a cell tower located in the (MCCD) but the city does not have code provisions to relocate the cell tower within the area. The original

hope was to relocate it outside of the MCCD possibly to an existing area the city owns near the animal shelter. However, distance requirements by Verizon, entail a closer proximity to the existing location of the cell tower. Therefore, with no provision in the MCCD ordinance to allow for the relocation, Mr. McNulty and staff developed a code amendment.

Mr. McNulty reviewed section 17.80.120, titled: Where Allowed, which related to monopoles and cell tower communications.

Item D as proposed states that a Conditional Use Permit allowing the relocation of an existing, legal non-conforming monopole, in the MCCD Zone, could be allowed by the planning commission with the conditional use.

He explained, using the term *legal non-conforming monopole*, was because the city only has one such pole located in the MCCD, which predates the ordinance. It is considered legal non-conforming because currently the pole is not allowed as a permitted or condition use.

Four conditional use requirements would specify:

1. Height. The existing pole is 100 feet tall, therefore, Verizon Wireless, would be given the same height allowance of 100 feet.
2. The monopole would be placed on a parcel occupied by a civic or non-residential use, such as a school, fire station, or church or other use which is legally located in the MCCD. Mr. McNulty explained the monopole would potentially be moved to the new fire station property. The provision was created for this one specific monopole, and there would be no allowance for other monopoles in the future.
3. The monopole will be located no closer than 160 feet from the nearest residential structure.
4. The monopole would be strategically placed on a parcel to minimize and mitigate the visual impact of the antenna.

Mr. Brass asked if the new location would impact the footprint of the new fire station. Mr. McNulty explained the location on the southwest corner of the parcel does not impact fire station plans. He explained the new fire station structure, as well as, landscaping design would visually screen the monopole.

Mr. Tingey confirmed that the site plan was approved by Verizon Wireless, who feels comfortable with the location and distance requirements from the fire station.

Mr. McNulty said after many meetings with Think, the architecture group, designs would be presented to the MCCD Technical Advisory Committee and would go to the planning commission. Mr. McNulty said Chief Rodriguez and others were involved with layout design, the internal floor plan, and roofing, to ensure the facility meets the needs of the Murray City Fire Department.

Mr. Tingey noted final cost was yet to be determined.

Mayor Eyre asked if the city would receive income for the rental on the cell tower once it was relocated to city property.

Mr. Tingey said the city would not receive revenue, due to the relocation of the pole, from a location considered free of charge to Verizon. Therefore, as part of negotiations, the new location would be considered an easement on the land, otherwise, Verizon would not agree to the relocation of the pole.

Mr. McNulty said the need for Verizon to relocate again in the future was likely.

2.3 Murray City Fence Ordinance – Tim Tingey and Jim McNulty

The planning commission has considered code changes on fence height, particularly near trails, and recommendations would be considered by the council on August 1, 2017.

Mr. McNulty explained the request for additional fencing and fencing concerns came about during public comments at both a planning commission meeting and a council meeting related to the canal trail. Residents who live along the canal trail shared comments and concerns, related to privacy.

A map depicted several areas along the corridor from Fontaine Bleu Drive to Wheeler Historic Farm. One portion of fencing along the trail was noted where citizens have an existing fence for a horse corral. Trail grade levels were noted as higher than the property grade, creating a low fence, which occurs in several cases along the trail creating the privacy issues.

Mr. McNulty shared photos of fencing the city would provide, such as, a six foot high, chain-link with thick vinyl slats providing privacy, and open style fencing. Residents who want fencing above and beyond these choices would pay the difference in cost.

Mr. McNulty explained changes were made to Section 17.64.090 - E, F, G and H.

E. Residential and commercial zoned properties abutting a collector or arterial street on a side or rear property line may erect a fence to a height not exceeding eight feet on the side or rear property line adjacent to the collector or arterial street right-of-way.

Mr. McNulty explained many homes in the city abut major roadways and arterial streets, so changes were made where grade levels were not consistent and residents may erect an eight-foot fence that would actually provide six-feet of privacy.

F. Properties exceeding one-half acre in size may erect a fence to a height not exceeding eight feet.

Mr. McNulty explained height was changed to eight feet, from seven foot fencing in order to be consistent with the eight foot rule.

As a result of the public hearing and the direction of the planning commission, more specific changes were made to item #G. The new language is noted.

G. Residential and nonresidential properties located between Fontaine Bleu Drive and Wheeler Historic Farm that are adjacent to the Jordan and Salt Lake City Canal right-of-way, may erect a fence on the property line adjacent to the right-of-way, to a height not exceeding eight feet, subject to all building permit requirements and any traffic visibility setback requirements.

Areas where the trail crosses 1300 East and other major roadways were noted on a map. The code change would ensure traffic visibility for pedestrians and bikers on the trail when approaching busy roads.

H. Where a difference in elevation exists on opposite sides of a fence, the height of the fence shall be measured from the highest elevation. Approval of fences over six-feet in height will be determined through a building permit review process.

A field trip was made by the public utilities department, public works, and city planners to observe areas of concern. Mr. McNulty said each area of concern would be carefully evaluated, by walking the mile long corridor to address those particular fencing needs. In addition, the city would work with residents case by case, to ensure six-feet of privacy by measuring from the higher elevation. As a result, in some instances it would be possible to see a 12-foot high fence, although, a six or eight foot fence would be most common.

Referencing to residents on the other side of the canal trail Mr. McNulty stated fencing installations for those areas would be installed at residents own expense.

Mr. Nicponski asked about possible graffiti and how the city would address maintenance to remove it from the slats of chain link fencing. Mr. Tingey answered maintenance was already available through the Public Services Department. Mr. Hill confirmed, graffiti was easy to wipe from the slats in chain link fences and vinyl, versus removing it from rock walls. Mr. McNulty agreed.

Mr. Camp asked if the changes were stand-alone exceptions. Mr. McNulty replied that was correct.

Mr. Hales asked if the city would own all new fencing. It was explained that residents would own the fencing, however, the city would provide maintenance.

2.4 Murray City Code amendments related to Vacancies in Elected Office and Justice Court Judge, and the definition of Campaign Contributions – Frank Nakamura

Mr. Nakamura explained in compliance to 2017 Legislation, several bills were passed requiring changes to city ordinance. The following notations were reviewed and the council would consider the code changes on August 18, 2017.

The changes related to elected officials who have a secondary residence outside the state and apparently spend the majority of their time at the secondary residence. Mr. Nakamura said the situation did not pertain to Murray City and changes are only to fall in line with Utah State law, which applies to all elected officials - in all cities.

He explained, a residence defines who is represented, therefore, the legislative changes made a lot of effort in defining what absences really mean, and what primary and secondary residences are. Disqualification of holding office could result if the terms were not clear and adhered to.

The city council may grant exceptions for someone who may be living at a secondary residence out of state for more than 60 days, up to one year, for various reasons such as a sabbatical.

Ms. Turner noted code changes may have occurred as a reaction to a similar situation experienced in Salt Lake County.

Regarding campaign contributions, Mr. Nakamura explained modifications did not change the code, only definitions for campaign contributions. He noted improved definitions would bring clarity to the type of contribution, such as:

- In kind, monetary services provided, and loans, instead of the term general, as the overall definition.
- Contributions by transferring funds from another reporting entity, such as, another campaign entity were noted.
- Organizations directly affiliated with an organization that has a registered lobbyist. Any agency or subdivision in the state including a school district.

The change in clarification applied to all government entities, who would be required to disclose contributions.

He agreed with Ms. Turner, definition changes could have been a reaction to what someone thought was an abuse of contributions and what should be truthfully disclosed.

There were no significant changes to Judgeships and filling vacancies.

3. Announcements: Ms. Lopez made the following announcements:

- Thursday, July 13, New Car Dealers of Utah presentation, located at Larry H. Miller Lexus of Murray, 11:30 p.m.
- Wednesday, July 26, Soy's Sushi Bar, located at the Home 2 Suites, 5:00 p.m.
- Thursday, July 27, Meet the Candidates, located at the Doty Education Center, 6:00 p.m.
- Thursday, August 3, Chamber of Commerce - Honorary Chamber Member Luncheon to honor Mayor Eyre, Jim and Jennifer Brass, and Sheri VanBibber. Located at the Cottonwood Club, 11:30 - 1:00 p.m.
- Monday August 7, Heritage Center Volunteer Banquet, 11:30 a.m.
- September 13-15, Utah League of Cities and Towns Annual Convention, located at the Salt Lake City Sheraton Hotel.
- Tuesday, August 18, RDA, 4:30 p.m.
- Tuesday, August 29, Board of Canvasses, located in the Council Chambers, 4:00 p.m.

4. Adjournment: 6:07 p.m.

**Pattie Johnson
Council Office Administrator II**