

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 6th day of March, 2012 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

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

Others who attended:

Dan Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Craig Burnett,	Assistant Police Chief
Tim Tingey,	Administrative & Developmental Services
Doug Hill,	Public Services Director
Gil Rodriguez,	Fire Chief
Dan Barr,	Library Director
Chad Wilkinson,	Division Manager
Dustin Matsumori,	George K. Baum and Associates
Scouts	
Citizens	

Mr. Nicponski excused Mr. Shaver from the meeting.

6. OPENING CEREMONIES

6.1 Pledge of Allegiance – Olivia, Girl Scout

6.2 Special Recognition:

None scheduled

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

Bill Finch, 1055 Chevy Chase Lane, Murray, Utah

Mr. Finch said that he is very concerned about zoning in Murray; he feels responsible for many areas as the ‘prime source of information’ for everyone who wanted to annex into Murray, spoke before them and gave them advice. After the areas annexed into Murray, he came in and tried to sit down with the staff and go over zoning-he was assured not to worry, but he is worried. Pieces of property were rezoned office, and are now commercial; he does not feel that this is right. Even when half our Council is annexed into Holliday he went up and talked to them, going over zoning and they have abided by our zoning.

Murray City, at the present time, is looking at a piece of property at 942 East 5600 South that was zoned from A-O-M from R-O-M 10 to commercial by Murray, but they zoned it R-M-ZC and this restricted it to medical, optical, dental, office or professional uses. At the time that went in, he got 38 people to sign a petition against it; he got some threatening letters and his house was egged by people who were unhappy about what went in there. Once it was in, they saw it was no problem because they took the existing home and the only conversion they did was to take the garage and make it into a drafting room for architects and drafting. Now there are 44 storage units that want to go in this location; that is not a buffer zone-they envision a buffer zone. (946 E. 5600 S.) The business that is located there now is set back 40’ from the street and the storage units will be set back only 20’ from the street.

Mr. Finch is also concerned about 5290 South to Three Fountains East on 900 East-they rezoned that basically the same but with height and set-back restrictions. A piece of property now on the corner of 5290 South 900 East has been rezoned by Murray to commercial and he is very, very concerned. He is meeting with some people up on the hill tomorrow; he has a relationship with Mr. Shurtliff the State Attorney, and they are going to discuss it and they will see where it goes from there. He thinks Murray City should honor the County’s zoning.

Citizen comment closed

8. CONSENT AGENDA

8.1 None scheduled

9. PUBLIC HEARINGS

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

- 9.1 Consider an Ordinance relating to zoning: amends the Zoning Map for property located at approximately 5 East 6100 South, Murray, Utah from R-1-8 (Single-family Low Density) to C-D-C (Commercial Development District.) (Marcelo Occon)

Staff presentation: Tim Tingey, Administration and Developmental Services

Mr. Tingey said that this item went to the Planning Commission on January 19, 2012 and a public hearing was held; they forwarded a recommendation to the Council. This property is on the corner of 6100 South and Main Street; there are residences directly to the north and some to the east. The General Plan has identified the area around this property for a future land use of commercial C-D-C, retail oriented; this proposal allows for that change, which is consistent with the General Plan. Currently the property is being used as a residence; there is a home occupation that is in that as well.

The staff report outlines...the General Plan has this as eventually converting, as a future land use, over to C-D-C; it is consistent with the General Plan, there is commercial property even up to, as a transition area, the residential properties and that is what it was envisioned as, as a transition area from C-D-C eventually to R-1-8. Planning Commission recommended approval of this; after the public hearing, there were some concerns that are noted in the minutes submitted, as well as some additional information from emails and letters and staff is recommending approval of this as well.

Mr. Stam asked if they owner of the property has considered purchasing any of the other homes there to convert the entire area at once.

Mr. Tingey said that he would let them answer that, but that he does know that they do own some of the properties to the east of this property.

Mr. Nicponski asked if there was any speculation as to what they might put in there.

Mr. Tingey said that there is a home-care business there now, they are utilizing the property as a home occupation; what has prompted them to seek this application and this

change is that they want to expand their operations and have employees come to the site. In order to do that, it does not meet the home occupation standard, so they would have to have a zone change to do that.

Marcello Occon, Sponsor

Mr. Occon said that this is not envisioned as a retail business, there is no traffic in and out of anyone that is not completely linked to the business. Right now they have a home occupation for home care and in reality, what had triggered them to put in this application is that they have the capacity to park four or five cars there and they want to expand by two or three more stalls for a total of seven.

They had some letters of concerns that he would be happy to address: With the business, there is himself, one person currently and one additional in the future that would work in the office. There would be no retail and he owns the property and owns a property to the east of this. There is nothing planned in the next 2 or 3 years to be developed in there, but, depending on how the business goes, they do have plans in five to ten years to develop this area.

Mr. Hales asked how long they have been doing this business.

Mr. Occon said that they have had a license to do business there for about two years; there is some traffic in there, they park two vehicles there overnight, and this residence has an apartment on the back, which they rent out, which would stop if they obtain the C-D-C for the property.

Public hearing opened for public comment.

Michelle Upchurch, 6095 South Main St., Murray, Utah

Ms. Upchurch stated that when she purchased this property, her home, five years ago, she purchased a home that her child could grow up in; somewhere that she could have privacy and enjoy a quiet morning on her back deck or the garden. She carefully selected her property within the boundaries of Murray because there is pride in ownership in the city of Murray. Mr. Occon is requesting to change the zoning of the property to commercial and she has some serious concerns about that request. If that change is granted, her property will be sandwiched between two commercial properties, obviously decreasing the value of her home quite substantially. She has concerns that if Mr. Occon is granted the change, he could sell the property and there could, immediately, be a less desirable occupant.

She also does not want to see the entire neighborhood change or pay for one person's business venture. This change will not benefit anyone, other than Mr. Occon's bank account and she believes that there will be an increase in the traffic, which will compromise the safety of her child and the safety of other children in her neighborhood

while at play and while walking to school. They already deal with a great deal of the population speeding down 6100 South, as well as Main Street; as Mr. Occon said, he wants to request three additional parking spaces, bringing the total to seven on his property, obviously that will increase traffic.

Ms. Upchurch said that she is sure that all have noticed the increase in large selection of vacant properties within the boundaries of Murray; she would like to know when they will say 'enough.' Is there not enough vacant property out there already? What we need to build Murray's hometown spirit is families, homes, a community, not the potential for more vacant business. This project is an investment for Mr. Occon, but this project affects her home, her family and her community.

Public comment closed.

Council consideration of the above matter:

Mr. Tingey again showed where the property is located, and reiterated that the General Plan-and he understands Ms. Upchurch's concerns- has areas for future land use that are projected to be commercial; a lot of those are along corridors such as State Street, 900 East, and this would be one of those corridors. All of this area, eventually, through the General Plan and what is projected, will go commercial. It does not mean it will happen tomorrow, it may happen many years from now depending upon property owners, but that is what the General Plan outlines.

Mr. Brass said that Mr. Tingey mentioned the corridors; one of the things that they did years ago, was come up with a Residential Neighborhood Business Zone and it was primarily targeted for those very corridors. They particularly singled out 900 E., Winchester, 5400 S., but it still strikes him as in situations like this with a less impactful zone up against neighborhoods and that was the reason it was developed-to put in an easier transition. His concern with a C-D-C is that consider what else could go on that zone, not what the applicant is doing; why would they not consider an R-N-B on properties like this?

Mr. Tingey said that the primary reason is this, as far as a transition zone, you have C-D-C that goes right up against this neighborhood and so, if you went with an R-N-B here, that transition is already eliminated right here and you could have a spot zone, but it really would be a spot zone right against an area that is already adjacent to C-D-C. That is one of the biggest issues right there...if you had more opportunity for that buffer, maybe it could be looked at, but where C-D-C is already there to Main Street and projected to go there in the future....

Mr. Brass said that Mr. Tingey is correct; this situation is different as there is already a large commercial building that backs right onto Main Street; right across from that building is the old Tai Pan Trading building.

Mr. Stam asked if the R-N-B zone be used as a transition point so that whole area could be

transitioned to C-D-C at one time. As an R-N-B, it would help protect the neighbors who are already there even though those house are planned to eventually go to C-D-C, the concern is that right now, the neighbors who are living there and having that right next to them; this neighborhood business zoning would buffer them a little bit from being surrounded.

Mr. Tingey said that with an R-N-B, this site is limited on size; it could expand and even with an R-N-B, you would have probably the same type of parking scenario as with the C-D-C with this site. Once again, you have C-D-C that is already adjacent to Main Street and it is not going to make a lot of difference with an R-N-B there because you already have the C-D-C that has encroached right up to and is a transition to this residential area.

Mr. Nicponski asked what the name of the business right there is. Mr. Tingey stated that it is the back of the Burlington Coat Factory and those businesses. Once again, going back to the General Plan, there is some flexibility there but the General Plan has this as ultimately being C-D-C; that is what has been outlined there as a future land use and when they looked at it, and he is speculating, when the consultants assisted with the General Plan, C-D-C is already there and this will really transition into that over time, so an R-N-B, in his opinion, really wouldn't fit well here.

Mr. Brass made a motion to adopt the Ordinance.
Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

N Mr. Stam; he stated that if the whole area was being changed at once, he would be ok with it, but where people are living there right now, he struggles with approving it.

A Mr. Brass

A Mr. Hales

A Mr. Nicponski

Motion passed 3-1

10. UNFINISHED BUSINESS

None scheduled

11. NEW BUSINESS

- 11.1 Consider a resolution of the Municipal Council of Murray City, Utah (“The Issuer”), authorizing the issuance and sale of not more than \$5,200,000 aggregate principal amount of Water and Sewer Revenue Refunding Bonds, Series 2012; fixing the maximum aggregate principal amount of the Bonds, the maximum number of years over which the Bonds may mature, the maximum interest rate which the Bonds may bear, and the maximum discount from par at which the Bonds may be sold; delegating to certain officers of the issuer the authority to approve the final terms and provisions of the Bonds within the parameters set forth herein; providing for the publication of a Notice of Bonds to be issued and the running of a contest period; authorizing and approving the execution of a Supplemental Indenture of Trust, a Bond Purchase Agreement and other documents required in connection therewith; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters.

Staff presentation: Dustin Matsumori, George K. Baum and Associates

Mr. Matsumori stated that as discussed two weeks ago, as financial advisor to the City, they are constantly evaluating existing debt, seeking opportunities for the city to save money and this is one of those opportunities. Because of favorable interest rates, they are able to lower the interest rate on some of the city’s outstanding water and sewer revenue bonds and in doing so, they are currently projecting to save about a half a million dollars which would help both ongoing capital projects as well as help mitigate rates in the future.

The Resolution that is before the Council tonight does a couple of things: it is a parameters resolution that states ‘not to exceed’ parameters of the bonds. Because they have not actually sold the bonds yet, they basically give an upper threshold for them to consider; in this case, \$5.2 million; based on current market rates, they will probably be selling closer to \$5 million. There is a maximum interest rate, currently stated at 5% - again based on today’s market they would anticipate that being closer to 2.15% and the maximum maturity of 13 years-they will actually match maturity so it would not go any longer than what the bonds currently are.

Those are the terms established by this Resolution; in addition to establishing those parameters, it authorizes the publication of a notice that would go out, be published in the paper to let the citizens know that you anticipate issuing these refunding bonds. That in no way forces you to continue to do so, but it legally allows you, basically positions you so that should interest rates be favorable, then the city can chose to ‘pull the trigger’ and to execute this transaction. Lastly, it authorizes the execution of all other bond documents that are necessary to finalize the transaction.

As he has stated, they haven’t priced the bonds yet, this Resolution authorizes the Mayor or Mayor Pro-tem in conjunction with the Finance Director to work with Mr. Matsumori and other finance team members to finalize the terms of those bonds as long as they are lower than or better than the parameters that are established by this.

Mr. Nicponski asked if this \$500,000 was a one time or over the course of the bonds.

Mr. Matsumori said it was over the course of maturity, so thirteen years.

Mr. Stam made a motion to adopt the Resolution.
Mr. Brass 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

12. **MAYOR**

12.1 **Mayor's Report**

Mayor Snarr said that as residents of Utah, we are all aware of the likelihood of a catastrophic event occurring at some point; the State of Utah is planning the "Great Utah Shake-out" event on April 17, 2012 at 10:15 a.m. At that time, our city will activate our Emergency Operations Center (E.O.C.) and work through the issues that would impact us in such a scenario. Residents are invited to participate by reviewing emergency plans for their families. There will be an article in the Murray Journal about this.

Our local elementary schools are presenting the youth musicals over the next few weeks; the Mayor has had the opportunity to attend a couple of these and they are excellent. They are funded by the ZAP funding that comes to Murray City. The Murray School District website has a calendar of the shows in the district-some of the schools have already completed their shows. These are very entertaining and they do an excellent job, and it is a great relationship that we have with the school district.

Mayor Snarr expressed his disappointment that Miller Honda has not moved yet. He spoke with one of the people from the dealership and was told that one of the panels got dinged and threw them off for a week. They will hopefully be open and operational by next Monday.

In talking to Murdock Hyundai, they are going to have to do some work to make the Honda dealership a Hyundai dealership, but they are excited about their move into Murray. There is a little bit of landscaping still needed, but we may ask them for a bond if they are unable to do all of the work because of weather elements and such.

Mayor Snarr said that they are on-track for the completion of the new BMW Mini dealership for some time at the end of this month; when they find out when the grand-opening is for this and the other dealerships; they will make sure to get the word out.

Mayor Snarr said that Mr. Tingey had indicated that next month in the Fireclay area, they will start the work on the rehab facility.

Mayor Snarr met with Miller Paving, who also owns Wind River Investments, which is that great big, concrete crushing facility where all asphalt and concrete must be recycled, and was posed some interesting questions about dilemma's they are having-even though the facility is not in Murray proper.

12.2 Questions of the Mayor

Mr. Nicponski asked Chief Rodriguez to give some additional information on the E.O.C. center as well as the Shake Out exercise.

Chief Rodriguez said that valley-wide, there will be different levels of people opening up their EOC's; the Fire Chief's and the Metro are going to have their incident management teams working, as well as UFA. Salt Lake County is also going to have their management team. He said that the big message that they are trying to get out is that we are going to open up our EOC and there will be a realistic part-there is not a lot that can happen because the city will be frozen.

The EOC in Murray is at Fire Station #83 on 480 West 5900 South, just west of the freeway-in the basement. If an incident were to happen, the Council would be directly involved-the Emergency Responders would be there, but the Council and Mayor are the face of the city and who the public would want to hear, not the responders. The communication effort would be huge because on one hand, you need to have all the information, on the other hand communication will be very difficult. Priorities will be very frustrating because there will be things that need to be taken care of and the citizens who are comfortable with having their demands met in a timely manner-it won't happen. It is going to be odd because every city is going to be doing something a little bit different.

Mr. Nicponski said that as Councilmen, they would be getting calls and they need to understand what the responders are involved in so that when they respond to these citizens, they can respond with some education to help them understand why it is not going to happen immediately.

Chief Rodriguez said that Battalion Chief Harris is planning an open-house to have everyone come to the EOC and see how the operations are handled.

Mr. Nicponski said that it sounds like they have a good relationship with the other departments, including UFA, which he thinks is very commendable for the fire side of public safety-to get along with them.

Chief Rodriguez said he wouldn't say it's challenging, but they really make an effort as it is their responsibility.

13. ADJOURNMENT