

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 17th day of April, 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 - Conducted
Jared Shaver,	Council Member
Dave Nicponski,	Council Member

Others who attended:

Dan Snarr,	Mayor
Jan Wells,	Chief of Staff
Brent Davidson,	Deputy 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
Justin Zollinger,	Finance Director
Dan Barr,	Library Director
Chad Wilkinson,	Division Manager
Kevin Potter,	Deputy Chief, Fire
Charles Crutcher,	Engineering
Mike Fernandez,	Murray Police
Bruce Turner,	Power Department
Jim Hendrickson,	Shade Tree Commission
Scouts	
Citizens	

5. OPENING CEREMONIES

5.1 Pledge of Allegiance – Karen Daniels, Planning & Zoning Commission

5.2 Approval of Minutes for March 20, 2012

Call vote taken, all ayes.

5.3 Special Recognition

Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah declaring Friday, April 27, 2012 as Arbor Day.

Mayor Snarr read the Resolution in its entirety.

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

Mayor Snarr recognized Bruce Turner as the Operations Manager working cooperatively with the Arborists in the Power Department and the great work that they do; they are greatly appreciated.

Mayor Snarr introduced the other members of the Beautification Board, saying that these are great individuals who really have an interest in making Murray a great place to work, live and provide a better quality of life. If you look at all the CO2 that is being eaten up by the trees, you see that their job is very important.

Jim Hendrickson of the Shade Tree Commission thanked the citizens of Murray for their effort to help provide and make Murray City a Shade Tree City for the 35th year. Murray City is proud to be one of the leading cities in the state of Utah who are Shade Tree Cities.

Mr. Stam gave his appreciation to all of the volunteers that help with the program and the city, which makes Murray truly unique and different, and said that their service is greatly appreciated.

5.3.2 Recognition and acknowledgement of Jerry Hatt's graduation and certification as a Generation/Substation Technician from the Utah Valley University/Salt Lake Community College.

Staff presentation: Charles Crutcher, Engineering

Mr. Crutcher stated that Mr. Hatt had come to work for the Power Department in July of 1999 and was promoted to Apprentice Substation Technician in 2007 when he started his four-year apprenticeship, completing that in January 2012; this coursework included basic electric theory and went on to the actual maintenance and operations of the transformers, breakers and other basic relaying. In addition to his coursework, he also worked in-house with the city learning the electronic relay which the city employs, hydro maintenance on the hydro plant up Little Cottonwood Canyon and the continuous emissions monitoring for the gas turbine plant.

Mr. Hatt completed the IPSA program, which is the Intermountain Power Superintendents Program that started out at UVU and wound up at Salt Lake Community College. Mr. Crutcher presented Mr. Hatt a certificate for completing that classwork.

Mr. Crutcher added that in addition to that, the IPSA School is also recognized by the U.S. Department of Labor and they have a certificate from them giving Mr. Hatt the Journeyman Substation Technician title.

Mr. Stam congratulated Mr. Hatt, saying that this gives us a stronger, more educated and better work force and appreciates his efforts.

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

None given.

Citizen comment closed

7. CONSENT AGENDA

- 7.1 **Consider confirmation of the Mayor’s appointment of Thomas Halliday to the Murray City Board of Adjustment in an At-Large position for a five year term to expire April 2, 2017.**

Mr. Brass made a motion to approve the appointment.
Mr. Shaver 2nd 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

8. PUBLIC HEARINGS

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

- 8.1 **Consider a Resolution approving modifications to prior appropriations of Community Development Block Grant (“CDBG”) funds.**

Staff presentation: Angela Price, Community Development

Ms. Price stated that this is a reallocation of CDBG funds in the amount of \$19,471.00; the CDBG Advisory Committee is recommending approval of this Resolution.

Public hearing opened for public comment.

Allison Smith, NeighborWorks, 4843 Poplar Street, Murray, Utah

Ms. Smith said that NeighborWorks Salt Lake was founded in 1977 and almost two years ago expanded to Murray City; since that time, they have changed their focus in Murray- last year they began acquiring abandoned or run down homes within Murray in order to revitalize some of the communities within Murray City. They are very excited over the success that they have had.

Ms. Smith said that they had just completed their first home and sold it to a young woman. When she met this young woman, a single mother who works here in Murray as a manager of fast food restaurant, the woman said that she had been trying to live in Murray for over a year, looking for a house that she could afford. Her two problems had been that the homes that she wanted to move into, she couldn't afford with her job; the homes that she could afford, she would not have moved her children into. Some of the homes, she couldn't even open the doors to get into because the floors were so warped or had so many other structural issues. Then this home came onto the market-which sold within a week-which shows that the demand for these homes is very high. They are very appreciative of the support that the City has given them and thank the committee for the recommendation; they look forward to continue working with the City.

Public comment closed.

Council consideration of the above matter:

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

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

8.2 **Consider a Resolution allocating the 38th Year Community Development Block Grant (“CDBG”) funds for Program Year 2012-2013.**

Staff presentation: Angela Price, Community Development

Ms. Price introduced Karen Wiley of Salt Lake County, Community Development Coordinator.

Ms. Wiley has been working with the staff here at Murray and touts the city as her example city as part of the urban county because Ms. Price gets things done, does them correctly, before they are due and she loves working with her. All of the staff here are wonderful and the city has an amazing group of people working here.

Ms. Wiley stated that they have had the opportunity to have a review by HUD's housing office, so there have been several different tasks that they have all had to perform-the County and all of the urban cities-as far as doing surveys of their facilities and doing a plan to do any corrective action, and Ms. Price has worked with all of the different divisions in the city to make sure that this happened in a timely manner; this was not a small task, just the form itself was 49 pages long and Ms. Price and Murray City have been an amazing example of how things should work and it has been a privilege to work with.

Ms. Wiley continued: They have changed a lot of the things in the CDBG program this year; in the past, they changed it so that the soft cost applications-which are the public service applications-came to them and then the County gave them to the City. This year, they have simplified it further by bringing all of that up to the County and had members of each one of the jurisdictions to be on the CDAC Committee to review. Diane Turner was the representative for Murray City who was selected, she was an amazing advocate for Murray and really did an outstanding job and Ms. Wiley commended the City for selecting her.

Ms. Wiley said that as soon as the soft costs are approved, she will provide Ms. Price a list of those so that the City can see how they compare with the cities and the residents of Murray City; she thinks that the equity was amazingly even, which was really cool, and that was the whole purpose of it. It was very exciting to see that the agencies that received funding through the ranking and scoring that the committee did actually fell out into serving everybody in the urban county.

Ms. Wiley commended the staff and wanted everyone to know that there have been these changes and that there have been some real challenges that they have worked with the offices of Fair Housing at HUD and the staff here at Murray.

Ms. Price acknowledged the agencies, saying that Murray City has had a little over \$100,000 in cuts over the past two years in the CDBG funding which has made for really hard decisions by the advisory committee and she works with these agencies on a daily level and knows that they are seeing a stronger demand for their services with decreased funding and she wanted to thank them for the services they provide. Without them, the City would not be able to do the work that they do. Ms. Price also recognized the advisory committee: Mayor Snarr, Jan Wells and Chad Wilkinson who spent six hours one morning interviewing all of the CDBG applicants.

Ms. Price said that all of the interested applicants submit a letter of intent to the City and once that is submitted, they are able to go through the application process. They had eleven organizations apply for funding this year and once they receive all of the applications, they review them and interview each application giving them some hands-on time with each organization and ask any questions that the City has. Based on those interviews, the committee comes up with some funding recommendations that are never easy to do. This year, they came up with the recommendations that are before the Council tonight. Ms. Price added that there is one modification: there was a typo in the Murray program delivery expenses; it should be \$18,100.00, not \$22,500. Based on that, the advisory committee is recommending approval for this Resolution for \$175,613.00 for the 2012 -2013 CDBG funds.

Public hearing opened for public comment.

David Woodman, Assist Emergency Home Coordinator, 218 E 500 South, SLC, UT

Mr. Woodman stated that Assist has, for over 42 years, tried to have a positive effect on built environment in our community; they have also tried to enfranchise those who have no voice. The three main projects of Assist are:

- The Emergency Home Repair Program, which he is most closely affiliated with; this is a program that tries to help the city's lowest income residents with critical necessary plumbing, heating, roofing and electrical repairs on their homes. All work is done by local, licensed and insured contractors. Some of them are based in Murray City.
- The Accessibility Design Program, which is a program that helps remove architectural barriers from homes of people who have disabilities. Staff architects assess the situation and design practical modifications.
- Community Planning and Design; Assist works with local governments, neighborhood groups, non-profit and for-profit organizations to bring a community voice to the development table. Also, compliance with fair housing laws regarding accessibility.

Mr. Woodman mentioned three projects that they have been involved in this fiscal year:

- A 66 year old woman on Box Elder Street: they installed two iron railings on her front porch steps.
- A 91 year old couple on Angeles Street: they did critical repairs to the electrical system in their home.
- An 83 year old couple on Shiloh Way: they replaced a leaking water line.

Mr. Woodman said that all of these repairs were needed and absolutely necessary to help these families stay in their homes. They want to be a good community partner and they make many referrals to the NeighborWorks Program, the Community Development Corporation and Valley Services. Hopefully, this will help the family in need find the appropriate program that can best help them. In these austere times, they know that the City has very difficult decisions to make and he thanked the city for supporting these programs.

Terra Bueno, 244 E Myrtle Ave, Murray, Utah

Ms. Bueno said that she is the new Unit Director of the Boys and Girls Club of South Valley, and introduced Jaime Dunn who is the new Child Care Director; Ms. Bueno said that the Boys and Girls Club of South Valley serves about 100 kids a year, coming from at-risk homes, single parent families, alcohol, drugs, violence, etc. They work with these kids as more of a prevention to help them get off the streets and their biggest focus is to help them graduate and receive education-this is a big push for the club.

Ms. Dunn thanked the City for their help in previous years in funding and support; she said that when it comes to this specific funding, the Boys and Girls Club Child Care is a licensed child care facility, but one of the lowest costing center for child care in the valley. They provide low-income families and single parent families with the opportunity to take their kids to a safe place where they know that their kids are going to be taken care of in a setting that is regulated by the

state. In order to do that, they do have to get funding for certain things, such as the playground, to give the kids a safe place to play. Their playground is very big and they have kids from three to eighteen years of age and it is for all the ages of the children. Unfortunately, for little three year olds that come for pre-school, the playground is a little too big and not as safe for them, so they are hoping to put a playground in where the younger children can play and still be safe.

Ms. Bueno said that the second part of this is wheelchair accessibility and door openers. The Boys and Girls Club in Murray is one of the few clubs that have an inclusion program, so this will definitely help them to continue this program.

Celest Eggert, Development Director, The Road Home

Ms. Eggert reiterated Ms. Wiley's statements regarding how great it is to work with Ms. Price and the Advisory Committee, thanking them and the Mayor for their tireless efforts, and for Murray City being a faithful supporter of The Road Home. The Road Home is the largest homeless shelter in the State of Utah; they have a shelter for single women and women with children; they provide nightly shelter to approximately 700 people and last year they provided shelter to 5,939 people.

Ms. Eggert stated that they have a request for hard costs to renovate their bathrooms. Each one of their shelters have separate restroom facilities with showers and those are in desperate need of repair. Their men's restroom has never been renovated since they opened their doors in 1988 and they are asking for funding for that and would appreciate the City's support.

Stephanie Mackay, Columbus Community Center, 3495 S. West Temple, SLC, Utah

Ms. Mackay thanked the Mayor and the Advisory Committee for working so diligently with all of the non-profits and they realize how difficult these decisions are. Columbus Community Center is a non-profit organization which serves individuals with developmental disabilities; they serve 350 people across the county in three program areas: residential, vocational and day programs. In this area, they have six individuals living in the Jones Court Group Home and it was the first group home that was built in the county. Salt Lake County Housing Authority built it and they have operated the program for over 30 years.

Ms. Mackay said that the money that has been recommended is to renovate the bathroom and she wanted to speak to the process in which they go through for this block grant money; for them, it has been a critical process to help them plan for adaptations to the home; it has been around for a long time and every year there is always something to do and the block grant money has been critical for them to do many renovations. This year, they are asking for funding to renovate the bathroom so that it can be wheelchair accessible. The six individuals who live there are starting to age and they are trying to plan forward to make accommodations for those in the home. It is a beautiful home, the six individuals are fully integrated into the Murray community and the staff is very proud to work there and they are very glad to be a part of Murray.

Public comment closed.

Council consideration of the above matter:

Mr. Shaver made a motion to adopt the Resolution with the amendment changing the amount to \$18,100.00 from \$22,500.

Mr. Hales 2nd 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

The Council Members gave their thanks to all of the organizations and their contributions to the City, as well as acknowledging the great efforts and knowledge of the City staff. Mr. Brass also thanked the County for streamlining the processes.

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

8.3 Consider an Ordinance amending Section 16.16.090, 16.16.095 and 17.58.050 of the Murray City Municipal Code relating to the requirement that all newly created single family lots abut a public street.

Staff presentation: Tim Tingey, Administrative & Developmental Services Director

Mr. Tingey stated that this item was discussed in a regular Council meeting, and since then, they have had new Council Members, so he wanted to give a background on this issue. Several years ago, in 2006, there was a citizen task force that was formulated that looked at a variety of issues that related to development. Their primary focus was Planned Unit Developments as well as larger homes and heights of these homes as they compared to neighborhood areas with smaller homes. As part of their deliberation, they met more than nine times and it was a committee of citizens, including developers and architects and part of their recommendation and some of their deliberation was on the public and private road issue. They made a recommendation to the Planning Commission and the Planning Commission made a recommendation to the Council to eliminate private roads in single-family subdivisions. In 2007 the City through the Planning Commission, recommended an ordinance called the 'Single-Family In-fill Ordinance'

which allowed for a reduction in standards in set-backs and street widths for in-fill development for single family homes. The street width current standard and the standard at that time was a 50' right-of-way width for public roads in subdivisions. The single-family in-fill allowed a reduction in that to 30'; as part of that, the Planning Commission could omit sidewalks and planter strips if there were some reason for doing so. That ordinance was adopted as part of the in-fill ordinance, which was also adopted in 2007.

Mr. Tingey said that this issue that is before you was brought forward in the summer of 2011-the Nielson family made a proposal basically to change the ordinance to allow for private streets in limited circumstances; in July, the Planning Commission recommended denial of the ordinance. It came before the City Council in December of 2011 and he recommended denial of that proposal for the following reasons: First of all, there was a committee that was established that addressed this issue, and they felt that it was a good policy, that it was adopted and was a sound policy for the city. The code allows for a reduction in the right-of-way with the single-family in-fill ordinance and that was approved through a public process. They get a lot of people that come in to their offices that have concerns that things go forward, such as private streets, and they did not have any say or input in that after they purchased homes with those private streets and didn't recognize the issues of concern and problems that come with private streets. Since he has been here, he has had several situations where he has sat in the Chambers with a whole neighborhood addressing the issues of their concerns of why the City allowed private streets and why they have to maintain the infrastructure-when water lines break and why they have to wheel their garbage cans a long way, why they pay the same taxes yet do not get the same services. That is what he has heard a lot in his career as well as here in Murray. That is an issue of concern that prompted the recommendation of denial.

Mr. Tingey stated that there are also conflicts between private property owners with private streets that they access; sometimes, some of the property owners think that they own a portion of that private street. Sometimes their parcel is in the street, but it is an easement that the private street runs through and they have put up fences. Then they have had public safety concerns: the Fire Department has concerns with ongoing maintenance of those private roads and if there is a fire, they have concerns if there is adequate access, that it is not blocked or in disrepair. Those are the reasons that they recommended denial and they are issues of concern; whenever you look at private and public streets, most cities that evaluate this have these issues. They have spoken with cities across the Salt Lake valley and there are these issues that occur.

Mr. Tingey continued: In December, the City Council had discussion of this item and they directed staff and he quotes their motion at that time: "the City Council, Staff and Planning Commission will agenda the item for the near future and have discussions and meetings to revisit the issue and look at amending the ordinance in a different way so that they may address these smaller than two acre parcels across the city." The staff immediately went to work on this issue and Community and Economic Development staff led the development of this proposed ordinance. They met with Public Services, Fire, Police, Power Department, Attorney's Office and others to craft an ordinance for the Council to evaluate, which is what they are doing tonight.

Mr. Tingey said that the proposed ordinance components are:

- Private streets would be allowed for residential in-fill subdivisions of two acres or less.
- Minimum paved width of 20'
- 8" road base with 3" of asphalt
- Curb and gutter required, designed as approved by the City Engineer
- Private streets are to be located on a separate lot or parcel and not counted toward the lot's square footage
- Set-backs measured from the edge of the private street parcel
- Sidewalks and park strips are required unless omitted through the residential in-fill approval process.

In addition to that, there are standards related to the approval of gates that are included in this regarding set backs from adjacent parcels-there is a separate standard for that, and also, extension of streets to adjoining property owners. What that means is that there may be some circumstances where they don't want to land-lock another property that is to be developed in the future, so there may be some circumstances where you can't have a private street if it will land-lock and cause issues with state law related to that. The private streets should also be separated from abutting private properties outside the post development by a minimum of 5'. These are the basic components.

Mr. Tingey stated that after they developed this proposal and taken it to the Planning Commission, the Nielson's expressed concerns about this ordinance. They countered some of the elements in the ordinance; one of those was that they requested eliminating the requirement to have a street as a separate parcel. They have big issues with that, and Mr. Tingey wanted to reiterate that there are property line issues and if it is allowed as an easement, if it is not a separate parcel, people will own a portion of the street all the way down the street and there will be conflicts of people putting things in the private street because it is their property. The set-back interpretation becomes very challenging; density could be affected, the maintenance of the street and who is to maintain that-it is not well described if you don't have it as a separate parcel; long term stability of a home owners association; and then, public safety and code requiring it be established as a separate parcel will promote access issues can be addressed more effectively. All of those issues are concerns that they have.

Mr. Tingey showed some pictures of private streets that they have had issues with-people building on the property line which has impacted access and other issues. He said that these are issues that they would like to avoid. The Nielson's also described some concerns with, and suggested an option, that they did not want to include curb, gutter and sidewalk and Mr. Tingey wanted to be very clear about this point. This ordinance does not allow for the City Engineer to make a decision to not require curb, gutter or sidewalk. This ordinance says that there is to be curb, gutter and sidewalk. There are some different design elements with the curb and gutter, but park strips and sidewalks are also required. There is an option for both the Planning Commission and the City Engineer-not one or the other, but both-to waive this if certain circumstances are met. This is not something

that the City Engineer can rank, Public Services cannot make a call on that; there was even some wording in the Minutes, as well as some comments made by the Nielson family, that they have talked to the City Engineer and think that these issues can be worked out. Potentially they can, related to curbing, but this is the standard for sidewalks and planter strips. The Planning Commission and City Engineer would have to waive something like that and there would have to be some legitimate reasons behind it; he wants to be clear about that.

Mr. Tingey stated that in addition to that, as part of the background on this, in January and February they brought this to the Planning Commission and also brought this draft proposal to the Council; there was public testimony at the Planning Commission meeting, two members of the former committee and the former task force was at that meeting and the Planning Commission recommended, unanimously, against this proposed ordinance. They went back as they were directed by the Council, to work with the Planning Commission and they have big concerns with this. They have submitted a letter to the Council, which Mr. Tingey would like to enter as part of the record, reiterating their concerns; this letter was submitted by the Chair, Jim Harland, on April 6, 2012.

Mr. Tingey summarized: this is a public policy and it is a public policy that needs to be focused on impacting the whole city. It will impact each one of the Council districts, potentially, in the future; it is not about one particular proposal and they need to understand that. It is about an ordinance that will impact and change the policy which is made for the whole city. There are potential-and he has had people in a variety of areas, including developers- that would probably eliminate, with this two-acre size, the public streets. It is less cost prohibitive to do that and so this is a public policy and not just about one proposal. Administrative Developmental Services staff has recommended approval of this ordinance as it has gone through to the Planning Commission, but this recommendation that they had as they took it to the Planning Commission doesn't alleviate the concerns that he has just addressed. Those issues are concerns that this ordinance will not address and you will still potentially create conflicts, you will still potentially have dilapidation of those streets over time, we will also still have citizens potentially who will come in and say 'why am I paying taxes and not getting the same services.' This will not change that; the Planning Commission unanimously recommended denial and that is his presentation before them tonight.

Mr. Stam addressed Mr. Tingey: You live in an area that has a homeowner's association; how effective is that association at this point?

Mr. Tingey said that it is not very effective, and that is a challenge. They would hope that having properties like the private street ordinance like that is proposed right now allowing for those private streets as a separate parcel will help to keep those homeowners associations intact more, but you can't ever guarantee that. They have an issue in his subdivision where there is an area that is not being maintained, that the homeowners association was supposed to be maintaining and no one is willing to pay for that.

Mr. Shaver said that Mr. Tingey had mentioned issues that will continue to occur in the

future that this ordinance doesn't address. He asked if there is a possibility of addressing those issues separately.

Mr. Tingey said that the current policy that they have addresses those issues which is to not allow private streets, addressing those separately. There are some that can be mitigated but over time, he doesn't feel that with the private street ordinance that they can be mitigated. For example, if you live 200' or 300' from a public right-of-way, to get your trash picked up, this will not mitigate, over time, people from having to move their trash all the way to the public road. This is not going to address, over time, issues of if water lines break and it is in the private street and not a part of the public right-of-way, that homeowners association-those residents are going to have to pay for and address that.

Public hearing opened for public comment.

James Nielson, 41 Palo Circle, Sandy, Utah (Sponsor)

Mr. Nielson said that this was the most reluctant recommendation that he has heard for an amendment; they are not opposing this amendment, any part of it; it could be written to give more flexibility to property owners, but they understand the City's concerns with the problems that the city has had in the past and they understand that this amendment was written specifically in order to address those concerns. Parts of the amendment were not mentioned: one specific item that he would like to bring up is that the private street will be posted as a private street and a notice will be posted at the head of the street that it is a private street and people on the street will not be receiving services. He hopes that this would alleviate the concern of receiving phone calls from angry citizens who are not receiving the services that others do on public streets. There is also the consideration-he admires the city's desire to take care of any potential issues that residents might have, however, there is the idea that people can choose where they live, whether it is a public or private street, and can take on that responsibility for themselves and they should have that choice.

Cities surrounding Murray do allow private streets; he assumes that they have had issues in the past, but have worked to address them if not eliminated them all together; he feels that this is a consideration as well. They are there to ask, on behalf of themselves and all other small property owners who might be able to take advantage of this ordinance, they are here to ask for a slightly narrower access. This is for small pieces of property that can support in-fill zoning requirements but do not have the area to support a full width public road. These properties would still have an area to support fire code approved access, which currently is 20'. They are not asking to change density or set-backs and he knows that in their case, they are not considering his property particularly, but a road length of less than 400' and two houses. It seems to him that this could be considered an elongated driveway rather than a road. Streets of this type would be very limited in scope; this is not an ordinance that would allow new neighborhoods to be created-it is limited to two acres and 600'.

Mr. Nielson wanted to address the issue of private streets specifically: why are they asking for a private road? They are not; what they are asking for is narrower access and a private road in Murray City is currently the only option to get that access. That is why they are asking for a private road; they have tried to find every option to amending the entire ordinance, understanding that it would be difficult. They have searched the Code for language that would allow the Mayor to give special approval based on the history of the property, but that didn't work. They asked that the existing private lane on the property-there is a road on the property that served two residences and by definition in Murray City, that establishes it as a private lane-they asked that the road be grandfathered in, since it has existed since the 70's and they be allowed to use it for development on the land, they were told they could not do that. They suggested an alternate access, perhaps through the amphitheater parking lot which is adjacent to the property and they were told they could not do that either. They discussed, with the City, the possibility of a narrower public road and it is his understanding that perhaps that conversation will continue, but at the time, he was told that the City was not comfortable with that option and they needed to pursue this as a private street.

Mr. Nielson said that he hopes it is very clear that from the beginning, they have done everything they can to find an alternate means of achieving access into the property. They have enough room for 20'-there are other properties around the city that will have enough room for 20', which is what fire code deems to be safe, they just can't support the width of a public road and the question needs to be asked, why if you are serving two or three houses, do you need a full width public road, isn't that overkill? Some of the benefits of narrower access, for the Council's consideration, are: a narrower road is a better fit for smaller developments where the current public road standard doesn't make sense; in their specific case, they are talking about two houses. It will slow traffic speeds; for those who are familiar with the Leed rating system in architecture, you can receive sustainable site credits for reducing impervious surface-in other words, you can receive credits for reducing the amount of pavement that you put on a site. Less pavement results in reduced storm water, and as we know, every Spring Cottonwood Creek has a tendency to overflow its banks-less storm water being a good thing. If you pave less, there is more area for a natural infiltration of storm water without it ending up in waterways. There is increased retention of natural vegetation; less pavement reduces the urban heat island effect, which is higher temperatures around cities where dense pavement is common; the pavement collects heat and reflects it back during the night, raising the temperature.

Mr. Nielson continued: This also makes small developments more financially viable for property owners; this was a point that came up with the Council in the last meeting. There was a desire for some flexibility for owners of small pieces of property to be able to develop them. In their case, it would allow them to come back to Murray-his brother and him-to build houses and to live and raise their children in the city where they grew up. He doesn't need to go through the merits of the ordinance-he just wants to say one more time that this has been written to specifically address the problems that have had in the past and if those people are here to remind you of those the issues, this is the new ordinance; it is comparing apples to oranges-this is something that has not been tried. In closing, he would like the Council to consider one more time, as far as they know, a

private street is the only vehicle for a narrower access. Murray's General Plan for the property under consideration allows one house per 8,000 square feet; they are proposing two houses to go on approximately 43,000 square feet; fire code allows access of 20'. Both of these things-the General Plan of Murray City and the International Fire Code have both been written with the public's safety and well-being in mind. They are planning to adhere to both of those standards; all they are asking for is reduced width so that they can develop this property for their family and on behalf of other property owners who will find themselves in the same situation.

Mr. Nielson stated that if this amendment is the right path, please pass it; if it is not, then please help them to find a way to use the property.

Mr. Stam addressed Mr. Nielson: It has been stated several times that this is for two homes; he was told by a member of the Nielson family that it is actually, long-termed-planned for four.

Mr. Nielson said that in the beginning of this process, that was the discussion; however, the way that this amendment is written, to require the lane to be on a separate parcel of land...this is why they requested that the road be defined as an easement, which he believes it can be legally defined as an easement if he understands it correctly, and the line of the road can be as clearly defined as if it is a separate parcel; regardless, with these small pieces of property around the city, they are not all flat or regularly shaped. If this road is required to be on a separate parcel it cuts off a big chunk of land that is a slope. They cannot build the road right up to the property line, it cuts off a big piece and reduces the area of the lot significantly. They had a heart to heart with the other people who are involved, his siblings, and two of them are happy where they are and are willing to let the other two build on the land, understanding that because of the way that the amendment is worded, it restricts the use of the property as such that they are basically left with two lots.

Martin Buchert, 5459 S 555 W, Murray Planning Commission

Mr. Buchert said that the Planning Commission's deliberations and decision is already on the record and he does not want to reiterate that, he wanted to make a few points that had not been made tonight. He thinks that the critical decision is not about narrower roads, the policy change that they are deliberating is a policy change about whether private or public streets will be required for future in-fill on small lots. The Council has heard testimony from the city staff that they already have policy established that facilitates the development of those small in-fill lots and on that basis, he would again encourage the Council not to decide to change an existing policy that is working for the city, that has been reviewed by professional experts multiple times over this multi-year process to address the kinds of problems and challenges that have been pointed out again and again.

He understands the desire-the emotional appeal of the homeland, so to speak, and if the sticking point is the width of the road, then that is a point to be worked out under the umbrella of the existing policy and the existing in-fill development ordinance and not to change the policy regarding private and public roads to accommodate a need for a narrower road. He would also emphasize the point again-his world view says that you respect expert opinion; he seeks expert opinion when he has a decision to make, he seeks to exercise common sense himself, but he knows enough about the world and the universe to know that he can't know very much about it in the grand scheme of things and that his expertise is limited in his scope.

Mr. Buchert said they had all heard that city staff, in a variety of disciplines have reviewed this multiple times, the citizen committed has reviewed it, the Planning staff has reviewed it and he respects the expert, professional judgment of these people, including many of his colleagues in the Planning and Zoning Commission.

Ben Savage, 600 E 4800 S, Murray, UT

Mr. Savage stated that it has been unclear in the meetings why this particular project can't be done through the in-fill ordinance or flag lot and it amazes him that they are talking about making a broad brush move here and go back to something in the past that they have had task forces on and know doesn't work for Murray City. Now we are going to go to something, if this is approved, that they are quite familiar with-the problems. They know that the system being used right now does work, so why would they want to take a huge step backwards to something that doesn't. As a last word of caution on this, he knows that to go this private, narrower road, it takes both P&Z and staff to recommend that you have maybe 1' of curb and gutter, no planter strips, no sidewalks...the minute you do this for one person or one developer, you are going to be faced with a long line of people right here saying that you did this for that one person, why not them. This is the real issue that you open up with this, other than safety.

Ray Black, 1010 Peaks Circle, Murray, Utah

Mr. Black said that he serves on the Planning Commission and has lived the life with the public streets and all of the problems that came to them at that time, which were many. In 2006 they addressed that and had a task force that recommended that they do away with public streets. It went to the Planning Commission and they approved it; since that time, the problems that he used to face and those that were on the commission, they haven't had any of them since they got rid of public streets and enacted the in-fill.....Mr. Black corrected himself to mean private streets.....they haven't had any problems. It is hard for him to understand that if you had a problem and you fixed it and things are going right, why do you go back and get the old problems back? He doesn't see the logic behind that.

Just recently, they have had people who live on private streets here in Murray, come to

the staff and ask them to convert those to a public street so that the City would manage it. There is a message there-they don't want that private street for all of the reasons that you have heard tonight.

Mr. Black said that he feels that if the City goes back to this, they are kicking the door open and this isn't something that will only apply to a piece of property on 5300 South, this is going to be city-wide and he doesn't know why they need to kick the barn door open, it doesn't seem to make sense. He believes that this defies common sense and it is not prudent to go back to what they had in the past, where there were a multitude of problems and he always thought that the tenants of logic was to learn from the past; for the past five or six years, they learned that it was a bad idea when they had those private streets and now that they have the public streets, they don't have the traffic or problems that are presented to them.

Karen Daniels, 788 W. Bullion St., Murray, UT

Ms. Daniels said that she is a member of the Planning and Zoning Commission and wanted to explain why they sent a negative recommendation on this issue; as a Planning and Zoning Member, they sit and look at public safety issues and so forth when they are looking at different issues and one of the strongest ones was the sidewalks that were wanting to be eliminated, this was something she wanted in this ordinance if it did change. Nothing is worse in your personal life than to get a call at work telling you that one of your children have been hit by a car. She feels that it is very important that we have sidewalks, if they do go ahead and approve this. They came up with the in-fill ordinance-the Nielson's are great people and she understands how they want to develop their property-but they looked at this as a whole and came up with the in-fill ordinance, which has the ability to have the smaller streets and still keep it public. It is just a matter of being able to work together with the City on something that they already have.

Ms. Daniels feels that the staff has done a great job-they have looked at it, the task force looked at it and her recommendation is that they don't change what is already in place.

Bill Finch, 1055 E Chevy Chase Lane, Murray, UT

Mr. Finch stated that he was also on the task force along with several others, and in all the meetings that they had, what came out was that there would no longer be private streets; what he does not understand about the Nielson's is why they would want a narrower street-if the fire engine were to come up that street, they need 20'. Mr. Finch agreed with the former speaker of curb, gutter and sidewalk; with a 400' driveway and only 10' wide, it doesn't make sense if a fire truck were to come up that road. He agrees with everyone else that there is no reason in going back to the past.

Debbie Reid, 5811 Cove Creek Pl., Murray, UT

Ms. Reid stated that she too was on the task force in 2006, and not only did they meet often, but also took many field trips around the city looking at different neighborhoods

and different roads they were discussing. They discussed at length the curb, gutter and sidewalk options in their meetings and made the recommendation to the city to create a policy or law about the curb, gutter and sidewalks; they made the recommendation to the city to eliminate private roads. The reason she was asked to be on the committee at that time was because she did, and still does, live on a private road with an H.O.A. She does not know the Nielson's, but her heart goes out to them in this situation because she can imagine growing up on the property and having it be a family property and being told that it doesn't get to look the way they want it to; it would be difficult and she has empathy for them with that issue.

Ms. Reid continued: as everyone has said, making an exception to this law and this ordinance for this one family is going to open up a lot of problems that the city was having and in some areas still currently has because of the private roads. Since that time that she was on the commission and the experiences she has had living on a private road and an H.O.A., she and her neighbors purchased the lot in between them and came to the city and had it rezoned; the plat redrawn up and went before the H.O.A., did everything they were supposed to do by law to make the changes. Over the course of years, those neighbors moved out and new neighbors came in and have had several different H.O.A. Board Members and the new board members in 2008 decided that what they did was not legal and they sued them. They went through a two-year process of fighting, a lot of contention in their neighborhood and still has neighbors who will not speak to her and it was finally resolved that what they did-after the H.O.A. spent thousands of dollars going through four different attorneys-all was washed away. The impact that it had on all of the neighborhood was really detrimental; having your neighbors sue you does not bode very well. She can see future problems as the different families leave, that is the potential of something happening. Regardless of the H.O.A., they did make a recommendation for several reasons that there would be no more private roads; there were a lot of different reasons for that.

Marta Nielson, 5495 Walden Meadows Drive, Murray, Utah

Ms. Nielson clarified that this ordinance amendment is for 20' not for 10', which is what fire code requires; she knows there was some mention of expert opinion and that staff has spent a lot of months consulting with different departments within the City and also that it is based on fire codes, so she feels that they do have good experts on this ordinance amendment that would support its passage tonight.

Ms. Nielson said there has also been a lot of talk about taking steps back, or opening the barn door but they are not taking steps back; there was a problem in 2006 and that problem was addressed with the ordinance that they have now. They come six years later to 2012 and there is another problem which needs a new solution; the present ordinance that addresses the issues that came up in 2006 is not the barn door-it is a window, a different entrance. It is not about cost or the way the property will look it is about design; what makes sense for property owners so that they can have good designs and a good community. It is also about physical space; her father-in-law built his house with his father in the 70's, it is beautiful and you would literally have to tear it down to build the

road that is required; she is sure that there are other properties that would face similar situations and if it makes sense for them.....someone said there would be a line of people wanting the same thing, but why aren't they allowed to use their property as well? There should be a solution that makes sense for the properties.

It is easy to hear the squeaky wheel, to hear the complaints that come in; she works for city government too and answers a lot of angry phone calls every day, but that is our job as city employees to respond to those. You don't often hear from the successful projects- in their research on this over the past two years, they have gone out and driven through a lot of different private street neighborhoods in Murray and there are some good ones out there. She feels that this can be done in a way that works and that doesn't come up with the problems. She encourages the Council to have open minds about this, to see it as a new solution that addresses the problems and to see that there are other ways to address the problems than just saying no.

Public comment closed.

Council consideration of the above matter:

Mr. Brass said that he has struggled with this issue; he has been around a long time too. Mr. Brass stated that he was the Councilman who called for the original task force on this; private streets became a part of it, but the driving force was a P.U.D. and the way they calculated the lot sizes using the streets and that stirred up this issue. He has also stated from the beginning of his discussions with the Nielson's that he did not want to go back and revisit that; he lived through that, it was not a fun time and he is not a fan of private streets. The reason that he has advocated for this thing is that they make laws and decisions, and the late Dick Stauffer loved to use the phrase 'law of unintended consequences' and we can't always consider all issues when we pass a law. He has spoken to members on the task force and one of the things that were not considered is what happens to all of the A-1 zones when they go R-1-8, which is what the Master Plan and General Plan calls for, the very reason that we eliminate private streets is what became an endless stream of people coming to them wanting to know why they can't have a public street; they said 'enough' they don't want to deal with this anymore.

Mr. Brass's concern is that with the thirty to fifty one A-1 properties they will have that endless stream of Nielson's coming to them and saying 'what are we going to do with our properties' because a flag lot is inadequate; you can say we are not denying you use of your property, but he doesn't know if they are allowing them fair use of their property. What you end up with is a house and another house, and it is still a very big piece of ground. Nationally they are seeing that large lots are not desirable in neighborhoods. That being said, he doesn't know what they do; he doesn't know how this vote is going to go, he doesn't like private streets but he has continually asked the question of why they cannot have a public street that would address this issue. What is the minimum, safe standard for a public street- width, curb and gutter, hard edge, whatever. What they don't need is the driving force behind people wanting to have their roads converted is when their road breaks down, they don't want to pay to have it repaved, they want the City to

do it. If you put a road in and we have to take it over, we don't have to pay to have it repaved either so we want a specific standard. Mr. Brass doesn't know what that standard is, or what is going to happen tonight, but he would urge them to take a look at this because this problem will still come up and he doesn't dislike what they are looking at any more than he would dislike similar properties, but he does know if you open the barn door, there are people out there that will take advantage to the smallest issue and we have to protect the city.

You will learn that as you age in your career with the city, you make difficult decisions and it impacts people's lives; this is your life, your family, but it is our city. As he said from the beginning, there are 45,000 of us and he doesn't know that they have looked at the standard. He would like to know, if indeed, fire code and ICC says 20' for certain sizes, then let's talk about that; if it doesn't, if Mr. Roberts can show him that a bunch of people died in a fire because they couldn't get an engine down the road because it was too narrow, then it's a health and safety welfare issue and he is good with that. He will go to the wall with that. He would urge that they go with a public option for all of those properties, not just this one-it is not about this one, and it's about all of them.

Mr. Shaver said that one of the things that he feels is constitutional in the United States is that he has a right to property, but the State says 'yes you do, but we are going to tell you how you may or may not use it,' That gets into a conflict of interest-the State telling you what you can or cannot do with your own property and those are hard issues. One of the things is that overall view, the overall perspective and trying to maintain that is sometimes difficult. He has had conversations with the Nielson's, walked their property with them, talked with them about what they wanted to accomplish, etc. and it becomes very personal at that point. Trying to remain somewhat objective is a challenge; he does not envy what they do on the Planning and Zoning Commission-he knows how hard it gets on the Council when they do that, but at this point, they have to consider overall what the city needs and what would be best for all. As Mr. Brass so eloquently stated, the private roads are not...both of the Nielson's asked if there isn't some way to do this, that is what he would like to see. He would like to see them do that to the property and build it the way they like within the confines of what is available. How we do that, he doesn't know, but if there is a possibility of a solution, he feels that they should do everything they can to do that. It was said that the conversation would continue and that is what he would hope because what was brought up is exactly an issue that they all need to face and it is not going to go away. As his part on the Council, he wants to keep that very open, a very broad perspective and that is what he is planning to do.

Mr. Nicponski stated that, for him, it is pretty obvious-there are members of the Planning Commission here who tirelessly served, who unanimously objected to this and he thinks it is an ill-conceived proposal or amendment. He sat in the December meeting and was unimpressed by the way that they grappled with it then, recommended working out an ordinance and it didn't make sense to him. The Planning Commission spoke and they know what they are doing; he will support them and he would vote against this amendment-he feels that it is a bad idea, ill-thought and ill-conceived.

Mr. Nicponski made a motion to deny the Ordinance/amendment.

Mr. Nakamura reminded the Council that a matter can fail without a motion and second as well, whether they need to take affirmative or negative action on this matter.

Mr. Shaver 2nd the motion.

Call vote recorded by Brent Davidson.

 A Mr. Brass

Mr. Brass said that because he feels the way he does about private streets, he will make his vote, but he would request, and urge the support of the Council, that a CIW be done and the process started for them to look for a public solution.

 N Mr. Shaver

 N Mr. Hales

 A Mr. Nicponski

 A Mr. Stam

Mr. Stam said that he has had experience on the task force and has gone back and forth on several things on this, and has one concern and suggestion that he had brought up in the original meeting in December: because of flag lots and size of properties, he would entertain a possibility of a two home flag lot because of the size of the property in the back. Any additional properties would create an issue. Based on that and his feelings and experiences, he votes to deny.

Motion to deny passed 3-0

Mr. Stam wanted to clarify: the motion was to deny the new ordinance; so a vote of Aye was a vote to deny the ordinance, a vote of Nay was to approve.

Mr. Nakamura said that this is the problem with negative motions and suggested taking a re-vote. He clarified: the motion on the floor is that Mr. Nicponski made the motion that they would deny the ordinance that has been proposed; there would be no changes to the ordinance. With that understanding, a re-vote was called.

Mr. Nicponski made a motion to deny the Ordinance/amendment.
Mr. Shaver 2nd the motion.

Call vote recorded by Brent Davidson.

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

Motion to deny passed 5-0 (Amendment fails)

9. UNFINISHED BUSINESS

None scheduled

10. NEW BUSINESS

None scheduled.

11. MAYOR

11.1 Mayor's Report

Mayor Snarr stated that they are in the process of diversion around Big Cottonwood Creek; they put in an elaborate pipe system and will create a dam upstream to the east, diverting it and sending it quite a ways down and around so they create a dry area where they can rebuild the bridge on. If you want a nice road trip, you're going to have to walk about 75 yards around Big Cottonwood Creek due to the diversion. It is very interesting the way they do that project; it is nice this year that we do not have the run-off that we have had the past couple of years and they should be able to address it and take care of it, and hopefully sometime in August the project will be completed. After being the Mayor for 15 years and on numerous years the County said they would partner with us to get this project done, it's finally coming. Financing had been an issue along the way, the design of the bridge was finally completed, although it was a little later than he had hoped for, it is costing more money now because of some other mitigating circumstances that occurred and we have had to anti-up additional money, but it is critical to our infrastructure and critical to the development of the Fireclay area; we will have a safe way to finally go

across the Big Cottonwood Creek at Main Street.

If you notice, both the sides of the creek are deteriorated and the rebar is showing; it is sloughing off on both sides and begun to break and deteriorate to the point where it is no longer safe and this project will make it safer and make that area come alive faster and in a way that most people are looking forward to. We have had some issues in the past with individuals who have called and expressed their concerns about the Miller Paving trucks coming in there at six in the morning; they were doing it last Fall because they were under the gun to finish projects and wrap them up before the asphalt plants close down. They no longer can stack on the south side of the Big Cottonwood Bridge-they will have to go back over to the where there are no residential units on the north side, which will address that issue. He has had a conversation with the Millers and they will make sure that in the future, that will no longer happen.

11.2 Questions of the Mayor

Mr. Shaver said that he has seen work over on 4800 South.

Mayor Snarr said that they are going to do a grind and overlay on that, and then some collars. They are doing some curb and gutter work, but were not able to finish that last Fall because of the limited time they had before the weather came in. They are going to grind and overlay that from State Street all the way to Winchester, so there will be clean asphalt all the way down. There are a few bumps and ridges along the way which will be addressed when they do the final overlay and after that they will collar it going around any of the infrastructure like the sewer lines, turn-offs, valves, etc. It will be finished off as they had originally bid it out.

Mr. Shaver asked for a time frame on this.

Mayor Snarr said it should be started sometime in May, being weather contingent and it will take more than a couple of weeks because going through and putting individual collars around each of those manholes takes longer than doing the grind and overlay.

12. ADJOURNMENT