

# Murray City Municipal Council Chambers Murray City, Utah

---

**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 10<sup>th</sup> day of July, 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 - Conducted
Darren Stam,	Council Member - Via Telephone
Jared Shaver,	Council Member
Dave Nicponski,	Council Member

Others who attended:

Doug Hill,	Mayor Pro-Tem
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
Gil Rodriguez,	Fire Chief
Jon Harris,	Battalion Chief
Jed Finlinson,	Paramedic/Firefighter
Justin Reimers,	Paramedic/Firefighter
Justin Zollinger,	Finance Director
Kevin Potter,	Deputy Chief
Dan Barr,	Library Director
Chad Wilkinson,	Division Manager
Amy Goller,	Community & Economic Development
Russ Kakala,	Streets Superintendent
Scouts	
Citizens	

Mr. Hales noted that Mr. Stam will be participating via telephone.

## 7. OPENING CEREMONIES

7.1 Mr. Hales stated that there is a tradition in Murray to have the Scouts in attendance stand and introduce themselves, their Scout Leaders and which Merit Badges they are working on. The Scouts introduced themselves.

7.2 Pledge of Allegiance – William Thacker

7.3 Approval of Minutes.

7.2.1 Approval of minutes for June 5, 2012

Call vote taken, all Ayes.

7.4 Swearing-in of new Firefighter/Paramedic Justin Reimers and newly certified Paramedic Jed Finlinson.

Chief Rodriquez said that Mr. Reimers is a new firefighter from Utah County, a world-class pickle ball player and a great addition to the department. Mr. Finlinson has been with the City for several years and has just completed paramedic school. The City is lucky to have such great people working for it.

Swearing-in ceremony performed by Jennifer Kennedy, City Recorder.

Mr. Reimers and Mr. Finlinson introduced their families.

7.5 Special Recognition of Battalion Chief Jon Harris for successful completion of the Executive Fire Officer Course from the National Fire Academy.

Chief Rodriquez stated that the EFO Program is not easy to get into, you must have a Bachelor's Degree to even apply and it is usually for upper chief officers. The commitment to this program is four years, going back to Emmetsburg for two weeks which includes 80 hours of classwork. On return, the applicant has six weeks in which to complete an applied research project that is very difficult to do. There are not very many people, including chief officers, who have achieved this goal and there are not many who can continue through the four years to receive the Executive Fire Officer title. When Mr.

Harris applied, Chief Rodriguez had no qualms in knowing that Mr. Harris would finish it and finish it successfully, which he did.

Chief Rodriguez said that this really means a lot and the Fire Department appreciates all of Mr. Harris' hard work and dedication in getting through this program. Mr. Harris has solved many problems in the department, worked hard with the Emergency Management Program and Chief Rodriguez extended his congratulations.

Mr. Harris introduced his family and thanked the Chief, the department and the City for their support through all of this. He feels that the City has a commitment to their employees to help them to further their education and it is much appreciated.

Mr. Shaver added that one of the things that he has come to appreciate is the marvelous education of the Fire Department Staff and service providers to the city. The staff has a spirit of excellence, wanting to do the best they can and Chief Rodriguez has a group of over-achievers and he thanked them all for their great work.

Mr. Brass echoed Mr. Shaver's sentiments saying that they have a tough job and he appreciates the level of skill that they have. Mr. Brass congratulated and welcomed Mr. Reimers and Mr. Finlinson.

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

None given.

**Citizen comment closed**

**9. CONSENT AGENDA**

Mr. Hales asked that the following items be taken together. No objections were noted.

**9.1 Consider confirmation of the Mayor's reappointment of Natalie Gochnour to the Murray Power Advisory Board in an At-Large position for a three-year term to expire June 1, 2015.**

**9.2 Consider confirmation of the Mayor's reappointment of Dallas DiFrancesco to the Murray Power Advisory Board in an At-Large position for a three-year term to expire June 1, 2015.**

Mr. Brass made a motion to approve the confirmations.  
Mr. Nicponski 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

Mr. Shaver noted that both Ms. Gochmour and Mr. DiFrancesco have been serving for the past three years on the Power Board and have brought with them a great deal of experience and knowledge. They have served admirably and take a great interest in what they do.

Mr. Hill said that, on behalf of the Mayor, he is sure that the Mayor appreciates the service of these volunteers. There is a lot time spent on these Boards dealing with a lot of complex issues and this board is extremely helpful to the Power Department in making good decisions for the city.

## 10. **PUBLIC HEARINGS**

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

**Consider an Ordinance relating to land use; amends the General Plan from Office to Commercial Retail and amends the Zoning Map from G-O to C-D-C for the properties located at approximately 383 and 401 West Vine Street. (Stevens Henager College/YESCO)**

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that the General Plan was adopted in 2003 and it outlines a variety of areas related to land use in our community. It is a guide document which helps decision makers in evaluating development proposals in the future. It is not the ordinance, but the guiding document. In order to pursue a change in the zoning district that is not in line with what future land uses state, the city has to go through the meaning of that as well as the proposal of the rezone.

General Plan amendments are allowed. The document specifically states that they should not be taken lightly and future land use is a very important element that is looked at. The property in question is owned by Stevens-Henagar College, who do wonderful work in our community and provide a lot of important services to people in our area. Mr. Tingey

does not want to discredit that all, it is very important and the city appreciates their existence in the community.

Mr. Tingey stated that in August 2011, the city came forward with a change in the land use ordinance to allow for electronic message boards to be located in a General Office Zone. General Office Zone is a designation that is a buffer area between more highly intensified commercial type zoning areas and residential areas. The signage in those zones is only allowed to be more minimal and electronic message boards on premise are not allowed in the General Office Zone. The applicants had previously asked for allowance for electronic message boards to be allowed in the General Office Zone adjacent to I-15 and I-215, which the Council did not approve at that time. There was some discussion about a zone change and that is what the applicant is pursuing at this time. At that meeting when the zone change was discussed, Mr. Tingey communicated that there would be issues and concerns due to the General Plan and with the surrounding areas. In speaking of the buffer zone, you can see that there are residential areas and General Office zoned areas and uses that create an issue with a zone change. This is what the applicants are proposing tonight.

This issue went to the Planning Commission on May 17, 2011 and they recommended denial. Tonight, staff is recommending denial as well. Mr. Tingey said that the electronic message board is the issue behind this, but this is a request for a zone change on this property which would mean that there could be a variety of uses on that property from hotels to retail stores. That is not the case right now and it may not be there intent, but over time that is a potential if the property ever changes hands. More intensive uses that are not compatible with the adjacent neighborhoods and areas are a big issue. It is an unintended consequence of a rezone when they look at changing zones. Something that they have concern with is the future possibilities could be on this property with a zone change.

Mr. Tingey said that in addition, the compatibility of uses is a big concern as well. There are other proposals out there that could come forward with the same type of scenario. He has had other conversations on proposals that would look at this situation and change, and they may come forward. The compatibility of uses and the unintended consequences are a big issue and they are recommending denial.

Mr. Shaver asked if he was correct in understanding that when the General Plan was adopted, this was put into the General Office.

Mr. Tingey said that the future land use was that it would be Office. It was originally an agricultural district that was put under General Office.

Mr. Nicponski asked if the city is currently involved in a legal discussion relative to signage.

Mr. Nakamura said that the city has issues with signage, but he sees this as an issue pertaining to zoning. This decision tonight is not about a specific owner or property but specific to land use and zoning, not about signs.

The sponsor (who did not identify herself) said that this is the second time they have been before the Council and she appreciates the comments as to what the college brings to the Murray City area. This is a beautiful property which is owned by Anthem Properties of which she is a registered agent. She has been with the college for 26 years and can say that is longevity. This college plans to be at this location for a long, long time, but at such time as it chose to move...they are suggesting tonight that the Council rank it as commercial so that they can have a fairly medium size sign. It would not be anything that would be overwhelming to anyone going up and down the freeway. At such time when the property would turn over, they would put into the ordinance that the property goes back to a G-O zone and the sign would be brought down.

The sponsor stated that the reason for the sign, the second time they have come forward with this, is that becomes very difficult for them to get the word out to the community the types of things that they are doing at the college. For the betterment of the Murray area and others, they want to get the word out as to what they are doing. Most people have heard of the free services that the college offers to the community, but today they had a health fair that they could have had more people attend, diagnosing high blood pressure and things like that, but they just can't get the word out to the community. They would like to say to the Council that it is their intention to be able to advertise through the signage and change the zoning back at such time that the property would turn over at a future date.

### **Public Hearing opened for public comment.**

None given.

### **Public Comment Closed**

#### 10.1.1 Council Consideration of the above matter.

Mr. Brass said that the one thing they are taught with zone changes is that when you are dealing with a zone change you never look at the use. The reason for that is that things change. When he was first on the Planning and Zoning, the 'poster child' for that is Mountain Medical Imaging; a beautiful facility and nice building that sits on 5300 South and Woodrow Street. That zone was changed for it to be a single level drive through bank. When they built the two-story medical office building the neighbors were upset, but it was allowed in that zone. That is why they look at that and consider what can happen if things change. He does not know that State law would

allow them to put any clause into this that says when it's old the zoning would go back. They would need to hold a public hearing and go through that process again, it just doesn't revert. It does not meet the Master Plan and things could go in there 30 or 40 years from now that would be difficult on the existing neighborhood.

Mr. Shaver said that he has difficulty with this due to the structure of the building being General Office; this is a university, this is what they do and it requires offices. In his mind, commercial is something different. It is difficult for him to understand changing it from a General Office to a Commercial zone because of a sign. The good that Stevens-Henager does for the community as a whole is obviously something that they support and want to be a part of. Perhaps it is something that the community needs to do and support them more, finding a way to bring people to Stevens-Henager. That is something Mr. Shaver would love to discuss sometime in the future, but as far as the signage being the reason for the change, that is something that he can not necessarily support. The City would love to be able to support them; the city talks about Auto Row and maybe there is a reason for the city to support them as a university and there may be something that they can look at through the Mayor's Office, through the Council. If they are trying to fill their classrooms, maybe there is a way to support them a different way.

Mr. Nakamura asked for clarification on the vote. A vote of AYE would be to deny the motion.

Mr. Brass made a motion to deny the proposal to change the zoning.  
Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion to deny passed 5-0

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

**Consider an Ordinance relating to land use; amends the Zoning Map for property located at 757 West Bullion Street, Murray City, Utah from A-1 (Agricultural) to R-1-8 (Single-Family Low Density Residential).**

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that currently this property is zoned A-1; in the General Plan the future land uses for all agricultural areas are to move to either open space or residential zones. This proposal is not an amendment to the General Plan as the future use of this property will be residential. The purpose is to create a new lot and their request is to go from agricultural to residential. This matter came before the Planning Commission June, 2011 and both Planning Commission and staff recommended approval.

Mr. Nicponski asked how many units will end up at this location.

Mr. Tingey said that he believes that, based on the square footage, it will only be one unit.

Mr. Nicponski noted that this is in his district and he feels that it will go a long way in cleaning up the area.

Karen Edwards, owner of the property, stated that the use is not going to be changing. Her next step will be to amend the subdivision; the back portion of the property was purchased as an investment and leased back to her for fifteen years. She asked what Mr. Nicponski meant about cleaning up the area, as the property is well groomed, as are her neighboring family properties.

Mr. Nicponski apologized, stating he had the wrong property in mind.

Ms. Edwards said that that this is a future investment for a nephew and that the use will not be changing.

Mr. Tingey said that the second lot in the proposal would have additional square footage for more in the future, so it could be more than one single-family residence, but it is a single-family rezone.

Mr. Brass reiterated that they look at this in the interest of a zone change and not what may happen to it in the future. One of the things that they did when they reworked the General Plan eight years ago, is looked at agricultural property and knew that eventually something would happen to it. As a whole, they Master Planned agricultural zones to change to R-1-8, so this is consistent with the Master Plan.



Mr. Shaver added that this is also consistent with the use of the property at the present time.

**Public Hearing opened for public comment.**

None given.

**Public Comment Closed**

10.1.1 Council Consideration of the above matter.

Mr. Shaver made a motion to adopt the Ordinance.  
Mr. Brass 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

**11. UNFINISHED BUSINESS**

None scheduled.

## 12. NEW BUSINESS

### 12.1 **Consider an Ordinance amending Chapter 7.04 of the Murray City Municipal Code regarding the Solid Waste and Recycling Management Rate Schedule.**

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated that this was discussed at length with the Council last month. Over the past three years, which was the last time that the rates were increased, the city has seen increased costs to the Enterprise Fund in the form of waste collection costs, landfill fees and other various costs that are currently being subsidized by the General Fund such as employees, vehicles, clothes and equipment. In addition, one of the changes in this ordinance will allow a transfer of 8% of the annual budget to the General Fund which the city does with many of the other enterprise funds such as water, power, sewer, etc. Because this is an enterprise fund, the ordinance proposes to make this operational transfer which is also an increase in costs to the garbage fees.

Mr. Hill said that because we run the garbage services in Murray City as a business or enterprise fund, the city must charge the costs to provide these services so that it does not run a deficit and charge enough to cover the actual costs.

This ordinance will adopt a four-year rate schedule and will entail a 25% rate increase starting August 1, 2012. The base fee will increase from \$8.00 to \$10.00 per month which includes two cans, a regular can and a recycling can. For those individuals who want extra cans, those costs will also increase by 25% increasing the rate from \$5.50 to \$6.85 per can starting August 1, 2012. The following year, July 1, 2014, the rate would increase 10% again to help cover those increased costs for the operational transfer. The fee would go up from \$10.00 to \$11.00 and from \$6.85 to \$7.65 for the additional can in July, 2014. In Fiscal Years 2015 and 2016, there would be a 2% increase, raising the fee to \$11.25 and \$7.75 respectively, and the following year, \$11.50 and \$7.90 respectively. This proposal is for a four-year rate increase, effective August 1, 2012 and the ordinance also adds an 8% operational transfer fee from the Solid Waste Fund to the General Fund.

Mr. Brass asked how these increases compare with other cities or the County.

Mr. Hill stated that the city has done a survey of other cities in the County and showed a sampling of those rates. By comparison, West Jordan currently charges \$13.26 per month, Midvale charges \$10.30, Bluffdale charges \$13.75, West Valley City charges \$13.30, Sandy City charges \$12.50, Draper City charges \$15.00, Salt Lake City charges \$13.75, Taylorsville charges \$12.75 and Salt Lake County residents pay \$12.75. Murray City would continue to be on the low end. There are three cities that are lower than Murray City: South Salt Lake who currently has a recycling transfer station in their facility and they use the revenues from that facility to offset their garbage fund. Another one is Riverton City who charges their residents \$1.00 per month. The reason they do that

is because they recently went to Unified Police and rather than reducing their taxes, they decided to reduce their garbage fees to give that savings back to their residents. South Jordan is charging \$9.70, which is slightly lower than Murray would be. Murray City would continue to be lower than most of the cities in Salt Lake County.

Mr. Bob Mall, 568 E. Spruce Glen Drive, Murray

Mr. Mall stated that he is a resident of Murray and said that he had read a newspaper article today that talked about the meeting tonight. He said that this is the first that he has heard of this issue and wanted to know if the City could let the citizens know about these issues before hand. Mr. Mall feels that a 25% increase, with a 39% increase over the next four years is important. He is not familiar with the structure of the Enterprise Fund, but when he read this article, his impression was that the City has a contract with a waste disposal unit and when he read that there is a cost of living increase, he wanted to know if this is a fixed price contract? Most contracts that he has read, there is a fixed cost with a contractor to provide a service and he would like to know why we are providing a cost of living increase.

Mr. Shaver said that the contract is set over a specific amount of time and therefore, each year or every two years with some services, the city has to renegotiate that contract. As such, the contract that the city has includes a clause for an increase for them. For example, if the cost of fuel goes up, we have to cover those costs so sometimes we have to adjust in it, not just for a yearly contract renewal, but for fuel costs as well.

Mr. Mall said that they are then passing on their need for funds to us. If they are inefficient in the way they operate or they don't provide.....

Mr. Shaver said that no, not if they are inefficient in the way they operate. Maybe it would be better for Mr. Hill to address this issue as he is the one who handles that contract.

Mr. Hill said that this was discussed at a City Council meeting in the last month, but whether or not it was advertised in the Murray Journal as a rate increase, he does not think that the city did any kind of a notification. There was some coverage in the Murray Journal about this discussion as well as in the Tribune. Specifically, this was not advertised as a public hearing and allowing public comment.

Mr. Hill stated that this is not a fixed contract, which is very standard in the garbage business. When the cities negotiate contracts with waste haulers, typically they will include cost of living adjustments which are not based on the way the company does business, but based on a Bureau of Labor statistic which shows how much costs can increase on things that Mr. Shaver indicated such as fuel and other factors. This was negotiated as a five-year contract allowing a cost of living adjustment each year based on that statistic. It is indexed to a Federal Standard.

Mr. Brass added that our tipping fees are also going up.

Mr. Hill said that was correct. As of July 1, 2011, the Trans-Jordan Landfill increased their tipping fees \$1.00 per ton. Last year, Salt Lake County increased the cost of the landfills for the disposal of hazardous materials by \$0.50 per ton. All of these costs have gone up over the past three years which has resulted in increased costs. The Garbage Fund, in city terms, is an Enterprise Fund which means that by State Law we cannot subsidize it by taxes. It is a pay-as-you-go, fee-based type of fund and so when our costs increase then we need to increase the revenue to cover those costs. We do have a reserve amount in the Garbage Fund of approximately \$300,000.00, but as discussed with the Council last month, the fund is being depleted at a rate of approximately \$100,000.00 per year. If we don't increase fees to cover those costs, in less than three years that fund will not have any money left in it and we will be running at a deficit. They try to maintain reserves to cover emergency purchases and such. We do not like to increase fees either, but in this case we are only trying to cover the costs that we have.

Mr. Mall said that he can understand covering costs for the near term, you can do the budget for a year, but the city has gone out with this for the next four years. What kind of confidence does the city have for the projections over those four years? He has not seen too many projections work out very well.

Mr. Hill said that the city feels confident that they can go out four years and the reason that they only went four years was that they felt if they went beyond that they would not be confident and the contract will expire at that time, requiring the city to go out to bid on the fifth year. There will be a new rate which they don't know what that rate will be. They do feel confident that the rates that they are proposing are fairly fixed costs that they know are not going to change. This does not mean that the landfill won't come back and raise their fees and so forth, but in talking to them, Mr. Hill doesn't feel that they will.

Mr. Mall said that as he drives through Murray, the garbage cans that are out there for pick-up on the same day, he sees a lot of recyclables sticking out of the regular cans. There are an awful lot of people who are putting the materials in the regular can instead of the recycle can. It was his understanding years ago, that the recycling would offset the costs and costs for garbage collection and rates would not increase. He is sure that worked for a while, until costs went up. He called the city with this observation, saying that they should have a campaign to tell people to put the right stuff in the right can. If the city is being reimbursed for that it is really a cost savings and he feels that there should be an education effort towards that.

Mr. Shaver said that the Murray High School debate team came and addressed the Council in the late Spring and they are participating in the education of recycles. They are conducting an aggressive campaign throughout the city, and the Council has applauded them for the efforts and people should be seeing more of that once school begins.

Mr. Mall said it was a shock to him at first, as he was not really familiar with recycling, but once he started to do it he found that about 80% of the things he used to throw in the trash can be recycled. This really surprised him and his goal is to fill that recycle can every two weeks. If the city can really educate the public, it would go a long way in defraying the costs.

Mr. Brass said that he has to write the next Council article for the Murray Journal, and this has given him his topic. The impact of recycling has been major; Mr. Brass recently took a tour of the Trans-Jordan Landfill and it is frightening, even with recycling, how fast they fill up a cell. There is only a certain amount of land out there and once that is full then they have to truck it a greater distance and he is not looking forward to those costs.

Mr. Nakamura, City Attorney, stated that the city is required under the Utah Public Open Meeting Act to publish notices. Our notices go to the Utah Government website that publishes all of the meetings of all the governmental entities. All of our meetings have to be published in advance and this is the second meeting on this subject. All of our meetings have been published there, as well as having the agendas published on our city website and posted here in City Hall. If people are interested in following the city's meetings, they will be published on these websites as required.

Mr. Brass added that the city's website is: [www.murray.utah.gov](http://www.murray.utah.gov) and we do put everything on there. The city works very hard to be up-front and open with the constituents. Mr. Brass welcomed people to call him with any questions they have.

Mr. Hales added that Mr. Hall could contact Jan Wells in the Mayor's Office and she can put him on the email list.

Mr. Shaver said that the Murray Journal does a great job of informing the citizens of what is happening in the city. A copy of that paper is sent to each home letting them know when the meetings are and if there are any questions about what the agenda is, people are welcome to call the city for more information. Last January, the Council went through a very specific process in determining how our city was going to move forward and one of the things that they spoke of in that session was the need to communicate better as a city. Whether that be through the departments, the Mayor's Office or the City Council, they want to have a very informed citizenry. That is one of the statements that the city has. Ms. Wells, who is the Chief Administrator for the Mayor's Office, is very active in pursuing that and informing the committees and making sure that the citizens are well informed.

Mr. Brass made a motion to adopt the Resolution.  
Mr. Nicponski 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-1

**13. MAYOR**

**13.1 Mayor's Report**

None.

**11.2 Questions of the Mayor**

None.

**14. ADJOURNMENT**

---

**Jennifer Kennedy, City Recorder**