

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 7th day of August, 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:

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

Others who attended:

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| Doug Hill, | Mayor Pro-Tem |
| Jan Wells, | Chief of Staff |
| Jennifer Kennedy, | City Recorder |
| Frank Nakamura, | City Attorney |
| Pete Fondaco, | Police Chief |
| Tim Tingey, | Administrative & Developmental Services |
| Gil Rodriguez, | Fire Chief |
| Justin Zollinger, | Finance Director |
| Greg Bellon, | Assistant General Manager |
| Frank Smith, | DEA |
| Sue Thomas, | DEA |
| Marilyn Potter, | DEA |
| Mike Ross, | DEA Metro |
| Roy Halford, | Murray Police |
| Ross Huff, | Murray Police |
| Doug Roberts, | Murray, Police |
| Mike Sevy, | Murray Police |
| Christy Achziger, | Utah House #44, GOP |
| Scouts | |
| Citizens | |

5. OPENING CEREMONIES

5.1 Pledge of Allegiance – Fire Chief, Gil Rodriguez

5.2 Mr. Nicponski 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.

5.3 Approval of Minutes.

5.2.1 Approval of minutes for June 19, 2012

Call vote taken, all Ayes.

5.2.2 Approval of minutes for July 10, 2012

Call vote taken, all Ayes.

5.4 Special Presentations:

5.4.1 Presentation by the Drug Enforcement Agency (DEA) Assistant Special Agent in Charge, Frank Smith, and Director of the Rocky Mountain High Intensity Drug Trafficking Area, Tom Gorman, to Murray City Mayor Dan Snarr and the City Council for being a fiduciary for the DEA Metro Narcotics Task Force since 1997.

Tom Gorman and Frank Smith presenting.

Mr. Smith said that HIDTA is a program developed by Congress and managed out of the office of National Drug Control. They have identified a number of areas around the country which they felt that the drug issues are having a big impact on the rest of the country. The HIDTA program takes Federal, State and Local law enforcement agencies and has them work together as teams and gives them the resources to go after the big drug organizations. They also have training and intelligence components.

There are 28 of these programs across the country and here we are part of Rocky Mountain HIDTA. When they started in 1997, one of the keys of HIDTA being successful was finding a fiduciary that could manage the money, make this program work. Murray City was chosen for its credibility, its track record and the city wasn't so bureaucratic that things couldn't happen. Murray has been a

partner now for fifteen years, which is phenomenal. They are here today to recognize that accomplishment. Murray is part of Rocky Mountain HIDTA; there are two entities, Douglas County in Colorado and Murray City in Utah. We are ranked number one in training in the county, number five as far as management and coordination, in the top ten in productivity-which is amazing when you are competing with places such as L.A., New York and Miami. In intelligence we are in the middle and we need to work on that one. But Murray City is a big contributor to the success of this program.

Mr. Gorman recognized Marilyn Potter for all her phenomenal work. She not only takes care of Murray City, but she also inspects other units in Utah and Montana. She does a great job in finding things and she is well liked. Mr. Gorman also recognized Chief Fondaco for all of his help, his ethics and his support.

Mr. Smith, Assistant Specialist in Charge for the DEA for Utah, Wyoming, Colorado and Montana. Mr. Smith said that he is specifically in charge of Utah and that Utah is a very busy place. This year and last year, the Utah office seized more than the other states combined. They have had a phenomenal amount of success here and a big part of that is because of what Murray does and he thanks the city for that. This area has the best fiduciary of anyone in HIDTA that he knows of. There is nobody better at this job than Marilyn Potter. She is a phenomenal asset, not only to Murray, but to the DEA and HIDTA. She has done things for them, kept them on a straight course, throughout the five years that he has been here.

Mr. Smith said that as citizens of Utah we are facing a tremendous fight on public lands with marijuana growth. There are Mexican cartel members that have specifically targeted Utah as has been shown on shows like 60 Minutes and Dateline. When he first came here, our plant cap was over 250,000.00, the arrests were nil and there was a budget of about \$30,000.00. This year, there will probably be less than 30,000 plants and arrests will be in the neighborhood of 30 to 40. The reason that this program is so effective and the reason that they can protect the citizens of Utah from these armed thugs that have taken over our public lands is because of the way they can move money. They are so efficient at what they can do, because of this 50-year track record, this agency is second to none.

It is the partnership between Murray City and HIDTA that has given them the help needed and Mr. Smith feels compelled to give his thanks to the City and appreciates all of the support.

Mr. Gorman added that every time you read the newspaper about fewer clan labs in Utah, the pharmaceutical program, the cultivation. That is all due to the support of Murray. If it wasn't for Murray City, a lot of that wouldn't be happening so when you read those articles, take pride in that. Mr. Gorman, on behalf of the DEA and HIDTA, presented the City with a plaque of appreciation.

5.4.2 Swearing-In of new Murray City Police Officer Michael Sevy.

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

Chief Fondaco stated that Officer Sevy graduated from BYU Idaho. He was the top academic cadet and was awarded the “Outstanding Cadet” award in his class. Chief Fondaco said the City was lucky to have him working here as a replacement officer. Chief Fondaco noted that they have been losing people to other agencies recently and will probably be coming back with additional swearing-in of officers in the next couple of months.

Officer Sevy introduced his family, saying that they are from Kamas but will be moving to Salt Lake County.

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

Scott McCleary, 1292 West Glencoe Drive, Murray, Utah

Mr. McCleary said that due to storms, several trees crashed through his fence and adjacent neighbors fences. They are located adjacent to the Jordan Canal and he cannot find out who owns the property where the trees are located. He feels that this is a safety issue as well as being worried about continued damage and would like to have some help in resolving this issue.

Mayor Snarr asked how many trees located there.

Mr. McCleary said that there are eight or ten trees that are approximately 50’ high. The canal company had recently been through the area and cut back trees at the inside of the canal, but do not claim these trees.

Mayor Snarr asked if the root system of these trees provide any type of stabilization to the canal.

Mr. McCleary said that no they don’t. He has had it looked at by Murray City and these are further away from the canal.

Mr. Nicponski offered his personal email to Mr. McCleary to follow up on this issue.

Citizen comment closed

7. **CONSENT AGENDA**

7.1 **Consider approval of the Mayor's appointment of Valeria Harsh to the Murray Library Board of Trustees representing District 3 for the remainder of a three year term to expire June 30, 2014.**

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

Mr. Shaver stated that he has known Ms. Harsh for a number of years and looks forward to her service on the Library Board. She and her husband are very interested in education and what is happening in the City. Mr. Shaver thanked Ms. Harsh for her commitment and volunteering for this position.

6:55 p.m.: Mr. Shaver asked to be excused from the remainder of the meeting.

8. **PUBLIC HEARINGS**

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

Consider an Ordinance amending Sections 2.41.070, 17.04.130, 17.68.040 and 17.72.100 of the Murray City Municipal Code relating to the Murray City Center District and the Mixed Use Development District and to ratify technical corrections made by the City Attorney to said sections pursuant to Section 2.10.040 of the Murray City Municipal Code.

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that this item was discussed in the Committee of the Whole a few weeks ago and it is to make modifications to the Murray City Center District and in the

Municipal Code relating to this. It is also to ratify some corrections made by the City Attorney's Office as outlined in the City Code.

This has been reviewed by the Planning Commission and it is to replace wording in applicable sections in both the Murray City Center District and the Mixed Use Development District areas of the Code. A public hearing was held and no comments were received from citizens. Staff is recommending approval of the amendments, as well as the ratifications of the corrections.

Frank Nakamura, City Attorney, said that an ordinance was passed for the Murray City Center District and the intent is to replace the Downtown Historic District with the Murray City Center District. As the City Attorney's Office, they have the ability to fix these technical changes that were an oversight, which is what they have done. He felt that it would be best to have that approved and ratified by the City Council.

Public Hearing opened for public comment.

None given.

Public Comment Closed

8.1.2 Council Consideration of the above matter.

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

8.2 Consider an Ordinance amending the Transit-Oriented Development District Design Guidelines adopted pursuant to Section 17.146.030 of the Murray City Municipal Code.

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that this proposal is a request to change the standards for the Fireclay Transit Oriented Development area. This is related to lighting and the current standard requires spacing between 30' and 50' between lights on principal streets. This proposal is to allow 100' to 120' distances with staggering to occur on both sides of the streets, which would be 50' staggered on both sides but on one side it would be up to 120'.

There was input provided by the Power, Engineering and Community Development staff about the current lighting configuration and there was concern that this provides more light than is necessary for the area. Staggering would preserve enough light to maintain the pedestrian elements of the area and would reduce costs for future maintenance. This was brought before the Redevelopment Agency and they recommended approval.

Mr. Tingey added that this went to the Planning Commission and there were some concerns about this. The Planning Commission recommended denial of this proposal due to their concerns regarding the design elements which was the main reason the lighting design recommended the 30' to 50'. They are also concerned about consistency on the same side of the street. It is all about Urban Design and some of the statements were that they did not feel that there were alternative solutions provided that could mitigate the impact of lighting in the area which was the main argument of the developer (too much light). As it was stated, in most downtown and urban developments, lighting is the signature element. They recommend denial of this because of those concerns. He is also concerned that the developer is not here tonight.

Mr. Nicponski asked if Mr. Tingey suggests postponing this decision until the sponsor is available to give his side.

Mr. Tingey said that he would have concern that the sponsor has not been able to make his argument. They would like to be able to work with him.

Mr. Brass stated that when he worked with Planning and Zoning, if an individual didn't show up they did postpone so that they could hear the issues. He knows that in those meetings, people were concerned about walking about those areas without adequate lighting. When it was brought to the RDA, one of the questions he had was whether or not you could see what the impact would be. How many foot candles is that going to be? They are still staggering them at 50' on opposite sides of the street, will that be adequate? There are also concerns about the lights hitting the homes. If they postpone this, he would like to see those questions answered.

Mr. Brass said that he does feel that the Council should postpone the decision on this.

Mr. Nakamura wanted it on the record that notice of the hearing was provided to the applicant.

Mr. Tingey added that it may be good to postpone this to a date-specific time so that they do not need to publish additional notices.

Mr. Brass made a motion to postpone the public hearing until the first meeting in September.

Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Stam

A Mr. Brass

A Mr. Hales

A Mr. Nicponski

Motion to postpone passed 4-0

9. UNFINISHED BUSINESS

None scheduled.

10. NEW BUSINESS

10.1 Consider an Ordinance amending Section 2.44 of the Murray City Municipal Code regarding the length of appointment and term of Power Advisory Board members.

Staff presentation: Mayor Snarr

Mayor Snarr stated that this was an oversight on his part during the reorganization in regards to tenures, times people could serve, and the length of appointments. There are some boards and commissions where a person can serve out the number of terms and after a year, be reappointed to be on the board again. In speaking to an individual and his desire to serve again, the Mayor felt that he had served the city exceptionally well over the course of fifteen years and when he asked if he could be reappointed, the Mayor said yes.

Mr. Nakamura caught the fact that, in this particular case, that was not allowed. There have been lengthy discussions about this, but he made the commitment to bring the issue to the Council for consideration.

If the Council does approve this change, the individual does understand that it does not mean that he will be appointed again, only that the change is being made. The individual would still need to come before the Council to be appointed, whether it be a current board member seeking re-election or a new appointee.

Mr. Nakamura explained that presently the maximum time to serve is three, three-year terms.

Mr. Hales asked if this is the first time that this has happened.

Mayor Snarr said that it was not. They have had other boards and commissions in which people who had served their terms, left and came back with expertise and they were reappointed. This is also specifically for the Power Advisory Board.

Mr. Stam said that there are times when it is difficult to find someone to serve.

Mr. Hales made a motion to adopt the Ordinance.
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

10.2 Consider a Resolution authorizing the execution of a cost-sharing agreement between the City, Taylorsville City, Salt Lake County and North Jordan Irrigation Company to fund piping a section of the North Jordan Canal.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated that a couple of years ago, the hillside above the North Jordan Canal started to slough off just north of Winchester Street. The North Jordan Canal hired a geotechnical engineer to go in and study that slope and they concluded that there was a potential danger of that slope continuing to slide which could go into the canal and back

up the water. If that water were to overflow, it would go down to the homes in Murray City. They have hired an engineer who has developed a solution to the problem which is to install a concrete box culvert about 430' north of Winchester Street in the area where the slope was sliding. If the slope were to continue to slide, it would not go into the canal but stay on the culvert.

Because of that, the North Jordan Canal has approached Salt Lake County, Taylorsville and Murray City and asked that we participate in the cost. They have asked that Murray City contribute \$70,000.00 towards this project. The bids are coming in now so there is not an exact cost but they are estimating that it will be in the \$500,000.00 to \$600,000.00 range to complete the project. The Mayor indicated in an earlier meeting that Murray City would be willing to contribute this \$70,000.00 pending Council approval. Murray City would be contributing 10% of the total costs, Taylorsville would contribute 10% and the County would contribute 20%. The remaining 60% would be paid by the North Jordan Canal. They now have an agreement that formalizes this and the money was included in the budget as part of the Fiscal Year 2013 budget. If this is approved, the City would sign the agreement and deposit a check into an escrow fund that the North Jordan Canal can draw from to complete this project.

Mr. Stam asked if this was the same thing they approved on the 13th.

Mr. Hill said that was a project funded completely by the County. This one was discussed in November or 2011 but had not been brought to the Council for approval.

Mayor Snarr added that this is a good solution that would be less expensive than the legal fees that would be involved if there were a lawsuit stating that we knew there was a problem but did not participate in the solution.

Mr. Nakamura said that it was made very clear that with our participation, we have no ownership interest or responsibility with the North Jordan Canal, nor any maintenance. The North Jordan Canal has accepted all responsibility and there is a provision to that fact.

Mr. Brass made a motion to adopt the Resolution.

Mr. Stam 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

11. MAYOR

11.1 Mayor's Report

Mayor Snarr stated that there will be an open-house for Dan Barr on August 29, 2012 from 6:00 until 8:00 p.m. at the library. Mr. Barr is retiring from the library and his work and dedication is appreciated.

The Babe Ruth World Series will be held from August 18, 2012 through August 25, 2012 at Ken Price Ball field. The City is honored to have had them choose to come back here for the series. The schedule will be available on the city website. This year we have two teams that will be participating from Murray. Larry Miller Used Cars is also a sponsor for this event.

Mayor Snarr stated that Atwood Boulevard will be closed from 4800 South to Clark Street on August 9, 2012 from 7:30 a.m. until 2:30 p.m. by the Water Department. Northbound traffic will be deterred at Clark Street and Southbound traffic will be deterred at 4900 South.

Mayor Snarr said that he has spoken with Dave Kimball who said that it is very expensive to clean up and remediate the asbestos. There has been some contamination in the building and his costs have gone up from \$10,000.00 to 80,000.00. He indicated that they would be over there for the next two weeks with a significant number of workers to get that accomplished and then they will move forward with the demolition. The building will not be completed until the Spring of 2014.

11.2 Questions of the Mayor

None.

12. ADJOURNMENT