

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 22nd day of July, 2008 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:

Krista Dunn,	Council Chair
Pat Griffiths,	Council Member
Robbie Robertson,	Council Member - Conducted
Jim Brass,	Council Member
Jeff Dredge,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Zachery Fountain,	Deputy for Communication & Legislation
Michael Wagstaff,	Council Director
G.L. Critchfield,	Deputy City Attorney
Carol Heales,	City Recorder
Pete Fondaco,	Police Chief
Tim Tingey,	Economic Development Director
Doug Hill,	Public Service Director
Boy Scouts	
Citizens	

A. OPENING CEREMONIES

1. Pledge of Allegiance - Blake Harsh, Boy Scout Troop 1235
2. Mr. Robertson stated that it is a tradition here in Murray City to ask the Boy Scouts in attendance to stand and introduce themselves, their troop leaders, and what Merit Badges they are working on.

The Scouts introduced themselves.

3. Approval of Minutes for July 01, 2008:

Ms. Dunn made a motion to approve the minutes.
Ms. Griffiths 2nd the motion.

Voice vote taken; All Ayes

4. Special Recognition:

Swearing-In ceremony for Murray City Police Officer Kasey Heaton who has been promoted to Sergeant.

Chief Fondaco stated that as one of their Sergeant's retired, they completed their testing procedures, and Kasey came out on top as the number one candidate.

Kasey was hired in November of 1997, and in July of 2000 he was assigned to the Alcohol Enforcement Program; during that time, he arrested 200 DUI's. He was so successful in that, he actually co-wrote a training manual that is still used today for their FTO's on the detection, enforcement and DUI laws. He has been a member of the SWAT team, the CSI, and since 2003 has been assigned to the Detective Division. His assignments have included auto theft burglaries, child sex offenses, and homicide cases; he did such a great job in child sex offenses, that when they signed their Interlocal Agreement with the Internet Crimes Against Children Task Force, they assigned Kasey and he has been working with the Attorney General on that Task Force.

Kasey has also been responsible for tracking and checking on the registered sex offenders for Murray and the surrounding areas. Murray City Police Department is one of the few departments that actually track the sex offenders, and actually go to their home and verify that they are residents and where they are supposed to be. The City has actually sent up cases to the District Attorney's Office for sex offenders that have moved and not re-registered; and the City tracks them very vigorously. Kasey's last assignment has been in the vehicle burglary: going to the insurance companies, getting a bait car which the City has been putting out on their Vartas system, which is an alarm system that works over the police radio so that when the vehicle is broken into, it comes over the police radio and they can respond to that area. There are tracking devices in the property and Kasey would go out and track that property and they have made several arrests with that.

Kasey has been very involved with the department, and Chief Fondaco feels that he is a good fit to the department and will do an excellent job.

Carol Heales performed the swearing-in ceremony.

Sergeant Heaton introduced his family and stated that he is thankful for this opportunity; he is looking forward to serving the community and Police Department.

Mr. Robertson addressed Sergeant Heaton, saying that he has always set a great example and image for the Police Department, and expressed his appreciation to both Sergeant Heaton and to the Police Department.

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

Blake Harsh, 424 Shamrock Drive, Murray

Mr. Harsh thanked the City, on behalf of the Murray Utah Stake, for allowing them to use the Fire Station #82 to build and store their parade float. He said that thanks to the City's generosity in using that space, they were able to use the float in six parades, including the Days of '47 Parade. The design of the float depicting Murray City's Park and the smokestacks that were a part of Murray for so many years. The float is scheduled to be dismantled July 26, 2008, and they would like to know if Murray City would like to keep any portions of the float for artistic or historical purposes. If there is any interest, he asked that the City contact Kevin Harsh at (801) 262-4094 by Wednesday evening, or Sherry Bohne at (801) 262-8453 after that date, but before Friday evening.

Mayor Snarr stated that the consensus at the Southtown Expo Center was that Murray's float was the winner and congratulated them on doing such a wonderful job on it.

Public Comment Closed

CONSENT AGENDA

1. Consider confirmation of the Mayor's appointment of Joanne Zimmer to the Library Board of Directors in an At Large position for a three-year term to expire on June 30, 2011.

Mr. Robertson thanked Ms. Zimmer for her willingness to serve and for the hard work serving the community that she has already provided.

Ms. Griffiths added her appreciation.

Ms. Griffiths made a motion to approve the reappointment.
Ms. Dunn 2nd the motion.

Call vote recorded by Ms. Heales

<u>A</u>	Mr. Brass
<u>A</u>	Ms. Griffiths
<u>A</u>	Ms. Dunn
<u>A</u>	Mr. Dredge
<u>A</u>	Mr. Robertson

Motion passed 5-0

D. Public Hearing(s)

Approximately 6:40 p.m.

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

Consider an Ordinance relating to zoning; amends the Zoning Map for property located at 140 East 5600 South, Murray, Utah from R-1-8 (Single-Family Low Density Residential District) to C-D-C (Commercial Development District). (Preston Miller)

Staff Presentation: Tim Tingey, Economic Development Director

Mr. Tingey stated that this property is just under one acre, located just east of the Mike Hale Auto dealership; other surrounding land uses to the north include a professional office across the street at 5600 South, south and east are residential areas: single-family lower density, and to the west is the existing auto dealership that is adjacent to State Street as well. The General Plan shows the future land use for this site to transition to commercial development.

The Planning Commission held a public hearing on this on May 15, 2008. There were a number of public comments on this; the applicant had indicated that this site, in the future, would be developed into parking for the auto dealership, and there were some

concerns related to the street which dead-ends to this property towards the south. He will need to meet performance standards in the future as he goes forward with that plan.

Based upon that, the location of this area, and what the General Plan states, is that this is transitioning to commercial development, and also the elements of the plan that promote redevelopment and promote economic development in the area; staff recommends approval of this request which adheres to what the Planning Commission recommended as well; they recommended approval.

Preston Miller, 4530 Butternut Road, Applicant

Mr. Miller stated that he would field questions; he had met with the neighbors, and all those things got solved; this really assures them that the road will not go through, although it is designed to go through. Some of the other issues that they had were in regards to trees, and if they are on his property, they might be able to do some mitigation, but if they are not they can not touch them. They also spoke about not putting a man-gate through there, and all of those things they are very comfortable with. They also found that the way that Kichler will do the lighting, they found that even safer than how it has been handled before; he has heard that there had been some incidences happen in that back field from time to time and lighting seems to keep some of those issues calmed. The neighbors seem to be very comfortable with their proposition.

Public Hearing opened for public comment.

Council consideration of the above matter to follow Public Hearing.

None given

Public Hearing closed.

Ms. Dunn made the motion to adopt the Ordinance.
Mr. Brass 2nd the motion.

Call vote recorded by Ms. Heales

A Mr. Brass
A Ms. Griffiths
A Ms. Dunn

A Mr. Dredge
A Mr. Robertson

Motion passed 5-0

2. Approximately 6:50 p.m.

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

Consider an Ordinance amending Section 17.58.050 of the Murray City Municipal Code relating to Single-Family Residential Infill Development.

Staff Presentation: Tim Tingey, Economic Development Director

Mr. Tingey stated that Murray City is the applicant on this request; what has occurred is that there have been a number of developers that have come in to the office and requested modification of the Ordinance to allow for more flexibility for the cul-de-sac areas to have different types of turnarounds. The primary reason behind this is that they have had concerns with the space that the cul-de-sacs take up in the development of their sites.

Those are some of the reasons that they have looked at this. They have met with a number of departments to discuss this, primarily Public Services and Community and Economic Development. They have reviewed this and are proposing this modification. This is based on two things that will allow them to have review and an approval process of this: review by the City Engineer and Fire Marshall, and Planning Commission review of a request. The turnaround designed that is proposed as part of this must be conducive; as it states in the new proposal: *to efficient travel, public safety and protection of property.*

There will be plenty of opportunity for review of this, it will go to the Planning Commission, and they will make sure that they are addressing safety issues with the Engineering and Fire Departments, and based upon that, they feel that this would be a very good and important change to the Ordinance, which will allow some flexibility for the developers and also allow them to have plenty of review. He hopes that the Council will consider this and recommend approval of this request.

Public Hearing opened for public comment

Bill Finch, 1055 Chevy Chase Drive, Murray

Mr. Finch stated that since the Council is addressing this Ordinance, he would like them to look at the whole Ordinance. Mr. Finch stated that he was on the task force, and they had looked at 'McMansions' which fall into this infill ordinance and they had made some suggestions, none of which were taken, but they were concerned about the following:

1. Set-backs: at least 20' from the curb or 20' from a sidewalk if there is one, so that a vehicle could park off the street.
2. Side Yards: at least 8' minimum on one side; a total of 20'
3. Height: they had originally looked at 28', and decided that 32' was a good height. He believes that the Council settled on 35' to the crest of the roof. He has appeared twice now in front of the County Council and has nearly convinced them that at least 35' to the crest is better than mid-roof.
4. Access: this is what the Public Hearing is about today. They would really like the Council to look at this Ordinance again, as this is where the 'McMansions' are built. They are not too happy, on the east side, with some of the developments that are going on over there just east of 900 East and right on 1300 East where a project that looks like the houses are just jammed in there. There are practically no set-backs to speak of there.

Mr. Finch again asked the Council to review the entire infill Ordinance, as long as they have opened it.

Richard Stauffer, 5729 Riverpark Drive, Murray

Mr. Stauffer noted that he did not come here for this particular Ordinance, but he wanted to verify what Mr. Finch stated. One of his darkest days, as a Councilman, was a development at the foot of Bullion Street where people had always had nice, single-family homes and then all of a sudden there were monster homes came in. This was in his neighborhood, and the neighbors would call him in, especially on flag lots where someone would come in to the back and build a big house; everyone around that is suddenly looking down on them.

Mr. Stauffer said that he would certainly support having the height limitations on these places reduced.

Public Comment Closed

Council consideration of the above matter to follow Public Hearing.

Ms. Dunn stated that they were there to considered items other than what was just discussed in the public comments, and doesn't see how they can address the other at this time, as they were not agenda items.

Mr. Brass noted that he has read the Planning Commission's recommendations, and won't dispute it, but will express one concern: He has one P.U.D. that just got finished, that has a very long, narrow street that just ends; it has no cul-de-sac, no hammerhead there. If a fire engine needs to go down it, they have to back all the way out. If that is good with the Fire Department, then its fine. However, he feels that they have looked at similar items in the past and they have said 'no, we need to have all this room and all this space.' If they could avoid those from happening, that would be a good thing.

Mayor Snarr commented that the turnaround in that area was put back in, between two houses and back in there, for them to get out. He had asked the Fire Department if they were OK with that set up, and they said they were.

Mr. Brass said that he would go back down and look again.

Doug Hill, Public Service Director

Mr. Hill wanted to clarify that this Ordinance was only for infill projects which are two acres or less. For normal, large P.U.D.'s, such as Lincoln Street and others that would be built today, they would still be required to put a cul-de-sac on the end of those turnarounds.

Mr. Brass said that the one he spoke of is not a large one, it is a couple of P.U.D.'s and it was before this was reviewed.

Ms. Griffiths added that it had been a complicated issue.

Ms. Griffiths made the motion to adopt the Ordinance.

Mr. Dredge 2nd the motion.

Call vote recorded by Ms. Heales

A Mr. Brass
A Ms. Griffiths
A Ms. Dunn
A Mr. Dredge
A Mr. Robertson

Motion passed 5-0

3. Approximately 7:00 p.m.

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

Consider a Resolution declaring the property located at approximately 4900 South Division Lane, Murray City, Salt Lake County, State of Utah, as surplus.

Staff Presentation: Doug Hill, Public Service Director

Mr. Hill stated that this property is in the Historic Downtown area of Murray, on the east side of State Street. To the north is the parking lot behind the Desert Star Theater, to the east is the Murray Printing building, and to the west is the GT Welding company and other businesses.

Several years ago, Murray City was approached by several of the property owners in this area to begin surplus some of this property; a couple of the properties were surplus several years ago, and the property then went to Mr. Mike Todd, who is the owner of the Desert Star Theater. Another parcel is owned by the Redevelopment Agency, and he does not recall if that ever was surplus, although there was discussion, he doesn't think any action was taken.

This parcel is currently used for shared parking for the majority of the property owners and businesses in that area, and over time, they were approached by the property owners to surplus that property to try and solve conflicts in the area; various parking conflicts that were going on there. The Murray Printing Company does not have its own parking, so they are parking on that parcel owned by the City. The welding shop to the west has been using that property to store their large recreational vehicles and other equipment; on occasion, the Desert Star Theater uses that property for parking during large performances.

Mr. Hill indicated that the Attorney's Office was approached by these property owners, requesting that the City surplus this property. There are, obviously, reasons on both sides on whether or not this is a good thing, and he would be happy to answer any questions, but that is the item before you tonight: to consider whether or not to surplus this property. If the property were to be surplus, the procedure would then be that the City would put the property up on the market for an open bid process and the most responsive, highest bid would be awarded the purchase of that property, and then that property would lie within private hands.

Mr. Robertson asked if there would be any right-of-way issues included in this.

Mr. Hill stated that the City would retain any easements, utilities, etc. that are on that property; there is a sewer line that crosses the property, and the City would continue to retain that easement, should they sell the property. They did do a title search on this property a couple of years ago when it was first researched it, and it looks like there is a public access across this property, an access that has historically been there; legally, it would be up to whoever owns this property to defend that, but the title agency did find that there was a right to public access across the property. The City would do an appraisal on the property prior to the sale.

Ms. Dunn noted that the City would still own the RDA parcel, she remembers well that no decision was made on that piece of property.

Mr. Brass stated that he is confused: his packet clearly highlights the blue area, not the orange.

Mr. Hill states that the packets that the Council received does have a map attached; the map came from the Attorney's Office, and it is the orange property that is being discussed and is described in the legal description. The blue piece is owned by the Redevelopment Agency.

(Mayor Snarr made some comments that were unintelligible for transcription)

G.L. Critchfield, Deputy City Attorney, stated that in the Resolution itself, it needs to be put on the record that in declaring this as surplus, it will subject to existing public easements.

Ms. Griffiths asked for the definition of public access.

Mr. Hill noted that this was probably a legal question, but he would address it as it was explained to him by the title company: Division Avenue was created when the City incorporated in 1903; it was likely at the time created as an old wagon trail that had been historical been used in the area by all the various property owners to go in and out to access their properties. That showed up on a title search as a public access, and that right-of-way will exist, regardless of who owns the property. That is different from what Mr. Critchfield was talking about, he was referring to the utility easements, which would go through that area. We would not want to give up our rights to the utility easements because we do have utilities in there.

Mr. Dredge asked if they could fence off the area.

Mr. Hill said that he could not answer that, that is a legal question.

Public Hearing opened for public comment

Richard Stauffer, 5729 Riverpark Drive, Murray

Mr. Stauffer encouraged the Council to postpone taking any action on this matter, adding that this property is part of the Historic District. He noted that this area is in a quite run-down condition, the streets are terrible, there is stuff all over the place. If you look at this as a poker chip, you can have some control over what eventually happens in that area. There are some positive things happening right now. Mr. Winget has received approval to develop his property with residences which signs are advertising at \$279,000. Mr. Chase, who owns the shopping center, has some exciting ideas of what ought to go in there; that depends a lot on financing.

Mr. Stauffer's recommendation is that the City develop a micro master land use and traffic circulation pattern for this little area. The micro plan should incorporate the future development plans of the current property owners, and it is recommended that the plan be prepared for Murray for the upgrading of Court Street, including improving curb, gutter and landscape features. If Division Lane is eventually sold in the future, the owner should be required to adhere to the micro land use and circulation plans for the area. Mr. Stauffer feels that the City has some control over these areas and can influence its future.

Mr. Stauffer continued: one of the problems there is that no one understands where the roads are in that area, nor is it being maintained. It is terrible in the winter when the holes in the road are filled with water and such.

Public Hearing Closed

Council consideration of the above matter to follow Public Hearing.

Ms. Dunn stated that she has many of the same thoughts that Mr. Stauffer has brought up; they have discussed this area, at least the edge of something that is being looked at in some sort of Master Plan. She stated that she has mixed feelings: it would be nice to be rid of it, but we will never really be rid of it; at the same time, holding on to it, may give the City a little more flexibility for the future, as they look at what is going to happen in the downtown area.

Mr. Dredge stated that he was curious as to what had brought this issue to a head. Why surplus the property now?

Mr. Hill stated that in speaking with Mr. Nakamura, he had indicated that there

had been a request from at least one property owner, possibly others, that the City surplus this property.

Mr. Dredge commented: this is not necessarily something that would immediately, directly benefit the City, and in fact, may cause the City harm if there is litigation.

Mr. Hill stated that he could not speak to the litigation perspective, but feels that this is a policy call; the City is not directly using this property, but it has been pointed out that this is somewhat of a poker chip in the downtown area. It may cause more problems if it is surplussed, but on the other hand, it may solve some problems. It is probably not an easy yes or no answer, it is an issue out there that people continue to have conflict over.

Mr. Dredge stated that he would agree with Ms. Dunn that if there is no compelling reason to surplus the property at this time, lets wait and see what happens with the development and the Master Plan that is going on downtown.

Mr. Brass agreed. They have discussed the blue piece at the R.D.A. a few times and keep postponing it, and that is nothing compared to the size of this property.

Mayor Snarr stated that he does not disagree with what is being said, but what is going to happen though is: Murray Printing's greatest concern is the fact that they feel they should be the sole bidder on the property because they are the ones that are primarily using the property for parking and storing their product. If the City does move ahead, they do not want to be out of the formula of trying to make this a workable parcel, so that they can still maintain their parking. The challenge is where they bring in those rolls, and have to bring in the necessary vehicles to drop them off. If that is taken away from them, they are basically out of business.

Ms. Dunn said that if and when the Council did make that decision, they would still have that opportunity. Until something happens, they will continue to do what they are doing.

Mr. Brass stated that he thinks other people could bid, and they might not get it.

Mayor Snarr stated that people had been coming to the City for two years, saying that the City is not moving, that government is slow, and the bureaucracy has hung them up, etc.

Ms. Griffiths stated that everyone knows her problems with this area; at no charge, these people have been using the City's property to conduct their business, and it has been a mess. You cannot drive through there; she speaks about public

access. The access is limited, and it has become a dumping ground. She does not feel that we should operate out of fear or intimidation either of any impending action.

Mr. Dredge said that there is nothing that says we cannot ask that it be cleaned up, since the City owns it.

Ms. Griffiths pointed out that we should do that.

Ms. Dunn stated that it means we are responsible for repairing the road.

Ms. Griffiths said that maybe we should fix the road and exert the control to enforce what we expect of every other part of the city.

Mayor Snarr stated that this goes back so many years, when it was a blacksmith shop, they bought it with the understanding that they had the right to use that property in front, and that is what he would argue. It is the same thing.

Ms. Griffiths asked if this was a 'gentleman's agreement'?

Mayor Snarr remarked that the City did not even know it was owned by the City until they did a thorough title search on the area. They thought it was owned by Murray Printing, which they do not. They came out and defined it with a legal description of what was owned by the City. It started out with the RDA thing on the other which wraps around it, and then they came up with this area.

The news media has met with the Mayor and said that they should be the sole bidder on that property, and will come in and argue that point. He has been getting pressure on this from different entities, and they also have said that the City should clean it up and do something with it. It isn't that the City does not take care of the other roads in the City, but this is a very confusing area and has caused a lot of problems for the people who are in it, accessing the properties, and who is responsible for it. Noone wants to take responsibility, yet they are using the property.

Ms. Dunn said that she cannot see where dumping it off right now.....
We are looking at some major planning for the downtown area, and feels that it might serve us best to hold off on this.

Mr. Dredge agreed that there is no compelling reason to do this right now, and he sees only down sides to it, right this minute, and feels that we should give this some time.

Ms. Dunn made the motion to deny the Resolution.
Mr. Dredge 2nd the motion to deny.

Call vote recorded by Ms. Heales

<u>A</u>	Mr. Brass
<u>A</u>	Ms. Griffiths
<u>A</u>	Ms. Dunn
<u>A</u>	Mr. Dredge
<u>A</u>	Mr. Robertson

Motion to deny passed 5-0

E Unfinished Business

None Scheduled

F. New Business

None Scheduled

G. Mayor's Report

None

H. Questions of the Mayor

None

Adjournment