

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 8th day of January, 2013 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 - Conducted
Brett Hales,	Council Member
Darren Stam,	Council Member
Jared Shaver,	Council Member
Dave Nicponski,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Tim Tingey,	Administrative & Development Services Director
Justin Zollinger,	Finance Director
Doug Roberts.	Police Department
Blaine Haacke,	General Manager, Power Department
Greg Bellon,	Assistant General Manager
Susan Gregory,	Heritage Center
Eric Mille,	Heritage Center
Brittany Bremer,	History Advisory Board
Alisa Brousseau,	Arts Advisory Board
Dallas DiFrancesco,	Power Advisory Board
Scouts	
Citizens	

5. OPENING CEREMONIES

5.1 Pledge of Allegiance-Lieutenant Doug Roberts

5.2 Approval of Minutes

5.2.1 November 13, 2012

November 20, 2012

December 4, 2012

Mr. Brass asked that the minutes be taken together. No objections were noted.

Mr. Shaver made a motion to approve the minutes.

Mr. Hales 2nd the motion.

Call vote taken, all Ayes.

Mr. Brass stated that with item #2, Public Hearing for Harmony Homes, the applicant had asked that the Public Hearing be postponed. Due to the fact that it has been publicly noticed, public comment will be heard and the item continued until the next Council Meeting.

5.3 Special Recognition:

5.3.1 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah commemorating Murray City Power's 100-Year Anniversary.

Staff presentation: Blain Haacke, General Manager

Mayor Snarr read the resolution in its entirety.

Mr. Shaver made a motion to adopt the Resolution.

Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

 A Mr. Shaver

 A Mr. Hales

 A Mr. Nicponski

 A Mr. Stam

 A Mr. Brass

Motion passed 5-0

Mr. Haacke stated that the Power Department is one of the jewels of the City. 2013 is the 100 year anniversary and the history is pretty colorful. It goes back to 1902 when Murray City was incorporated. Soon after 1902, the people in Progress Company approached the City and asked if they would like to buy their small hydro that was located near the Murray Opera House near the park. In 1904-1905 the City didn't have enough money to come up with the \$10,000.00 to do that so Progress Company kept providing service to the citizens until around 1912. That is when things got a little more heated as far as negotiations between the City and Progress Company. Up until that point, the Progress Company had built a small hydro at the base of Big Cottonwood Canyon. They had the two small hydro's that fed the 1,500 light bulbs in the City, which wasn't much of a load.

Mr. Haacke said that the Power Departments goal this next year is to have some activities that include the entire community. They will have a major entry in the parade, and they want to do some advertising in the Murray Journal about this history so that the people in the community can see some of the old time pictures and the old time line trucks that OSHA would have a heyday with today. These pioneers that started the utilities 100 years ago deserve a round of applause or at least a tip of the hat. At that point in time, in 1913, there were two Council Members and the Mayor. The Mayor was George Husher and the Council Members were Gotlieb Berger and George Watts and these were the three men who really negotiated with Progress Company to get this done.

Mr. Haacke continued, saying that they really want to get the citizens and staff involved this next year as well as the Power Board with some opportunities for service. One of the service items that were mentioned in the Resolution was the scoreboard that they would like to put up at Ken Price Ballpark. It is 36' by 13' and will be a fully electronic scoreboard that they can type in Murray versus Viewmont High School or whatever the case may be. This will be a nice scoreboard and they will do that as their gift to the community.

Mr. Haacke stated that back in 1913 the City came up with \$60,000.00 to purchase from the Progress Company. What they immediately decided to do was to build a bigger hydro at the base of Big Cottonwood Canyon. There was still nothing to do with hydro power at the Federal level, no coal fire plants, nothing was even thought of back then, there was only the small hydro's that provided service for the entire city. In June of 1912, the Council and the Mayor voted to bond for the \$60,000.00 but wanted to get a good feel for what was happening out in the community. They decided that they would hold a special election that was scheduled for July 30, 1912. They were looking for permission from the people for this \$60,000.00 of debt that they were going to go into. To do that, they put together a flyer and put more of the pros than the cons in that and called it: "The Advantages of Ownership to Murray City Utility." They were selling this to the community and distributed this flyer to everyone in the community and allowed anyone who voted in the 1911 election to vote in the 1912 special election. What they did was said it would cost \$2,700.00 per year to run this department and they

needed to put \$1,000.00 - \$1,500.00 aside for repairs and depreciation, which was a relative struggle for them to do back then. They expected the rates to be \$.05 per kilowatt hour at that time which was real expensive. Our rates today are \$.08 - \$.09 per kilowatt hour.

Mr. Haacke read from the flyer that was sent out at that time. Benefits for the men in the community: *“The cheapness of power under public ownership will do away with practically all stationary engines, steam or gasoline, and with them will go the danger from fire and explosions, dust, ashes, dirt and fumes, and the cost of management and maintenance. All job shops will upgrade by simply turning a switch. No firing up, no fumes or unhealthy gases. The moment the switch is off, the cost ends. Ice cream freezers, forges, lathes, grinders, planers, saws, clippers, shoe and leather machines, novelty shops, soda water plants, pumps, fans, printing presses, or any kind of mode of power for manufacture can be operated at far less costs than now.”* For the women: *“Every housewife can have her own electric flat iron that will always be hot when the switch is on. She can operate her sewing machine, dishwasher, washing machine, churn, sweeper, and scrubbing machine by simply turning the switch. In the summertime, when it is too hot to cook the meat, bake a cake or bread; get a cup of tea or coffee, or a light meal quickly without roasting herself while doing it. In addition, this does away with all smoke, dust, dirt and gas fumes. There is no expense the moment the switch is turned off. The house can be lighted at half the cost as now and she can be sure of good steady lights all the time.”*

The flyer also talks to the farmers about being able to run their grindstones and tool sharpeners, their cream separators, their churns and their feed choppers just by turning on a switch. You can get a feel of these turn of the century people and their slant on propagandizing this so that they could get the votes. Mr. Haacke continued reading from the flyer: *“The general advantages if you vote for this bond is a question back to the people: Do you want your boy or girl to stay home? Then vote for the bonds that will give them employment at home. Do you want efficient service under home management and low cost? Then vote for the bonds that will make that possible. Do you want to fit your home with all kinds of labor saving devices that will relieve the drudgery of the home at low cost and at the same time decrease your taxes? Then vote for the bonds and this will bring it about.”*

Mr. Haacke said that this was just a bit of the colorful history and they would like someone from the staff or even from the University do a more comprehensive history of the Power Department. He has a folder of excerpts from different minutes from the Council meetings and they would like to consolidate those as one of their project this year so that this history can be in front of people. He has contacted Mary Ann Kirk who is going to work with the Power Department on some old pictures that hopefully will be seen in the Murray Journal. The first go-around of an advertisement that will be put in a business directory for Murray City has been distributed. In the ad the colors go from black and white to color,

and he loves the flavor of that, some of those pictures are hilarious. This is the idea of what the Council has just voted for which to help the Power Department make this an exciting year. The staff is excited, the Power Board wants to be involved and Mr. Haacke thanked everyone for their support. He said to watch for the ads in the Murray Journal and welcomes any input and ideas. The actual date of the birthday, from what they can tell, was in December when they told Progress Company to take a hike. On December 27, 1913, they said that they were no longer part of a franchise based in the company. Mr. Haacke said that he has 12 months to play with, up until Christmas to get this completed.

Mr. Brass added that Murray Power is one of the gems of this City and he has been an advocate of public power his entire career since he deals with power entities. Often communities don't appreciate or understand it. It is nice to have a utility that is answerable to the citizens and not to shareholders who live somewhere else. It is nice to have a utility where the money is reinvested into the system so that outages are rare. He said that he remembers when he was first elected there was a huge snowstorm on a Christmas Eve with major outages in the valley. Part of his district is not on Murray Power and they had outages going for five days. Within the City, it was only out for a couple of hours and that is the beauty of public power. He said we should keep them going strong!

Mr. Shaver said that with the advantages and disadvantages, both pros and cons, even today the City could create a similar document showing the benefits of having Murray Power, having it right here, controlled by us. He congratulated the Power Department and the City will celebrate with them.

Mr. Brass said that back when the International Brotherhood of Electrical Workers was formed, the fatality rate for linemen was one out of two. It is still considered one of the most dangerous jobs but back then it was really bad. The individual who formed that union died in an electrical accident. It has gotten much better and now it is extremely rare that you have a significant injury and that is a testament to the industry.

Mr. Brass recognized State Representative Tim Cosgrove who was recently re-elected and sworn in. Mr. Brass said that Representative Cosgrove has been around a long time and does a great job for Murray City.

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

None given.

Citizen comment closed

7. CONSENT AGENDA

Mr. Brass asked that the following be taken all together; no objections were noted. These are all appointments and reappointments to the City's different Boards and Commissions.

- 7.1 Consider confirmation of the Mayor's appointment of Alisa Brousseau to the Arts Advisory Board in an At-Large position for a three-year term to expire January 15, 2016.
- 7.2 Consider confirmation of the Mayor's reappointment of David Christensen to the Arts Advisory Board in an At-Large position for a two-year term to expire January 15, 2015.
- 7.3 Consider confirmation of the Mayor's reappointment of Shauna Hart to the Arts Advisory Board in an At-Large position for a three-year term to expire January 15, 2016.
- 7.4 Consider confirmation of the Mayor's reappointment of Stephanie Pollei to the Arts Advisory Board in an At-Large position for a two-year term to expire January 15, 2015.
- 7.5 Consider confirmation of the Mayor's reappointment of Jenny Simmons to the Arts Advisory Board in an At-Large position for a two-year term to expire January 15, 2015.

Mr. Shaver asked those members of the Arts Advisory Board who were in attendance stand and be recognized.

- 7.6 Consider confirmation of the Mayor's reappointment of Steve Barth to the Board of Appeals in an At-Large position for a three-year term to expire November 1, 2015.
- 7.7 Consider confirmation of the Mayor's appointment of Brittany Bremer to the History Advisory Board in an At-Large position to complete a vacant term, which expires August 1, 2014.
- 7.8 Consider confirmation of the Mayor's appointment of Erich Mille to the Heritage Center Advisory Board in an At-Large position to complete a vacant term, which expires February 1, 2014.
- 7.9 Consider confirmation of the Mayor's appointment of C.J. Kulp to the Murray City Center District Design Review Committee in an At-Large position to complete a vacant term, which expires January 1, 2015.
- 7.10 Consider confirmation of the Mayor's reappointment of Ned Hacker to the Murray City Center District Design Review Committee in an At-Large position for a three-year term to expire January 1, 2016.
- 7.11 Consider confirmation of the Mayor's reappointment of Jay Bollwinkel to the Murray City Center District Design Review Committee in an At-Large position for a three-year term to expire January 1, 2016.

- 7.12 Consider confirmation of the Mayor's reappointment of Ted Eyre to the Murray Parks and Recreation Advisory Board representing District 5 for a three-year term to expire January 17, 2016.
- 7.13 Consider confirmation of the Mayor's reappointment of Karen Daniels to the Murray Planning Commission representing District 2 for a three-year term to expire January 15, 2016.
- 7.14 Consider confirmation of the Mayor's reappointment of Tim Taylor to the Murray Planning Commission in an At-Large position for a three-year term to expire January 15, 2016.

Mr. Nicponski made a motion to approve the appointments.
Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

Mayor Snarr expressed his appreciation to those in the City who have stepped up, give back and contribute to making Murray City the best city in America. He thanked everyone for their engagement and making our community a great place to live.

Mr. Brass added that these are all voluntary positions. Tonight they had fourteen and there are many more who serve on the Boards and Commissions. It is a great learning experience and if anyone is interested in serving, let the Mayor know. He also thanked all of those who are serving.

8. **PUBLIC HEARINGS**

8.1 Public Hearing #1

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

A Resolution acknowledging completion of a public hearing with respect to (a) the issuance of the Series 2013 Bonds and (b) any potential economic impact that the project described herein to be financed with the proceeds of the Series 2013 Bonds may have on the private sector and approval to proceed with issuance of the 2013 Bonds.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that is an opportunity for the citizens to comment. For example, if we are issuing a bond and are issuing it for the Recreation Center, it gives the citizens to come in and say how it is impacting them, such as: *I have a gym and it is impacting me and wanted to express my concerns*. In this situation, where they are issuing bonds to do storm water improvements, there really aren't too many private companies that are in the business of doing storm water improvements. There are construction companies, but they are not owning them. The idea here is to give the citizens a chance to express any concerns they may have.

Mr. Zollinger invited Preston Kirk to go over any items on this issue or to address the Council.

Mr. Kirk said that the City is well aware of the project at hand and this is really an opportunity for the citizens or residents of the community to voice their opinion one way or another on the projects.

Public Hearing opened for public comment.

None given.

Public Comment closed.

8.1.2 Council Consideration of the above matter

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

8.2 Public Hearing #2

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

Consider an ordinance amending Section 17.48.120 of the Murray City Municipal Code to allow additional height and size for signs on properties adjacent to I-15 and I-215 in the General Office District (G-O). (Harmony Health)

Mr. Brass stated that as noted at the beginning of the meeting, this public hearing will be continued to the next Council Meeting. Harmony Home Health has asked for a continuance on this item; as it has been noticed, public comment will be taken on this item.

Mr. Nakamura said this would not be continued to the next Council Meeting, but whenever they can appropriately notice the meeting, probably a meeting in February.

Mr. Tingey stated that he would defer a lot of his comments to the next meeting. It relates to the change in the Ordinance and unless there is public comment or questions tonight, he will defer comments until that time. This is a proposal and there was a recommendation by the Planning Commission and they will talk a little bit about that at the next meeting.

Public Hearing opened for public comment.

None given

Public Comment closed.

8.2.2 Council consideration of postponing the above matter.

Mr. Shaver made a motion to postpone this item to a future date.
Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0. Public Hearing will be continued to an upcoming City Council meeting.

8.3 Public Hearing #3

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

Consider an ordinance amending Section 17.144.020 of the Murray City Municipal Code relating to permitted uses in the General Office District (G-O). (U.S. Linguistics Institute)

Staff presentation: Tim Tingey, Administrative & Development Services Director.

Mr. Tingey stated that this was an item considered by the Planning Commission in November, 2012. In the General Office Zone, the Land Use Code classification of Special Training and Schooling (68-30) in the City Code is not included in the General Office. They feel that it is very conducive to that zoning district. Based on the application, the applicant is interested in locating a school in a General Office Zone and that has been reviewed. They are recommending approval of 68-30, which includes Special Training and Schooling. As part of the subset in that area it allows for language schools. However, there is an exemption (68-33) is one that they are asking be exempted out of that classification, and that is Barber and Beauty schools. The reason behind that is that those types of uses often, in order to make them viable, need to have a lot of students which can negatively impact a General Office Zone. Schools related to instruction of Drivers Education are also being requested to be limited to instruction only rather than the additional components to that.

The Planning Commission recommended approval and staff is recommending approval of the improvement to the Ordinance as well.

Mr. Shaver asked Mr. Nakamura how the Council should proceed with the exemptions to this Ordinance.

Mr. Tingey stated that the exemptions are already written into the language of the Ordinance.

Public Hearing opened for public comment.

Judy Keane, Woodbury Corporation

Ms. Keane stated that Woodbury Corporation is the owner of the building in which this language school wishes to relocate. They are very much in support of this change so they can also perhaps include other schools in this area. She thanked the Council for their consideration.

Public comment closed.

8.3.2 Council consideration of the above matter.

Mr. Shaver stated that this is a great opportunity for the City to include multiple areas of education in the City and to encourage those schools to come and settle and work here in Murray. Education is a powerful thing, no matter what it is; whether it is a cosmetologist or in the language arts. This is another indicator that Murray is a place where people want to come and work and be trained.

Mr. Stam added that we have a City that has a lot of higher education schools.

Mr. Stam made a motion to adopt the Ordinance.

Mr. Shaver 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

8.4 Public Hearing #4

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

Consider an ordinance relating to land use; amends the Zoning Map for property located at 625, 635, 645, 657, 671, 675, 677, 679, 689, West 5300 South, Murray, Utah from C-N-C (Commercial Neighborhood Conditional District) to C-D-C (Commercial Development Conditional District). (Riverview Plaza.)

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey said that this item was considered at the November 15, 2012 Planning Commission meeting. The applicant had requested this proposal, which is consistent with the General Plan adopted by the Council, because they have interest in putting in an electronic message board in the C-D-C zone. Electronic message boards are not allowed in a C-N-C zone. A C-N-C zone is fairly similar to a C-D-C zone. There are a lot of retail uses which are allowed as well as some more intensive uses in the C-D-C zone. There is a broader mix of uses allowed in the C-D-C zone.

There was a hearing held and a notice related to that sent. There were some comments and concerns by some citizens which the Planning Commission considered and recommended approval of this change. Staff is also recommending approval.

Joshua Peterson, representative of the Riverview Plaza

Mr. Peterson stated that they are trying to make this work for the tenants of the plaza and make it a better and more successful shopping center.

Mr. Shaver asked if all of the tenants will share in the use of the sign.

Mr. Peterson said that all of the tenants in the shopping center would have an access time to that sign.

Mr. Stam said that one of the concerns in that area is that there has been quite a bit of vacant property. Part of this change is help to keep that property filled so that there is not that vacancy issue. He noticed that there has been quite a bit of façade uplifting and changing to make it more attractive. One of the points that Mr. Stam has been concerned with is the size of the signs, but this zoning does not allow the size of that sign to be the size of a billboard. It is a much smaller sign with a much smaller impact on the neighbors in the community.

Mr. Peterson said that the size of the sign in both C-N-C and C-D-C is the same. It won't affect the height or square footage that is permitted by Code if he understands it correctly.

Mr. Shaver asked if the face of the sign goes east-west on 5300 South.

Mr. Peterson said that is correct and will be located in the same location as the current signs.

Public Hearing opened for public comment.

Carl Shelton, 5448 South 700 West, Murray, Utah

Mr. Shelton asked if this would be the same size as the big billboard on the corner or the sign that is more in the middle.

Mayor Snarr said that it is not the one on the corner where the 7-11 and the dry cleaner used to be.

Mr. Shelton asked if they would be adding more lights to this, making this a big, flashy area. It is already pretty lit up now and he doesn't want it to start resembling Las Vegas. Many of the people in the neighborhood are concerned about that and changing the neighborhood atmosphere.

Mr. Tingey explained that this request is for a zone change. In a C-D-C zone it allows for electronic message boards which allows the different types of signage to be flashed on but the key element to that is the process for that. First of all, the sign is limited to 300 square feet per the sign code. The second thing is that it goes through a Condition Use Permit process. The neighborhood will be noticed when an electronic message board is proposed and if there are potential negative impacts the Planning Commission can take those into consideration related to the lighting, the amount of flashing, and things like that. There can be that public comment at that time so there will opportunity to have some input related to that. That being said, as a Conditional Use Permit, it allows for an electronic message board which is different signage than what is seen at that location now.

Mr. Shaver reiterated that this ordinance would change the zoning but does not say that they get to have the sign.

Mr. Tingey said that the use is allowed as a Conditional Use Permit, but there is still a process for that which people can come and give input for.

Mr. Shaver asked if people would be noticed that a sign is going to be put in or that there is a request for that sign and people would be able to make comment. Where would they do that?

Mr. Tingey stated that it would be with the Planning Commission meeting and it would be noticed within a 300 foot radius of the site.

Mr. Brass asked if there are standards for brightness of light on electric signs in the evening.

Mr. Tingey said that depending upon the issue, there can be some conditions placed to mitigate impacts on adjacent residential property if there is a need. The Planning Commission would determine that.

Mr. Shelton asked what the benefit to the City by changing this zoning.

Mr. Nicponski said that is the benefit is to the property owner to help them maintain a successful operation which affects the City's tax base. If that area becomes vacant it would be more blighted than with a sign.

Mayor Snarr added that it gives the City an opportunity to attract some nice retailers, enhance the neighborhood and it is good for the local shoppers. The light is not going to rotate into the neighborhoods it will stay there on 5300 South. This is going to help make that a very attractive shopping center. It has had some issues over the years and they are making a significant investment by giving it a different façade, a different look and allow the tenants to have some visibility through advertising that will help make it more profitable and successful.

Mr. Nicponski said that they are not going to change the types of businesses by changing this zoning; they are still going to have the same type of retail.

Mr. Brass said that vacant buildings are difficult for everyone, particularly those who live around them. For good or ill, they get a tremendous amount of revenue from sales tax dollars and the more revenue the City brings in that way, the less they have to raise in property taxes so it is to the benefit of everyone to have a healthy retail environment.

Mayor Snarr indicated that it is his dream to make this area so attractive that somebody will take over the dry cleaners and put in a nice landscape.

Public comment closed

8.4.2 Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

8.5 Public Hearing #5

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

Consider an ordinance amending Sections 17.08.020, 17.68.030, 17.68.040, and 17.68.050 of the Murray City Municipal Code modifying landscaping standards for commercial, industrial and multi-family uses.

Staff presentation: Tim Tingey, Administrative & Development Services Director.

Mr. Tingey stated that this item had been discussed at the Committee of the Whole a couple of times before going to the Planning Commission. The original proposal included the commercial landscaping standards which the Council is considering tonight. They also had some residential standards and planter strips for residential areas. That went to the Planning Commission who gave a recommendation on that but that is not part of this Ordinance. (The single-family residential and the planter strip standards.) As Mr. Brass stated, this is for landscaping standards for commercial, industrial and multi-family uses. Mr. Tingey wanted to be clear on that because some of the materials in the minutes of the Planning Commission included their recommendation and they are separating these.

Mr. Tingey stated that this is a large Ordinance with a lot of information. There are a lot of changes because this is a very significant change in the mindset related to landscaping. They think it is a very positive change and he will highlight some of the important elements within the Ordinance.

In this Ordinance they are defining xeriscaping as part of the Ordinance. That is allowed in these commercial areas. In fact, this is something that they are hoping that a variety of business owners will move towards because of the drought issues that we have in this valley. The landscaping requirements include some elements relating to exemptions, which he will elaborate on. There is a plan required for all landscaping in commercial areas, so people that are coming in with a new proposal for a new project have to submit a plan. Plans have to include stamped plans from landscape architects if there are new buildings of 4,000 square feet or more. There are more requirements for that because when they get into larger projects they want more information provided. In addition to that, berms have not been allowed in these landscaping areas in the past, this new proposal does allow for that up to 36". Berms are allowed as part of the landscaping plan.

Mayor Snarr asked if that is from the sidewalk elevation.

Mr. Tingey responded affirmatively.

Mr. Tingey continued, saying that there are some exemptions where plans are not required at all. This would include a building permit for single-family or two-family dwellings; they have included that element in this. Building permits for interior remodeling, permits for reroofing, siding, etc., basically, for minor modifications to a site in a commercial area they are not requiring a full-fledged landscaping plan as part of that and they define that in this ordinance. In addition, Community and Economic Development staff will be reviewing the plans which must be submitted. This is a minor change from the City Forester and they have talked to the Power Department about that.

As far as the requirements, there are some significant changes related to that. The ground cover requirement has been changed to allow for an option to have a percentage of plants and other materials in there, rather than just focusing on a percentage of just grass or ground cover. That will move more towards that drought tolerant and xeriscaping that they feel is very important. In addition to that, the plans have to include a certain number of plants per lineal foot. For example, 100 lineal feet would require a certain number of plants, a certain number of trees and ground cover. The importance of this is that it clarifies the landscaping requirements, stating that this is what they have to provide. They have actually had complaints in the past that the City's landscape ordinance has not been very clear; there are percentages, but where that landscaping is located is unclear. This is very definitive as far as that is concerned. It also increases consistency between applicants during plan reviews and increases flexibility for design materials.

Parking areas are also an important part of this ordinance. On interior parking areas, all parking spaces must be within 75 feet of a landscape area. That landscape area is a parking lot island, it defines what is required and it has to be at least 162 square feet, nine feet wide, and have one tree and four shrubs as part of that. These parking areas are only for areas where there is a requirement for 50 or more spaces. If you are a small business who is only required to have ten spaces, you don't have to meet that standard because that would be onerous as far as the size of the development project. In addition to that, they feel that addressing the xeriscaping, adding the requirements for interior parking, and having the specific requirements are important elements. They have also had landscape architects review this ordinance and it is more consistent with other areas that they have seen and they gave their recommendations as part of this. The Planning Commission considered this and recommended approval and that is what he is recommending as well.

Mr. Brass said that when he served on Planning and Zoning ten years ago, the topic of drought tolerant and low water use plants came up. As they go through the dry years that the valley has been having, it is important to give options other than just grass. This is a good move forward. The other side of that is that you don't want a lot of pavement. You need permeable surfaces so that as the water soaks in, it doesn't run off, hence the Storm Water Bonds that the City just did to address run-off and control that.

Mr. Brass said that because it is in the material, they have discussed this and he wants it on the record, 17.68.060 which is the residential section of the Code is not being adopted tonight.

Mr. Tingey stated that was correct.

Mr. Shaver said that there was talk about modifications to the structure-roofing, interior, etc. If they modify the square footage, do they then fall under the new landscaping requirements? He did not see that in the material and had a question about that. If they do an addition, change the front location, change a parking lot, or change the structure. If they change the square footage from 3,500 and add onto it ending up with 4,200 square feet, do they have to get the architectural stamp and go through this process?

Mr. Tingey said it was actually conversions or new buildings that are 4,000 square feet or more, conversions to the building itself.

Mr. Shaver said that when they talk about plants, those plants would include shrubs of a specific height, trees of a specific designation. It is not just any tree, but there is a listing of approved or recommended types for the area.

Mr. Tingey stated that was correct.

Public Hearing opened for public comment.

None given.

Public comment closed.

8.5.2 Council consideration of the above matter.

Mr. Shaver made a motion to adopt the Ordinance.
Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

9. UNFINISHED BUSINESS

9.1 None scheduled.

10. NEW BUSINESS

10.1 Consider a Resolution adopting the Murray City Council's Employee of the Month recognition program.

Staff Presentation: Council Member Brett Hales

Mr. Hales stated that this had been discussed at length and would like to bring this to the formality of a Resolution adopting the Employee of the Month and recognizing the employee. Under the program, a City department would submit the name of the employee to the Council to acknowledge for the month indicated and under Appendix A.

The employee would be recognized here in a Council Meeting, receive a \$50.00 gift card and their name would be put on a plaque and receive a certificate.

Mr. Shaver expressed his appreciation to Mr. Hales for bringing this forward. One of the things that the Council regularly recognizes is the employees and how strong they are as an advertisement for the City and the Council is grateful for all that they do and sacrifice so many times. He had a chat with a gentleman who was moving snow on his street and they spend a great many hours and time in Murray for their benefit and recognizing them is a great step forward.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

10.2 Election of Chair and Vice Chair of the Murray City Municipal Council for the calendar year 2013.

Mr. Brass stated that he had distributed paperwork to all the Council Members. In following Robert's Rules, he will be asking for nominations. There can be more than one nominee for each position and he will ask if there are additional nominations. If there is only one nomination, they will vote on that one and do the same for each position. He opened the floor for nominations. He added that a second to a nomination is not required but will be accepted to show support for a candidate.

Mr. Brass asked for nominations for the position of Council Chair.

Mr. Stam nominated Council Member Shaver as Council Chair.

Mr. Nicponski nominated Council Member Brett Hales as Council Chair.

Mr. Brass asked for any other nominations a second and third time. Hearing none, Mr. Brass asked the Council to complete the ballot with the name of their selection for Council Chair and pass them to the City Recorded to be tabulated.

Mr. Brass stated that as they look at changing the Council rules, they can decide to change the procedure. He is on the Central Valley Board and they just write in names and

keep going until there is a majority. The City can change the way they do this; they are choosing to use Robert's Rules tonight, but they can make their own rules for the future.

Ms. Kennedy read the results of the votes:

For the office of Council Chair for the year 2013, there were five votes cast. Three are necessary to win. Mr. Shaver received two votes and Mr. Hales received three votes.

Mr. Brass congratulated Mr. Hales on becoming the Council Chair for 2013. He added that it has been a pleasure for him to have served as the Chair for the past two years and appreciates the confidence and support given him.

Mr. Brass opened the nominations for Council Vice-Chair.

Mr. Stam nominated Jared Shaver for Council Vice-Chair.

Mr. Brass asked for any other nominations a second and third time. Hearing none, he asked for a vote by acclamation.

Mr. Nakamura suggested that the Council have a voice vote on the nomination.

Mr. Nicponski made a motion to elect Mr. Shaver as Council Vice-Chair.

Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

 A Mr. Shaver

 A Mr. Hales

 A Mr. Nicponski

 A Mr. Stam

 A Mr. Brass

Motion passed 5-0

10.3 **Election of Chair and Vice Chair of the Murray City Budget and Finance Committee for calendar year 2013.**

Mr. Brass asked for nominations for the Murray City Budget and Finance Committee Chair.

Mr. Hales nominated Mr. Nicponski for the Budget and Finance Committee Chair.

Mr. Stam nominated Mr. Brass for the Budget and Finance Committee Chair.

Mr. Brass asked a second and third time for any additional nominations; hearing none, ballots were distributed.

Ms. Kennedy read the results of the votes:

For the office of Budget and Finance Committee Chair for the year 2013, there were five votes cast. Three are necessary to win. Mr. Nicponski received two votes and Mr. Brass received three votes.

Mr. Brass asked for nominations for the Murray City Budget and Finance Committee Vice-Chair.

Mr. Hales nominated Mr. Nicponski for the Budget and Finance Committee Vice-Chair.

Mr. Brass asked a second and third time for any additional nominations; hearing none, he asked for a vote by acclamation.

Mr. Hales made a motion to elect Mr. Nicponski as Budget and Finance Committee Vice-Chair.

Mr. Shaver 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

Mr. Brass reiterated that as they look at modifying the Council rules, they can change the process.

11. **MAYOR**

11.1 **Mayor's Report**

Mayor Snarr stated that Chick-Fil-A is a couple of weeks behind. The landscaping will obviously not be completed until the earth thaws and they are able to get some of the products such as sod, which could be well into April. They have started part of the landscaping and will need to give the City a deposit to insure the completion of that, but everyone is excited for that and they will get that finished and hopefully open sometime in February. There were some issues with the plastering on the exterior of the building as far as the drying time and because of the cold, it has been a challenge. They have tarped and visquined the building to keep the heat inside.

Similar issues have occurred with the Lexus Dealership. They were hoping to have that finished in January and have worked very hard the last few weeks. Mayor Snarr has seen

a lot of progress but that too will open sometime in February. The landscaping has not yet been started and will need to wait until the weather is more accommodating.

Mayor Snarr said that the signage has been posted at both the north and south sides of Hillside Lane for the vacation. There will be a public hearing on that on January 22, 2013. Many of the tenants in that area are in the process of moving out. This will be a very big project, with 23 properties under demolition. It is an exciting time but also a sad time. This will be the best thing to make sure the students have a safe place to go to school. He is excited about the different drop-off points that they have created to really address the serious issues that the City has had concerns about for many years.

Mayor Snarr noted that the Medistar project is coming along quite well. There are some lights along Birkhill that are not lit. This may be because the property has been vacated and they did not want to pay to have them lit. When Medistar is operational, he is sure that area will be lit. There will be a large construction project in that area with townhomes that will be built by Henry Walker Homes. For security purposes, it will be nice to have some additional light in the area. The owners of the condominiums, of which his son is on the association, have called and asked why there is no lighting there and now he has a better explanation.

Mayor Snarr expressed his aggravation at the amount of graffiti that is going on in the City. He spoke with Kirk Soffe today and unfortunately his grandmother, Mary Jenkins Soffe, passed away last night at 97 years old. Her funeral will be held on Saturday, January 12, 2013. They have had their property tagged three times in the past few days. For whatever reason, the winter seems to bring out the taggers and he wishes that there were some way that the City could have even stiffer penalties for graffiti crimes. His own property as well as others have been tagged. They tagged the bridge six times now down on Main Street going across Big Cottonwood Creek. This is something that really bothers him. Mayor Snarr said that we have such a wonderful community and so many exciting things are going to be taking place this year, and to see people going around and destroying what others have worked hard to create, beautiful properties, build beautiful buildings, put in signage and have it tagged, this really bothers him. He doesn't know what possesses these people or how they get off doing it, but it is something that needs to be addressed. The City has spent 1,000 man-hours this last year dealing with graffiti. Hours that could have gone to enhancing the parks.

Mayor Snarr said that most people are aware of what has happened in the past couple of days in Murray. We are not immune to unfortunate situations. In the past 30 years, our Police Department has only had about ten officer-involved shooting situations. In the last three days, there have been two. He is concerned about the officers who have had to deal with these challenging circumstances. It is not a pleasant situation when they have these situations. These officers are faced with a life and death situation and have to make a quick decision. You hope they make the right decision but when someone either points a gun at you or fires at you, then the appropriate thing is to take that person out before they can take out officers or other residents in the community. Fortunately, none of them were injured in these cases. Cars were hit but officers were not nor were other individuals. The

process is that those individuals who fired their weapons are placed on administrative leave with pay, while an investigation takes place. The District Attorney's Office works with the City to do the investigation. The process can take six weeks or more and during that time the shifts are covered with overtime. You will be seeing overtime on the police budget and they are working diligently through this process. The City is confident that these officers will be cleared and returned to police duty.

Mayor Snarr stated that he is excited that the City has received about half of the new police cars and they are being prepared for use at the City shops. These vehicles are the Dodge Chargers, which the majority of the detectives already drive. They have not had many problems with these vehicles and after reviewing and accepting them, they are having the light bars and other equipment installed. They ordered 24 of these cars and look forward to having the rest arrive.

Mr. Zollinger stated that when they sell the capital assets, and it is a specific department, he thought it would be good to put that back into their fleet. If they sell 24 police cars, they would take that money to buy some additional cars that they had not planned on.

Mayor Snarr asked the Council if that was the understanding that they had. The Council said that was their understanding as well.

Mayor Snarr said that, with the Council's concurrent support he is for buying additional vehicles based upon what is received for the current vehicles in the fleet.

Mr. Zollinger said that when the money is received, a budget opening will need to be done to be able to use that money.

Mayor Snarr added that more vehicles will be arriving and be put into service in a few weeks. There will be residents who will be wondering why the City has so many new vehicles. The City has not purchased vehicles in several years and the fleet needs to be updated and upgraded as a safety issue. The City needs to be able to respond safely to incidents and when the City has many vehicles spending time in the shops and not out on the roads, as well as costing more to maintain, it is time to do that. The City is doing the best that it can and, to the credit of the Council they have worked hard to come up with a reasonable way of doing that so that the City can pay cash and keep ourselves out of debt as much as possible, with the exception of major bonds for sewer and storm drain projects and such.

The Mayor noted that Sears will be closing at the end of the month. This was a financial decision by Sears. This was only one of two stores that they own in Utah, the rest are leased and they need the money. The store location will be retro-fitted and there will be some exciting things happening with the mall that will generate much more money than with what is there.

11.2 Questions of the Mayor

Mr. Nicponski asked how the hotels are coming along.

Mayor Snarr said that they know that the Home to Suites Hilton is right on track. He had a conversation with Dave Kimball who said he would let the Mayor know where they are at with the project by the 15th. If Woodbury does not want to partner with him, he is looking at trying to go it alone, but it has become very expensive. They worked with the Marriott Group to try to look at some of the costs but unfortunately, after he had originally purchased the property, the costs of the added amenities have taken the cost up quite a bit. You look at the cost of the land and the expected revenue and it is really hard to pencil this out. They normally like to see a 6-10% return but they are below that now.

They have taken down the grandstands. The County brought in their plans and spend the money (\$645,000.00) to make enhancements. They will put in a retaining wall on part of the property where the hill comes down so that they can get in three fields which will all go north-south. That will be completed, as well as the restrooms put in, sometime before the end of June. They will also be bringing in portable bleachers. The project is costing the County more than the \$645,000.00 allows them to do, but they felt that it was the right thing to do.

Mayor Snarr said that what makes Murray City the best city in America is the individuals who step up and serve, as well as the employees and citizens who volunteer and do great service in our community.

Mayor Snarr added that so far we have had a very successful snow removal season. They have restocked the salt storage facilities and are good to go and should stay on budget for the year.

Costco had two back-to-back million dollar days which was the first time in history. There were two other stores as well, but Murray's store out performed them all.

Mr. Brass said that the City has not bought cars in quite a while and he has driven around with the police officers and they drive around and around the City and felt that in a two hour period had circled the City 87 times. They put a lot of miles on those cars and they have cars that are in the 100,000 mile range which becomes a maintenance problem. They need to have vehicles on the street to keep the citizens safe. Council Member Nicponski doggedly pursued this and with the Mayor's Office and the Finance Director, they found a way to increase the number of cars from the original number of six to 24 which is going to have a huge impact. He commends everyone for that.

Mr. Nicponski added that the Mayor really stepped up on this. Repairs and maintenance are a big cost and the City has records to show that.

Mayor Snarr recognized the Scouts in attendance.

Mr. Brass invited the Scouts to stand and introduce themselves, their leaders and which Merit Badges they are working on.

Mr. Shaver said that he was glad that Mayor Snarr had brought up the officers. They are called 'Peace Officers' and that is what is hoped they preside over, but many times they are called to put themselves in harm's way. He added that those officers are always in our thoughts as they go out into the streets and as they face some rather difficult situations. We plead for their safety and they should be told how much we care for them and are concerned for them.

Lieutenant Roberts stated that in his opinion, both of the officers involved were justified in their actions and he doesn't feel that they will have any problems.

Mayor Snarr said that the individual driving the get-away car on the Scaddy's and Family Dollar incident lives just a few doors down from the Mayor of Cottonwood Heights. They are all in shock over the whole thing.

12. ADJOURNMENT

Jennifer Kennedy, City Recorder