

# Murray City Municipal Council Chambers Murray City, Utah

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 5<sup>th</sup> day of March, 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:

Brett Hales	Council Chair
Jim Brass,	Council Member - Conducted
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
Chad Wilkinson,	Division Manager
Pete Fondaco,	Police Chief
Doug Hill,	Public Works Director
Gil Rodriguez,	Fire Chief
Janelle Ericson,	Utah Transit Authority
Patti Garver,	Utah Transit Authority
Scouts	
Citizens	

## 1. OPENING CEREMONIES

1.1 Pledge of Allegiance- Gil Rodriguez, Fire Chief

1.2 Approval of Minutes

1.2.1 January 22, 2013

Mr. Stam made a motion to approve the minutes of January 22, 2013.  
Mr. Shaver second the motion.

Voice vote taken, all 'Ayes'.

1.3 Special Recognition:

1.3.1 None scheduled.

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

None given.

**Citizen comment closed**

3. **CONSENT AGENDA**

3.1 None scheduled.

4. **PUBLIC HEARINGS**

4.1 Public Hearing #1

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

**Consider an Ordinance amending Section 17.24 of the Murray City Municipal Code relating to Home Occupations.**

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

Mr. Tingey detailed some of the background of the Home Occupation standards are and what the proposal is for. The current Ordinance or City Code allows for home occupations with limited business activity in residential districts provided that they meet a variety of standards. The main focus is that there is compatibility and the use is not detrimental to a neighborhood or residential area. There are certain uses in the current

Ordinance that have been in place for some time that are prohibited as home occupations. Even back in 2007, the City Council revisited this Ordinance and added some additional uses related to construction businesses; were not allowed as home occupations. Some of the concerns related to that were the storage of materials and large equipment and mobilization of work crews. In 2007 the Council modified the Ordinance to not allow for those. Since that time there have been a number of requests and the Council is aware of this. In 2012, there were a number of conversations and the Council requested that staff relook at this Ordinance. Staff is now bringing that Ordinance forward and it has gone to the Planning Commission.

Mr. Tingey explained that what they are trying to do with the Ordinance is to allow for home occupations and an additional number of uses as home occupations. They also want ensure that there are no detrimental effects and that there is compatibility with residential neighborhoods and residential uses.

Mr. Tingey showed a PowerPoint presentation highlighting some of the Ordinance proposal details. He stated that with this Ordinance, the proposal is to allow additional major home occupations. They are defining those major home occupations which are uses that require the client to come to the home or which may result in neighborhood impacts. There are permits for home occupations, including major home occupations and in a process that they need to go through. The uses proposed in the Ordinance as major home occupations are: barbers, consultants, counseling, contractors and home instruction. Contractors include: handyman and landscape or yard maintenance contractors subject to special conditions related to no construction materials or equipment to be stored on-site. There are other similar personal and professional services as well. These are the types of uses that are allowed as major home occupations.

What this Ordinance does is allows an approval process through an application. There are a number of things that would mitigate those potential impacts. There would be limits on the hours of operation, numbers of clients per day, and other conditions to mitigate other adverse impacts. The application would include a complete description of the type of business, a listing of the individuals in the home working for the business, expected hours of operation and the expected number of clients. The main point of the major home occupation is to allow neighborhood involvement. This would require the applicant to get the names, addresses and signatures of all abutting and adjacent property owners stating that they are ok with this type of use. It allows that input up front. If that is the case, there are ten working days in which if they get the application in and meet the requirements and signatures, they can get approval directly from the Community and Economic Development Division. If they cannot get the signatures of all of the adjacent property owners then it can be referred to the Planning Commission and the Planning Commission can make a decision through a public process.

Mayor Snarr asked for a clarification of which property owners signatures the applicant would be required to get signatures from.

Mr. Tingey stated that it would be the abutting and adjacent property owners. Adjacent meaning next door property lines and properties across the street. That is defined in the Ordinance. As part of this, they have defined what prohibited uses are and added additional prohibited uses regardless of their conformance with the other standards of this chapter. They feel that there are still uses that are not appropriate in residentially zoned areas. These are the uses: on-site carpentry work including cabinet making or other similar uses, which is similar to what they have now. They feel that this type of use still has the tendency to expand beyond what would be good for a neighborhood or residential area. Dental offices, vehicle repair, etc. There are a number of these that are still the same. They have also included vehicle sales, limousine or taxi services, sexually oriented businesses and tattooing.

Mr. Tingey added that they have had the County Health Department contact the City. They have seen this Ordinance and brought up a couple of issues. The City feels that the current Ordinance addresses these issues. One of those was that the Health Department felt that in multi-family complexes, the City should not allow salon type uses because of odors. It is already in the Ordinance that would prohibit that. They also had concerns with tattooing. They are fine with the City having it in its Ordinance and may also have it in their own Ordinance, but felt it would be better to define. Those that do body makeup (permanent). From an interpretation standpoint, the City feels that is something that has already been addressed in its Ordinance so they do not need to add that.

Mr. Tingey stated that this went to the Planning Commission and they had two meetings in October and November to discuss this. Their two major concerns were that the tendency of these types of businesses to expand, even though you go through this process, over time they were concerned about the impact on neighborhoods. They were also concerned about the administrative burden for staff on this. Based on that, they recommended denial of this proposal. As they brought this forward, Staff recommended approval to them but the Planning Commission recommended denial based on those concerns.

Mr. Hales asked Mr. Tingey to repeat the concerns that the Planning Commission had.

Mr. Tingey reiterated that the Planning Commission was concerned about the administrative burden that this would cause and they were concerned that some would go through the process but their business would expand anyway and be detrimental to a neighborhood. Mr. Tingey again stated that the Planning Commission was recommending denial and staff had recommended approval through that process. He added that if the Council does go forward and approve this Ordinance; staff would request that it be effective on April 1, 2013 to allow some administrative time to put the applications together.

Mayor Snarr asked if Mr. Tingey felt that this would be a big burden on his department, going out and looking at these businesses to see if someone is stretching the limit of what the interpretation of the law was.

Mr. Tingey said that as far as an administrative burden, without a doubt, it would be more to process these major home occupations. He feels that he has very capable staff that can do that. As far as the enforcement side of things, he thinks that the original reason, in 2007, that it was changed was due to a lot of enforcement issues. When you have enforcement issues they are not the easiest issues to deal with. They have had some since 2007, even in the last year and a half, that they have had enforcement issues on that were construction businesses operating illegally. Anytime you allow something like this you will potentially have more enforcement issues.

Mr. Shaver said that they are asking someone that has a business that would somehow encroach upon with noise, dust, etc. into the neighbors, the City is saying that they have the right to then watch. In the renewal process, because they have to go back for a license every year, are they going to need to go back to their neighbors or is it that once they have signed that paper the City says 'ok, you are done unless we get a complaint'?

Mr. Tingey stated that once they have signed that, the City is not going to ask the applicant to bring new signatures back every year. But if there are complaints then there will be enforcement issues and that renewal will be in jeopardy.

Mr. Shaver asked if there is something in the paperwork that the applicant will sign that says to the neighbor... he doesn't want to make the neighbors become the watchdogs and the City not do the enforcement, but the neighbors have the right to call the City and say that this has gone beyond the mark or we agreed to this, but they are doing X. Is there something in that paperwork that the neighbors sign that will tell them that the City expects them to tell us what is happening?

Mr. Tingey said that was something that the City could add, saying that if there are concerns they can contact the appropriate department. But basically what they would be signing is that they are ok with this type of use, they have talked to the applicant and they consent to having it adjacent or abutting to their property.

Mr. Brass said that he has never found the citizens of Murray to be reluctant to telephone when there is an issue.

Mr. Shaver said that some months ago they spoke specifically to massage, particularly to a specific type of business, Reiki. In this particular Ordinance, is what they did with Reiki also a part of this?

Mr. Tingey said that he believes with the Reiki Ordinance there are only certain areas where they can have that type of business and it is not in a residential zone. They are also required to go through a public process.

Mr. Brass asked about teaching Reiki.

Mr. Tingey stated that under this Ordinance, if they are not practicing Reiki it would probably not apply. There is allowance for educational types of use in home occupations but they have to adhere to all the standards under the Home Occupation Ordinance.

Mr. Shaver asked Mr. Tingey to go back to the contractor's portion of this Ordinance. The top line of the Ordinance, in reference to generating noise, dust or fumes, if they are not generating noise, dust or fumes would that qualify then? How will they measure that? There is a decibel level that says someone is creating too much noise, or fumes or dust, how will they determine that?

Mr. Tingey stated that these uses are prohibited as home occupations. On-site carpentry work including cabinet making for commercial purposes are not allowed as a home occupation. The fumes and noise are some of the reasoning behind that.

Mr. Brass said that he had an individual contact him who makes fireplace mantels. At one time Mr. Brass thought they allowed cabinet making. He views what this man does as cabinet making because it is fine mantels, high end stuff, and he is working alone. It is almost up there with doing furniture work as a hobby. Our Ordinance covers it well enough that if you get permission from all of the neighbors, what would the problem be with doing that kind of work? Equipment now does really well with capturing the dust and sawdust and dirt. There are requirements that they could make but his concern is that a one-size fits all Ordinance doesn't always fit all. He does not want to put someone out of business if there is some way that they can work this. Carpentry is carpentry and is a whole different thing. That is hauling in a lot of lumber and building large things, but smaller furniture items?

Mr. Stam added that he also knows of someone who currently has a business license here in Murray that frames pictures and builds picture frames which could be interpreted as cabinet making or other similar use because he has to have equipment to cut the wood. He currently has a business license to do that. It could fit under the same thing.

Mr. Tingey said that the intent of this Ordinance is compatibility and the concern of detrimental impacts. Some of the concerns with on-site carpentry work and cabinet making means that you have materials. It is prohibited in the Ordinance to store materials and even related to what we have with construction contractors. Bringing vehicles in to take the materials built away into the neighborhood, whether they are large or not, there is more of that tendency for the impacts to adjacent properties to be more. You are building, hauling away and, bringing materials in. In addition to that the noise in these smaller 8,000 foot lots, they cannot have a home occupation in an accessory structure, it must be in the home. If they are in a garage, if they open up the garage in the summertime and have noise, fumes, etc. that is the concern with carpentry and cabinet makings.

Construction type businesses, with the intent that they have in the Ordinance, is if you are a contractor or a handyman you are doing the work off-site. You are getting up in the morning, driving to a location, do your work and come back. You have your business license and do the work off-site. That is something that has minimal impact on the neighborhoods based on what is in the Ordinance. These other businesses cause concern with the potential impacts.

Mr. Shaver said that his relaxation is to turn wood and create furniture. That is how he relaxes in his out building but he is not a business. Sometimes there is that half way mark and that is where his confusion is. Where someone for fun or enjoyment makes furniture for their children. They are still making noise, making dust and fumes but they are not in a business so it is not regulated under an Ordinance. However, there are a lot of people that have the turnings and things and do that from their home in their basements and have the ventilations. When he looks at it there are two things that are happening in his mind and he is trying to find a way to separate it. One is that this is a home occupation in a residence. It is actually a business that is being done in a residence. The idea is that they are saying 'this is a business' that will be run in a dwelling, in a home and the City is saying that they will regulate how that happens.

Mr. Tingey said that is correct. It would not affect someone such as Mr. Shaver who is not operating a business. The City has limitations on the amount of square footage that is allowed within the home for a home occupation. These types of uses would probably have issues related to the additional square footage requirements as well as what types of modifications would have to be made to the interior of that home. There are also limitations within the Ordinance on that. These are all reasons why they don't feel that they are appropriate in this area.

**Public Hearing opened for public comment.**

Mark Van Dyke, 715 E. Arrowhead Lane, Murray, Utah

Mr. Van Dyke said that he wanted to know if he could have an office in his home. When he wrote down 'carpentry and sales' on the application as the business type, it was denied. He has no intent to run any business out of his house. He doesn't want employees at his house he doesn't want to store materials at his house he only wants to have his office there. That is all.

Mr. Van Dyke asked if there is any way to get there without having to go through what they are looking at now.

Mr. Brass stated that Mr. Tingey will answer that question when the public comment is closed.

**Public Comment closed.**

Mr. Tingey said that if they are talking about an office only, to get a business license to have a home occupation office only, that is something that can work. If they are talking about on-site work, where it is carpentry work at the home, under this Ordinance it would not work.

Mr. Shaver agreed, but said that the issue for Mr. Van Dyke is that as he does carpentry work and when it is listed on the forms, it is an automatic denial.

Mr. Tingey stated that if it is defined on the application as a home office only, it is something that he feels they can make work under the Ordinance.

Mr. Van Dyke stated that he now carries a DBA in West Valley City because he could not get a license here in Murray.

Mr. Shaver recommended that Mr. Van Dyke speak with either Mr. Tingey or Mr. Wilkinson and they can address how best to fit that particular issue for him and figure out how to have his office at his home address and get out of the DBA. That way he can continue to do the off-site carpentry and have his office at his home.

Mr. Wilkinson said that was a very technical question and that his staff is amazing at technical questions. He encouraged Mr. Van Dyke to come in to the office during office hours and if this Ordinance is adopted they can discuss what needs to be done to work out the next steps. The Business License staff can help him with this issue.

Mr. Brass said that he would hate to see them put someone out of business and kill their livelihood, such as the mantle guy. He feels that much in this Ordinance would protect that and what he does. Mr. Brass does not foresee large truck loads of lumber being brought in for this business, or hauling off mantels. When Mr. Brass was with Planning and Zoning, they didn't allow violin making in the CDC. They had someone who wanted to make violins and they created an ordinance that covered that. They have been flexible for people who are genuinely trying to do a good thing and he feels that the City can protect itself on something like this. He would ask that they rethink the term 'cabinet making' or see if they can find a way to make it work. If the neighbors say no, then it is done. If he goes to Planning and Zoning, they say no. The outbuilding part of it would be a problem for this particular person so maybe there is no way to do this and he understands that. He is just reluctant to put somebody out of business.

Mr. Stam said that Mr. Brass is bringing up the same point with the guy that does frames. This person makes three or four frames a year, mostly for friends, but he got a business license so that he could sell them. Does that fit under the cabinet making or carpentry? Would this put him out of business?

Mr. Shaver stated that according to this Ordinance it does.



Mayor Snarr asked about someone who makes knives?

4.1.2 Council consideration of the above matter.

Mr. Shaver said that it seems to him that there are enough questions on a couple of points that they may want to either pass this and amend it later or just wait.

Mr. Brass agreed. They need to do what is right for the whole of Murray. They have 45,000 citizens and they all recognize that a decision made for one could impact others negatively and he wants to avoid that. As a City they have always been good at trying to find a solution where they can. At this one he is at a loss.

Mr. Stam asked if the man who makes the mantles has a business license currently.

Mr. Brass said that he does have a business license and is in a leased space off of 4800 South that he can no longer afford. He has let all of his employees go and is down to just himself. He is trying to stay in business.

Mr. Stam said that the guy he is talking about does have a business license to do it at his home and this may impact him.

Mr. Nicponski asked if they would postpone any action pending an amendment being drafted to address these issues.

Mr. Tingey clarified that with the individual who already has a business has probably already gone through the process. Whether it was non-conforming or not he is probably not going to go out of business if he has a business license. There is potentially a non-conforming element there. The second thing is that it comes down to the carpentry work. If the Council wants them to relook at it and have the vote postponed, he is fine with that. The reasoning behind that is their concern with construction businesses needing to be off-site. Carpentry businesses can have employees through this home occupation process that can come on-site. The amount of equipment that they have, the amount of materials that they may provide is a concern. It may only be one piece of furniture that they are shipping out, but no one knows. It could be more and there could be impacts within the interior of the building which wouldn't meet the standards of this and it could be detrimental to the neighborhood. Those are the issues. They are saying that construction businesses can be there but the work needs to be off-site. These types of businesses have the tendency to grow and that is their concern. They would be happy to look at this again if the Council wants them to.

Mr. Stam asked if part of the problem could be eliminated by putting a dollar amount on the amount of work being done at the home.

Mr. Tingey said that a lot of that is by the estimates that the applicant provides and it would be difficult to enforce that. They could indicate how much they may earn and then it could expand significantly if their business is successful.

Mr. Shaver asked about the line referring to “pronounced tendency” to expand, grow or go beyond the limits that is allowed for homes. That is where the grey area is. As the Council began to talk about it, there is greyness to it and is not clearly defined. Mr. Shaver again read from Ordinance: “regardless of the conformance with the other standards of this chapter” and that is what they need to address.

Mr. Shaver didn’t know if he needed to make a motion or if they could have a discussion that says if the Council passes this particular home occupation proposed Ordinance and make those changes that it is something that they can come back and address for the specifics such as they did for the violin maker that Mr. Brass discussed.

Mr. Brass said that personally he is comfortable with that. The mantle maker has a sense of urgency because finances are getting tight but again, they need to do what is right for the City first and try to address this secondly. We are in interesting economic times and depending upon which newspaper you read it is either going to get better or get worse. That is why he quit reading the papers and goes out to spend his money and try to get the economy to turn around on his own.

Mr. Nakamura stated that the drafting of ordinances has general applicability and when you use words like ‘carpentry work’ it does have general applicability. He does not try to address a very specific situation or specific business. That is what is going to be the difficulty. He feels that the issue here will be that they will need to make another policy decision. If what Mr. Tingey is saying is that this issue regarding dust and fumes is a policy decision and not an issue for the Council, then it certainly changes things. He does not want to get into a situation where they are carving out exceptions to words that apply to very specific situations. They have to draft Ordinances that apply across the board. By doing that it ultimately creates some problems when it is applied to others. Mr. Nakamura wanted to caution the Council on that. He thinks that they can go back and look at the wording but it is really not that easy when you are using terms that apply across the board.

Mr. Brass stated that he understands that. He lived the dream of Planning and Zoning for three years. They are saying that pronounced tendency once started, rapidly increases beyond the limits permitted for the home. They can put wording in to prevent that by saying that if they go beyond a certain limit they are out. He would be comfortable passing this Ordinance as-is if the Council chooses to do that. He can sit down with Mr. Tingey and others to see if it is possible. He also understands the other side of that as well.

Mr. Hales said that he is a little uncomfortable passing this Ordinance and then going back. If the rest of the Council is comfortable with it that is fine but he feels that there are still a lot of questions still and feels they should get everything fixed first and then pass it.

Mr. Nicponski concurred with Mr. Hales. He would like to ask Mr. Tingey to research this and perhaps Mr. Brass could be more specific in what his expectations are and then the Council can go from there.

Mr. Brass said that if the Council is concerned about that one item in the Ordinance as he stated and he appreciates their support but they shouldn't be. He feels that this is a good Ordinance and he does not want to hold up the entire City or other people based on that one use. He appreciates the support though. If the Council is concerned about other parts of the Ordinance then they absolutely should take a look at it and wait but if it is for the cabinet making versus others he will work that out.

Mr. Stam said that he received a call from the person who makes the frames and granted, he is grandfathered in, but if someone else wanted to start making frames in their garage for friends and wanted to do it legally and right they would not be allowed. He can see both sides of that and feels that there is a limit on how much carpentry work can be done. He doesn't know if they can do it by putting in a dollar amount that is done during a year or how else that could be regulated.

Mr. Brass said that they are currently limiting how many hours in some pieces of this Ordinance can work. He finds it ironic that they mention fumes specifically for carpentry/cabinet making and then the Health Department is concerned about fumes for hair salons. He gets his hair cut in a hair salon and some of those fumes will drop you to the ground.

Mr. Shaver concurs with Mr. Brass. He feels that they are looking at a specific portion of the Ordinance. The overall Ordinance and its objective is well stated and well placed and he would like to see the Council move forward with it tonight. They can deal with each of the issues as they may arise as a City. As Mr. Wilkinson stated it is adequate and they have marvelous staff to deal with each of these issues and they can do that. If there is something that they need to address at a later date, and they always do have things come up, they deal with those the best that they can as a City and as staff. He thinks that they should move forward with this.

Mr. Brass stated that there are other people who would like to conduct business that would be held up by this and he does not want to stretch everyone out.

Mr. Tingey stated that if the Council is moving forward with this he is going to request that the implementation date for this is April 1, 2013. He wanted to be clear that the carpentry businesses would not be allowed per this Ordinance. If it is for an office only with no carpentry on-site at all, that would be allowed.

Mr. Shaver made a motion to approve the Ordinance, implementing it on April 1, 2013.  
Mr. Stam 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion was approved 5-0

**5. UNFINISHED BUSINESS**

5.1 None scheduled.

**6. NEW BUSINESS**

**6.1 Consider an Ordinance amending Sections 5.04.280, 5.08.010, 5.08.030, and 5.08.070 of the Murray City Municipal Code relating to Business License Fees.**

Staff Presentation: Chad Wilkinson, Division Manager

Mr. Wilkinson showed a Power Point presentation and explained that about a year ago the City began the process of looking at the business license fees. Part of that was reviewing the business license late fees. One of the things that he really had a desire to do was to look at the processes and ways that they can be more business friendly. One of those was to look at the late fees and the practices that they have had in the past. They wanted to find a way to try to help businesses in Murray to thrive. That is the purpose why they are here tonight.

Mr. Wilkinson said that the business license fees consist of two components. One is the base license fee which is \$100.00 plus \$6.00 per employee. In addition, a lot of the businesses have a regulatory fee such as hotels, motels, storage units, sexually oriented businesses, businesses requiring alcohol permits for those types of businesses. Multi-Family businesses have a regulatory fee as well as a whole list of other business uses that have regulatory fees.

Under the current ordinances and policies that have been followed for quite some time, they calculate the late fees using both the base fee and the regulatory fee. As an example, a general business office that had three employees would currently pay about \$59.00 for a late fee if they were between one and thirty days late on their business license renewal not having any regulatory fees. With a mini-storage, where we charge a per-unit regulatory fee, if they had a 200 rental unit facility with three employees they would pay a late fee of \$259.00. As they looked at this they did not feel that this was equitable. There really isn't any other impact as far as late fees that is any greater for a mini-storage facility than there is for a regular business facility.

Mr. Wilkinson stated that they are proposing the late fee be based only on the base fee and not the regulatory fee for all businesses. The per employee fee would be taken from the base fee calculation and moved to the regulatory fee calculation. If this were to be adopted, both of those examples in the one to thirty day late category would be \$50.00. He wants to be very clear that for businesses that are operating without a license, or businesses that go beyond that 60-day renewal, they would still charge the 100% of regulatory and base fees because they are really trying to capture the time that business has been operating without a license. That would not change for a business that simply was operating without a license or goes beyond two months in renewing their license.

The second thing that they are trying to do is have the ability to waive late fees. They receive a number of requests each month to waive those fees. One of the primary reasons given for that is that the business had it date stamped or postmarked for December 29<sup>th</sup> and it didn't arrive to the City until January 5<sup>th</sup>, can you waive the late fees. In the City's current policies we do not accept post marks as timely payment but they are sensitive to the fact that there is no control over the mail system by the City or the applicant. They want to meet people halfway on this issue. They are proposing that they have a waiver of late fees if that renewal is received within ten days of the expiration date. After that the same late fee of 50% would apply for renewals. Mr. Wilkinson emphasized that the expiration date does not change with what they are proposing. There would be no grace period for the grace period. Once that grace period expires that late fee would immediately be assessed.

Mr. Wilkinson stated that in regards to refunds, the City Code is very specific in stating that the City does not process refunds. Fees paid for business licenses are non-refundable. One of the things that the City has run into is with businesses, especially those who are requesting an alcohol license which requires State approval they sometimes do not get that with the number of limited licenses available with from the State. Sometimes the State comes back and says they cannot give them a license now. Under current policy that entire fee would be collected and not refunded. What they are proposing is that the regulatory fees would be refundable. The base processing fee to run the application through the City divisions would not be. All of these changes being proposed are to try to work with businesses and come to some reasonable changes that will hopefully create that business-friendly environment they are shooting for.

Mr. Hales asked if the Code allows for someone in the department to waive fees if they deem necessary.

Mr. Wilkinson stated that they do waive fees from time to time but he doesn't think that there is anything in the specific code language that states that they can waive the fees. It does say that some of these things are up to the discretion of the License Administrator but there is no specific language on waiving of late fees. From time to time they do have legitimate reasons. If they have someone that can show evidence that they honestly tried to make their payment on time and because of some mechanical or electronic error or something they can show is legitimate they have waived the fees. They try to work with

people. They have noticed that everyone sees their reason in equal standing. The person who is 25 days late sees themselves as timely as the person who is five days late. That is where they need to come up with some consistency and administer it that way.

Mayor Snarr said that if a person is deployed in the military and had a business that they had to walk away from because they had an obligation to the National Guard or are enlisted reserves. If they are in a deployment situation putting the business in a temporary hiatus and then come back, they are late. Are they going to give those people a bit of slack?

Mr. Wilkinson stated that they would certainly work with them on something like that.

Mr. Shaver said that goes back to what Mr. Nakamura was saying earlier. There is a general application and the City has good people that can deal with the specifics.

Mr. Stam made a motion to adopt the Ordinance.

Mr. Hales 2<sup>nd</sup> 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

**6.2 Consider an Ordinance amending Chapter 2.66 of the Murray City Municipal Code relating to Elections.**

Staff presentation: Jennifer Kennedy, City Recorder

Ms. Kennedy said that the two major changes in this Ordinance are due to legislation that was passed in 2012. The first major change being that in a year where there is a Municipal Election, the City is now required to post on or before February 1<sup>st</sup>, a notice that identifies what offices will be up for election and the filing dates for candidacy. The second change moves the filing dates for declaring candidacy from July 1<sup>st</sup> - 15<sup>th</sup> to June 1<sup>st</sup> - 15<sup>th</sup>. The other changes that are being made are so that our Code will better match up to the State Code.

Mr. Shaver made a motion to adopt the Ordinance.

Mr. Nicponski 2<sup>nd</sup> 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

**6.3 Consider an Ordinance amending Section 13.08.050 of the Murray City Municipal Code making technical changes necessitated by the recent amendment to the Water Connection Impact Fee Schedule.**

Staff presentation: Fran Nakamura, City Attorney

Mr. Nakamura stated that in a prior City Council meeting the City Council changed the way we calculate the water connection impact fees. Prior to that change, you had the formula that relied upon EDU which required different factors in terms of the calculations and could be challenged and we could be making a calculation mistake. We allowed an appeal process. Subsequently we changed that Ordinance and changed the way we calculated the connection fees basing it purely on pipe size and no additional factors. Because of this there is no need for an appeal process. Mr. Nakamura apologized that this was not caught in the amendment with the changes to the Water Connection Impact Fee Schedule. They are asking that the Council make that change. There is no need for the appeal process and this amendment takes that out.

Mr. Nicponski made a motion to adopt the Ordinance.  
Mr. Stam 2<sup>nd</sup> 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

**6.4 Consider an Ordinance enacting Chapter 12.29 of the Murray City Municipal Code relating to No-Fault Golf Ball Claims.**

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said that the City did at one time have a no-fault golf ball claim ordinance which was repealed. The Attorney's Office has always indicated that the City is not liable for stray golf balls off the golf course. They do get these claims and they have decided, in talking to Doug Hill, Director of Public Services, that the City should implement a No-Fault Claim program similar to what we do with water breaks. In other words, the City is not liable for water breaks but from a public relation standpoint in dealing with these issues they do have a No-Fault Water Break Program as well.

This no-fault program would pay up to a maximum of \$300.00 per claim. Usually these golf ball claims are when a golf ball hits a vehicle on the Interstate or roads. This would have a maximum of \$1,000.00 per incident if several cars are hit. This is reflective of the deductible on many auto insurance policies. This would be subject to annual appropriation of funds and it does have provisions regarding if there is insurance coverage as they will not double cover if there is. If they find the golfer who is at fault they will go after that golfer for the costs of what is paid out. This is a no-fault program with \$300.00 per claim.

Mr. Hales asked if this is something that the City is changing.

Mr. Nakamura reiterated that the City did have this in place at one time but eliminated it because the City's position was that they are not liable, but from a public relation standpoint they are changing it.

Mr. Hales asked how many claims the City gets on this issue.

Mr. Nakamura stated that the City gets ten or twenty claims a year.

Mr. Brass said it was amazing how far some people can hit a golf ball and it is generally not straight down the fairway. You might expect it if you are living next to the golf course but not two neighborhoods away or on the Interstate.

Mr. Nakamura said that there is the driving range and for some reason they do get through that somehow.

Mr. Stam asked if there is any cost to the City right now when somebody tries to file a claim.

Mr. Nakamura said no, it is purely public relations. No one has filed lawsuits against the City.



Mr. Stam said that every time somebody brings a claim forward, the Attorney's Office still needs to spend time on that so there is a financial impact administering it.

Mr. Nakamura agreed and said that even with this Ordinance they would still need to go through a process to verify the claim. There are time elements to this but it is still more of a public relations item rather than arguing whether or not the City should pay.

Mr. Stam asked if at the bottom line, in the end, will it save money with not having to deal with issues or is it a wash.

Mr. Nakamura said that it is a wash, but it is big public relations. Their experience is that a lot of the other cities and County golf courses have that program. This is not unique.

Mr. Hales made a motion to adopt the Ordinance.  
Mr. Nicponski 2<sup>nd</sup> 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

**6.5 Consider an Ordinance amending Section 3.10.370 of the Murray City Municipal Code relating to evaluating the Lowest Responsive Responsible Bidder for building improvement and public works projects.**

Staff presentation: Dave Nicponski, Council Member

Mr. Nicponski read an excerpt from the Ordinance. *In order to assist in the determination of the lowest responsive responsible bidder, the City may establish criteria relating to financial strength, performance, integrity, liability and other factors to assess the ability of the bidder to perform fully and in good faith the contract requirements. The City wants to establish certain criteria in addition to the existing criteria in order to encourage responsible business practices and social responsibility. The City Council finds that bidders who would qualify would provide its employees with adequate healthcare insurance and job training, has a policy of non-discrimination, has a drug and alcohol program, a policy to recruit veterans, and has a safety program which will provide better quality work for public works and building improvement projects. Further, the general welfare of the community is enhanced if the City encourages the program. The City Council finds that the adoption of this Ordinance reasonable for the health, safety and general welfare of the citizens of the City by encouraging responsible business practices and assisting the City in determining the lowest responsive and responsible bidder.*

Mr. Nicponski said that basically encapsulates what they are trying to accomplish here.

Mr. Brass added that they have had a couple of Committee of the Whole meetings on this.

Mr. Stam said that he had a couple of concerns that he needed to bring up. He declared a conflict of interest. He had spoken with Mr. Nakamura who informed him that this is not a direct conflict of interest and Mr. Nakamura feels that Mr. Stam should still vote on it, but he wanted to declare a conflict of interest as this could directly impact his ability to obtain work here in the City. It also creates concern for him in that being in the construction field and the people that he does business with, there are many contractors and subcontractors that he is aware of, both in and out of the City, that would not be able to be recognized or to have the ability to perform work in the City based on the way this is written. One of the concerns that he has is that he does not want to see that work leave the City and go outside the City or the State because someone does not qualify.

Another concern that Mr. Stam has is being in construction and going through the training program that he has, he was taught that every line that he puts on the page needs to have a reason for being put on that page. Getting onto the Council and having his duties explained to him he was told that with every vote that he makes he needs to make sure that he is stating the purpose behind the vote to state for the record why he agrees or enacts the change. Going back to a couple of the lines that Mr. Nicponski read, it says that the City Council find that bidders who provide its employees adequate healthcare, insurance, job training, policy of non-discrimination, drug and alcohol testing program, a policy to recruit and hire veterans and has a safety program. Although he has no problem with these because he does believe these are good practices for those companies that can have these things, his company personally cannot do that. One of the concerns that he has is that he doesn't think our City is in the business of providing social services. The State is in the business of providing social services, not the City. Where it says that the City Council finds...he is not sure that meets his personal understanding of what he thinks it is going to as it is stated further 'provide for the general welfare of the community and enhance the City.' His goal as a City Councilman is to do those things that affect the general safety and welfare of the citizens and he is not sure that this Ordinance does or reflects his opinion on what is positive for the welfare of the citizens.

Mr. Nicponski asked Mr. Nakamura if at one point they had talked about dollar limits and classifications.

Mr. Nakamura said that through different meetings such as the Committee of the Whole they have defined what this covers. That would be Public Works projects. The bid limits have a formula but they estimate it to be about \$160,000.00 projects. They made a few changes in the Ordinance to make sure that they are not covering supply contracts which was an issue that was a concern to the Power Department so it is somewhat narrow.

Mr. Nicponski stated that these would be substantial contracts. It is not a requirement but simply provides a way to preference those bidders on these major contracts.

Mr. Stam understands that point, but it does say at the top that if the City determines to proceed with the building improvement or public works projects, then the City *must* enter into a contract for the completion of the building improvement or public works project with the lowest responsive responsible bidder. That is telling us that we have to pick that bidder. We are putting in an Ordinance or rule that says this is where it has to come from.

Mr. Brass said that the next line says ‘that in order to assist in the determination of the lowest responsive responsible bidder the City may establish criteria relating to financial strength.’ If may were must he would have concerns.

Mr. Nicponski said that there is some flexibility here.

Mr. Shaver said that because there is a may and a must in there, he is confused as to how those two work together.

Mr. Nakamura explained that the term is the lowest responsive responsible bidder. There is a criteria that is used in the Code. He likes to analogize it in an employment manner where you are hiring and there are minimum qualifications. We have a whole list of criteria that we must go through that is provided in another part of the Procurement Code as we evaluate and review contractors. What overlays those criteria is the preference points. In employment you have minimum qualifications and they have preference qualifications. That is when those come into play. Once you determine using the evaluation criteria and the preference points, they do expect you to enter into an agreement with the lowest responsive responsible bidder. You are going through all of these evaluation processes and overlay the preferences and you aren’t going to go through all of that and then say you are not going to hire the lowest responsive responsible bidder. You do have to award that contract if you are going to award it. It is possible that they don’t meet the qualifications at all. It does say ‘must’ and that goes to the ‘must’ provision.

In regards to the ‘may’ provision, in regards to the way that you deal with the preferences. We are granting discretion to the procurement department and others involved in awarding that contract. If Public Service is involved, they can determine what those preferences are, what weight is given and how you apply them. That is a ‘may’. A ‘may’ is how you want to use it, giving discretion on how you want to apply those preferences. Again, like an employment matter, there are minimum qualifications and then there are the things that you want to see what the additional experience brings and you evaluate that.

Mr. Hales asked if they have someone who has all the qualifications but they say that they would prefer someone who has experience they can choose that person. That is something they do with applications at his work all the time.

Mr. Nakamura said that is not a direct analogy because we are, in advance, deciding the weight of those preferences. Mr. Nakamura is saying that they would prefer a certain type of experience and they will weight it a certain way. You have to go through the evaluation process based upon the bid itself, can they do the work, can they financially handle it, etc. You have to go through all of the criteria first before they get to that point.

Mr. Nicponski emphasized that they are talking about projects that are \$160,000.00 or greater.

Mr. Brass asked if he is understanding this clearly. The City must take the lowest responsive responsible bidder now. By that, the low bid of somebody who is qualified to do the work, is skilled to do it is how we handle it now.

Mr. Nakamura said that is correct but it is not based solely upon the bid price.

Mr. Brass said that the 'may' part is the additional criteria that the City may or may not use to determine who that lowest responsive responsible bidder is.

Mr. Nakamura said that they use the criteria but it is how it is weighted. The City might give those criteria very little weight or a great deal of weight.

Mr. Shaver said that if they have a qualified health program and don't do testing and the health program carries more weight than the testing, the City then has an option of rating these things and if they are more interested in one weight over another they can then chose the one that meets those criteria.

Mr. Nakamura said that the whole purpose of the Ordinance is to advance some of these issues so that they are out there encouraging these veterans programs, the healthcare, etc. With all things being equal with very close competitive bids, these factors are going to determine who you are going to award that contract to. The City is advancing these issues which may be social types of issues, but you are advancing these and it is based upon a finding and by doing that the contractors that the City is working with are better. In the end, these contractors are providing better work to the City. That is the whole purpose of this Ordinance.

Mr. Hales addressed Mr. Hill. Mr. Hill and Mr. Haacke were in the Committee of the Whole meetings where this was discussed and they did not seem to have much heartburn over this issue. This was asked several times and it did not seem to be a big issue.

Mr. Nicponski said that these are benefits that the City encourages itself to provide.

Mr. Hill said that speaking for himself, the challenge is to separate your own personal opinion versus how is it going to affect the City and the work. Although he may have his own personal opinion whether this is a policy that he feels the government should be doing, it is a call for the Council to decide since they are the ones who have to set the policies. If they feel that they want to advance and promote these preferences such as

companies that have health insurance, non-discrimination policies and so forth, then they as a City can live with that. They pointed out that it will have an impact on some things that we deal with in this City. At the end of the day, if the overriding policy is that this is something that is important to the City and they want contractors that provide health insurance and so forth they can live with that.

Adopting this Ordinance is going to potentially have an impact. He is not going to say if that impact will be positive or negative because they don't know that but it will have an impact on who they are selecting as contractors, whether or not they are the lowest bidder, etc. In theory, could it cost the City more? It is possible but we don't know that for sure as there are contractors that may be the low bid that still provide all of these preferences. On the other hand you may have somebody who doesn't provide these preferences that did provide a lower bid but we are not able to use them because they don't have all of the preferences. He thinks that they can always make the argument that this could potentially cost the City more money. You could make an argument that it could, as Mr. Stam pointed out, prevent some contractors or sub-contractors from getting the work or bidding on the program.

The overall policy is that we want to have contractors that provide these benefits and you could get better contractors because you are screening out these others that perhaps are not providing these benefits to their employees. Whether they have concerns or not is a difficult question to answer. He feels that this is more of a policy call and whether or not the elected officials want to go in this direction. If they do, the employees are capable of working within that framework.

Mr. Shaver said that there is a difference between a policy and an Ordinance. They can set a policy for the issues that they want to be able to say. If you take the last paragraph of this Ordinance, beginning with "The City Council finds..." that is a policy. Whether it becomes part of the Ordinance or not is where his question is. They can establish policy that says that they want contractors to do X, Y, and Z, without making an Ordinance. This is in an Ordinance and he would like to know if they, as a Council, are saying that this is an Ordinance or can they say that they would like this to be a policy for when they do bids. Whether they want to set a time or money limits on it for them to participate, do they want to make a policy decision that says they recommend this as a policy for the City or are they saying that they want this to be an Ordinance that becomes binding. In his mind, that is the decision that he is trying to make.

Mr. Nicponski stated that this is consistent with the City's Mission Statement and that is why he is advocating the Ordinance.

Mr. Brass sees where Mr. Shaver is coming from but the use of 'may' in saying that the 'City may establish criteria' covers that. We are making a good statement without saying that it has to be done. It gives them flexibility. Maybe the best contractor out there who can do the best work doesn't do all of this stuff and that word gives the City the flexibility. He deals with OSHA who has some very strict rules now regarding the utility lineman, and there is a big difference between must and shall or shall and should. In laws

it is funny how little words make a huge difference. Mr. Brass feels that this makes a good statement. Health insurance is becoming more and more important and is something that makes a difference. Ironically, it won't matter because everyone is going to get health insurance anyway.

Mr. Nakamura said that it is a policy call. There are no conflicting interests here. He pointed out that this is narrowly crafted to large contracts with companies that have more than one or two employees. He understands that there is a sub-contractor issue. It has to be equal to or less than 104% of the lowest bid price or within \$50,000.00. It is a public works project, does not include supply contracts. They are really trying to narrow this down to balance the different competing interests that are involved here. All of these interests are what everyone is saying, they are competing. The Council has to decide which outweighs the other.

Mr. Stam asked for clarification on what Mr. Nakamura just explained. If there is a project that is going to cost \$2.5 million, the lowest bidder comes in and it is greater than \$50,000.00 less than the company that provides all of these preferences, they can still go with the lowest bidder? If Mr. Hill has a project and has experience with several contractors, and he chooses that he is not going to weight any of these items in his choice of contractor he could eliminate all of them. By the use of the word 'may' if he wants to hire a contractor that does not meet any of these items, he could weight these as a zero and give that contractor the bid if they are low.

Mr. Nakamura said that Mr. Hill could weight the items at a zero, but the intent is that these preferences are criteria. He could weight them low, but Mr. Nakamura would advise against weighting any of them at zero. They have to be considered and that is the purpose of the Ordinance. There is the recognition that these factors have to be considered. How they are weighted would be up to Mr. Hill, but to weigh them at zero is just discounting them as non-factors.

Mr. Nicponski suggested that the Council gets this rolling and if they see a need for an amendment they can always come back to it.

Mr. Tingey said that on the weighting issue, it would be the procurement officer from Administrative and Developmental Services and that weighting would not be zeros. There would have to be a weight, some type of equitable formula that would be in place on how they would weight these. The way that he understands it, the determination would have to be based on that weighting and who gets the higher points.

Mr. Shaver asked if a department puts forward an RFP or bid, that department is the one proposing that bid and sends it out, is it the department who does the weighting or would it be through Administrative and Developmental Services?

Mr. Tingey stated it would be the procurement officer who did the weighting. Currently, that would be Brent Davidson and Jennifer Kennedy would be a part of that as well. Obviously, they work in these bid processes with the departments, they are heavily

involved. As far as the selection process, the departments are significantly involved in that process. The weighting would occur and a determination would have to be made based on if it comes within that \$50,000.00 range.

Mr. Shaver said that in the selection, both the issuing of a bid for a contract or work to be done and then the selection would be done by the Administrative and Developmental Services Department in counsel with the department for whom that work is going to be done.

Mr. Tingey said it is a team approach on the selection but the procurement process goes through the Administrative and Developmental Services Department.

Mr. Brass commented on specifications for projects. The department writes specifications when they are going to do a road or a bridge. They either hire somebody or they do it themselves. You weed out a lot of people in the spec process. You can craft a specification to sole-source a bid and that happens for very good reasons sometimes because there may in fact be only one person or product that suits that need. Especially when you get into power where reliability is critical and generators are not made by everybody. There are a lot of other things that go into the bid process that come into play here too that will have an effect long before this kicks in.

Mr. Shaver said that he is okay with the language as it has been discussed up to the point where "The City Council finds....." from that point to the end he would recommend that they cut that particular thing. No other Ordinance has anything in it where the City Council makes a determination. It becomes redundant because the City Council is adopting the Ordinance and it is understood. Then they go on later to say that the bid limit means this, health insurance means this.... They are literally defining it in the Ordinance as to what it is. He would propose that they take that out of the main Ordinance.

Mr. Nakamura stated that the purpose of that language is the record and however it appears in the record. To support an Ordinance like this there has to be a connection between the action that they are taking or the governmental interest that you are resolving. That language is saying that by doing this you have accomplished a governmental interest, a Nexus as they use in the law. That is fine because it has all been stated in the record and they have discussed it extensively.

Mr. Stam asked if they feel, as a Council, that this policy states governmental interest in the involvement in these social services.

Mr. Nicponski said that he feels that is their role as a Council. Health, safety and welfare. Under the welfare portion they want to promote quality of life where they have that opportunity.

Mr. Stam asked if this Ordinance takes care of the general welfare of residents of the City or is this specifically taking care of the employees of a particular company versus the general citizenship.

Mr. Nicponski reiterated that he feels it improves quality of life.

Mr. Brass said that will determined by how people vote.

Mr. Nicponski made a motion to adopt the Ordinance with the change of eliminating the language that Mr. Shaver proposed.

Mr. Nakamura stated that noting the language change is not necessary as it is not part of the Ordinance itself, only the background for the Ordinance.

Mr. Hales 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Shaver added that there have been a couple of issues over the past couple of weeks that have torn him up a little bit. Based on the conversation that they have had previous to the motion, he will say 'aye'

A Mr. Hales

A Mr. Nicponski

N Mr. Stam stated that he too has struggled with this issue. Although some of the discussion has let him feel better about it and he agrees with the recommendations that are in there of companies and the services they provide their employees, he has not been convinced that this relates to the general welfare of the citizenship of the City. He does not know if this is something that they need to do and therefore he will vote no.

A Mr. Brass

Motion passed 4-1

**6.6 Consider a Resolution approving the City's Locally Preferred Alternative for the Taylorsville Murray Transit Project.**

Staff presentation: Tim Tingey, Administrative & Developmental Services Director

Mr. Tingey recognized Dana Holmes with Stanley Consultants, Loretta Markham with Lochner Engineering, Patty Garver with UTA and Janeal Erickson with UTA. They have been very involved in the process with the environmental report that they have been working on and assisting with.



Mr. Tingey stated that this Resolution is for the Locally Preferred Alternative as part of that environmental study report. He has provided the attachment that has the route to the Council and they feel very good about this route. It has the elements that they were hoping to have in this for the bus rapid transit connection from Taylorsville to Murray. The route includes Murray Blvd. along the Murray section, along Vine Street with some stops in and around the Frontrunner and TRAX locations, and then a connection into our downtown all as part of the Phase I part of this project. Phase II would include the Cottonwood Street connection when that is done. Based on that and the study as well as the hard work that has been done they are recommending approval of the attached Resolution.

Mr. Nicponski said that this project is an exciting endorsement of our proposed downtown renovation. He commended the Mayor for the lead that he took on this and working with Taylorsville in getting this spur or extension of the line done. It is quite a coup.

Mr. Brass expressed his appreciation to UTA for their willingness to look at this extension into our downtown area. Getting that built will be a big help in feeding passengers from TRAX and Frontrunner into that area.

Mr. Shaver said he had a question about the Taylorsville end of this at Redwood Road. He asked if he is correct in saying that what we are really doing with this is approving our portion as Taylorsville can make changes based upon what they are going to approve.

Mr. Tingey said that this Resolution identifies that route. It includes the section in Taylorsville as well. We are really interested in the Murray side but the attachment includes the preferred alternative connecting from Salt Lake Community College into our downtown, which a big part of that. He added that the involvement of Trae Stokes, Doug Hill and Chad Wilkinson in this process has been very critical. They have been involved in multiple meetings with this group and he wanted to give them recognition for all of their work.

Mr. Brass added that the City definitely has great people.

Mr. Shaver made a motion to adopt the Resolution.

Mr. Hales 2<sup>nd</sup> 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

## 7. MAYOR

### 7.1 Mayor's Report

Mayor Snarr said that he wanted to give credit to the Department Heads for all of the good things that happen in the City. They are the ones that are in the trenches when these things happen. Although he thanks those who try to give him the credit, he defers to those people who are out there ahead of the game and looking at things and saying 'what can we do to make this a really good project.' Mayor Snarr hopes that Taylorsville comes to a decision on whether they are going to go down Redwood Road and take out the apartments and take another direction off of 4700 South. That is something that they are still going to have to work on and come up with some money for as they would be responsible for buying those apartments.

Mayor Snarr thanked Councilmen Shaver and Brass for attending a meeting with Woodbury Corporation last week. Our Economic and Community Development Department did an excellent job in making a great presentation to Woodbury Corporation. Mayor Snarr stayed behind after the meeting to discuss some issues and Woodbury Corporation had said that they had not been aware of the real independence that Murray City has. They also were not aware of the City's gas turbines that are the back-up for the City's power delivery system in the event the grid goes down. That was fascinating to them. They asked if we can power the City with those. The Mayor explained that it would depend on the time of year; in the summer the City would have a bit of trouble doing so but from September to May in the evenings we would be able to cover the critical areas. If the back-up system at IHC failed we could handle that. That was one of the things that the City sold IHC on was the power system and the fact that Murray has three independent gas turbines of almost 40 megawatts to cover them. We are capable of doing things that other cities are not capable of doing and that was really of interest to them. This reliability is also something that attracts other businesses to Murray and factors in to their decision of where they will locate.

Mayor Snarr met with Gilbert Gonzales, Chief Building Official, last week and he had indicated that Woodbury, who has taken the lead on the Marriott site, met with them and between this week and next they will probably take out the demolition and grading permits to get that work started. They also stated that they would bring in a full set of plans on the 21<sup>st</sup>. They have been down this path many times and the Mayor feels that they have asked for some help on this project after looking at other properties and exploring other options, so as not to spread themselves too thin on this project. They have partnered with another company who has done many excellent projects and now have the resources and people in play to make this happen. Murray will get a good product and he is very excited about it.

Some of the neighbors are still concerned but the Mayor said it is nice that the City is doing this in conjunction with the building of the new Jr. High School. We can work together to make sure the ingress lines up with theirs and make sure they line up where they put the school crossing in and make that work. There will also be a light at the crossing where they can push a button to trigger a red light for traffic to stop and allow the students a safe crossing.

Mayor Snarr understands that this project has been very controversial, but at the end of the day it is a great project and something that is needed. There have been other meetings with the David Grower who is the Chief Administrative Officer with the Intermountain Medical Center and he is also excited about the project. They have some other plans as well but they look at this and want to see how the two hotels work. As the City grows and expands, the abilities that the City has to offer as far as medical care goes will require additional resources to accommodate those visiting patients who are here for extended care or need to go over for Chemotherapy and don't want to drive back to Rock Springs and back again. It is an exciting thing to have both of these projects in place.

The Mayor said that the way they have decided to take down the houses is very interesting. They are going to knock down several of the houses before they bring in the heavy trucks to start hauling off the material. That way they don't need to have a truck come in and haul off each house separately. There are two track hoes over there and are going to work aggressively to not inconvenience the neighbors and finish the job in as short of time as possible.

Mr. Hales asked when they will tear down the New Concept building.

Mayor Snarr said that will depend on how fast they can turn the demolition permit around. They have gone through most of the work to show that the building is free of asbestos and other bad contaminants so it isn't going into the air. There is a lot of work that has to be done to get those permits. The grading permit is something else that needs to be done and they need to have certain retaining done to the north. From the driveway up to the Park Center the slope comes down and they have to set that back and shore it up until they can build a tiered retaining wall. They can't just dig at it because it could collapse and ruin that upper parking structure. They are obligated to protect that structure and make sure it stays intact. The City's departments are ready to make this work. Mr. Tingey told the Mayor that if the City receives a good set of plans, they can turn this around in a couple of weeks. If there are questions on the plans they will have to go back and get those answered. The City needs to make sure that these are verified specs. Mayor Snarr has been through this process several times and has found out that the key is to get a great architect who really knows what the building codes are and get it right the first time because it saves you a lot of money. They have indicated that it will get done and they aren't going to sweat the small stuff or go over the minute details, they will take care of it.

Mayor Snarr added that the grand opening for the Chick-fil-A was very nice. He was over there this afternoon and they are still having a terrible problem with people turning in at the light, thinking they can go through to the other property and then circling around the Chick-fil-A parking lot. This is a very annoying issue and there isn't much the City can do about it since it is a private property issue.

Mr. Brass said he was amazed at how crowded they were over there at lunch. Ironically, if people want to know what a fast-food joint on 5300 South will look like, they need to go past the Chick-fil-A.

Mr. Hales said that at the Chick-fil-A on 10400 S. State Street has six people outside taking orders for the drive-up. They are always very busy.

## **7.2 Questions of the Mayor**

Mr. Nicponski said that there is a building going in next to the tattoo shop across from Zions Bank and asked if that is going to be an office building.

Mayor Snarr noted that it used to be the former City Hall and they are going to lease the top level out to businesses. Jimmy Johns has indicated that they would like to be there as well as some other small retailers. Underneath in the back portion, there is some very unique retaining going on. The owner is going to tier it off and it will be graded and have some high-end storage. Some people say it shouldn't be there but the Mayor looked at it and the area works for it. To the owner's credit, it is a very creative way to utilize that property. It is a challenge when there is such a radical drop to the east and it is a hard piece of property to develop. Mr. Kimball realizes that one of the largest expenses is the retaining that has to be done.

Mayor Snarr added that it is probably a good thing that they did not get the In-and-Out Burger to go in there because they would have had students trying to cross to get over to it. He doesn't believe they will have that kind of issue with the Marriott.

Mr. Brass asked Chief Fondaco to thank his staff for putting on a good show for those who were able to come and watch them blow things up. He knows that there was some consternation within the department as to why the Council wanted to come and watch them blows things up, but when you say 'blow things up,' that is why. It was quite amazing to watch; SWAT did an explosive entry and had a demolition charge on a sliding glass door and the amazing thing is that the glass doesn't go anywhere it just cracks straight down. When they hit it with a battering ram the glass blew clear through the house. That was a great demo. Mr. Brass thanked them and said that they all had a great time.

Mayor Snarr said that the Fire Department has cut a lot of holes into the roofs of the houses. The Fire Department also opened that to the other agencies and the UFA.

Mr. Brass noted that this was a great training opportunity for everyone.

**8. ADJOURNMENT**

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**Jennifer Kennedy, City Recorder**