

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 16th day of September, 2008 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

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

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Michael Wagstaff,	Council Director
Carol Heales,	City Recorder
Frank Nakamura,	City Attorney
Doug Hill,	Public Services Director
Tim Tingey,	Economic Development Director
Blaine Haacke,	General Manager
Dan Stireman,	Energy Services Manager
Gil Rodriguez,	Fire Chief
Craig Burnett,	Assistant Police Chief
Patricia Wilson,	Finance Director
Citizens	

A. OPENING CEREMONIES

1. Pledge of Allegiance - Craig Burnett, Assistant Police Chief
2. Approval of Minutes for September 02, 2008:

Ms. Dunn made a motion to approve the minutes with corrections.
Mr. Brass 2nd the motion.

Voice vote taken; All Ayes

3. Special Recognition:

1. **Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah in Support and Recognition of September 2008 as *National Prostate Cancer Awareness* month and October 2008 as *National Breast Cancer Awareness* month.**

Ms. Griffiths read the Resolution in its entirety.

Mr. Brass made the motion to approve the Resolution.
Mr. Robertson 2nd the motion.

Call Vote recorded by Carol Heales.

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

Motion passed 4-0

Mayor Snarr stated the Murray City is very supportive of both the Prostate Cancer Awareness, and the Breast Cancer Awareness; the City encourages its employees, at a certain point in their lives, to get regular examinations. These are very preventable diseases if people will take the time to go out and make sure they have the appropriate exams done at the appropriate time.

Mayor Snarr expressed his appreciation in recognizing that these two months are critical to peoples health.

Mayor Snarr asked the Council, on item two (Utah Gardens Inc.), if they could postpone this item until the end of the meeting due to a mis-communication on the time.

No objections by the Council noted.

2. **Consider a Special Recognition of Murray Youth involved with Utah G.A.R.D.E.N.S. Inc. and the youth program P.L.A.Y. which empowers dozens of teens as they volunteer to grow food for the needy.**

Shane Siwick, 141 Plymouth Avenue Salt Lake City, Utah

Mr. Siwick apologized for the confusion on the time for the meeting, and passed out snacks, explaining that these are sun-sugar tomatoes, a very prolific variety that is new out on the market.

Mr. Siwick asked the Council where they would think Utah ranks in hunger. He stated that we are 7th; there are only six other states in the country that are hungrier than we are.

Mr. Siwick explained that tonight he wanted to recognize some of the kids that he has had the opportunity to work with over the last year, who realize that and are going out of their way to make a difference. A few years ago, Utah Gardens started a strong youth component that is gaining momentum throughout the valley, and they currently have three gardens where volunteer teens grow food to donate back to the needy. The kids run this program; they manage it, they plant it, the plan what grows, and do as much as they are allowed, other than being there to give themselves an award; something that they did not know about until they got here tonight.

Mr. Siwick stated that the Murray garden is near the Cottonwood Presbyterian church; their goal is to have one of these gardens in every high school community in the valley, within a few years. They would love to have one nearer to Murray High School as well.

The garden is about 2/3 of an acre, located on the Cottonwood Presbyterian Church property. They have had three to five dozen kids participate, and tonight they are recognizing 14 of those kids. They have a list of the things that were grown and planted over the course of this season:

- 600 Tomato plants
- 100 Zucchini
- 100 Cantaloupe
- 100 Watermelon
- 100 Cucumbers
- 100 Hubbard Squash
- 100 Banana Squash
- 100 Patty pan Squash
- 30 Pumpkins

as well as beets, turnips, chard, and some of the most amazing carrots to be found anywhere. Their hope is that this garden will produce about 10,000 pounds of food for the needy. This location is in Murray, and they would like to know where this food can go as this season still progresses, and as the years come.

Two weeks ago, they picked and donated 1,300 pounds, and the other day, another 445 pounds. All of this is done through volunteer teens who do not get paid a dime. Several of these teens started as early as March, and are working through the season. They would also like people to think about kids in your circle of influence that might be interested in working with the garden next year. Their 2009 program begins October 01, 2008; as they are winding this season down, the new one begins. They have lost most of the kids to graduation and need new ones.

Mayor Snarr applauded Mr. Siwick for his efforts. He stated that this is a volunteer personified, and the young people that he has encouraged to come and do this, the key to happiness in life is really service, and helping others and providing food is one of the most essential services you could ever provide during this earthly existence, as without it, you don't live. When the Mayor went to see this location, he saw that they are very smart: weeding is one of the things that most youth don't enjoy doing; they have weed mats down, they cut squares in it, and did an absolutely incredible job. Before Mr. Siwick arrived, the Mayor was up there picking and eating a lot of the product, and was awestruck.

The Mayor applauded the kids, stating that they have done something that makes a difference in the lives of others, but most importantly, will make a difference in their own lives, because they understand the importance of giving back to others.

Mr. Siwick read the names of the teen volunteers and had the volunteers who were present come forward. Mr. Siwick also recognized a couple of the parent volunteers and thanked them for their time and efforts as well.

Ms. Griffiths commended and thanked the volunteers for their services.

Ms. Griffiths asked the Council to excuse Jeff Dredge from the meeting, as he was out of town.

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

None Given

Citizen Comment Closed

C. CONSENT AGENDA

None Scheduled

D. Public Hearing(s)

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

Consider an Ordinance relating to zoning; amends the Zoning Map for property located at 179 West Winchester Street, Murray City, Utah, from R-1-8 (Single-Family Low Density Residential District) to R-N-B (Residential Neighborhood Business District). (Heather Brown)

Staff presentation: Tim Tingey, Community and Economic Development Director

Mr. Tingey summarized the information given to the Council: the Planning Commission reviewed this information on August 07, 2008; they analyzed this and held a public hearing on this. The site is located to the south of Winchester and near Jefferson Street, it is currently a single family structure, and they are proposing a re-zone of the property to a Residential Neighborhood Business District.

The City's General Plan outlines this area as a future area to an area that can transition into Residential Neighborhood Business, so this request is not for a General Plan amendment, simply a re-zone. The area includes office and residential uses to the north, single-family, multi-family to the south, east is multi-family, and to the west it is single-family. The use that is proposed is a photography business, which is allowed in this area.

Based upon this information, and an analysis of the General Plan, there are some findings that have been gone through with the staff: Is there a need for change in the General Plan, and proposed request for zoning at the subject location for the neighborhood or community? There is no need for a General Plan change; but this proposal, moving from R-1-8 to R-N-B is something that our General Plan outlines as something that is desirable for this area.

Is if this request is approved, how would the range of uses allowed by the zoning ordinance blend with surrounding uses? They would blend very appropriately; this business would be a great mix for what the area has right now. Utilities & Public Services facilities are available to the proposed location.

Based upon these issues, the Public Hearing was held, the Planning Commission unanimously recommended approval of this to the Council, and staff also recommends approval of the zone change. There were no public comments against this issue at the Public Hearing.

Pat Griffiths mentioned that she really likes the format of the staff recommendations that was given to the Planning Commission, and is glad that the Council was told what the vote was on this. She also noted that the Council did not receive the entire minutes of the Planning Commission.

Mr. Tingey restated that there were no comments given by the public, and that it had been unanimously approved by the Commission.

Public Hearing opened for Public Comment

Raelene Felkner, 4294 S 615 E, Murray, Utah

Ms. Felkner stated that she and her family own the property east of the proposed property; at one time the property also belonged to her great-grandparents. They have some concerns that she would like the Council to consider:

They are concerned about businesses brought into a residential area, that it increases the number of vehicle and pedestrian traffic. There has been a notable increase in the traffic in that area since the development of the TRAXX station. Winchester Street is a two-lane road, and often congested, and proves difficult when entering and exiting their existing properties.

Visibility is a concern, especially where there are hedges out front. Vehicles may park on the side of the road and that also causes concern in visibility. Also, trying to get around vehicles that are parked in front of the property. Even with parking in front of the property in question, you would have to encroach, slightly, into the road to be able to see around the vehicles to see the west approaching traffic.

There is also concern with increased possibility of crime, to include: drugs, alcohol, burglaries, etc. Currently, her 83 year old step-mother lives at 165 West, her grandchildren live there with her, and at any time can be home alone. They have concerns with safety and privacy in that area.

They would be concerned with the fact that the property comes right up to the edge of their property; they would want to talk about privacy fencing, security lighting, and possible surveillance cameras for any problems that may occur in that area.

They have, in the past, had continual problems with people entering their properties to the south end, where there is garden area, and have had to chase people out in the past.

Vince Groves, 179 West Winchester Street, Murray, Utah

Mr. Groves stated that he is the owner of the property being discussed, and is selling this property. He said that he has never heard any of the problems such as burglary in the neighborhood, and that the problems that Ms. Felkner discussed about people entering her property is at the other end, which does not adjoin his property, and should not factor in to this issue.

Mr. Groves did agree that it is a busy street, and that is why he decided to sell the home and move on, as it is more of a commercial location; State farm is right next door, which is also a commercial business. With the photography studio, they are going to have to redo the parking; there will be no parking out on the road, and with a photography studio, there will not be a million cars; she is also required to put six stalls inside the property, so that shouldn't be a concern. He has spoken with the neighbor next door many times and has never heard any concerns.

Heather Brown, 8311 S Arlington Court, West Jordan, Utah (applicant)

Ms. Brown stated that she is in the process of purchasing the subject project, and wanted to let the Council know that she has been working very closely with Murray City to make sure that she is doing everything that the City wants her do, to try to make this a really easy and safe transition from home to business. She added that Mr. Groves has more traffic in his house right now, than she will with the studio. Her business is a very low traffic, low impact photographer, rarely having more than one client at a time.

They have joked back and forth about the number of parking spots she would ever need- she would never have a use for six parking stalls, but as this is what the code requires, she is doing her best to comply with the code. As far as the hedges are concerned, this is already in her plan with Murray City, and will not be a problem. She is planning on having everything to the east of the sidewalk, the hedges will be coming completely out, and be trimmed and shaped very nicely so that there will be no visibility issues. They are very concerned over this issue and will do everything they can to make sure that this is a very safe location. Her clients are very, very high end, and normally has only about three or four clients a week. They will come for a few hours, then go. She does not work at night or weekends, and normally only works Tuesday through Friday. She will be using the gardens outside, when weather permits, a few weeks in the Fall and in the Spring, but if it is too hot or cold, she will not even be outside.

Ms. Brown stated that the concern over the south end of the property should not make any difference to the use, as her business property does not extend close to that south end of the other property. She loves this home, it is beautiful, and it is a historic home, and other than keeping it a home, cannot think of a better thing for it to become other than a photography studio because she is interested in keeping it exactly the way it is. It kills her to even put in a parking lot, as it takes away from the beauty of the home; their plan is to make it a beautiful parking lot and do the best they can to make this an asset to Murray and the neighbors surrounding it.

Public Hearing Closed

Council consideration of the above matter to follow Public Hearing.

Ms. Dunn stated that this Council has looked very diligently into preserving the neighborhoods, keeping them a nice place to live, while at the same time having businesses that are good businesses in the community that help the City in keeping the property taxes lower and at the same time keeps them from encroaching onto residential property; the thing that they came up with to address this was what they are looking at now: a Residential Neighborhood Business zone, that would bring low impact businesses to work as a buffer zone between residential and business areas. Things like what we have heard about today; what they have found is that it is has been very successful in our community. The residents have been very happy with having that, rather than a commercial zoning, where anything could be put in. Mostly, what you are going to see is homes staying as they are, or new buildings being unobtrusive.

That is where the City has gone with this, and she stated that she is very much in favor of this zone for our community; she feels that in all cases that they have seen so far, it has improved the area rather than making it a blighted area or tearing down the residential feeling.

Mr. Brass said that they have seen homes restored that otherwise would have gone into decay; there are different roads in our city that have stopped being residential streets and are either two lane congested or have gone to four lanes with a center turning land and people have stopped living on them. They can't rent the places, they can't sell them, and rather than having them go to a General Office which could be multi-story buildings, the R-N-B requires that whatever is constructed there reflects the character of the surrounding neighborhood.

Mr. Brass also believes that fences are required around those areas. Any commercial development abutting residential requires a fence. This is a great transition zone, and

if they have someone in there who is going to restore the house, that is the ideal situation. Even though we often don't look at what the use is going to be when we look at a zone change, R-N-B tends to stay; they try to keep the buildings in a lot of cases, so it has worked out very well. There are other examples of it as you go east along Winchester, where run down homes have been made to look attractive again.

Ms. Griffiths said that examples of new buildings that are in the R-N-B zone, the Residential Neighborhood Business are on 5300 South. They have targeted the very streets such as 5300 South and 500 West, 900 East has been very successful, and she has not heard any complaints from the adjoining neighbors, and she too, feels that these have been a very good solution to a lot of problems they had with those properties.

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

Call Vote recorded by Carol Heales

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

Motion passed 4-0

E Unfinished Business

None Scheduled

F. New Business

1. **Consider an Ordinance repealing Section 15.20.520 and amending Sections 15.20.510(E), 15.20.550(E), 15.20.590(E) and 15.20.600(E) of the Murray City Municipal Code relating to the resale of power.**

Staff Presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that the 2008 Legislature passed a provision which states that a municipality may not interfere with the ability of an owner of a rental

dwelling to contract with a tenant concerning the payment of the cost of utility or municipal service provided to the dwelling, and based on that law, the City is bringing its Code in alignment with the new legislation. Our existing Ordinance prohibits or restricts resale of power, and some other limitations, and because of the new legislative provision, there is an inconsistency. We are bringing our Ordinance in line with the recent legislation.

Mr. Robertson made the motion to adopt the Ordinance.
Mr. Brass 2nd the motion.

Call Vote recorded by Carol Heales

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

Motion passed 4-0

2. Consider a Resolution authorizing the Power Department General Manager to negotiate and sell Renewable Energy Credits.

Staff presentation: Blaine Haacke, General Manager

Mr. Haacke explained that when the City generate with the renewable energy a landfill gas, we have the capability to sell REC's (renewable Energy Credits). The market for REC's is very volatile, it changes day to day, hour to hour, and the way the contract is written right now in the agreement with DTE and Granger, requires the City to go in front of the Council each time they need to sell these REC's; this sometimes takes weeks to get on the agenda.

They would like to be able to move fast on this, make the deal according to their best judgement, and they, as a staff, promise to come back to the Council and Mayor as quickly as they can to let them know what has been done. It is a part of a trust issue, but they are out to make money for the City.

Ms. Dunn made the motion to approve the Resolution.
Mr. Brass 2nd the motion.

Call Vote recorded by Carol Heales

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

Motion passed 4-0

3. **Consider a Resolution approving the Mayor's appointment of Greg Bellon as an additional Alternate City Member Representative to the Utah Associated Municipal Power Systems.**

Staff Presentation: Daniel Snarr, Mayor

Mayor Snarr asked the Council to approve Mr. Bellon as an alternate to the Utah Associated Municipal Power Systems. He stated that Mr. Bellon was recently appointed to be the Assistant General Manager of Murray City Power, and is doing an excellent job. The City has a great management team there, with great employees, and so, he would ask that this appointment be approved.

Mr. Brass made the motion to approve the Resolution.
Mr. Robertson 2nd the motion.

Call Vote recorded by Carol Heales

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

Motion passed 4-0

4. **Consider a Resolution approving the reallocation of Community Development Block Grant (CDBG) funds.**

Staff Presentation: Tim Tingey, Community and Economic Development Director

Mr. Tingey stated that with the Community Development Block Grant, there is a need to amend some of the funding that either some of the contracts have expired, or projects have come in under budget; the staff has analyzed that and they would also like to gear up and look at some different approaches and issues related to the CDBG program; to provide better reporting and facilitate some planning

efforts to understand what the needs are. Based upon that, they are proposing some reductions, or an amendment that would include reductions of approximately \$53,014.29 to be reallocated to three specific projects:

1. The CDBG administrative fund; which would include housing market study and plans that they would embark on shortly, as well as staff administrative costs to deal with the change in the management of the CDBG program.
2. An additional \$22,145.79 would be put into housing rehab to gear up to whatever they find through that housing study for rehabilitation projects within the community.
3. The Utah Alcoholism Foundation is requesting that the leftover funds of \$1,826.00 in their 2007-2008 program be reallocated for a fencing project into this new program year.

They are requesting a resolution to be adopted by the Council; the Community and Economic Development staff recommends approval of this, and look forward to working diligently in this area, and reporting the great progress they will be making, and have made in their CDBG program.

Ms. Dunn made the motion to approve the Resolution.
Mr. Robertson 2nd the motion.

Call Vote recorded by Carol Heales

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

Motion passed 4-0

5. **Consider a Resolution approving an agreement with the Redevelopment Agency of Murray City (“RDA”) providing for a loan from the City to the RDA.**

Staff Presentation: Tim Tingey, Community and Economic Development Director.

Mr. Tingey stated that in July, there was \$100,000. which was approved by the City Council for funding of a Master Planning Process in our Downtown area; In looking at this, the RDA staff recommends loaning the funding from the City to the RDA so that they can facilitate redevelopment in this Master Planning process in our downtown area. What that would mean is that this \$100,000 would be a loan to the RDA, they would work with an organization to develop the Master Plan and hopefully facilitate redevelopment of that area.

This Resolution would include that. Mr. Tingey added that he wants to make one modification to this: it talks about in Section 3, that the sum be paid back by the RDA by September 01, 2009. They would want to modify that to give them a little extra time to have some funds, so that would be modified to 2010. Staff recommends approval of this Resolution.

Mr. Brass made the motion to approve the Resolution, with the date modification. Ms. Dunn 2nd the motion.

Call Vote recorded by Carol Heales

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

Motion passed 4-0

G. Mayor's Report

Mayor Snarr remarked that 300 West is now officially closed as they are doing the re-alignment to match it up with Cottonwood Street; there are some challenges down there, but they are doing an excellent job and are moving aggressively. Some of the buildings have been demolished, and others will be coming down soon. Mr. Hill has been working on an issue further down where they have to put an additional line in to carry the commuter rail, to see if we can't relocate some of the supports so that we can realign the sidewalks. Also, in the future, widen the street without having to move both the poles.

They will have to put the supports in just to move them out a little bit further to the north and south, and that will help us in the future to resolve an issue and not make it prohibitively expensive to go back and retro fit it.

Mayor Snarr added that he had a wonderful trip to Southern Utah, Cedar City and learned a lot about water and how to treat it.

H. Questions of the Mayor

None

Adjournment