

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 13th day of November, 2007 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 - Excused
Jim Brass,	Council Member
Jeff Dredge,	Council Member

Others who attended:

Doug Hill,	Mayor Pro-Tem
Frank Nakamura,	City Attorney
Shannon Huff Jacobs,	Council Director
Carol Heales	Recorder
Scott Stanger,	City Engineer
Gil Rodriguez,	Fire Chief
John Harris,	Battalion Chief, Fire Department
Mary Ann Kirk,	Cultural Arts Director
Kim Sorensen,	Park Superintendent
Don Whetzel,	Finance Director
Blaine Haacke,	General Manager, Power Department
Citizens	

A. OPENING CEREMONIES

1. Ms. Griffiths asked the Boy Scouts and Leaders attending to introduce themselves and which Merit Badges they are working on.
2. Pledge of Allegiance - Dr. Bruce Parsons, Charter President of the Murray Rotary Club.
3. Approval of Minutes

Motion to approve the minutes of October 16, 2007 made by Ms. Dunn .
Mr. Dredge 2nd the motion.

Call vote recorded by Ms. Heales
AYE/NAY

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

Motion passed 4-0

4. Special Recognitions:

Mary Ann Kirk, Cultural Arts Director

Ms. Kirk presented Murray Arts Advisory Board awards to:

Steve Cottam, Murray Advisory Board since 2002. Mr.Cottam has helped lead the Murray Arts Council for over two decades, since its inception; and was one of its first presidents. He has volunteered many hours to the Council and the Board, and has been greatly appreciated.

Thelma Parsons, recognized for her award winning artistic work, documented many of the historical buildings in Murray City with her paintings.

Ms. Parsons thanked the Board and City; stating that she has been an artist in Murray for 56 years, and remembers painting many of Murray's first businesses and buildings, some of which are now long gone, or historical memories. She also thanked the City for allowing her the opportunities that have been presented to her.

The Soffe family, who have been a significant donor in supporting the arts in Murray. Mary Soffe, along with her deceased husband Vaughn Soffe, and son Jaren Soffe, have made significant donations every year without fail. Mary continues to support the summer lunch concert series, the evening *Arts in the Parks* series, and the winter series on a regular basis. The City is grateful for community members such as the Soffe's who support the City in so many ways.

Ms. Soffe expressed her gratitude to the Murray Council and the Arts Board for all their hard work and offering these programs to the Community.

Ms. Soffe and Ms. Parson introduced their families.

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

Bill Finch, 1055 Chevy Chase Drive

Mr. Finch thanked the City for being such a tight-run, economical city, and made suggestions that he would like the City to fund :

1. A City Planner
2. A class for planning staff and Council; meeting once a year on ordinances.
3. An additional Zoning Enforcement Officer
4. An ordinance on snow removal, from October 01 - May 01, and anytime there is an accumulation of snow, enough to plow, there should be no parking on the odd side of the street, and then on the even number of the street. He stated that many of the cities have adopted an ordinance such as this.
5. A rental unit ordinance to cover all rental units from a single unit to 100 plus. A registration fee of \$100 for the first time, and then \$50.00 per year, to help pay for the Enforcement Officer. For single units, there should be one common kitchen, must have off-street parking, cannot count the garage if it is full of *junk*, and yards for all units, whether residential or rentals, should be kept up, watered and clean. If they are not maintained on rental units, the landlord should be held responsible, with increasing fines.
6. An ordinance for lawn services that prohibit blowing grass and leaves into the streets.

C. CONSENT AGENDA

None Scheduled

D. Public Hearing(s)

Approximately 6:40 p.m.

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

Consider an Ordinance amending the Fiscal Year 2007 - 2008 Budget increasing the General Fund by \$4,240,000 and the Capital Projects Fund by \$2,272,000.

Staff Presentation: Don Whetzel, Finance Director

Mr. Whetzel stated that the request for the increase in the funds will come from various fund balances within the General fund. The State of Utah and the City of Murray have enjoyed two very strong economic years in the fiscal years 2006 and 2007. These two fiscal years have generated approximately \$3.1 million in excess fund balances. Those

monies will be applied to the \$4.2 million requested. With the exception of \$15,000 increase in ZAP tax grant that has been received, the regular General fund balance will provide the additional funding of \$1,125,000 to completely fund the proposed increase.

With the economy slowing down as it appears to be doing, the City does not expect to generate any significant excess funds during Fiscal Years 2008 & 2009. The alternative to using cash for the funding of these items is to use revenue bonds. However, the revenue bonds are run for 20 years at approximately 4.5%, and would cost the City \$2.5 million in interest and \$125,000 to \$150,000 in cost of issuance.

The proposed budget includes several items for the Council to appropriate money for, and include:

1. \$3,492,000 to cover the increased cost of construction for Fire Stations #82 & 83.
2. \$ 610,000 to build a full basement under Station #83, to be used as the emergency operations center.
3. \$ 60,000 to replace the boilers in the Park Center.
4. \$ 45,000 to cover the increased cost to rebuild the tennis courts at Southwood Park.
5. \$ 18,000 to cover the increased cost of repairing the outdoor swimming pool in Murray Park.
6. \$ 15,000 to increase the funds for the Cultural Arts, which is offset by the \$15,000 increase in the ZAP tax.

Chief Gil Rodriguez explained the increased construction costs on Fire Station #82 & 83:

An outside study was done at the time of the annexation, which identified deficiencies in our station locations within the City. Options were given, such as adding a fourth station, or moving stations. The City opted with moving the stations, as it was a more economical choice in the long run. Prior to developing the costs for building the fire stations, several sources were identified and information requested to identify the projected costs.

Within the Salt Lake Valley, several fire stations were being built at that time, Unified Fire Authority & Sandy City. Several architectural firms were also contacted, who built and managed these projects, with extensive talks regarding the square footage of the buildings. At that time, the estimated cost was between \$150 and \$175 per square foot. Prior to presenting the proposal to the Council, Chief Rodriguez met with the architects again, to attempt to project the cost of construction again, due to the time that had passed, and to find out if the estimates were still accurate. The Chief was assured that they were still accurate at that time.

In the time that has passed, and when the stations were put out to bid, they came in at a much higher cost. The concern at the budget hearing was that although the numbers were

where they are now, they were projections and there was no control over the future costs. After the property was acquired, improvements needed to be done, and time has passed again. In speaking with several of the fire chiefs, many of them dealt with the same issue, the costs coming in high. The Chief pointed out that there have been minimal change orders on the job.

The only change order on station #82 has been by the request of FEMA, which was a change in maps and a build up behind the station by the creek. They have been very diligent in keeping the costs down and projecting what they need with no extravagances, but unfortunately, many of the costs are out of their control. Even with Station #83, it has taken a lot of time to acquire the property, and as time goes by, costs increase and there is no control over that. They are meeting on Thursday to go over the subdivision with planning on Station #83. The basement cost on Station #83 is a separate cost issue, they are planning on a dedicated Emergency Operations Center at this location. There isn't any Emergency Operations Center within the City at this time, and one is needed.

Public Hearing opened for Public Comment

Richard Perschon, 6023 South 530 West

Mr. Perschon asked what the need is for the station on 5900 South, as there is one on Bullion Street, and one east of State Street. He noted that although he sees the need for the emergency center, he felt that Murray *missed the boat* by not purchasing the property next to City Hall for this purpose. He felt that the City is not looking ahead and spending money that they do not need to spend.

Chief Rodriguez responded to Mr. Perschon by stating that the City will not have four fire stations. The current station on 5900 South will be closed; when the City annexed the east side, the response time to that area by Station #82 became unacceptable. Salt Lake County closed the 1300 East Station, and now the annexed area does not have a respectable fire response time, which is unacceptable to Murray's Fire department.

Mr. Perschon asked why the City did not take over the old County fire station on 1300 East. Chief Rodriguez stated that the City may still use that building, depending on how the ambulance proposal goes, but that particular station has several issues such as tanks underneath the property, and a fire truck could not be placed in the building. It is also privately owned; and when the County moved, they moved further east, which left a large hole there, and placing our fire station at that location would place us too close to both the County fire station and the Midvale fire station.

He also noted that the City does not want to spend more money than is necessary, but does have an obligation as a City to insure that all citizens are protected and have a reasonable response time. Currently, they do have a building close to that property that houses a paramedic team to help get faster medical responses when needed.

John Hale, 976 E 5750 S

Mr. Hale asked what the difference in response time would be with this new station.

Chief Rodriguez stated that on average, the time saved would be between a minute and two minutes. This could be a difference between putting out a house fire, or having it burn to the ground. On a medical call, with a heart attack or a full arrest, it could mean saving a life. It may sound dramatic, but this is the reality. When you talk about a life, a minute is priceless and this can mean the difference between life and death. It is very significant.

Dick Stauffer, 5729 River Park Drive

Mr. Stauffer noted that his wife, along with many other women, regularly use the Park Center's pool, and many of them are very sensitive to the temperature there. He would like to speak in favor of the replacement of the boiler at the Park Center.

Public Hearing Closed

Council consideration of the above matter to follow Public Hearing.

Mr. Brass noted that the City is committed to Station #82, but asked what the chances are of rebidding Station #83 in the current construction market.

Chief Rodriguez stated that we have not gone out to bid on Station #83 yet.

Chief Rodriguez said the locations of the stations are:

Station #82 is at 996 East Vine Street
Station #83 will be at approximately 500 West 5900 South

Ms. Dunn noted that the City paid experts to determine the best locations, with the best coverage to all of the citizens, and keeping costs low. There were months of study and research done to determine what was best for the City and its citizens, and the consultants felt that this was the most cost effective and best response situation.

Ms. Griffiths concurred with Ms. Dunn, and with the Chief, and also felt that this is the best choice.

Mr. Dredge asked if putting the EOC in the basement of the building will require any monies for additional equipment costs.

Chief Rodriguez stated that other than computers and possibly an elevator or ramp, the

proposed cost is a finished cost. That part of the building is dedicated to EOC, and would not require phone setup, etc. We have a contingency, added costs we do not foresee, but it is currently set up for the EOC. It is also structurally sound for earthquakes, although it would be better to have a dedicated EOC building in the future.

Mr. Dredge sympathized with Chief Rodriguez over the shock in the cost overrun of the project, noting that this was something that was not controllable; and stated that he felt comfortable that they have done the best that they could for the constituents.

Mr. Hill noted that the boilers being proposed in the budget for the Park Center, are better boilers, they have longer warranties, and the staff is more familiar with boiler operation now than they were when the Park Center opened, and they believe that these boilers will last significantly longer than the five years they received from the first set of boilers. The warranty on the new ones are from 12-20 years.

Mr. Dredge asked who has the responsibility to perform the due diligence maintenance on these items to get the best value for the money on this type of item.

Mr. Hill stated that they rely heavily upon the engineers and architects that are building these buildings for the City, and we are at the mercy of these people, depending on them to provide us with the most efficient and cost effective equipment. The costs, over the past ten years have escalated tremendously in almost every project undertaken, and even the architects and engineers are caught unaware, even projecting costs with inflation. It is a very frustrating situation for everyone concerned.

Mr. Hill also noted that recently, in a few projects, costs in areas have come down, and he hopes that this trend continues, but it is always a gamble with changes in the economy.

Mr. Brass agreed that petroleum based costs due rise with the economy, as do other areas, but felt that we should not accept high bids, timing is everything.

Ms. Dunn stated that the City as a whole has planned well financially, and that this has been a *hard hit*; at the same time there are people looking out for the City, keeping the rates where they should be and our reserves high so that when something like this happens, we do not need to go to the citizens with tax increases unless it is something very large. To the City's credit, we are prepared for this, as hard as it may seem.

Motion to adopt the Ordinance made by Mr. Brass.
Mr. Dredge 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

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

Motion passed 4-0

Approximately 6:45 p.m.

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

Consider an Ordinance enacting Chapter 17.38 of the Murray City Municipal Code and amending Sections 17.144.020(B), 17.152.020(B), 17.152.030, 17.156.020(B), 17.156.030, 17.160.020(B), 17.160.030, 17.168.050(B), 17.168.050(F) relating to Check Cashing Businesses.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill summarized by saying that this is a new ordinance that provides regulations on check cashing businesses within the City of Murray. It would specify where the business can be located, and how many can be located within the City. One check cashing business can be built for every 10,000 population, and cannot be located within 600 feet of each other.

Currently, there are nine check cashing businesses in Murray. If this ordinance is passed tonight, it would allow only four to five in the City. The present businesses will be grand-fathered in, but no new check cashing businesses could come in without others leaving the City.

This ordinance was built by examining other cities ordinances; our ordinance is similar to their ordinances. Many cities are using both the population and separation distance requirement to establish the restrictions.

This was presented to the Planning Commission on October 18, 2007, and comes with a positive recommendation on a 6-0 vote.

Frank Nakamura, City Attorney

Mr. Nakamura stated that they have expressed some concern on the population base in determining the number of check cashing businesses that are allowed in the City, however, he would point out that the jurisdictions surrounding the City

and many in the valley have similar provisions. He felt that if we do not pass restrictions on these businesses, it would be where they will come. If the Council chooses to go with the population base, it is the same standard used in our surrounding jurisdictions, but he does have concerns over the governmental interest and rational basis with this. He stated that they are comfortable with the distance requirements and believes that clustering does have impact on property values and economic development, and there have been studies done on that.

Ms. Griffiths asked if there had been any legal challenges to the surrounding jurisdictions in regards to the population issue?

Mr. Nakamura stated that he was not aware of any.

Mr. Brass asked if this population information was based on the Census?

Mr. Nakamura stated that it was done from current information on population.

Public Hearing opened for Public Comment

No Public Comment

Public Hearing Closed

Council consideration of the above matter to follow Public Hearing.

Ms. Dunn noted that, if in fact, the only concern was over the population, she would rather make the distance a little stronger and amend the ordinance to 1000 feet.

Mr. Brass stated that he also would be more comfortable with the 1000 feet.

Mr. Nakamura stated that the 600 feet is what is used in the State Law, with liquor licenses, distances from parks, churches & schools, etc. There were other cities who had distances of 600 feet, 1000 feet and one that has a one mile restriction.

Mr. Nakamura clarified that on the ordinance, under definition of *check*, he would like to add: *or assignment of wages*.

Motion to adopt the Ordinance, with the amendments of 1000' and definition addition, made by Ms. Dunn

Mr. Brass 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

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

Motion passed 4-0

E Unfinished Business

Ms. Griffiths noted that the following ordinances pertain to land use issues, that have been studied for well over a year. A task force study has made their recommendations, and a public hearing was held on these issues on September 25, 2007.

No public comment will be heard on these issues tonight.

Ms. Griffiths stated that a letter was received from Mr. Finch, a member of the task force, and with no objections of the other Council members, would have the letter entered into the record.

Ms. Griffiths noted that the Council had met jointly with the Planning & Zoning Commission on October 23, 2007; discussed each of these ordinance amendments at length, reaching consensus on issues where there had been disagreement.

Mr. Hill indicated that there had been differences in opinion, and the ordinances before the Council were the ordinances originally drafted by the staff and presented to the Planning Commission. The Planning Commission recommendations that are in the packet, as well as the PUD recommendations are on the spreadsheet. At the meeting held last month with the Planning Commission, there was consensus as to the direction in which the Council wanted to go. The draft ordinances given to the Council have attempted to incorporate the discussions held.

When the motions are made, if changes are made or the ordinance adopted, it should be noted that there are two ordinances before the Council.

Consider an Ordinance amending Section 17.08.020 of the Murray City Municipal Code relating to Definitions of Building Height, Accessory Building Height, Grade and Open Space.

Rather than measuring this building height measurement from the average grade, the new definition would be to measure it from the top back of curb, or in the absence of curb and gutter, from the center line of the street, or, if the grade were to change significantly from the front to the back of the property, more than 6 feet, it would be the average of the grade where the building would sit.

This does not change the height which a building can reach, currently 35 feet, but the point of measurement and the highest point do change. This would mean that future buildings would be lower than those built prior to the ordinance change.

Mr. Brass asked if the actual height would be 28 feet.

Mr. Hill stated that it would be lowering the average height by four to five feet, or 30 to 31 ft.

Mr. Finch asked to speak regarding this issue.

Ms. Dunn explained that no public comment would be taken as the public hearing for this had already been held, and that it had been published for the public to attend and comment. She also thanked the task force and Mr. Finch for the work they had done on these issues.

Mr. Finch stated that he had not been invited; the Council explained again that all of the public was invited by public, published notice.

Motion to adopt the modified Ordinance made by Mr. Dredge.

Ms. Dunn 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

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

Motion passed 4-0

Consider an Ordinance amending Sections 16.16.090, 16.16.140(A), 16.16.170(B), and 16.16.180(D), of the Murray City Municipal Code relating to Subdivisions and Private Streets.

Mr. Hill explained that this was a consensus ordinance that did not require any changes

to the originally submitted ordinance. This deals primarily deal with streets, and if passed, would prohibit private streets from being built in single or two family subdivisions. It will reduce the number of dwellings from 50 to 30 before a second access is required; it will reduce the asphalt width of a street from 26' to 25'; reduces the turn around on a cul-de-sac from 55' to 50'; and would allow the City to plant larger street trees and allow the City to recover the costs of planting those trees.

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

Call vote recorded by Ms. Heales

AYE/NAY

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

Motion passed 4-0

Consider an Ordinance amending Chapter 17.58 of the Murray City Municipal Code relating to Planned Unit Development.

Mr. Hill stated that this was the ordinance that began the discussions on all of these issues. The discussion from last months meeting resulted in the amended ordinance, which does three things:

1. Increases the size of a PUD from one acre to two acres.
2. Changes the definition of *open space*.
3. Allows the Planning Commission the ability to recommend to the Mayor whether or not sidewalks or other internal pedestrian systems are required.

Motion to adopt the modified (and corrected chapter number) Ordinance made by Mr. Dredge. (17.60, not 17.58)

Ms. Dunn 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

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

Motion passed 4-0

Consider an Ordinance enacting Chapter 17.58 of the Murray City Municipal Code relating to Single-Family Residential Infill Development.

Mr. Hill stated that this is a new ordinance which recognizes that there are areas in the City which are under two acres that people would like to develop. This creates some exceptions to the development rule as follows:

1. Reduces the minimum front and rear set-back requirements.
2. Allows the Planning Commission the ability to recommend to the Mayor whether or not sidewalks or park strips be omitted.

Motion to adopt the Ordinances made by Ms. Dunn
Mr. Dredge^{2nd} the motion.

Call vote recorded by Ms. Heales

AYE/NAY

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

Motion passed 4-0

F. New Business

Consider a Resolution adopting the regular meeting schedule for the Murray City Municipal Council for calendar year 2008.

Staff Presentation: Shannon Jacobs, Council Executive Director

Ms. Jacobs stated that a commitment had been made to use the Murray City Municipal building for the convenience of the citizens in early voting. This necessitated the need to reschedule the regularly scheduled Council meetings.

The resolution takes into consideration the dates set aside for 2008 for use of this facility for early voting, and the 2008 Holiday schedule, the Budget calendar and other events.

Ms. Dunn noted that Ms. Griffiths has a conflict with the date of February 26, 2008. Ms. Dunn stated that she would be agreeable to changing rooms for the elections on the 5th of February to accommodate a change of dates. (Adopting the dates of the 5th, 12th, and 19th).

Ms. Heales will check with the County on moving the rooms for that date.

Ms. Dunn also noted that generally the summer schedule is adopted closer to the summer.

Mr. Brass and Ms. Griffiths agreed that they would prefer to wait on the summer schedule adoption until later in the year to review schedules and issues.

Mr. Dredge would also like to schedule community meetings for the next year.

Motion to adopt the Ordinance, with amendments of dates, made by Mr. Brass.

Ms. Dunn 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

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

Motion passed 4-0

Consider an Ordinance amending Section 2.44.030 of the Murray City Municipal Code relating to the Power Advisory Board.

Staff Presentation: Blaine Haacke, General Manager Power Department

Mr. Haacke stated that this was an Ordinance contemplated by Mayor Snarr and by the General Managers of the Power Department for three years. The present Power Advisory Board consists of five people, appointed by the Council and recommended by the Mayor, are appointed for a term of three years, with no term limit.

This amendment would place a limit of five terms, or 15 years, with a clause *whereas if a member were to be appointed to finish an unfinished term, they would continue to do so.*

The words *for cause* would also be stricken from the ordinance.

Mr. Brass would like to see *staggering* in the terms, so as not to lose all of the expertise at the same time. Mr. Haacke stated that there is some staggering in the Board.

Ms. Dunn noted that it is difficult to find people to volunteer for a position such as this that requires long hours and much work.

Ms. Jan Wells stated that this is a prestigious opportunity, that is a good opportunity, and with the amount of expertise in the City, she felt that there should not be much difficulty in replacing members. She also noted that this is the only board that currently has no term limits.

Motion to adopt the Ordinance made by Mr. Brass.
Mr. Dredge 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

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

Motion passed 4-0

Consider an Ordinance repealing Chapter 2.33 of the Murray City Municipal Code relating to the Telecommunications Board.

Staff Presentation: Jan Wells, Chief of Staff

Ms. Wells stated that this Board was put into place to assist the City with the transition of UTOPIA; providing technical expertise during this process. The process is now complete, and that is the reason for disbanding at this time. The City has spoken with the board, and they will hold one final meeting to wrap up their affairs, and then disband.

Motion to repeal the Ordinance made by Ms. Dunn.
Mr. Dredge 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

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

Motion passed 4-0

G. Mayor

Report

None

Questions of the Mayor

None

H.. Adjournment