

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 4th day of September, 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 - Excused
Pat Griffiths,	Council Member
Robbie Robertson,	Council Member- Conducted
Jim Brass,	Council Member
Jeff Dredge,	Council Member - Excused

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Frank Nakamura,	City Attorney
Shannon Huff Jacobs,	Council Director
Carol Heales,	City Recorder
Gil Rodriguez,	Fire Chief
Dennis Hamblin,	Community Development Director
Pete Fondaco,	Police Chief
Craig Burnett,	Assistant Police Chief
Blaine Haacke,	General Manager, Power Department
Kevin Johnston/Nathan Roper	New Police Officers
Police Officers	
Citizens	

A. OPENING CEREMONIES

1. Pledge of Allegiance - Kevin Johnston, Police Officer
2. Approval of Minutes of August 07th , & August 21st, 2007

Ms. Griffiths made the motion to approve the minutes.

Mr. Brass 2nd the motion.

Voice vote taken, all ayes.

3. Special Recognition(s)

- 1 Swearing-in of Kevin Johnston and Nathan Roper as new Police Officers of the Murray City Police Department.

Chief Fondaco introduced Kevin Johnston and Nathan Roper, stating that they were the best two candidates graduating from Salt Lake Community College, and welcomed the new officers.

Carol Heales swore-in the new officers.

The new officers introduced themselves and their families.

- 2 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah, in Support and Recognition of September, 2007, as *National Prostate Cancer Awareness Month* and October, 2007, as *National Breast Cancer Awareness Month*.

Mr. Robertson read the Resolution.

Ms. Griffiths made a motion to adopt the Resolution.
Mr. Brass 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

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

Motion passed 3-0

- 3 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah, declaring September 16-22, 2007 as *Public Power Week*.

Mr. Robertson read the resolution.

Mr. Brass made a motion to adopt the Resolution.

Ms. Griffiths 2nd the motion.
AYE/NAY

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

Motion passed 3-0

Mayor Snarr presented the resolution to Blaine Haacke, General Manager of the Power department, expressing his pride in the Power department and the fact that our City has its own power delivery system.

Mr. Haacke thanked the Mayor, and noted that a week in October has been designated by the APPA as the national celebration week; however, due to the weather here in Utah, the City will celebrate on September 20th, 2007. Mr. Haacke stated that the employees help with the celebration, coming out in full force to volunteer for the event, and hopes that everyone will come help them celebrate the event.

B. CITIZEN COMMENTS

None Given

C. CONSENT AGENDA

None scheduled.

D. Public Hearing(s)

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

Consider an Ordinance establishing Zoning Districts and amending the General Plan for areas annexed into the City through a Boundary Adjustment with Taylorsville City located at approximately 1300 West Winchester Drive (Northeast corner).

Staff Presentation: Dennis Hamblin, Community Development Director
Mr. Hamblin stated that this matter had come before the Planning Commission on July 05, 2007; and is in keeping with the General Plan, and keeps the zoning in conjunction with the previous Taylorsville zoning that existed prior to the boundary adjustment. It received a favorable 4 to1 vote from the Planning

Commission for the R-M-15 and R-M-10 zone.

Public Hearing Opened for Comment

Aaron Olsen, 4712 S 700 E #25

Mr. Olsen stated that he is representing the property owners, John Brewer and Kevin Olson. He said he also has a financial interest in the properties. He said he is against this zoning change. He would like the R-M-15 only to give the owners more freedom on lot sizes for future development, and felt that the requirements on R-M-10 were too stringent, considering there are two less stringent zones adjacent to the property. He would recommend a similar R-M-15 zoning on this property, making a smoother transition and giving them more leeway on their community plans for lot sizes and density; he would rather fix this now than to have to come back requesting another zoning change.

Mr. Brass asked if the current zone, with Taylorsville, is A-1.

Mr. Hamblin stated that as in Taylorsville, Murray's R-M-10 has a minimum 10,000 square foot lot.

Kevin Olson, 5103 S. 1130 W.

Mr. Olson, one of the property owners, remarked that as stated in his letter to the Council, he agrees with Mr. Olsen's comments. In speaking with Taylorsville City, he stated that they have a General Plan with R-1-8 zoning for future development that would allow for 65' lot width, giving more flexibility. He also felt that with the surrounding zones the R-M-15 would be more appropriate for the lot.

Pat Bell, 6714 Saddle Bluff Drive

Ms. Bell stated that as a resident of Murray Bluffs II, she thanked the Planning and Zoning Commission for hearing the concerns of the citizens of the area. One concern that they have is that the traffic is unbearable off of Winchester. She stated that if the City allows higher density, there will be increased traffic to an area that is already overly congested. Taylorsville is building a new area, and at the time the City agreed to put that in, the citizens attended a meeting that the City agreed to the development, but stated that there would be *no* access to Winchester Street. Now, there *is* access on Winchester, the citizens cannot get in and out of the subdivision, and it has become a dangerous road. She stated that it has received the nickname of *Death Hill*.

Ms. Bell continued by saying that it would be in the best interest of the citizens if

the City reduced the density in that area by increasing the types of single homes that are there, not more multi-family use zones. She hopes that the Council will stay with Murray City's previous ideas of increasing the beauty and compatibility of the area, and insure single-family, larger lots.

Glen Turpin, 6759 S 1300 W

Mr. Turpin stated that he had several concerns: The size of the homes that are proposed to be there could be a detriment to the existing homes that are there already. If they have small homes, it will lower the property value of all the homes. The traffic on 1300 West is also very bad. The traffic bottlenecks around 6780 South, and with the offset on 1300 West, it creates a potential hazard even though the street is marked to direct traffic.

Mr. Turpin also said that the contractor would like to see as many homes built in the area as they can, but he is concerned what that would do to the rest of the neighborhood if there are a lot of small homes built.

Randall Anderson, 1252 W Winchester Street

Mr. Anderson stated that he is against the re-zoning of this area. He owns additional property that he boards horses on, and would like to see the area retain its open space. There are a lot of trees bordering the canal in this area, and there is abundant water fowl and other birds nesting in that area; he would like to see it eventually turned into a bird refuge, but at the very minimum, preserve the open spaces that are left.

Ms. Griffiths asked if that zoning use would be grand fathered. Mr. Anderson stated that his understanding is that it would be, unless he quits boarding horses for a one year period.

Mr. Hamblin stated that was correct, being a legal, non-conforming use.

Mr. Anderson asked if with this re-zone, if he ever stopped boarding horses, he would not be able to turn the property into a bird refuge.

Mr. Brass explained that regardless of the zone, it is his property and he will not be required to develop the property if he stops boarding the horses, and could file for a wildlife easement or something similar if he wishes.

Mr. Robertson entered into the record a letter submitted by Mr. Brewer.

Public Hearing Closed

Council consideration of the above matter to follow Public Hearing.

Mr. Brass stated that hears both sides of the argument for high and low density, and sees that this may best be argued at another time, when it is ready to be developed. They usually do not look at future development at the time of a re-zone, but rather the land use. The reason for that is that the current property owner may not be the developer at the time that it comes about. They need to rely on the current land use and if it is appropriate and consistent with the Master Plan.

Ms. Griffiths agreed with Mr. Brass, and stated that with the additional traffic that is generated by multiple family units, the single-family, low density use is a more appropriate use for that land, in her opinion and is inclined to go with the recommendation made by the Planning Commission, and keep it in harmony with the General Plan.

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

Call Vote recorded by Ms. Heales:

AYE/NAY

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

Motion passed 3-0

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

Consider an Ordinance establishing Zoning Districts and amending the General Plan for an area annexed into the City generally located at 4319 South State Street, Murray, Utah, containing approximately 2.503 acres.

Staff presentation: Dennis Hamblin, Community Development Director

Mr. Hamblin stated that this County island was annexed into Murray; The General plan shows this as a general commercial area and the zoning would be C-D-C and comes with a positive recommendation from the Planning Commission on a 4 to 0 vote.

Public Hearing Opened for Comment

None given.

Public Hearing Closed.

Council consideration of the above matter to follow Public Hearing.

Mr. Brass made a motion to adopt the Ordinance.

Ms. Griffiths 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

 A Mr. Brass

 A Ms. Griffiths

 A Mr. Robertson

Motion passed 3-0

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

Consider an Ordinance establishing Zoning Districts and amending the General Plan for areas annexed into the City generally located at 6285 and 6295 South 725 East, Murray, Utah, containing approximately 0.522 acres.

Staff Presentation: Dennis Hamblin, Community Development Director

Mr. Hamblin noted that this area was annexed from the County, and has been reviewed by the Planning Commission and comes with a favorable recommendation on a 4 to 0 vote.

Public Hearing Opened for Comment

Kent Johnson, property owner 6295 South 725 East

Mr. Johnson stated that he never received any information on this annexation and wanted to go on record that the Planning & Zoning department has never communicated with him.

He purchased the property from someone who had begun to build duplexes on the property, but Murray City would not provide services to this and shut him down. Murray City had told him that if he (Mr. Johnson) annexed the front property into Murray, the City would allow him to continue to build, which he did. But, the portion behind, where the tennis court is, that was never annexed. He was asked several years ago by the City if they could annex this, and he told them that he did not want to due to higher property taxes. Now it has been annexed without his input, but felt there needed to be better communication with the property owners if this was to be done.

The Council and Planning department explained that the City did in fact notify Mr. Johnson of its intent. Ms. Griffiths verified Mr. Johnson's address, and that he was sent the notice prior to the hearing of July 05, 2007.

Mr. Johnson stated that he is not disputing that the mailings were sent, only that he does not remember receiving anything. He states that he also did not receive anything on this meeting either.

Mr. Johnson was concerned that Mr. Dahle, who owns the other property concerned, is in Oregon, and did not know his feelings on this. He did know that there is interest in the property purchase, but is concerned about the right-of-way. Originally, between the two properties, there was a right-of-way. Since then, Mr. Dahle has built onto his home, which is reasonably close to the property line, and he has also built onto his own home; He is concerned that at some point in time an easement will be given to re-open that right-of-way. There is other access to the other properties, and he wants to make sure that his property is not infringed upon.

Ms. Griffiths explained that the right-of-way is a separate legal issue, in which Mr. Nakamura agreed, which is not before the Council.

Mr. Johnson said that he understands that it is a separate issue, but if the Council passes that homes can be built back there, he wants to know who has right-of-way and where.

Mr. Brass stated that these issues are not before the Council, only the zoning.

Mr. Nakamura stated that if Mr. Johnson's concerns become an issue at a later date, then it can be addressed at that time. But, tonight, these issues are not in front of the Council.

Mr. Johnson asked the Planning personnel if the right-of-way is still subject to be opened to get to the other properties.

Mr. Hamblin stated that he does not have the information on what has been recorded for the right-of-way. All of that would be recorded with the County.

Ms. Griffiths reiterated that the issue before the Council is the appropriate use for this land. As long as the property is owned by Mr. Johnson, he has control over it. If the land is sold, it could be used for another residence and would be a residence issue.

Mr. Nakamura stated that the re-zoning of the property does not impact any easement rights one way or the other. This may become an issue between property issues at some time, but applying the zoning does not change any rightful easement.

Ms. Griffiths clarified that their records indicate that communications were sent to Mr. Johnson on two occasions, including August 20, 2007 for this meeting.

Public Hearing Closed

Council consideration of the above matter to follow Public Hearing

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

Call vote recorded by Ms. Heales

AYE/NAY

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

Motion passed 3-0

Unfinished Business

None scheduled.

New Business

Consider a Resolution appointing a representative to the UTOPIA Board of Directors.

Mr. Robertson read the Resolution appointing Jeff Dredge as the representative, and Mayor Daniel Snarr as the alternative representative.

Mr. Brass made a motion to adopt the Resolution.
Ms. Griffiths 2nd the motion.

Call Vote recorded by Ms. Heales:

AYE/NAY

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

Motion passed 3-0

Mayor

Report

Mayor Snarr stated that 45th South was opened on Friday, and is working very well. He also noted that there was substantial savings incurred by eliminating the choke point. The road is wide enough to allow traffic through safely.

He noted that there is still work to be done, but the project was completed three days ahead of schedule, and that it was indicated that they were \$1.5 million below the second lowest bid.

Beginning on September 10, 2007, Granite will be on 5300 South to widen the lanes. They have indicated that they will work to move out of the way so as not to impede traffic, etc. for the Grand Opening of the hospital and their Open House.

Questar has also indicated that they would not negatively impact the hospital with their construction.

Budget car sales has moved, and the car wash will also be moving, and plans should be filed shortly for the development of that property as well, finishing that project.

Questions of the Mayor

Condolences were given to the Mayor from the Council on the passing of his mother.

Adjournment