

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 2nd day of August, 2016 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:

Blair Camp,	Council Chair
Brett Hales,	Councilmember – Conducted
Diane Turner,	Councilmember
Jim Brass,	Councilmember – Excused
Dave Nicponski,	Councilmember

Others who attended:

Ted Eyre,	Mayor
Jan Wells,	Chief Administrative Officer
Brent Davidson,	Deputy City Recorder
Frank Nakamura,	City Attorney
Janet Lopez,	Council Administrator
Janet Towers,	Executive Assistant to the Mayor
Craig Burnett,	Police Chief
Joh Harris,	Deputy Fire Chief
Justin Zollinger,	Finance Director
Tim Tingey,	Administrative and Development Services Director
Trong Le,	IT Division
Brad McIlrath,	Community and Economic Development
Jared Hall,	Community and Economic Development, Manager
Kim Fong,	Library Director
Citizens	

3. Opening Ceremonies

3.1 Pledge of Allegiance – Donnetta Mitchell

3.2 Approval of Minutes

3.2.1 Council Meeting – July 5, 2016

3.2.2 Council Meeting – July 19, 2016

Mr. Nicponski made a motion to approve the minutes

Ms. Turner seconded the motion

Voice vote taken, all “ayes.”

3.3 Special Recognition

3.3.1 None scheduled.

4. Citizen Comments (Comments are limited to 3 minutes unless otherwise approved by the Council.)

No citizen comments were given.

5. Consent Agenda

Mr. Hales asked that all items be taken together; no objections were made.

5.1 Consider a revision to Drew Pearson’s position on the Murray Library Board of Trustees from an At-Large position to a District 2 position.

Mayor Eyre stated that during the last City Council meeting, Mr. Pearson was inadvertently appointed to an At-Large position for the Murray Library Board of Trustees when he should have been appointed for the District 2 position. Mayor Eyre said he would like the Council to consider Mr. Pearson for the District 2 position instead of an At-Large position.

5.2 Consider confirmation of the Mayor’s appointment of Ethel DeFosse to the Murray Library Board of Trustees in an At-Large position for a three year term to expire June 30, 2019.

Mayor Eyre said he had the opportunity to interview Ms. DeFosse and he feels she would be qualified to serve in a position on any of the City’s Boards or Commissions. Ms. DeFosse’s mother was the City Librarian for the library in Glendale, Oregon. Because of that, Ms. DeFosse had a wonderful experience working underneath her mother at the library. During her summer breaks, Ms. DeFosse worked as an assistant to the Douglas County Head Librarian.

Ms. DeFosse received her Bachelor's Degree from Southern Oregon College. She received her Master's Degree and Doctorate from Bowling Green State University, where she was also a Graduate Assistant. She was a Professor of Communication at the University of Toledo where she was named Outstanding Teacher of the Year and Outstanding Faculty Member of the Year.

Ms. Turner thanked Ms. DeFosse for her willingness to serve on the Library Board of Trustees.

Ms. Turner made a motion to approve the Consent Agenda

Mr. Camp seconded the motion

Call vote recorded by Brent Davidson

 A Mr. Nicponski

 A Mr. Camp

 A Ms. Turner

 A Mr. Hales

Motion passed 4-0

Mr. Hales said it is exciting to have Ms. DeFosse on the Board.

6. Public Hearings

6.1 Public Hearing #1

6.1.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter:

Consider an ordinance amending the City's Fiscal Year 2016 – 2017 Budget.

Staff Presentation: Justin Zollinger, Finance Director

Mr. Zollinger said the first budget amendment tonight is for a new fire station off of 4800 South. The plan is to move the current fire station and build a road, called Hanauer, which will go through that area in the near future. However, the fire station needs to be moved before the road can be built.

The Fire Department needs \$400,000 to design the new fire station. It is anticipated that the entire project will be between 3.6 and 4 million dollars and typically the design costs around 10% of the total project cost. If the design comes in lower than \$400,000, the additional money will be rolled

into the rest of the project for the new building. This money will come out of the Capital Projects Fund reserves.

The next amendment is for \$900,000 for the downtown property acquisition from the Redevelopment Agency (RDA) Fund reserves. This money is to help with property acquisition for the City's downtown projects.

The final amendment is to pay off the 2009A Sales Tax Bond. The City paid off a little bit of this bond last year. This money will be used to pay off the remaining amount that was used to purchase land in the downtown area. Once the bond is paid off, it releases the City from bond covenants so the RDA can do what needs to be done with the property for the downtown development. The amount being requested is \$450,000 which will come out of the RDA Fund reserves.

Public Hearing Open for Public Comment

No public comments were given.

Public comment closed

6.1.2 Council consideration of the above matter.

Ms. Turner made a motion to adopt the ordinance
Mr. Nicponski seconded the motion

Call vote recorded by Brent Davidson

 A Mr. Nicponski
 A Mr. Camp
 A Ms. Turner
 A Mr. Hales

Motion passed 4-0

6.2 Public Hearing #2

6.2.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter:

Consider an ordinance amending the Redevelopment Agency of Murray City ("RDA") Central Business District Project Area Plan to expand the tax collection area.

Mr. Hales noted that this item was discussed earlier in the Redevelopment Agency meeting.

Staff Presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey said this item has been in discussion for quite some time as the City worked with the taxing entities for this issue to be considered.

The area that is being talked about tonight is known as the Central Business District. It is a redevelopment area that, at this time, is governed by State Law. It has been a redevelopment area since the late 1980's. As this area grows and as the tax valuations increase through redevelopment, an item called tax increment financing comes into play. With tax increment financing the funds from that growth stay within the redevelopment area for redevelopment purposes instead of going to the taxing entities such as Salt Lake County, Murray School District and other entities.

Those funds can be utilized in the redevelopment area for public infrastructure, environmental review, incentives for redevelopment, cleaning up sites, parking structures and a variety of other different elements. The City has used these funds over time for those purposes. We have assisted with facade improvements, public infrastructure, acquiring a property for future redevelopment purposes and other elements.

This proposal is to expand the Central Business District. That does not mean that taxes will increase or decrease for anyone within the area. This is simply an expansion to include additional properties so if there is redevelopment or growth the funds will go from the taxing entities to this redevelopment area for the purposes of redevelopment.

The City went through an extensive public notification process. Property notices were sent out to all of the property owners within the urban renewal boundaries, which was hundreds of property owners. Notices were also provided to the Tax Commission, the State Auditor, the County, and all the other taxing entities to make sure they knew that this is what is being proposed. Mr. Tingey thanked the Attorney's Office for helping through the noticing process.

Mr. Tingey stated the proposal is to incorporate 10.18 acres of property. Most of those acres are already public properties including the City Hall site, the Post Office, and 1.73 acres of taxable privately held property. There are pass-through amounts that will go to the School District that are already in place. There are also pass-through amounts that will go through to the other taxing entities to mitigate the impacts of this expansion.

On July 5, 2016 the taxing entities voted on this and were unanimously in favor. Mr. Tingey reiterated that this does not increase or decrease taxes for the property owners. If they have received valuation notices that there are assessments that have increased, that is not part of what this does and has

no impact on that. It's simply an expansion of this redevelopment area that has been in place for a number of years and to reinvest those increased funds into the area.

The current base taxable value of this area is approximately 1.9 million dollars. The hope is that if the area gets redeveloped, especially with these public properties, that the taxable value in the future will be around 45 million dollars.

Ms. Turner said the Council has learned so much about this area and Mr. Tingey has been great about educating them and the community as well.

Public Hearing Open for Public Comment

No public comments were given.

Public comment closed

6.2.2 Council consideration of the above matter.

Mr. Camp made a motion to approve the ordinance
Ms. Turner seconded the motion

Call vote recorded by Brent Davidson

 A Mr. Nicponski
 A Mr. Camp
 A Ms. Turner
 A Mr. Hales

Motion passed 4-0

6.3 Public Hearing #3

6.3.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter:

Consider an ordinance amending Section 17.146.120 of the Murray City Municipal Code relating to access improvement requirements in the Mixed Use Development (M-U) District. (Murray City Community Development Division.)

Staff Presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey said this item was considered at multiple meetings by the Planning Commission. The area that is being discussed is a Mixed-Use

Zone (M-U) that is bounded roughly by 4800 South to the north and runs close to the west side of the Trax. The City has really tried to promote transit-oriented development with pedestrian elements as part of the future redevelopment in this area.

In the current zoning designation of Mixed-Use, the City requires any residential components to a project, such as upper level condominiums or apartments, to incorporate lower level commercial on a portion of the lower level. The City has standards for landscaping and planter strip areas that are adjacent to the building. However, where commercial is required on the lower level, there is a need to have parking adjacent to that building to allow the commercial area to thrive and give customers close proximity to these areas.

City staff took a look at this and proposed some changes which they think will work very well in the area and provide close proximity for customers to these commercial developments.

The proposal will allow for parallel parking in the area where the planter and parking strip would originally be. The proposal will allow for a 40 foot wide landscaping planter that includes one street light, two trees and shrubs. The proposal also allows two to three parallel parking spaces between the planter strips.

This proposal defines the landscaping and the scale of the landscaping as well as the location of street trees, lights, and planters within the area. It includes a flared element which will allow better access into the parallel parking spaces. The Planning Commission requested a flared element to be considered as part of this proposal.

Mr. Tingey stated another element of this proposal is that parking must be located at a minimum of 30 feet from an intersection. There are also street lighting elements. This is all included as part of these modifications that are being proposed.

The Planning Commission had a lot of input on this and have provided a recommendation of approval. Staff is recommending approval of these changes as well.

Mr. Camp said there was a lot of discussion and input from the Planning Commission, which was great. There was one discussion that had to do with the street lighting standards relating to LED lighting. He doesn't see anything included regarding that in this proposal.

Mr. Tingey replied that was not part of the Planning Commission's recommendation. It was brought up and is something that would need to be

addressed with the Power Department in their policies related to replacement and inclusion of lighting.

Mr. Tingey said he knows the Power Department is moving towards LED lighting as they look at new development that comes in. He thinks it will definitely be a consideration in the future, but it's not part of this proposed ordinance at this time.

Ms. Turner asked how the LED lighting will work. How will they ensure that the lighting is LED?

Mr. Tingey responded that it would have to be part of the Power Department's policies and procedures related to what they require as far as LED lighting. He reiterated they are moving towards that. As development comes in, his staff will work with the Power Department on whether they would make that a requirement under their policies and procedures.

Ms. Turner asked is LED lighting would still be optional.

Mr. Tingey replied it depends. They would have to evaluate what the Power Department would require related to LED. It would be something that the Power Department would have to make the determination on.

Public Hearing Open for Public Comment

No public comments were given.

Public comment closed

6.3.2 Council consideration of the above matter.

Ms. Turner made a motion to adopt the ordinance
Mr. Nicponski seconded the motion

Call vote recorded by Brent Davidson

 A Mr. Nicponski
 A Mr. Camp
 A Ms. Turner
 A Mr. Hales

Motion passed 4-0

6.4 Public Hearing #4

6.4.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter:

Consider an ordinance repealing Section 17.12.030 of the Murray City Municipal Code regarding the geographical representation requirement of the Planning Commission. (Murray City Community Development Division.)

Staff presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey said this item was considered at the June 16, 2016 Planning Commission meeting. The Planning Commission deliberated quite a bit on this over a couple of meetings and provided some input.

The Planning Commission provided some recommendations that were not included in the copy of the ordinance the Council was given. There were memos addressing that which were given to the Council as supplemental information. The primary issue, related to some of the wording the Planning Commission was providing, was that most of the intent of the wording was already included in the purpose statement of the ordinance.

Mr. Tingey stated this is an interesting issue. Currently, the City's ordinance talks about what the intent of a Planning Commission is. It says that the intent is that a City Planning Commission be provided which will represent the concerns of diverse citizen groups as well as the broad interest of the community as a whole. It also says that membership of this commission provide balanced representation in terms of geographical, professional, neighborhood and community interests and that a wide range of expertise related to the development of a healthy and well planned community be sought when establishing or altering the composition of the membership of the commission.

Mr. Tingey said that in the current ordinance there are a variety of elements that are looked at when appointing individuals to the Planning Commission. They include expertise, geographic location and community interest. This is the purpose statement that the Mayor uses to evaluate the people he recommends to the Council for consideration to be on the Planning Commission.

As the ordinance is written right now, in addition to the purpose statement, it requires that there is geographical representation of each one of the Council Districts plus two At-Large elements. What is being considered right now is whether or not that requirement should be in place. Staff is proposing a modification to this ordinance for a variety of reasons.

First, with this proposal, the purpose statement is still in place. There is still

going to be consideration of geographical representation. Mr. Tingey said that Murray City is not a community that is significantly spread out. It is fairly abounded by other entities and there are not outlying areas where there is an area miles away from the rest of the community. It is fairly compact and geographically small compared to other communities. The City doesn't have a lot of broad areas of far distance. If it did, it would probably prompt more of a geographic representation.

There is a need for a pool of candidates. There are times where individuals need to be brought into the Planning Commission and sometimes they don't get a lot of interest from some districts, even after advertising for the positions. There are other times when they have multiple people that have a lot of interest in being on the Planning Commission, but live in a geographic district where someone else is in place. It could potentially take six years before that individual would even get an opportunity to be on the Planning Commission. Staff's concern is that there are people with interest that are waiting for a number of years to serve. This geographic representation can cause some issues.

The most important part of this element is that the members of the Planning Commission are not representing constituents. They, as the Planning Commission, are not adopting policy like Councilmembers do. Councilmembers are representing constituents, the Planning Commission is not. The Planning Commission represents, as it states in the purpose statement, a broad interest of the community.

That is very, very important. The Planning Commission has to look at the standards identified in State Law as well as local law, not special interests related to where they live. They have to look at the broad community. In Mr. Tingey's opinion, this geographic representation doesn't really play into that. A Planning Commission member cannot look differently at the area they live in versus another area and this geographic representation sometimes promotes that.

Based on those reasons, staff feels like the purpose would still be there to strive to get geographic elements with people in different area that represent the broad interest of the community. Staff feels like the strict requirement of a geographic representation is not conducive to what the Planning Commission's role is in the community.

Staff is recommending approval of the ordinance. The Planning Commission also recommended approval.

Ms. Turner said she thinks it is really important that the City has district representation and that it be a requirement rather than a consideration. She thinks that is very important.

Mr. Hales stated he agrees with Ms. Turner. He has listened to everything and he feels it is important for district representation. Even though the Planning Commission members don't represent the constituents, they still come from certain areas. You can get different ideas from different areas. He loves the idea that the Planning Commission members be from different areas.

Public Hearing Open for Public Comment

No public comments were given.

Public comment closed

Mr. Camp said he tends to agree with the comments that were already made. As he mentioned in the Committee of the Whole meeting, he thinks geographical representation has some value. He is hesitant to agree with everything that Mr. Tingey said.

6.4.2 Council consideration of the above matter.

Mr. Nicponski made a motion to approve the ordinance
Mr. Camp seconded the motion

Call vote recorded by Brent Davidson

<u> A </u>	Mr. Nicponski
<u> N </u>	Mr. Camp
<u> N </u>	Ms. Turner
<u> N </u>	Mr. Hales

Motion failed 1-3

7. Unfinished Business

7.1 None scheduled.

8. New Business

8.1 Consider a resolution approving an Interlocal Cooperation Agreement between the City and the Utah Department of Public Safety's Division ("DEM"), for the Emergency Management Performance Grant.

Staff presentation: Jon Harris, Deputy Fire Chief

Mr. Harris said the Federal Government has a grant program called EMPG which

stands for Emergency Management Performance Grant. The grant is designed to give funds to states and municipalities in order to fund an emergency preparedness program. Specifically, this grant replaces part of the salary of either a full-time or part-time emergency manager.

The Fire Department has applied for and has successfully received this grant for about the last ten years. This year, they are able to get a little more funding because they are starting to allocate more time towards emergency management here in Murray City. The purpose for today is to establish an agreement between the Department of Emergency Management and Murray City to receive these funds.

Mr. Camp made a motion to approve the resolution
Ms. Turner seconded the motion

Call vote recorded by Brent Davidson

 A Mr. Nicponski
 A Mr. Camp
 A Ms. Turner
 A Mr. Hales

Motion passed 4-0

9. **Mayor**

9.1 Report

Mayor Eyre reminded everyone about the KidsEat program that was talked about during the last Council Meeting. The City will be collecting food for that program from August 4 – August 15, 2016. The barrels have already been distributed throughout the City Buildings and there are notifications on the barrels of the appropriate type of food that can be donated. The food will go to Lynda Brown's project where she fills over 60 backpacks each week for the kids at the Boys and Girls Club to take home over the weekend.

Ms. Turner asked about contributing money.

Mayor Eyre said KidsEat is a 501(c)3 Corporation so a check could be made out to them. He added checks for the program could also be dropped off at the Mayor's Office and you can donate money online also.

The KidsEat program has a nice facility over where Creekside School was. They have a facility now so they don't have to work out of Ms. Brown's basement or garage to fill the backpacks. The program is really expanding into quite a program.

Mayor Eyre said he and his wife have had the opportunity to be over in the park

several times during the work week. It is amazing how much Murray Park is used. They were over at the outdoor swimming pool and it was just about filled to capacity with people enjoying the outside activities.

Other events in the park include the Health Fair on August 15, 2016, the Farmer's Market, and a number of other activities including the amphitheater performances in the evening. Tarzan is playing right now in the amphitheater.

Mayor Eyre thanked everyone that works over in Murray Park who make all the facilities and activities available to our citizens. The City can document that the number of people who use the Park Center, the pavilions and go to the theater productions is over one million every year. Those are people that we can actually do a head count on. There are probably closer to two million people per year using Murray Park. It is a wonderful attribute to the City.

Mr. Hales said he went to see Tarzan last night and it was wonderful. They did a phenomenal job.

Mayor Eyre said there are some big production amphitheaters around the valley that try and put on very big productions with international acts and everything. However, here in Murray, we have an amphitheater that is really dedicated to local talent and people that want to perform in a local area. That's part of the charm and character of Murray's community.

9.2 Questions for the Mayor

10. Adjournment

Jennifer Kennedy, City Recorder