

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 23rd 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
Dave Nicponski,	Councilmember

Others who attended:

Ted Eyre,	Mayor
Jan Wells,	Chief Administrative Officer
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Janet Lopez,	Council Administrator
Janet Towers,	Executive Assistant to the Mayor
Rondi Knowlton,	Mayor's Office
Craig Burnett,	Police Chief
Gil Rodriguez,	Fire Chief
Jon Harris,	Deputy Fire Chief
Mike Dykman,	Administrative Assistant Chief
Pat Killion,	Deputy Fire Marshal
George Zboril,	Firefighter/Fire Inspector
Spencer Finlinson,	Paramedic/Firefighter
Jed Finlinson,	Paramedic/Firefighter
Rich Best,	Paramedic/Firefighter
Rylan Jordan,	Paramedic/Firefighter
Travis Bodtcher,	Paramedic/Firefighter
Doug Hill,	Public Services Director
Justin Zollinger,	Finance Director
Brenda Moore,	Controller
Tim Tingey,	Administrative and Development Services Director
Blaine Haacke,	Power Department General Manager
Mike Terry,	Human Resources Director
Kim Fong,	Library Director
Citizens	

5. Opening Ceremonies

5.1 Pledge of Allegiance – George Zboril

5.2 Approval of Minutes

5.2.1 Council Meeting – August 2, 2016

Mr. Brass made a motion to approve the minutes

Ms. Turner seconded the motion

Voice vote taken, all “ayes.”

5.3 Special Recognition

5.3.1 Murray City Council Employee of the Month, George Zboril, Firefighter, Fire Inspector.

Staff Presentation: Brett Hales, Councilmember
Gil Rodriguez, Fire Chief

Mr. Hales said the Council started the Employee of the Month a few years ago. They felt it was important to be able to recognize the City’s employees. He presented Mr. Zboril with a certificate, a \$50 gift card and told him that his name would appear on the plaque located in the Council Chambers. He expressed his appreciation to Mr. Zboril for all he does for the City.

Chief Rodriguez stated that Mr. Zboril is not a full time employee for Murray City, he is actually a full-time employee for Unified Fire Authority. He has been with Murray City for 10 years as a part-time fire inspector.

Mr. Zboril is involved with the Color Guard. He was in the military for 12 years; six years of active duty and six years as a reserve and he is a Vietnam Veteran. He has a construction background which is what got him interested in the fire service. Mr. Zboril worked for Midvale City for 23 years and was picked up by Unified Fire Authority when they took over fire services for Midvale City.

Mr. Zboril works on new business licenses, is an education specialists, teaches CERT and CPR, and is very involved in the community.

Chief Rodriguez stated Mr. Zboril is one of the hardest working guys he knows; he loves his job and he loves working for Murray City. Chief Rodriguez congratulated Mr. Zboril stating that, “everyone needs a George.” The Fire Departments refers to him as their “silverback”.

Mr. Zboril introduced his family.

Mr. Hales expressed the Council's appreciation for Mr. Zboril.

- 5.3.2 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City in recognition and appreciation of Jan Wells for her years of dedicated service to Murray City.

Staff Presentation: Mayor Ted Eyre

Mayor Eyre read the Joint Resolution in its entirety.

Mr. Camp made a motion to approve the Joint Resolution
Mr. Brass seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

Ms. Turner thanked Ms. Wells for her support and advice. It has meant a lot to her over the years. She thanked Ms. Wells saying she will miss her and wished her well in her retirement.

Ms. Wells said she is a really blessed person because she has a lot of hometowns. She is especially grateful to have Murray as one of her hometowns. Whenever she hears things about Murray, it gives her a sense of pride. The reason she feels that is because of all the opportunities, love and blessings she has enjoyed while she's been here.

Ms. Wells stated she has been very blessed to work for two Mayors who have been kind and patient and are both very creative and energetic. These Mayors love this City and would do anything they could do to serve the citizens of Murray, which is what they have done. She has been privileged to work with a fabulous staff in the Mayor's Office. Those staff members have become dear friends and she is grateful for them.

Ms. Wells said she has been through a lot of Councilmembers. She told the current Councilmembers that she admires and respects them for the things they do, the time they give, the dedication they have and the fact that they also love and care about the City so much. It's a great testament. She often

wishes that every resident could spend some time here and appreciate all the good work that is done because she knows how much time and energy it takes.

The Council's staff is wonderful. They have gone out of their way to help bridge the gap between administration and legislation. Ms. Wells thinks this is truly one of the things that makes Murray so unique.

Ms. Wells said she is appreciative for all of the Department Heads. They are all experts at everything they do. They go the extra mile and are so dedicated. She can throw anything out there and they will always do it. They are a lot of fun and they have a good time in the Department Head meetings. She trusts them explicitly.

Ms. Wells stated the City has wonderful employees. They are the face of the City. They are who people see every day when they come in to get a license or pay a fine. The City's employees think nothing of going to turn someone's power on in the middle of the night, going to help somebody in a car accident or removing snow on cold nights. They just do it. The employees are great examples to her and she has appreciated their patience, concern, and goodness.

Ms. Wells said she is blessed to have a fabulous family. She introduced her family and thanked them for their support over the years.

Mr. Camp said it was important for him to make the motion on this resolution because of all the miles he and Ms. Wells have worked together over the years. She will be missed. He has known Ms. Wells since she started in 1998. He congratulated her and said he is happy she is leaving on her terms and her time. He wished her well in retirement.

Mr. Brass said the City has been through a lot of ups and downs. The City has had some really good times financially and some really tough ones as well. Ms. Wells has been there and helped get the City through those times. He told Ms. Wells she will be missed.

Mr. Hales said there are cities struggling with their administration and councils. Murray has been so blessed to not have that. He loves that he can talk to the administration any time he wants to.

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

No citizen comments were given.

7. **Consent Agenda**

Mr. Hales asked that all the items on the Consent Agenda be taken together; no objections were made.

- 7.1 Consider confirmation of the Mayor's reappointment of Phil M. Hoyt to the Murray City Ethics Commission in at At-Large position for a three-year term effective retroactively from February 19, 2016 to February 19, 2019.
- 7.2 Consider confirmation of the Mayor's reappointment of Karen E. Johnsen to the Murray City Ethics Commission in an At-Large position for a three-year term effective retroactively from February 19, 2016 to February 19, 2019.
- 7.3 Consider confirmation of the Mayor's reappointment of Syanna T. Madsen to the History Advisory Board in an At-Large position for a three-year term effective August 1, 2016 to August 1, 2019.
- 7.4 Consider confirmation of the Mayor's reappointment of Sara Keil Roach to the History Advisory Board in an At-Large position for a three-year term effective August 1, 2016 to August 1, 2019.
- 7.5 Consider confirmation of the Mayor's appointment of Carl DeFosse to the Murray Personnel Advisory Board in an At-Large position for a three-year term effective immediately to expire June 30, 2019.
- 7.6 Consider confirmation of the Mayor's reappointment of Jim Hendrickson to the Murray Shade Tree and Beautification Commission in an At-Large position for a three-year term effective June 30, 2016 to June 30, 2019.

Mr. Brass made a motion to approve the Consent Agenda
Ms. Turner seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

Mayor Eyre said he had the opportunity to interview Mr. DeFosse and he was a pleasure to talk to. Mr. DeFosse is a Murray resident and has owned businesses in Murray. He is very involved in the Chamber of Commerce.

Mr. DeFosse's first job was in the military as a Military Personnel Clerk. He

received his Bachelor's and Master's Degree from West Illinois University and his Doctorate from the University of Toledo.

8. Public Hearings

8.1 Public Hearing #1

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

Consider an ordinance relating to zoning; amends the Zoning Map for property located at approximately 337 East Winchester Street, Murray City, Utah, from R-1-8 (Single-Family Low Density Residential District) to R-N-B (Residential Neighborhood Business District). (Titan Development.)

Staff Presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey said this item was brought before the Planning Commission on July 21, 2016.

Mr. Tingey said there have been a lot of requests for rezones, especially along Winchester Street. Winchester Street is an arterial street where there are higher traffic impacts. The zone change that is being requested is for the property to change from Residential Single-Family (R-1-8) to Residential Neighborhood Business (R-N-B). The R-N-B zone is set up to be a buffer zone from the residential area to the arterial street. That is the intent of the ordinance. In the General Plan, the future land use for this property is designated as R-N-B.

The purpose of the R-N-B zoning district is to create an area that is a nice fit with the neighborhood; has low intense uses, especially on the scale side of things; and has design characteristics. If there are businesses or commercial uses that are adjacent to residential areas, those businesses need to be conducive to the type of residential area that is there.

The types of uses in an R-N-B zone include residential uses as well as low scale business type uses. It cannot include high impact, high scale type uses. Commercial businesses within an R-N-B zone include a variety of things such as photography businesses, eye or dental offices, or other types of low scale use businesses.

The Planning Commission recommended approval and staff is recommending approval as well.

Mark Snow, who represents Titan Development, stated they are not sure what they are going to do with this piece of property. They want to change

the zone so if they decide to do something the property will be ready for it.

Public Hearing Open for Public Comment

Bert Milano – 6380 South 370 East, Murray, Utah

Mr. Milano stated since the property owners don't know what they are going to do with the property, the Council should not approve this item until the property owners know what they intend to do with the property. He and one of his neighbors are dead set against this rezone. He wants to know what they are putting on that property before he will be satisfied.

Public comment closed

Mr. Tingey stated he understands Mr. Milano's concern. This is a rezone meaning it is a change in the particular land use of the property. It is not for a specific project at this point. If there is a proposal for a commercial use on the property, it has to go through a separate public process and a separate meeting would be held to talk about specific uses.

What this proposal does tonight is changes the zone of the property to allow a wide variety of uses that are allowed in the R-N-B zoning district. For example, single-family homes and two family dwellings are allowed as well as small scale businesses such as florists, optical, real estate and a variety of other office type uses.

Mr. Tingey emphasized that when he talks about low scale, anything developed has to be developed at a smaller scale as far as height. This is the one zoning district that has the lowest height requirements in the whole city. In fact, a single-family residential zone allows homes to go up to 35 feet. In the R-N-B zone the height of a building with a commercial use can be up to 20 feet and with a conditional use permit the height could go up to 30 feet.

Mr. Tingey reiterated this is a rezone that allows for multiple uses and future commercial uses that are proposed on this site will have to go through a public process.

Ms. Turner verified with Mr. Tingey that the zoning requirements for the R-N-B zone are pretty restrictive.

Mr. Tingey replied they are. There are a lot of things built into the city's code regarding the R-N-B zone that requires there to be buffer areas with landscaping and walls adjacent to residentially zoned property as well as any property that's future land use is designated to be residential.

Mr. Brass said when the Council looks at zone changes, they don't look at what's going to go on the property because often times what is originally

planned doesn't happen. They look to see if the zone is appropriate for the area. If this zone change was for general office, which allows tall building, abutting a residential area, that would not be appropriate.

R-N-B was created as a buffer to protect neighborhoods. Winchester Street, 5400 South, and 900 East are streets that used to be two lanes and had homes on them. Those streets now have four lanes, sometimes with a center turn lane. Nobody wants to live on those streets anymore and you see people start to move out of those homes. Those homes become rental properties and ultimately decay.

The City was asked to solve this problem and help fix it. The City wanted to come up with a zone that allowed commercial uses for some of those buildings that could perhaps be rehabbed or taken down and a building that reflected the character of the neighborhood could be put up. They didn't want buildings in this zone to be too tall, that impacts the houses behind it and ultimately you collapse the entire neighborhood. That is why the City came up with the R-N-B zone and it's why the height restrictions are so tight.

Mr. Brass said in an R-1-8 zone, a building can be up to 35 feet high. In the R-N-B zone a building can only be 30 feet high with a conditional use permit; which is a whole other meeting. It does help protect neighborhoods and allows for better uses of properties on these busy streets. It was designed to keep neighborhoods intact.

8.1.2 Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

9. Unfinished Business

9.1 None scheduled.

10. New Business

10.1 Consider a resolution approving an Interlocal Cooperation Agreement between the City and Salt Lake County (“County”) for the North Jordan Canal mitigation.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said this is an agreement between Salt Lake County and the City to fund and help assist homeowners along the embankment of the North Jordan Canal to do some mitigation work. There were concerns about the stability of the slope of the North Jordan Canal. The City retained a geotechnical engineer to perform that study which was focused on the Murray Bluffs area. The study examined the landscape, the vegetation and the waterway. There was a meeting held subsequent to the report and homeowners expressed that they were willing to implement some of the mitigation recommendations of the geotechnical engineer but in some cases they may need some financial assistance.

This agreement would provide some of that financial assistance via matching funds. It would be managed by the geotechnical engineer in Murray. The agreement would have Salt Lake County contribute \$10,000 and Murray will contribute \$10,000. This fund would be used as people make requests to mitigate some of the issues and concerns regarding the stability of the North Jordan Canal embankment. The funds will be available until they run out or June 30, 2017.

Doug Hill, Public Services Director, has indicated to Mr. Nakamura that the North Jordan Canal is considering making a similar contribution. It is anticipated this may be a \$30,000 fund that would be available to homeowners who want to talk to the geotechnical engineer to see what they can do to mitigate any issues relating to the embankment of the North Jordan Canal.

Mr. Camp said since this isn’t a budget opening, he is assuming this has already been funded in the current budget.

Justin Zollinger, Finance Director, said the money will be coming out of non-departmental funds.

Mr. Brass made a motion to adopt the resolution

Ms. Turner seconded the motion

Call vote recorded by Jennifer Kennedy

 A Mr. Nicponski

 A Mr. Camp

 A Mr. Brass

 A Ms. Turner

 A Mr. Hales

Motion passed 5-0

11. Mayor

11.1 Report

No Mayor's Report was given.

11.2 Questions for the Mayor

12. Adjournment

Jennifer Kennedy, City Recorder