

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 16th day of June, 2009 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:

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

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Michael Wagstaff,	Council Director
Carol Heales,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Craig Burnett,	Assistant Police Chief
Doug Hill,	Public Services Director
Patricia Wilson,	Finance Director
Ron Koller,	Treasurer
Gil Rodriguez,	Fire Chief
Tim Tingey,	Economic Development Director
David Larsen,	IT Director
Citizens	

A. OPENING CEREMONIES

1. Pledge of Allegiance - Gil Rodriguez, Fire Chief
2. Approval of Minutes for May 19, 2009:

Ms. Dunn made a motion to approve the minutes, with one correction.
Ms. Griffiths 2nd the motion.

Voice vote taken; All Ayes

3. Mr. Brass stated that it is a tradition in Murray City to have the Scouts in attendance stand and introduce themselves, their leaders, and which Merit Badges they are working on.

The Scouts in attendance introduced themselves.

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

None Given

Public Comment closed.

C. CONSENT AGENDA

1. **Consider confirmation of the Mayor's reappointment of Jay Hazelgren to the Murray Shade Tree and Beautification Commission serving in an At-Large position for a term beginning June 30, 2009 and expiring June 30, 2012.**

Staff presentation: Mayor Snarr

Mayor Snarr stated that this is Mr. Hazelgren's third term, being reappointed; If you ever look at Costco's landscaping and design, Mr. Hazelgren is the one who the Mayor sent the architects to, to get the right trees for this climate, and to make sure that they put the proper vegetation in because of the slopes that are there. If you look at that, Mr. Hazelgren was the head nurseryman, and horticulturalist for Wasatch Shadows Nursery for many years, and is a brilliant person. Every time the Mayor drives by there, he thinks of Mr. Hazelgren.

Mr. Dredge made a motion to approve the re-appointment.
Mr. Robertson 2nd the motion

Call vote recorded by Carol Heales:

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

Motion passed 5-0

D. PUBLIC HEARINGS

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

1. Continued from June 2, 2009, public comment and discussion prior to Council action on the following matter:

Consider an Ordinance adopting the Final 2009 - 2010 Fiscal Year Budgets for Murray City including the Library Fund Budget.

Frank Nakamura, City Attorney

Mr. Nakamura added that this is also a public hearing for some of the distribution of funds that the City makes to non-profits, including the Boys and Girls Club, and he wanted to put it on the record that they have made a finding that there has been a long time relationship with the City, and its contribution to the community, particularly its youth and what it does for the youth thus far, and our law enforcement and other issues. For the record, this is also in regards to distribution of funds to non-profits, and you have that as an addendum to the budget, and they are taking comments on this issue as well.

Patricia Wilson, Finance Director

Ms. Wilson stated that since the last time they met, they were able to adjust some revenues and expenditures to aid in the ability to give us a little more money towards roads; they have added approximately \$230,000 additional to roads. They added a JAG grant to the Police, which was overlooked before, that funding has come by basically decreasing expenditures; the police were good in finding additional expenditures of about \$70,000. We had some un-designated items in

there that we used to go toward the \$232,000 in roads, and then we adjusted fund balance and revenues a bit, after we got the levies from the County. These are the major changes that have happened since the last time that we met.

Just as a recap to any of the public here, we feel that this budget is really pretty conservative; the budget does not include any layoffs in personnel; there are no increases in salaries or benefits, other than the City did have to increase our health insurance costs by about 3%. The General Fund expenditures total is \$38,820,479.00. The City is very labor intensive, and a good share of the expenditures is towards salaries and benefits. We did manage to put about 8% of our expenditures toward roads, as this has been given a high priority this year; we have roughly \$600,000 or 1% of our expenditures that are going towards other capital items; we have debt service costs that are around 2.7 million, or 6%; the remaining \$9 million, or 21%, is to cover operations. This is how our expenditures are panning out; as far as covering those expenditures: we intend to keep the property taxes at the amount that the County allows us with the levy, so that we do not have any Truth in Taxation; our revenues from property taxes will be roughly 17% of our revenues; sales tax revenue, which is the biggest contributor to our revenue stream, we have decreased that by 10% this year because of the decrease in sales tax, but that will be roughly 32% of our revenues. Franchise and room tax is projected to be about \$5 million, or 13% of our revenues; license fees, fines and charges for services will provide over \$5.5 million, or about 16% of our revenue, interest income, which has substantially decreased because of the economy, but if we combine that with grants and other incomes, we expect that to bring in over \$4 million or 11%; payment in lieu of taxes is roughly 7% of the budget, and roughly \$900,000 may be needed from our reserves to cover the budget as presented.

Ms. Wilson recommends that this conservative budget be finalized tonight.

Mr. Brass commented that the budget is actually less than last year, except for our expenditures on roads and some projects; the reason that these were looked at is that the bidding environment is so favorable right now, that we would be crazy to not do that. They believe it is worth taking the money out of the reserves to pave some of the roads that desperately need to be fixed; it is so inexpensive right now, compared to even last year with fuel prices down, and the competitive bidding environment, it is good business sense for the City. Where you see a slight up-tick in this year versus last year, it's because we are getting projects done that we are going to have to do some time.

Ms. Dunn repeated her sincere thanks from the Council to all of the department heads, because they really slashed many things from their budgets, and the Council understands that there are things that the departments need, and will need,

in the future, and they will watch carefully. If needed, they will come back and revisit the budget. She thanked them for going through the process and for being willing to cut one more time.

Public Hearing opened for public comment

None given

Public comment closed.

Council consideration of the above matter to follow Public Hearing

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

Call vote recorded by Carol Heales:

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

Motion passed 5-0

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

2. Consider an Ordinance Amending Section 17.25.070 of the Murray City Municipal Code relating to residential use in the Smelter Site Overlay District.

Staff presentation: Tim Tingey, Economic and Development Director

Mr. Tingey stated that this change has been given a positive recommendation by the Planning Commission; it will add clarification to the Code in the Smelter Site area, to disallow any residential uses in the area. Right now, under agreements

through the environmental impact that has been made in that area, there is no residential use allowed in that area, but they wanted clarification in the Code, especially as they are looking at some changes to the Zoning Ordinance to allow for mixed use in a portion of this area.

Public Hearing opened for public comment

None given

Public comment Closed

Council consideration of the above matter to follow Public Hearing

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

Call vote recorded by Carol Heales:

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

Motion passed 5-0

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

3. Consider an Ordinance amending Section 17.38.020 of the Murray City Municipal Code relating to check cashing businesses.

Staff presentation: Tim Tingey, Economic and Development Director

Mr. Tingey said that this had been addressed in a Committee of the Whole meeting a month ago, and this is to provide more clarification in our Ordinance. Currently, the existing Ordinance allows for one check cashing business for every 10,000 residents; we have approximately 11 check cashing businesses in place right now. When they wish to expand or relocate, we are requesting this change

in the Ordinance to allow those businesses to do that, through a public input process. Those that wish to relocate, would need to go through the Planning Commission meeting for that with this proposal, and those who want to expand, would go through the Board of Adjustment, with the expansion of a non-conforming use, as they have outlined.

Based upon this, the Planning Commission has reviewed this change, and has given a positive recommendation, and are requesting an Ordinance change.

Public Hearing opened for public comment

None given

Public comment Closed

Council consideration of the above matter to follow Public Hearing

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

Call vote recorded by Carol Heales:

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

Motion passed 5-0

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

4. Consider an Ordinance amending Section 17.04.130 of the Murray City Municipal Code relating to the Zoning Code

Staff presentation: Tim Tingey, Economic and Development Director

Mr. Tingey stated that they are requesting to include two additional fees to the fee schedule: one would be to the Downtown Historic Overlay District Design Review Committee Fee, and the other, the Downtown Historic Overlay District Certificate of Appropriateness Administrative Review Fee.

The first one would be \$50.00, the second \$25.00; this is to cover costs for staff time that is put in as they prepare staff reports and process applications before the Design Review Committee. They are also increasing the amount of administrative review that they do on applications - that is why they are including this fee. Administrative review, for clarification, is when there are minor modifications to a building or site, in our area, that staff can do an administrative review; this is allowed in the Ordinance, and they are taking advantage of that, in order to stream-line the process more fully and help move applications along.

As well as these changes, they are adding some additional wording to allow for the amounts on Standard Land Use Codes, Zoning Maps, Land Use Ordinance, and SSOD Permit fees, to be outlined in the Code. They have outlined these in the Ordinance. Those amounts would be for the Land Use, Zoning Ordinance of \$25.00; Standard Land Use Code, \$25.00; Zoning Map, \$10.00; SSOD Permit Fee, \$100.00. They are requesting approval of these additions and modifications to their fees.

Public Hearing opened for public comment

None given

Public comment Closed

Council consideration of the above matter to follow Public Hearing

Mr. Dredge made a motion to adopt the Ordinance..
Mr. Robertson 2nd the motion

Call vote recorded by Carol Heales:

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

Motion passed 5-0

E. UNFINISHED BUSINESS

None scheduled

F. NEW BUSINESS

- 1. Consider a Resolution approving an Interlocal Cooperation Agreement between Murray City, West Valley City, South Salt Lake City, South Jordan City, Sandy City, West Jordan City, Midvale City and Bluffdale City continuing the City's participation in the Metro Fire Agency.**

Staff presentation: Jan Wells, Chief of Staff

Ms. Wells stated that she is the Mayor's designee, and serves on the Metro Fire Board. This group has been in existence for three years now, and as part of the interlocal agreement, it states that it needs to be renewed every three years, so is now being brought back to the City.

Some things in the agreement had been questioned and wondered about - the City has not exercised a lot of those things as a board, but she feels that they have been effective and made some good progress, as well as improving the quality of service that they have provided to the City's residents because of our cooperation with these other cities.

This is exactly the same Resolution that was passed last time; it should have been updated somewhat, but rather than get into the language issues, they left it said with the existing language. They will clean it up over the next three years so that it is, so that it has continuation language in it for the next time.

Ms. Wells asked for indulgence for nine copies of the Resolution, as they need them for all the various cities.

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

Call vote recorded by Carol Heales:

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

Motion passed 5-0

2. **Consider an Ordinance amending Sections 2.66.020(B) and 2.66.040 of the Murray City Municipal Code relating to City Elections.**

Staff presentation: Carol Heales, City Recorder

Ms. Heales stated that the amendments to the Elections Code that are being recommended are to: Change the filing dates to match the Utah Code, which went from July 15 to August 15, and will be July 1 to July 15; the other significant change is to Campaign Finance Statements: the penalty for not filing is that the name of the candidate will be removed from the ballot. Also, they are making a change that they will post finance statements on our City website and/or the Lieutenant Governor's website.

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

Call vote recorded by Carol Heales:

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

Motion passed 5-0

3. **Consider a Resolution approving the "Consolidation of Polling Locations Plan" requested by the Salt Lake County Clerks Office, Elections Division, to consolidate and use the same polling precincts for both Municipal and County elections.**

Staff presentation: Carol Heales, City Recorder

Ms. Heales explained that the list before the Council is a list of the 18 polling locations that will be used in the Primary and General Elections; the County would like a sign off by the Council for approval of these locations.

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

Call vote recorded by Carol Heales:

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

Motion passed 5-0

4. **Consider an ordinance amending Sections 5.04.020, 5.04.070, 5.04.120, 5.04.140, 5.04.210, 5.04.260, 5.08.010, 5.40.050, 5.50.050 and 5.50.070 of the Murray City Municipal Code relating to business license fees and regulations.**

Staff presentation: Carol Heales, City Recorder

Ms. Heales stated that this affects the following: Business Licenses Generally, which they have made some clarifications on, including Special Event Permit, where we have removed the \$100 fee that was showing in the Code to reflect that the City no longer charges an application fee; we have added some business categories to the fee schedule, to clarify what it means to have a shop (barber, beauty, nail, etc.). We clarified the section under Fireworks and Christmas Tree Sales, and other temporary businesses, adding that to the schedule; we clarified what “Stands” are, being that they could be craft stands, sales, or rock chip repair stands.

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

Call vote recorded by Carol Heales:

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

Motion passed 5-0

5.. **Consider a Resolution approving a Memorandum of Agreement between Salt Lake City and the City regarding the Edward Byrne Memorial Justice Assistance Grant Program.**

Staff presentation: Krista Dunn, Council Member

Ms. Dunn explained that the Edward Byrne Memorial Justice Assistance Grant Program is a federal grant program that is offered to communities, based on Part I crimes, which are the most serious crimes, and on population. If you make it into that formula, that means that you have more crime than you want to have. The nice thing about it is that it gives us some funds to be able to combat some of these crimes. Murray, along with the majority of the other municipalities in the valley, qualifies for this formula grant; the city in each county that receives the most funding, if that city gets more than 40% more than the next city, that city then becomes the fiduciary agent of the grant. Salt Lake City is the fiduciary agent of the grant, which means that all of the grants, for all of the municipalities, in this valley are applied for and funded to Salt Lake City. Salt Lake City then distributes the funds to each of the cities.

Ms. Dunn added that she is the lucky person for Salt Lake City, who gets to write that grant and manage it. Murray City, qualifying for that, has a set amount, set by the federal government by formula, which Salt Lake City will reimburse the City for. This MOU goes through and sets parameters of what the money will be used for in Murray City, and what will be reimbursed by Salt Lake City. Those decisions were made by the Murray City Police Department.

Mr. Robertson made a motion to adopt the Resolution.
Mr. Dredge 2nd the motion

Call vote recorded by Carol Heales:

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

Motion passed 5-0

6. **Consider a Resolution approving an Interlocal Cooperation Agreement between Salt Lake County and the City regarding the purchase of aerial photography.**

Staff presentation: David Larsen, IT Director

Mr. Larsen said that when they began the appropriation and budget process, there was no other option available to them to get aerial photography, other than to do it themselves, and no other plans in the works at that time. In the meantime, through the efforts of Janie Richardson and others at the City, County, State HERC office, they decided to do a cooperative flyover and then charge the City on a per square mile basis. At the time the budget request was made, for \$30,000 to do it ourselves, the County, charging on a per square mile basis, and the cost to the City will be between \$1,500 - \$2,000, saving the City approximately \$28,000 for this fiscal year.

Ms. Griffiths made a motion to adopt the Resolution.

Ms. Dunn 2nd the motion

Call vote recorded by Carol Heales:

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

Motion passed 5-0

7. **Consider an Ordinance adopting the Rate of Tax levies for the Fiscal Year commencing July 1, 2009 and ending June 30, 2010.**

Mr. Brass stated that as Ms. Wilson had previously stated, the City will not be having a Truth in Taxation hearing, so those levies will be set at .001627 for Murray City, and .000395 for the Murray City Library; for a combined levy of .002022.

Staff presentation: Patricia Wilson, Finance Director

Ms. Wilson verified the amounts, and added that there had been some question about the computation that came about from the current legislation which had changed regarding the RDA and such; they have discussed this, and decided that since the City has not formally received any information from the County, and the information that she picked up from the County, a letter which she picked up, said that the legislation was considered within the numbers given, she feels that it is appropriate to go ahead with what is planned and what is in the packet.

Unless they hear differently, we have to move on this quickly, as the County gave the City a deadline for returning the numbers. What the Council has, is based on what was passed earlier on the budget. These are levies that will be used. Ms. Wilson made a note on the fact that there were a few changes made to the Ordinance itself, they tried to clarify the wording in that Ordinance, because there was some confusion over the year on which the property taxable value was stated, and they have fixed that.

Mr. Nakamura, City Attorney, clarified that the City refers to the Fiscal Year; the County is on a calendar year basis, and because of the overlap, there was some confusion, and this has now been clarified.

Ms. Wilson said that they clarified, and made note, that there will be no judgement levy this year; it would take a modified Truth in Taxation Hearing, and they are not going to do that, they will waylay the \$15,000 that would be allowed to be a judgement levy that comes from the County paperwork. The taxable valuation, that has been noted in the memo to the Council, has decreased by roughly 12% from last year, the dollar amount is approximately the same, even though the levy has changed from the .001422 to .001627. Likewise, the Library levy has increased due to the decrease in valuation.

Ms. Wilson asked that this be passed, as quickly as possible, so that they can take the information to the County in a timely manner.

Mr. Nakamura added that the issue is related to personal property tax, as it relates to RDA; it is limited in scope as the issue is defined, and we don't know exactly how it impacts us.

Ms. Griffiths made a motion to adopt the Ordinance.

Mr. Dredge 2nd the motion

Call vote recorded by Carol Heales:

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

Motion passed 5-0

G. MAYOR'S REPORT

Mayor Snarr said he is humored that the County is needing this back on time, as he can not tell you how many times the City has had to agenda a special meeting because they didn't get it back in time.

Mayor Snarr that the one nice thing is that 5290, from 900 to 1300 East, came in at approximately \$140,000 below what our estimated cost would have been in just a year ago. Right now the bidding atmosphere is excellent, although that doesn't mean it will be sustainable; usually the contractors like to get their workers back and the equipment out working again, and we will see what the other bids come in at throughout the rest of the year, but right now, the first few out of the chute, have been really good for us. It was a wise decision on the Council's part, and he appreciates what they've done. Any money that we can rustle up and put towards roads right now, in this environment, will save us far more than the interest we could receive.

Mayor Snarr added that they will be starting on 5290 as soon as possible.

H. QUESTIONS OF THE MAYOR

None given

ADJOURNMENT