

# Murray City Municipal Council Chambers Murray City, Utah

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 1<sup>st</sup> day of September, 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 - Conducted
Krista Dunn,	Council Member
Pat Griffiths,	Council Member
Robbie Robertson,	Council Member
Jim Brass,	Council Member

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
Blaine Haacke,	General Manager
Tim Tingey,	Economic Development Director
Michael Williams,	Court Administrator
Dimitri Shirts	Police Officer
Joshua Salisbury,	Police Officer
Nicholas Swenson,	Police Officer
Sean Malouf,	Police Officer
Samuel Hemingway, Jr.	Court Security Officer
Jeff Walker Smith,	Court Security Officer
Tim Cosgrove,	Utah House of Representatives
Darren Stam,	Candidate, District #2
Gary Merrill,	Candidate, District #2
Robert Orrigoni,	Candidate, District #4
Citizens	
Boy Scouts	

**A. OPENING CEREMONIES**

1. Pledge of Allegiance - Craig Burnett, Assistant Police Chief
2. Approval of Minutes of August 18th, 2009, with minor corrections.

Ms. Griffiths made a motion to approve the minutes.

Ms. Dunn 2<sup>nd</sup> the motion.

Voice vote taken, all ayes.

3. Special Recognitions:

1. Swearing-in of new Murray City Police Officers, Demetri Shirts, Joshua Salisbury, Nicholas Swenson, and Sean Malouf..

Chief Fondaco stated they are swearing-in four officers, and two bailiffs for the Murray Municipal Court tonight; and he will say a few words about each as they are called up.

Demetri Shirts graduated from the Utah Police Academy at Salt Lake Community College last week, where Chief Fondaco attended his graduation. Chief Fondaco jokingly added that they are expecting Demetri to be their sharpest dressed officer, because his family owns Tuxedo Junction, and he has already been in his office twice, trying to change the uniforms to tuxedos, which they denied.

Joshua Salisbury graduated from the Utah Police Academy with Demetri last week; he came to Utah from California, attended BYU, because they have the best football team in the state, and while at BYU he earned his Bachelors in Economics, and a Masters in Police Administration. He has already fitting in- he was out with some senior officers last week, and they said: "you can't be Salisbury, because you haven't been here long enough to be a steak, so your new nickname is going to be *Meatloaf*." Chief Fondaco added, that you are nothing on the police force, until you receive your nickname.

Nick Swenson is now the youngest police officer in Murray City, being 21 years old; that means that Chief Fondaco has worked for the Police Department 12 years before Nick was born! He graduated a couple of months ago, and has been working for a credit union, while waiting for this opportunity, and the City is very happy to have him.

Sean Malouf: when Chief Fondaco saw his name, he was hoping that this was the Malouf Brothers from Las Vegas, but he assures the Chief that he is not. Sean graduated from the Utah Police Academy a few months ago, and is currently a student at Utah Valley University.

These are the new police officers, and they are not new positions, but replacements for retirements, and the City is very happy to have them.

Carol Heales, City Recorder, performed the swearing-in ceremony.

Chief Fondaco invited the spouses to come forward for the badge pinning. The new officers introduced their families.

2. Swearing-in of new Murray City Court Security Officers, Samuel R. Hemingway, Jr., and Jeff Walker Smith.

Chief Fondaco stated that Samuel had retired from the Salt Lake City Police Department, then worked for UTA; He was a patrol division lieutenant, was also the lieutenant over Internal Affairs, and held various ranks within that organization. The City is very happy to have him with us.

Jeff Smith just recently retired from the Salt Lake County Sheriffs Office, and held numerous positions within patrol and detectives, including being one of the detectives for many years.

Chief Fondaco said that he knows that both of these men will do an excellent job for the Courts.

Carol Heales, City Recorder, performed the swearing-in ceremony.

The officers introduced their families.

3. Mr. Dredge said that there is a tradition in Murray City, to ask the Boy Scouts in attendance to stand and introduce themselves, their leaders, and which Merit Badges they are working on.

The Scouts in attendance introduced themselves.

Mr. Dredge recognized Tim Cosgrove, Utah House of Representatives.

4. Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah, declaring September 13-19, 2009, as Public Power Week.

Mr. Dredge read the Resolution in its entirety.

Staff presentation: Dan Stireman, Energy Services Manager

Mr. Stireman said that they have been doing this for many years now, and it is important in that each year it gives them the chance to reflect on what it means to be a public power utility. At the very top of that, is the fact that our elected officials are the local control of our utility; instead of having a board of directors, in a boardroom, several states away making decisions on what happens here in Murray, we have our own officials making those decisions, and helping run the utility on a day-to-day basis. Another very important benefit of public power is that our electric rates are cost-based, not-for-profit. That means that we have some of the lowest cost energy in the country.

We are just four years away from celebrating 100 years as a public power utility, and he expects that at that time we will have quite a big celebration, but until then, we have our annual public power celebration, and Mr. Stireman invited everyone to come out and enjoy the activities, demonstrations, drawings for \$1,500 in utilities, and food.

Mr. Brass made a motion to adopt the Resolution.

Ms. Griffiths 2<sup>nd</sup> the motion.

Call vote recorded by Carol Heales:

  A   Mr. Robertson

  A   Mr. Brass

  A   Ms. Griffiths

  A   Ms. Dunn

  A   Mr. Dredge

Motion passed 5-0

Mayor Snarr expressed his appreciation to the Council for their support in

what the City has tried to accomplish in the Power Department over the last several years. They have made great strides, and are proud of the fact that their reliability rate is amongst the highest in the United States. They are proud of the fact that in 1913, our ancestors had the foresight and the vision that they could do this on their own; it was not easy to undertake the task of developing their own power department, and if you look back through the historical pictures, you wonder how they ever made this happen. Today, we are proud of the Power Department, and realize that we are one of the most advanced power systems grids in all of Salt Lake County. They have taken the initiative to spend the dollars wisely, and invest in our future, and the future of success of the Murray City Power Department.

The Mayor thanked the Power Department and their staff for all that they do, and said that this is well deserved.

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

Mary Ann Kirk: 825 E Southwood Drive, Murray, UT

Ms. Kirk noted that she is the Murray PTA Health Commissioner, and that they are focused on educating their local residents about issues relating to early teen sexual involvement, and her purpose is to dispel some myths while providing accurate information on what is happening in Murray, and a project that the Murray PTA will be encouraging this coming year.

Statistically, Utah has some of the lowest teen pregnancy and STD rates in the nation; however, Utah is experiencing an increase in STD rates, that has health officials concerned, particularly in Salt Lake County. When comparing communities, Murray is above the State and County average in almost every major category, and this is disconcerting to them.

Ms. Kirk wanted to clarify secondary curriculum, as this will be brought up in the upcoming legislative sessions: Contrary to what you have heard in the news, Utah schools have an abstinence based program, not an abstinence only program, that stresses abstinence but also talks about contraception. Our Murray school health teachers are well trained in discussing human sexuality in a three to five day unit as part of a required healthy lifestyles class in grades 7-10. The PTA has been quite vocal in their concerns about a two track plan, which they feel is a step backwards and offers two extremes.

When kids are sexually active, Utah PTA is encouraging parents to help their children to access medical assistance. You will often hear that abstinence programs are not working, when in fact, the STD rates rose in every state in the U.S., whether or not they had abstinence or comprehensive sex ed.

The question is, how are we going to make a difference in this? They feel that parents are the key in this discussion; in fact, statistics show that parents are the primary influence on sexual behavior of youth; 4% health educators, 37% parents. The National Teen Pregnancy Survey has validated those figures. In Utah, the PTA is kicking off a program developed by the U.S. Department of Health, called "Parents Speak Up". They are currently working with the School District, that this program be done in the maturation programs, and the health classes, with parental involvement.

(Ms. Kirk showed a clip of the program, to give the Council a sense of what the program deals with.)

Ms. Kirk stated that she wanted the people to be educated; but, as they go forward with the PTA to try to get the parents involved, they really want to get some things going in the community, with discussions on this, and getting people working together to find some good, solid solutions from many different angles.

Ms. Kirk said that this is actually a program that has a complete kit, that they will be training health teachers. They will hopefully also be training any youth groups, such as the Boys and Girls Clubs, and even faith based organizations; it has presenter materials, as well as things for parents. They are serious about this, and although it is something difficult to talk about, but they feel that they need to tackle it for the kids.

**Public Comment closed.**

**C. CONSENT AGENDA**

None scheduled

**D. PUBLIC HEARINGS**

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

**1. Consider an Ordinance enacting Chapter 17.78 of the Murray City Municipal Code relating to Accessory Dwelling Units in Single-Family Residential Zones.**

Staff presentation: Tim Tingey, Community & Economic Development Director  
Mr. Tingey stated that accessory dwelling units are units that are allowed in residential areas, that are not just single-family, but a secondary dwelling that is allowed to be rented out on a residential property. They conducted the housing study, that the Council reviewed, and their recommendations that were put forward in June, and some of the elements of that addressed the aging population that we have in the community, as well as the housing stock, and the need to provide affordable housing opportunities for others. Some of the background on this is based upon that housing study and what they found.

In addition, our General Plan talks about the importance, as far as the policies and implementation elements, to keep housing affordable, and to allow for housing types for all types of residents in the community. The keys with this Ordinance, and it is very important to understand the keys, are: It is a requirement, if you are going to have an accessory dwelling unit, that the owner must live on the property. In the principal unit, the owner has to live, and they can have a secondary unit. The Ordinance specifies that they have to sign an affidavit showing that they own the property, provide documentation, and that is recorded against the property. This is one important element to insure that the properties are maintained properly. In addition to that, they have other elements to this section of the Code, that requires that the residential character of the existing neighborhood is maintained. Some of the things include: adequate parking, the accessory dwelling units meeting set-back standards if they are not located within the primary dwelling unit, height and other standards.

Based upon all of this, they are proposing these amendments to the Ordinance. They feel that it does adhere to the goals and policies that are established in that housing study, it adheres to the General Plan policies and goals, and this amendment will allow for public participation as each of these accessory dwelling units are required to go through the Condition Use Permit process. So, based upon all of these elements, the Planning Commission forwarded a positive recommendation on this Ordinance, and the Community and Economic Development staff is also recommending approval.

Mr. Dredge asked: if someone should move out, and is no longer the owner of the property, what kind of teeth do we have in this so that we can remedy that situation?

Mr. Tingey stated that if the property is sold, the new property owners will have to re-authorize this accessory dwelling unit; they would pay a fee to re-authorize it, and they are notified once they buy the property. If they move out and rent the property, their Conditional Use Permit is no longer in place, and when the City becomes aware of that, they will lose that opportunity and they would conduct enforcement on that situation.

Council consideration of the above matter to follow Public Hearing.

**Public Hearing opened for public comment**

Richard Holt,

Mr. Holt asked if this means a basement apartment that is attached to the single-family dwelling, or only stand-alone, detached buildings on the property.

Mr. Tingey said that it could be either; it can be an apartment located in the basement, however, there are standards that have to be met, related to square footage. It can also be an accessory dwelling unit that is on a detached structure, those being limited to properties that are 12,000 square feet, plus they have to meet the set-backs and all other requirements. The entire focus of this is to preserve the character of the neighborhoods, so all of the standards that are in this Ordinance address those issues.

**Public comment closed.**

Ms. Griffiths made a motion to adopt the Ordinance.  
Ms. Dunn 2<sup>nd</sup> the motion.

Call vote recorded by Carol Heales:

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



Motion passed 5-0

**E. UNFINISHED BUSINESS**

None scheduled

**F. NEW BUSINESS**

**Consider an Ordinance amending Sections 5.08.010(B), 5.12.010, 5.12.020, 5.12.070, 5.12.130, 5.12.140, 5.12.180, 5.12.190, 5.12.200, and 5.12.250 of the Murray City Municipal Code relating to alcoholic beverages.**

Staff presentation: Carol Heales, City Recorder

Ms. Heales stated that these recommended changes are in response to the changes made at the State level to the Alcohol Beverage Control Act, which changed the definition of Private Clubs to Clubs of Four Types: Equity Clubs, Fraternal Clubs, Dining Clubs, and Social Clubs defined. Restaurants were also changed to mean: Full or Limited. The definition of Taverns was also clarified.

Ms Dunn made a motion to adopt the Ordinance.

Mr. Brass 2<sup>nd</sup> the motion.

Call vote recorded by Carol Heales:

A Mr. Robertson

A Mr. Brass

A Ms. Griffiths

A Ms. Dunn

A Mr. Dredge

Motion passed 5-0

**2. Consider an Resolution appointing poll workers for the 2009 Primary and General Elections.**

Staff presentation: Carol Heales, City Recorder

Ms. Heales stated that this Resolution is required by State Code, to approve the poll workers, a list of which was attached to the paperwork given to the Council.

Mr. Brass made a motion to adopt the Resolution.  
Mr. Robertson 2<sup>nd</sup> the motion.

Call vote recorded by Carol Heales:

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

Motion passed 5-0

**G. MAYOR'S REPORT**

Mayor Snarr stated that Mr. Hill provided to him, a two-page list of all of the different road projects that are either underway, or have been completed; much of this was minor repairs, such as crack repairs or chuck hole filling, and much was major work. He stated that after seeing this list, he was awestruck about how much work we have completed so far already, in such a short time. Especially since most road projects cannot be started until May, with the weather, and with June being such a bad month with all the rain, and the Mayor expressed his appreciation to all of the staff and road crews. He added that he gets more comments on how our engineers, and Lynn Potter, as well as the other employees, when they are doing the smaller rebuilds on our own, do such a great job, and the residents are very appreciative of their work.

The major expansion of the sewer line on 5300 South, adding capacity and realignment of that particular line to accommodate the Select Health Building was a great example, UDOT worked very cooperatively with the City to make that happen. Fortunately, we had a nice vacant lot down there behind the Holiday Oil that allowed them to come in and locate on, and actually weld that pipe together, before they took it underneath. They just pot-holed it and smacked it through like you would with missile in doing gas lines.

The Mayor said that we are making progress; we've had a little bit of a set back over on 5290 South, with Jordan Valley Water Conservancy District coming back in and saying that they now need to replace the water line there. The City is working with them,

keeping a contractor on board with another small road, so that he wouldn't have to all of his equipment, which can be expensive for him, and that ends up costing the City additional money. But, it has all been worked out, and they have been really good to work with. The Mayor hopes that the weather remains good, so that they can finish up the other major rebuilds; the lines are in over at Silver Shadows, and they are working aggressively to finish up that project.

**H. QUESTIONS OF THE MAYOR**

None given

**ADJOURNMENT**