

# **Murray City Municipal Council Chambers Murray City, Utah**

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 6<sup>th</sup> day of October, 2015 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                 |
| Steve Roberson,   | Fire Department                                  |
| Jon Harris,       | Fire Department                                  |
| Jeff Griffith,    | Fire Department                                  |
| Scott White,      | Fire Department                                  |
| Brian MacNeil,    | Fire Department                                  |
| Doug Hill,        | Public Services Director                         |
| Brenda Moore,     | Controller                                       |
| Tim Tingey,       | Administrative and Development Services Director |
| Jared Hall,       | Community and Economic Division Manager          |
| Sherrie Willden,  | Business License Specialist                      |
| Susan Dewey,      | Associate Planner                                |
| Mark Urry,        | Building Inspections                             |
| Scouts            |                                                  |
| Citizens          |                                                  |

## 5. **Opening Ceremonies**

### 5.1 Pledge of Allegiance – Daniel Brousseau

Mr. Hales asked the scouts in attendance to introduce themselves and state their troop number and the badge they are working on.

### 5.2 Approval of Minutes

#### 5.2.1 Council Meeting – September 1, 2015

Mr. Camp made a motion to approve the minutes  
Mr. Brass seconded the motion

Voice vote taken, all “ayes.”

### 5.3 Special Recognition

#### 5.3.1 Murray City Council Employee of the Month, Sherri Willden, Business License Specialist.

Staff Presentation: Brett Hales, Councilmember  
Tim Tingey, Administrative and Development Services Director

Mr. Hales said the Council would like to recognize Ms. Willden and tell her how much she is appreciated. He presented Ms. Willden with a certificate, a \$50 gift card and told her that her name would appear on the plaque located in the Council Chambers. He expressed his appreciation to Ms. Willden for all she does for the City.

Mr. Tingey said Ms. Willden is an exceptional employee for the City and does a wonderful job. She has a desire to improve processes and the way things are done in the City. Ms. Willden often has ideas on how to make things better by enhancing services the City provides.

Ms. Willden is well-known throughout the City for her cooking and baking skills. Everyone looks forward to sampling dishes she often brings to share. She works very hard at customer service and on finding ways to do things better. She is a great team player and has a great relationship with the staff members she works with.

Mr. Tingey said he asked one of Ms. Willden’s fellow employees what they thought of when they think about Ms. Willden. They responded, she is a team player, she knows her stuff, and she understands the City Code and how to explain it to people. She is awesome.

Ms. Willden said it has been her privilege to work for such a great city and to work with such tremendous people. Murray City has been part of her life for the past 12 years, but more importantly, it has been part of her family's life for even more years than that. Her husband retired from the Murray City Fire Department after 28 years of service and her youngest son is now a Firefighter. That says a lot. It tells you want a great city it is and how well Murray City treats its employees. She feels blessed and privileged to be able to be part of such a great team.

Ms. Willden said she has been able to work alongside and get to know many people in the City and many of them are her friends. She said it is the people she works with and being part of a great team that enables her to be able to do her job. She thanked everyone and introduced her family.

- 5.3.2 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah declaring October 12 – 16, 2015, as “Ribbon Week” Substance Abuse & Violence Prevention Campaign – Believe, Achieve, Succeed! (Darren Dean recipient.)

Mayor Eyre read the Joint Resolution in its entirety.

Mr. Dean said he is the Director of Personnel and Student Services with Murray School District. As the Student Services Director, he has direct responsibility over this campaign in conjunction with Deb Ashton who is the Safe and Drug-free Schools Coordinator.

Mr. Dean gave the Council a handout (Attachment 1). He said they have chosen the theme of “Believe, Achieve, Succeed!” for their substance abuse and violence prevention campaign. They have a big family event coming up on Thursday, October 22, 2015. The event is for families and everyone in the community. All the students in the elementary schools, grades K-6, are preparing songs to sing at this event. They will have classes on internet safety, people from Parents Empowered talking about underage drinking and violence prevention, and a number of information booths. Everything is focused on prevention so we can have a healthier community and kids.

Mr. Dean stated that every other year the State funds the SHARP Survey, Student Health and Risk Assessment Profile. This gives the School District information on what is going on with things such as substance abuse, delinquency, teen pregnancy, etc. It is an anonymous survey of the students in grades 6, 8, 10, and 12. The data is collected from across the state and it helps to identify some of the commonly abused substances and helps them know where they need to focus their efforts.

Mr. Dean pointed out that in 6<sup>th</sup>, 8<sup>th</sup>, and 10<sup>th</sup> grade the most commonly

abused substance are E-Cigarettes. It used to be alcohol leading the charge there but E-Cigarette use has spiked. In twelfth grade the most commonly abused substance is still alcohol.

Mr. Dean pointed out some statistics on the percentage of kids who drank alcohol in the past 30 days. Actual use in 6<sup>th</sup> grade is 0%, which is great. It starts going up with 8<sup>th</sup> grade at 3.6%, 10<sup>th</sup> grade is 11% and 12<sup>th</sup> grade shows 19.1% of students report using alcohol in the last 30 days.

The School District is trying to address the risk factors students may have within the community, family, school and individual. There are things that can be done and things that attribute to risk. If students have academic failure beginning in late elementary school it shows that can contribute to substance abuse, delinquency, teen pregnancy, school dropout, violence, depression and anxiety. Academic failure in the schools is, across the board, a huge risk factor.

The School District and schools try to address the risk factors. They are grateful for the City. They have a Partners for Prevention Coalition which has representation for the City on that. The School District is glad to work hand in hand with the City and other people within the community to address these issues. They appreciate the support.

Ms. Turner asked what “perceived use” meant on the handout.

Mr. Dean replied perceived use is what the students believe. For example, the students in 12<sup>th</sup> grade believe that 37% of their peers are drinking alcohol when only 19% really are. The perceived use of their peers is significantly higher than what is actually happening, even though 19% is a cause for concern.

Mr. Brass made a motion to adopt the Resolution  
Ms. Turner seconded the motion

Call vote recorded by Jennifer Kennedy

|              |               |
|--------------|---------------|
| <u>  A  </u> | Mr. Nicponski |
| <u>  A  </u> | Mr. Camp      |
| <u>  A  </u> | Mr. Brass     |
| <u>  A  </u> | Ms. Turner    |
| <u>  A  </u> | Mr. Hales     |

Motion passed 5-0

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

No citizen comments given.

**7. Consent Agenda**

7.1 None scheduled.

**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 a Land Use text amendment to allow Land Use #6516 Rest Home, Convalescent, and Sanitarium Services in the R-N-B (Residential Neighborhood Business) Zoning District. (Applicant: Robert Smith.)

Staff Presentation: Tim Tingey, Administrative and Development Services Director.

Mr. Tingey said this item went to the Planning Commission on August 20, 2015. This application relates to item #6516 in the Standard Land Use Code which states, "Relates to sanitariums, convalescent and rest home services (Lodging and meals offered with full time medical staff). This is a proposal for the R-N-B (Residential Neighborhood Business) area.

The R-N-B area is to be a transition area to provide a good fit between a neighborhood and an arterial type street. The challenge with this is to have uses that really fit and are compatible with a residential neighborhood when it comes to not only the design of the structures but also the types of uses, the hours, and how the businesses operate.

This proposal was brought forward and the Planning Commission provided a recommendation of denial to the City Council on this. Some of the main issues were related to the neighborhood fit with this type of use and the transition to adjacent residential properties. Often times, these types of uses and businesses, whether it is an assisted living or rest home, have 24-hour care and people going in and out at all times. Based on those types of issues, as well as noise and traffic elements that could occur, staff does not feel this would fit well in an R-N-B business. Staff is recommending denial as the Planning Commission did.

Mr. Camp said he noticed the Planning Commission's recommendation was to not approve this as a permitted use, but what is before the Council is a conditional use. He asked if there was a concern that they are not

considering the same thing that the Planning Commission did, or is conditional use considered a permitted use.

Mr. Tingey responded a conditional use is different from a permitted use outright. It could be considered a permitted use outright or a conditional use permit but based on the issues that were indicated regarding the fit with the neighborhood, the Planning Commission felt like this is not a use that should be allowed in the R-N-B.

Frank Nakamura, City Attorney said the issue is whether the use, whether permitted or conditional, belongs in this particular zone. They just need to decide whether this use, whether it be conditional or permitted, is allowed. That was the focus of the Planning Commission.

Mr. Camp said that was his question because the Planning Commission considered a permitted use and they are being asked to vote on a conditional use.

Mr. Nakamura said he thinks the conclusion is no use.

Mr. Tingey said conditional uses and permitted uses are different within the zone, but the request was for that use to be allowed in this zone and the Planning Commission Recommended denial of that.

Mr. Camp verified that if the Council was to deny this tonight, it would be for no use.

Mr. Tingey replied that was correct.

Mr. Nicponski asked if this was a rehabilitation unit if they would be having this discussion.

Mr. Tingey responded it is not the same type of use but that would not be allowed in this zone either.

### **Public Hearing Open for Public Comment**

No public comments were given.

### **Public comment closed.**

#### **8.1.2 Council consideration of the above matter.**

Mr. Brass made a motion to deny the Land Use Text Amendment  
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 to deny passed 5-0

## 8.2 Public Hearing #2

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

Consider an Ordinance vacating a 3-foot-wide strip of right-of-way located on the west side of Main Street, approximately between Gilbride Avenue and Big Cottonwood Creek, Murray City, Salt Lake County, State of Utah. (Applicant: Oakwood Homes.)

Staff Presentation: Doug Hill, Public Services Director.

Mr. Hill stated there is an area in the City next to the Trax station north of 4500 South referred to as the Fireclay area that has been zoned as transit-oriented development. There are very specific development standards that are in place that govern how builders in this area can build and what the building can look like.

One of these development standards requires that the buildings be right on the right-of-way or at the back of the sidewalk. It also requires that the sidewalk be a certain width, a larger sidewalk than what you would typically find in other neighborhoods. Furthermore, there is a development standard in this area that requires planters, because the sidewalks are so wide, for trees, shrubberies, and things like that. This is all to try to create a pedestrian friendly environment where businesses and residential homes are easily accessed from the right-of-way.

There is a developer in this area, Oakwood Homes that purchased this property from a prior developer and inherited a construction mistake. The original intent of the City's Ordinance was to be able to walk out the front door of your townhome and have access immediately to the sidewalk. That was the intent of what this development was to be. However, because of this construction mistake along Main Street, the road grade lowered which meant the porch, or landing area, was higher than the sidewalk so you couldn't walk off your front porch onto the sidewalk without experiencing a three-foot drop at the farthest location.

Oakwood Homes approached the City asking for help in resolving this problem. They do not want to spend more money to tear out all the work that had been done up to this point. With the help of Trae Stokes, City Engineer and Oakwood Homes architect, the solution that everybody came up with was to build steps that would come down off the porch onto the sidewalk, which was a great way to enter into the apartments and it met the requirements of the zoning district.

The challenge was that now there are steps in the sidewalk and the City does not want to own any of these steps. The solution that staff has come up with is to vacate three-feet of right-of-way sidewalk to Oakwood Homes, who gave that property to the City in the first place through a dedication plat. Under State Law, that property will go back to the person who dedicated it to the City, Oakwood Homes. They would then own all of the steps and the three-foot strip between the steps.

The City would then have a smaller right-of-way, but it still falls within the guidelines of the TOD Ordinance. It meets all of the zoning ordinances; it is just a little narrower than what it would be in other areas of the Fireclay District. Oakwood Homes would have to make some adjustment to the planters in order to make them ADA accessible so people could get around them on the sidewalk.

Staff believes this is a fair and equitable resolution to this problem that doesn't have to require Oakwood Homes to spend lots of money to solve. Staff is recommending this property be vacated. It is about three-feet wide by 265 feet in length. Mr. Hill reiterated that if the Council does vacate this property, it would go back to Oakwood Homes and they will own that property.

Mr. Camp asked if the existing sidewalk shows the edge of the property that is being vacated or will they take over where the existing planters are as well.

Mr. Hill said the City will maintain the sidewalk where the existing planters are. The City is vacating the property adjacent to their building.

Mr. Camp verified there is currently no sidewalk poured or anything in the property the City is vacating.

Mr. Hill replied there is sidewalk that is poured in that property.

Rod Miller, architect for Oakwood homes said Mr. Stokes and the City have been great to work with. They came up with a lot of input and things to do but the solution ended up being quite simple. Instead of bringing the

steps straight out onto the right-of-way, they come out with the landing and then turn directly south so they run parallel to the sidewalk. It takes up less square footage and stopped the need to adjust the planters at all. There is still plenty of clearance.

**Public Hearing Open for Public Comment**

No public comments were given.

**Public comment closed.**

8.2.2 Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy

|          |               |
|----------|---------------|
| <u>A</u> | Mr. Nicponski |
| <u>A</u> | Mr. Camp      |
| <u>A</u> | Mr. Brass     |
| <u>A</u> | Ms. Turner    |
| <u>A</u> | Mr. Hales     |

Motion passed 5-0

**9. Unfinished Business**

9.1 None scheduled.

**10. New Business**

10.1 Consider a Resolution requesting the recertification of the Murray City Municipal Justice Court.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said every four years the State of Utah Administrative Office of the Courts requires the court be recertified for another four-year term. As part of that process the Council is provided the Statutory Requirements of operating a Justice Court and the Operational Standards that are established by the State Office of the Courts. That has been provided to the Council.

Mr. Nakamura said what he needs now is a request by this Legislative Body to the Office of the Courts, requesting recertification of the Justice Court. That is what this Resolution is intended to do.

Mr. Turner made a motion to approve the Resolution  
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

|          |               |
|----------|---------------|
| <u>A</u> | Mr. Nicponski |
| <u>A</u> | Mr. Camp      |
| <u>A</u> | Mr. Brass     |
| <u>A</u> | Ms. Turner    |
| <u>A</u> | Mr. Hales     |

Motion passed 5-0

## 11. **Mayor**

### 11.1 Report

Mayor Eyre said the City allocated some money to make a promotional video about the City of Murray through Love Communications. That video is just about completed; it should be completed by the end of the month. The video itself will be in four different segments and it will be approximately 12 – 15 minutes long. He is hoping they will be able to show the Council the video in a Committee of the Whole meeting. The video can be segmented so you can just use one or two segments if you are using it for something such as economic development or history. It is going to be a real first class presentation that he thinks the City will be very proud of.

Mayor Eyre said Emily Carvajal from the Boys and Girls Club, won the State competition and received a very nice scholarship for that. She then went on to represent our City and State in the Regionals and won that competition as well. Last week, she went to the National competition in Washington D.C. She met with the President of the United States and had her picture taken with him. She was competing against four other people who were from the four other regions in the United States. Unfortunately, she did not win first place in that competition, but she did win an additional \$14,000 in scholarships. She is a young girl who is the first to graduate from High School and she now has been awarded enough money to pay for all of her college education.

Mayor Eyre said there will be three TRCC meetings through the County. The TRCC Committee operates very much like the CDBG where applications are received from various agencies and then they determine which ones can be funded. Those recommendations are made to the County Council and the County Mayor.

The City has an application in this process this year. Mayor Eyre will present that

application before the TRCC Committee this coming Friday. That will be the final recommendation before it goes to the County Council. The amount is a little more than \$1.2 million for the Amphitheater. We have received a preliminary approval, but we will find out later on this year if they will approve it. The money will be in next year's budget; they are on a January to December fiscal year.

Mayor Eyre commended Justin Zollinger, Finance Director and his staff for the months of work and effort they have put in to training staff on the new Tyler Technology software. Tyler Technology will advance us in reporting and move us closer to becoming paperless.

#### 11.2 Questions for the Mayor

### 12. **Adjournment**

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Jennifer Kennedy, City Recorder

# Attachment 1



***Don't Miss...***

Murray City School District

# **FAMILY WORKSHOP**

**“LEADERS OF TOMORROW”**

***BELIEVE – ACHIEVE – SUCCEED!***

**DATE:** Thursday, October 22, 2015

**LOCATION:** Murray High School

**TIME:** 6:00 PM – 7:30 PM

- ✓ K - 3<sup>rd</sup> Internet Safety Class – Spartan Cove
- ✓ 4 - 6<sup>th</sup> Steve James Class – Small Theatre
- ✓ Parents & Secondary Age Students – MHS Auditorium
- ✓ Information Booths
- ✓ ALL Elementary Students Perform “Prevention Dimensions” Songs with Steve and Lisa James
- ✓ FREE Childcare

**Co-Sponsored By:**

Parents Empowered

NetSmartz

PTA/PTSA

Something Good Inc.

Partners for Prevention Coalition

Utah State Office of Education

Murray City Police Department

Boys & Girls Club of South Valley



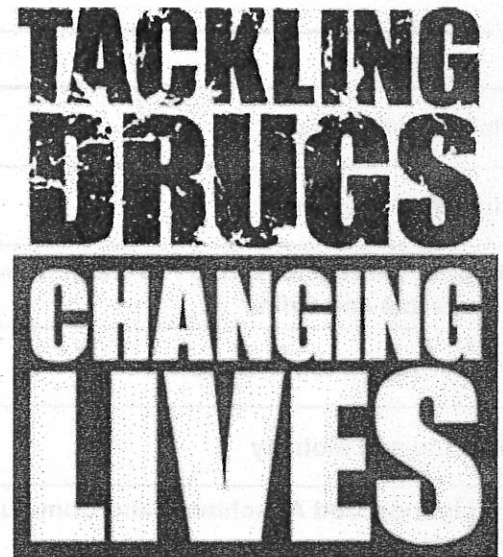
# How Big Of A Problem Is It?

## 2015 SHARP Survey Results

**Four Domains:** School, Peer/Individual, Family, Community

### Risk Factors Predict Problem Behaviors:

- Substance Abuse
- Delinquency
- Teen Pregnancy
- School Drop-Out
- Violence
- Depression & Anxiety



### School Domain Risk Factors:

- Low Commitment to School
- Academic Failure

### School Domain Protective Factors:

- Provide **Opportunities** for Prosocial Involvement for ALL Students
- Provide **Rewards** for Prosocial Involvement for ALL Students

### Most Commonly Abused Substances (30 Day-Use)

| 6 <sup>th</sup>       | 8 <sup>th</sup> | 10 <sup>th</sup> | 12 <sup>th</sup> |
|-----------------------|-----------------|------------------|------------------|
| 1. E-Cigarettes       | E-Cigarettes    | E-Cigarettes     | Alcohol          |
| 2. Prescription Drugs | Marijuana       | Marijuana        | Marijuana        |
| 3. Inhalants          | Alcohol         | Alcohol          | E-Cigarettes     |

### Perceived vs. Actual Use

#### Drank Alcohol in the Past 30 Days:

| 6 <sup>th</sup>     | 8 <sup>th</sup>      | 10 <sup>th</sup>     | 12 <sup>th</sup>     |
|---------------------|----------------------|----------------------|----------------------|
| Perceived Use: 2.3% | Perceived Use: 21.8% | Perceived Use: 34.2% | Perceived Use: 37.7% |
| Actual Use: 0.0%    | Actual Use: 3.6%     | Actual Use: 11%      | Actual Use: 19.1%    |

**PREVENTION COUNTS!**

## Risk Factors

## Problem Behaviors

Substance Abuse

Delinquency

Teen Pregnancy

School  
Drop-Out

Violence

Depression  
&  
Anxiety

### COMMUNITY DOMAIN

Availability of Drugs

✓

✓

Availability of Firearms

✓

✓

Community Laws and Norms Favorable Toward Drug Use, Firearms and Crime

✓

✓

✓

Media Portrayals of the Behavior

✓

✓

Transitions and Mobility

✓

✓

✓

✓

Low Neighborhood Attachment and Community Disorganization

✓

✓

✓

Extreme Economic Deprivation

✓

✓

✓

✓

✓

### FAMILY DOMAIN

Family History of the Problem Behavior

✓

✓

✓

✓

✓

✓

Family Management Problems

✓

✓

✓

✓

✓

✓

Family Conflict

✓

✓

✓

✓

✓

✓

Favorable Parental Attitudes and Involvement in the Problem Behavior

✓

✓

✓

### SCHOOL DOMAIN

Academic Failure Beginning in Late Elementary School

✓

✓

✓

✓

✓

✓

Lack of Commitment to School

✓

✓

✓

✓

✓

### PEER/INDIVIDUAL DOMAIN

Early & Persistent Antisocial Behavior

✓

✓

✓

✓

✓

✓

Rebelliousness

✓

✓

✓

✓

Gang Involvement

✓

✓

✓

Friends Who Engage in the Problem Behavior

✓

✓

✓

✓

✓

Favorable Attitudes Toward the Problem Behavior

✓

✓

✓

✓

✓

Early Imitation of the Problem Behavior

✓

✓

✓

✓

✓

Constitutional Factors

✓

✓

✓

✓