

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 6th day of August, 2013 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:

Dave Nicponski,	Council Chair
Jim Brass,	Council Member - Excused
Darren Stam,	Council Member
Jared Shaver,	Council Member
Brett Hales,	Council Member - Conducted

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Tim Tingey,	Administrative & Development Services Director
Justin Zollinger,	Finance Director
Doug Hill,	Public Services Director
Blaine Haacke,	General Manager, Power Department
Gilbert Gonzales,	Chief Building Official
Mike Williams,	Court Administrator
Mike Terry,	Human Resources Director
Greg Bellon,	Assistant General Manager
Gil Rodriguez,	Fire Chief
Citizens	

Mr. Hales excused Mr. Brass from the meeting.

5. OPENING CEREMONIES

5.1 Pledge of Allegiance- Buck Swaney, Citizen

5.2 Approval of Minutes

5.2.1 Approval of minutes for June 4th and June 19th, 2013.

Mr. Hales asked that the minutes be taken together. No objections noted.

Mr. Shaver made a motion to approve the minutes.
Mr. Stam seconded the motion.

Voice vote taken, all “ayes.”

5.3 Special Recognition:

5.3.1 None Scheduled.

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

None given.

Citizen comment closed

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 prior to Council action on the following matter:

Consider an Ordinance relating to land use; amends the Zoning Map for property located at 6358 South 900 East, Murray City, Utah from A-1 (Agricultural) to R-N-B (Residential Neighborhood Business) and to R-1-8 (Single Family Low

Density Residential). (Clarus Vision)

Staff presentation: Tim Tingey, Administration & Developmental Services
Director.

Mr. Tingey stated that this item was taken to the Planning Commission on June 20, 2013. This is an item that the Council saw several months ago and is a similar proposal on the same property. They are proposing a General Plan amendment for a portion of it to go from A-1 to R-N-B and the remaining portion is allowed in the General Plan allowed for a Residential Neighborhood Business. What they are proposing is that from the area moving from 900 East west, approximately 225 feet is proposed as R-N-B. The remaining portion as you head west from that portion of the property, for about 125 feet, is proposed to be rezoned as residential R-1-8. That is consistent with the General Plan; the front portion would be residential neighborhood business and the back portion R-1-8. It is consistent with the General Plan and therefore this is simply a rezone request for those two designations on this lot.

Mr. Tingey said that to help the public understand, the Residential Neighborhood Business is meant as a low-intensity type of zone to allow for commercial and residential businesses as a buffer to a residential neighborhood. You have seen this before and you will see it in the future in future requests. The intent is for it to be a buffer for a residential neighborhood which requires a variety of elements. They include hours of operation for commercial enterprises, which are limited in this zone; they require setbacks, and additional landscaping requirements when adjacent to residential areas. The lowest height requirement of any of the zones are in this area and is 20 feet with a conditional use permit up to 30 feet. That is lower than you will see in any residential, low-density zone. There are a variety of elements to help protect the residential neighborhood, in this circumstance, the residential neighborhood to the west and is required in any other proposed land use change to an R-N-B. That is the intent of this zoning.

Mr. Tingey stated that they are recommending approval of this request. The Planning Commission considered it and forwarded on their recommendation of approval and that is the recommendation tonight.

Mr. Shaver said that as he looks at the picture, at the bottom of the R-N, there is a commercial property if he remembers correctly. He noticed that at the back at the split of the residential and the business, there is something almost like a fence line. Is that the line that would continue on through this zone?

Mr. Tingey said that would be approximately where that would be. He reiterated that it is 220 feet from the property line heading west and then the additional 125 feet would be the R-1-8. It is approximately where that line is.

Mr. Shaver asked about the entrance into the residential neighborhood. Would that come in from 900 East past the property or are they going to open that up and build something else, or are they going to hold the property and not build on it yet.

Mr. Tingey said it is difficult to know exactly what they are going to do but for the residential neighborhood business portion of this, the access is going to be off of 900 East. Right now there is a protective strip that is owned by the County that wraps clear around the property on the north and to the west. That is still in place and for them to do anything with the property to the west, which will be residential, they will need to address that strip with the County. They will have to address that and it is likely that if they do a development on that residential portion that it would come off the street there on the west side.

Mr. Shaver asked if there was anyone from Clarus Vision in attendance.

Mr. Tingey said that they do have a representative here.

Mr. Hales invited Clarus Vision to come up and speak.

Travis Maughan, Clarus Vision, 2505 East Parley's Way, Salt Lake City, Utah

Mr. Maughan stated that he is the representative for Clarus Vision. He felt that Mr. Tingey presented their case exactly as they are proposing. They are complying with the existing zoning in the hopes that they can build vision clinic on the R-N-B site.

In response to the questions on the back portion of the site, he doesn't know much about that and that would be up to the owners of the property to decide what they will do with that. He imagines that they will eventually sell that to an individual who would probably build a house there. He believes there is space for two or three homes.

Mr. Shaver said that they would love to have Clarus Vision here in Murray.

Public Hearing opened for public comment.

None given.

Public comment closed.

8.1.2 Council consideration of the above matter.

Mr. Stam made a motion to adopt the Ordinance.
Mr. Shaver 2nd the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Nicponski
A Mr. Stam
A Mr. Shaver
A Mr. Hales

Motion passed 4-0

9. UNFINISHED BUSINESS

9.1 None scheduled.

10. NEW BUSINESS

10.1 Consider a Resolution authorizing the execution of an Interlocal Cooperation Agreement between Murray City School District (“District”) and Murray City (“City”) for permanent advertising for the City Power Department on the new Murray High School football scoreboard and other advertising in District Facilities.

Staff presentation: Greg Bellon, Assistant General Manager.

Mr. Bellon stated that the Power Department would like to enter into an Interlocal agreement with Murray High School and do a one-time advertising distribution from the advertising budget. They feel that this is a great way to get their name out a little more. As the City goes to conferences and such, they realize that a City of our size does not spend much money on advertising. Where we are surrounded by a much larger utility in the state, it would be nice to get our name recognition out there a little more. They see this as a way to help that happen.

Mr. Shaver jokingly asked if Mr. Bellon feels that having Murray City Power on that sign will improve the power of the football team.

Dr. David Dunn, Principal, Murray High School

Dr. Dunn said that yes, he hopes this would improve their winning record. One of the things that they look forward to with their brand new field, which will be opening on the 30th of August, is something that many of the surrounding districts have and that is a turf field. The District felt that this was a great investment. It is all very exciting, for their program and their school. Not only will the field be used for football but they also have a

new track that is coming on as the last thing they are working on. That same field will be used for track meets and many of the schools P.E. activities. They have a small field now and as most people know, when they were out of football season, that field was not used for anything to protect the grass and protect the field. Now that they will have a turf field, they will be able to use it year around. Soccer will be able to be played there as well if they want to transition from Murray Park. They will have possibilities of playing at night.

Dr. Dunn stated that they feel that the advertising is very valuable. They have a brand new scoreboard which everyone looks at all the time and they feel that with the advertising such as Murray Power, it will be great. They also are looking at other opportunities to use that advertising along with their marquee where they would also recognize Murray Power as well as with banners inside of the gym. They feel that this is a great partnership.

Mr. Stam addressed Mr. Nakamura, City Attorney, saying that he is a little concerned because they do have another high school in the City. He is concerned that this is setting a precedent in the City because we have an area of significant size in the City that is not serviced by Murray Power. Is this going to create an issue?

Mr. Nakamura said that as far as setting a precedent, it could be an issue. It is not a legal issue but it could set a precedent. There are no legal issues though.

Mr. Hales asked if precedents are set, such as when the City donates to the Boys and Girls Club. He knows that this is not a donation, it is an advertisement, but when the City donates....

Mr. Nakamura said that it does not create any kind of legal obligation, if that is what Mr. Hales is asking. There is no obligation to other high schools.

Mr. Hales said that as far as precedents go, the City does lots of things where they do certain things with some people and not with others. This is more of an advertising but still, we do other things with other people that we may not be able to do with others.

Mr. Nakamura said that he understands the question but thinks that this is not a legal issue, but as a matter of policy, the Council needs to decide how far they will go with this. It is not a legal issue and he does not believe it is an equal treatment matter either. As these issues come up, the Council will need to evaluate them on a case to case basis. This involves advertising and he does not know the extent of the need for advertising. There would probably not be a need for advertising in an area east of 900 East. Mr. Nakamura reiterated that he does not see this as a legal issue, only a policy call.

Mayor Snarr said that they had a home-town visit by David Archuletta and fortunately they had everybody pitch in to make that happen. If it weren't for the school district donating the field and many of the other amenities, it would not have come off the way it did. The Mayor is somewhat conflicted on this. There will be some people who say 'lower our power rates before you contribute.' His question of people is, do you know

that you are blessed that you have Murray Power? It is a great contributor to people having reliable, dependable power. The City's rates are also very reasonable and he knows that there will probably be some people banging on the door but it is what it is. The School District has been great partners with the City and that is all that he can say. The Mayor added that he was glad to see Miller ante up some dough to support the billboard on 5300 South, it is a nice billboard.

Mr. Nicponski made a motion to adopt the Resolution.

Mr. Shaver 2nd the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Nicponski

A Mr. Stam Mr. Stam stated that he had quite a few people tell him that they disagree with this. He has really struggled with this because he really wants to be a partner because he can see the advantage of it but he really doesn't know which way to go with this one, but did vote "aye."

A Mr. Shaver

A Mr. Hales

Motion passed 4-0

- 10.2 Consider an Ordinance amending Chapter 2.42 of the Murray City Municipal Code relating to the Personnel Advisory Board.

Staff presentation: Mike Terry, Human Resources Director

Mr. Terry said that relating to the Personnel Advisory Board they are asking to update the Ordinance describing the Personnel Advisory Board. He has worked with Mr. Nakamura on this and they are clarifying a couple of things. The Personnel Advisory Board will act as the appeals board for all employee appeals that are the more severe disciplines such as suspensions for more than two days, terminations, demotions, etc. The Personnel Advisory Board would hear those appeals. Also, their standard of review will comply with the rules that have been provided in case law in prior employment law cases. They want to spell that out in the Personnel Advisory Board rules.

Mr. Terry said that what that boils down to is when a Department Head sends down a disciplinary action their standard of review is to either uphold it or overturn it. They cannot modify or change that. That has been in case law, that has been the standard of review that these types of appeals boards have given and the City wants to make sure that it states it in the Ordinance for clarification that the appeals board either upholds the decision or overturns it completely.

Mr. Shaver said that as he read through the change, it sounds like that other than going into litigation this is the last court of resort. Can they appeal the decision above this level?

Mr. Nakamura stated that there are certain disciplines that can be appealed directly to the Utah Court of Appeals such as suspensions of more than two days or 16 hours, or discharges or demotions. These things can be appealed to the Utah Court of Appeals.

Mr. Shaver said that his question was for within the City.

Mr. Nakamura stated that this would be the last option.

Mr. Terry added that the Personnel Advisory Board is a three member board of citizens (non-employees) elected by the Mayor with the Council's oversight.

Mr. Shaver made a motion to adopt the Ordinance.
Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

 A Mr. Nicponski
 A Mr. Stam
 A Mr. Shaver
 A Mr. Hales

Motion passed 4-0

- 10.3 Consider an Ordinance amending Chapter 2.62 of the Murray City Municipal Code relating to personnel policies and regulations.

Staff presentation: Mike Terry, Human Resources Director

Mr. Terry stated that his office and the City Attorney's Office have put a lot of time into this next issue which deals with employee issues. It has been a part of the City's handbook, but it is also in the City Code. This was addressed to the City Council approximately six months ago at which time they were told that some proposed changes would be coming forth. Many of these items have nothing to do with the City Council. They concern sick leave and vacation policies, what qualifies for tuition reimbursement in the policy, how they handle promotion, etc. They need to be policy and somewhere in the City Handbook but they do not need to be in the City Code. They have gone through this and made a bunch of proposed changes that would address these issues, removing the parts that really don't apply to the City Council. They will removing them from City Code and relocate them to other parts of the Handbook so that the policies remain. They

are not changing any benefits, not adding or subtracting anything but only changing where these policies are housed.

Mr. Shaver said that as he read through this, it seemed much of this was redundant. You have it as an Ordinance and also in the Handbook. What they are saying is to get the City Council's fingers out of the City's policies and let the Handbook do what it is supposed to do.

Mr. Terry said that they would never say it that way, but in essence yes.

Mr. Shaver made a motion to adopt the Ordinance.
Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

 A Mr. Nicponski
 A Mr. Stam
 A Mr. Shaver
 A Mr. Hales

Motion passed 4-0

11. **MAYOR**

11.1 Mayor's Report

Mayor Snarr stated that when his office sent out the Council update last Friday, it mentioned this Broadband Committee that the State is trying to put together and he wanted to give a bit more clarification on that matter. The Governor's Office's Economic Development asked for participation along the Wasatch Front from Tremonton to Nephi. They found that because of all the interest that has been generated around the Country and other parts of the world with the Google project in Provo, that they are trying to look at the capabilities of the fiber and broadband that is available by the private providers such as UTOPIA, IPROVO and other outlying areas that have some type of fiber and use that as a sales tool to help other businesses look at the opportunities that exist in Utah because of the broadband capabilities it has.

The Mayor was discussing this with John Norton today and he said that the City was wise in allowing additional conduit and fiber to be allowed to be put along the corridor during the rebuild down to Utah County. He said it is continuing on now almost to Payson City. This is what the State is doing and they have asked for participation. He would have liked to have participated and it is exciting as far as what they have found in the interest in this project.

Mr. Stam asked if this was basically to help the State with their economic development.

The Mayor said it was. They are going to use this as a tool for the Economic Development Corporation. That is going to be interesting because with participation of the different entities that provide broadband capabilities to certain degrees as to what they can do to sell the State of Utah. We have something very unique throughout the country. He does not know if anyone saw the article in the paper about this, but it was quite fascinating.

The Mayor said that the Boards and Commissions is going to be one of the most fantastic presentations. We have talked about it extensively and everyone probably got their invitation. Ms. Jeffries spent a lot of time making those invitations look so great and he appreciates her hard work. The Mayor stated that they are invited to bring their spouses and that the dinner will be held at 6:00 p.m. on August 14, 2013 and then they will go over and enjoy a wonderful play. He loves what they do at the amphitheater; they did a wonderful jazz presentation last Saturday evening and it is great that they have this type of facility for the presentation. But, if you like the Beach Boys and concerts such as Sandy City has, the Utah League of Cities and Towns will be presenting the Beach Boys this year.

11.2 Questions of the Mayor

Mr. Stam asked about the construction of the Hilton Hotel. The little strip mall to the north of that is having some issues with parking.

Mayor Snarr said they did call and the problem is that they need to get the utilities connected back to Center Street and they cannot dig it into State Street. There are still some things there but they are getting close to wrapping that up. He went over and looked at it and every one of the stalls except for one was filled with people parking in front of those businesses. The challenge is that what they did before was that they would park where the Hilton is being built, using someone else's parking instead of their own. Now that area is gone.

Mr. Stam asked if those businesses have adequate parking for the businesses that are there or are they taking the parking for others and using it for freight.

Mayor Snarr stated that they can park along State Street as well if they like and they can park behind the building too.

Mr. Hales said that Mr. Tingey and he had the same problem up at some businesses on 300 East and 6400 South. They found that there was plenty of parking but with having so many part-time employees, it is increasing their parking needs. His business is also bringing in more part-time employees due to benefits, etc. and it has doubled their parking issues. That is why there was so much parking at the businesses on 6400 South and they were parking in the neighborhoods. They are no longer doing that but it is similar to this situation.

Mr. Stam asked Mr. Tingey to address this. He said that to him it looks like they were using parking elsewhere and no longer have access to that.

Mayor Snarr said that it depends on the day. Someone told him that they can't even park there so he went there to check out the parking issue. The alley, Center Street going back to the east, was shut down for a couple of days but the City is almost done with that now.

Mr. Tingey stated that for their business license, they do have the parking that is needed over there. They can utilize State Street parking for 600 feet of that site along with all of the parking adjacent to that facility. They have been able to get the business licenses with the adequate parking with those two elements. There is not a lot of parking, but those facilities are not large facilities and do not demand a lot of parking. The City has reviewed those consistently with the business licenses and they do have the parking needed. That doesn't mean that they haven't used the State and Vine site, which has been an issue of concern for a few years between the two.

Mayor Snarr added that Mr. Tingey and Mr. Nakamura have been working with the new managers of the Murray Theater and they are trying to work through issues with them.

Mr. Shaver asked Mayor Snarr if there is new Management there.

Mayor Snarr said there is. He said he wanted to mention that in the event that there were any concerns. His philosophy is that he wants to see them succeed. He wants to see the Murray Theater work. Someday he envisions a walkable, sustainable downtown area where people can go, with parking resources and perhaps a parking structure a little farther away. He would love to see the theater stay in business. In the meantime, they are saying come back here and park behind City Hall. He wants to see businesses be successful and if they have to work things out, that is what the Mayor proposes to do.

Mr. Shaver commented on events that occurred in Pennsylvania recently. He is so thankful for our Police. It seems that every meeting that the City Council holds, there is someone here that has our best benefit in mind. Some citizens do get very irate but as Mr. Tingey mentioned in one of the meetings during the day that during a Planning Commission meeting, it was very uncomfortable for many who were there because our citizens sometimes become emotionally involved in what is happening. Mr. Shaver just wanted to say thank you to our marvelous Police Department for protecting us and being here for us.

12. ADJOURNMENT

Jennifer Kennedy, City Recorder