

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 26th day of August, 2014 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:

Brett Hales,	Council Chair
Jim Brass,	Councilmember
Blair Camp,	Councilmember
Diane Turner,	Councilmember
Dave Nicponski,	Councilmember – Conducted

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
Craig Burnett,	Police Chief
Gil Rodriguez,	Fire Chief
Doug Hill,	Public Services Director
Justin Zollinger,	Finance Director
Tim Tingey,	Administrative and Development Services Director
Gilbert Gonzales,	Chief Building Official
Dan Stireman,	Power Department Energy Services Manager
Josh Schultz,	Fire Department
Joh Harris,	Battalion Chief
Steve Roberson,	Fire Department
Nick Haskin,	Fire Department
James Oyler,	Fire Department
Brian MacNeil,	Fire Department
Joey Mittelman,	Fire Department
Scouts	
Citizens	

4. Opening Ceremonies

4.1 Pledge of Allegiance – Joey Mittelman

4.2 Approval of Minutes

4.2.1 July 15, 2014

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

Voice vote taken, all “ayes.”

Mr. Nicponski stated that Doug Hill, Public Services Director needed to leave the meeting. He asked the Council if it would be okay to take New Business item 9.1 first. No objections were made. Item 9.1 was presented.

4.3 Special Recognition

4.3.1 Murray City Council Employee of the Month - Paramedic/Firefighter,
Joey Mittelman.

Staff presentation: Gil Rodriguez, Fire Chief

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

Chief Rodriguez stated that Mr. Mittelman has worked for the Fire Department for quite a while. Mr. Mittelman has everything to do with EMS. He does a lot of work for EMS. He communicates with the hospital and works on updating the 12 leads. He assists with some of the Fire Department’s major purchases such as the defibrillators and ambulance. Mr. Mittelman works with the paramedic accreditation and has worked it out so employees can work as much as possible while they are going to school which really helps the budget.

Mr. Mittelman works with the Color Guard and is a very involved employee and Firefighter. He is always busy and doing something for the Fire Department. He has energy and they appreciate all the hard work he does. He gets involved with every aspect of the Fire Department and he is an asset to them.

Mr. Mittelman introduced his family.

Chief Rodriguez introduced Mr. Mittelman's father, Kirk Mittelman.

- 4.3.2 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah declaring September 14 – 20, 2014 "Public Power Week."

Staff presentation: Dan Stireman, Energy Services Manager

Mr. Stireman said he appreciates the Council recognizing the benefits of public power and what it does for Murray City. Last year the Power Department successfully celebrated 100 years of serving the community and they are excited to forge forward in their second century.

For the past 26 years, the Power Department has celebrated public power in Murray with an event at Murray Park. This celebration will be held on Thursday, September 18, 2014 at 4:30 at Murray City Park in Pavilion 5 next to the Park offices. This event is a lot of fun. It is a relaxed atmosphere; a chance to spend time with your neighbors, elected officials, and employees of the Power Department. They will have food and demonstrations. They also give \$1,500 away in various power bill credits via a drawing.

Mr. Brass made a motion to approve the Resolution
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

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

Kristine Dunn – 5320 Majestic Village Circle, Murray, Utah

Ms. Dunn said she has lived in Murray for 28 years and she is here to talk about a safety issue tonight. Ms. Dunn discovered this to be a problem about 19 years ago when they bought their first dog. They began walking their dog and there are many people that leave their big dogs out in their front yards because "their dog is friendly." Ms. Dunn said they ended up with an almost \$600 vet bill, an almost dead dog, and a really nasty court battle

because of that. They were branded as “not nice people” because they told the other people they had to pay their vet bill.

Ms. Dunn said over the years that dog has passed on and they got a new dog. This past week, Ms. Dunn walked her dog. She has been charged three times by different dogs in the neighborhood. Unfortunately on Saturday night, that charge ended up with her dog in the vet and she now has a \$326 vet bill. They turned it over to the police and are being threatened by their neighbors with a countersuit and it is ugly again.

Ms. Dunn stated she wished she could say this did not happen often, but it happens to the point that with their first dog they never allowed their children to walk the dog because they were afraid that they would be attacked.

Ms. Dunn said she does not know exactly what to do about it but she is wondering if the City can get some kind of a flyer out to people who have licensed dogs or a flyer in with the power bills because she does not feel safe in her own neighborhood. This morning, she drove 10 minutes to the park to walk her dog and thought that was ridiculous. She has been charged in the morning, in the middle of the day and in the evening while walking her dog. There is not a safe time. People will say, “my dog is friendly, you do not need to worry.” Ms. Dunn said her dog does not know your dog and she does not know your dog and you do not know how your dog will react depending on how her dog reacts.

Mr. Brass asked if the dogs were leashed.

Ms. Dunn responded that none of them were.

Mr. Brass stated the City does have that law.

Mr. Nicponski said that is something the City should investigate and asked the Mayor’s office to work with the Police Chief and animal shelter to assist with that.

6. Consent Agenda

Mr. Nicponski asked that all items be taken together; no objections were made.

- 6.1 Consider confirmation of the Mayor’s reappointment of Brittany Bremer to the Murray History Advisory Board in an At-Large position for a three-year term to expire August 1, 2017.
- 6.2 Consider confirmation of the Mayor’s reappointment of Wendy DeMann to the Murray History Advisory Board in an At-Large position for a three-year term to expire August 1, 2017.
- 6.3 Consider confirmation of the Mayor’s reappointment of Reed Wahlquist to the Murray History Advisory Board in an At-Large position for a three-year term to expire August 1, 2017.

- 6.4 Consider confirmation of the Mayor's appointment of Pepper Pehrson to the Murray Library Board of Trustees representing District One for a three-year term to expire June 30, 2017.
- 6.5 Consider confirmation of the Mayor's appointment of Gary Dansie to the Planning and Zoning Commission representing District Three to fulfill the remainder of a vacated position, which expires on January 15, 2016.

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

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

7. **Public Hearings**

7.1 Public Hearing #1

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

Consider an Ordinance relating to land use; amends the General Plan from Residential Business to Residential Single-Family Low Density and amends the Zoning Map from R-N-B to R-1-8 for a nominal portion of the property (about 964 square feet) located at approximately 6344 South 900 East and 6337 South Glen Oaks Street as the result of a boundary line adjustment. (Clarus Vision)

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

Mr. Tingey said this item was brought to the Council several months ago for a rezone and a General Plan amendment. It was taken to the Planning Commission on July 3, 2014 where a Public Hearing was held. The Planning Commission recommended approval.

Mr. Tingey said this is a simple issue and a lot of it is a clean-up item. A portion of this property was rezoned to R-N-B (Residential Neighborhood

Business). He showed on a map (Attachment 1) the portion of the property that was rezoned R-1-8; it was all agricultural at the time. As they have developed this; they are looking at developing some residential properties as they have already developed the Clarus Vision Clinic on the site. There are a number of large trees that were on the property line and they did not want to take those trees down. They are requesting a five foot adjustment to the line which would move the residential line five feet to the east, taking up a portion of the R-N-B zone. Staff is recommending approval, they feel it is appropriate and it meets all the standards that it needs to.

Mr. Brass asked if this impacts any setbacks.

Mr. Tingey said it does not. The other site has plenty of space. They have the landscape buffer as well and the retaining wall that has already been put in.

Mr. Camp asked if the trees would be on the residential side.

Mr. Tingey said yes.

Public Hearing Open for Public Comment

No comments given.

Public comment closed

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

Motion passed 5-0

7.2 Public Hearing #2

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

Consider an Ordinance relating to land use; amends the General Plan from Office to Commercial Retail and amends the Zoning Map from General Office (G-O) to Commercial Development Conditional (C-D-C) for the properties located at approximately 5207, 5208, 5215, 5220 South Green Pine Drive, 5251 South Green Street, and 5289 South College Drive, Murray, Utah. (Security National)

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

Mr. Tingey said this item was taken to the Planning Commission where they held a Public Hearing on July 17, 2014. They sent a recommendation of approval to the City Council on this item. The General Plan is established and is our plan for the future land uses of our community. There are elements of the General Plan that outline what the existing zoning is and what future zoning should be. The General Plan outlines and establishes that. If there are any modifications to the future land uses, there needs to be a modification to the General Plan as well as a re-zone in order to do that.

Mr. Tingey said this property is on 5300 South and is adjacent to I-15 (Attachment 2). There are four properties that are adjacent to the Pavilion Inn. They are currently zoned G-O (General Office). The future land use shows a couple of the properties as General Office. This application is to modify the General Plan to re-zone these properties to C-D-C, or commercial retail and amend the General Plan to allow them to do that.

Mr. Tingey stated that the General Plan, at times, outlines that there is a need to consider a range of creative solutions for certain properties. Staff feels that there are some issues here related to the land use. Across the street on the arterial adjacent to these sites it is zoned C-D-C, or retail and the future is for retail. This also abuts I-15 and it is also an extensive distance from land use that is residential. Based on these reasons, staff is recommending approval. He reiterated that the Planning Commission has also recommended approval.

Public Hearing Open for Public Comment

No comments given.

Public comment closed

7.2.2 Council consideration of the above matter.

Mr. Camp asked if there is a developer that is looking at projects at this property and is that the reason for this.

Mr. Tingey replied yes, this is sponsored by Security National who is here tonight. Some of the basis for this is they want some more flexibility for opportunities for retail along the arterial.

Mr. Camp verified there was nothing specific. He added he knows we are not here to look at specific plans tonight, but he was just wondering if there was anything on the drawing board right now.

Mr. Tingey said Security National has outlined some possibilities, but once again, those are not specific to this application.

Mr. Brass made a motion to adopt the Ordinance
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

7.3 Public Hearing #3

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

Consider an Ordinance amending the City's Fiscal Year 2014 – 2015 Budget.

Staff Presentation: Justin Zollinger, Finance Director.

Mr. Zollinger said this is to continue our projects that did not quite get done in fiscal year 2014. He said this is a lengthy list and asked the Council to interrupt him if they have questions.

The following items are to be rolled forward from the 2014 fiscal year budget to the 2015 fiscal year budget.

- The City Hall site evaluation of \$50,000 in the Capital Projects Fund.
- Our General Plan Update of \$50,000 in the Capital Project Fund
- The 1300 East road project of \$1,136,023 in the Capital Projects

Fund.

- City software of \$300,000 in the Capital Projects Fund. Mr. Zollinger stated that later on we will also be moving money so that all the funds help pay for it. We have selected the software which is another exciting thing.
- Beer tax money in the amount of \$73,382.73 – which will round to the nearest dollar in our General Fund.
- Recreation participant software purchase of \$16,000 in the General Fund.
- Class B and C Road Funds of \$68,298 in the General Fund.
- Power Bucket Truck purchase of \$179,322 in the Power Fund. They did not receive the truck in time although it was ordered. You do not expense if unless it was actually received in the prior fiscal year.
- Garbage cans of \$33,000 in the Solid Waste Fund. They were ordered, but did not come in in time.

Mr. Zollinger said in addition he would like to recommend the City amend the budget because we received a Justice Assistance Grant (JAG) grant of \$31,878 for the General Fund.

The Library has also received a grant. This grant has been great for the Library Fund. They have received several awards the last couple of years from the Library Services and Technology Act Grant. This one is for \$38,300.

We also have the Emergency Management Performance Grant that we received. Jon Harris, Battalion Chief does a great job of applying for this and we usually get this every year. We do not count on it because you never know with grants but this one is for \$8,500 in the General Fund.

Mr. Zollinger stated the next one is for the City software purchase. We are having our Enterprise Funds help pay for this. We are moving the money from these funds to our Capital Projects Fund, a central location, so we can make the purchase.

- The Water Funds share of this purchase is \$59,311.
- The Waste Water Funds share is \$51,562.
- The Storm Water Funds share is \$41,379
- The Retained Risk Funds share is \$4,566
- The Redevelopment Agency's share is \$13,442
- The Power Funds share is \$196,180
- The Solid Waste Funds share is \$21,975
- The Library Funds share is \$9,050
- The Murray Parkway Golf Funds share is \$6,940

- The Central Garage Funds share is \$2,311

Mr. Zollinger said he is excited for the new software, it is a great move. It is going to be four years' worth of work to implement but it puts the City in a much better operational position.

Mr. Nicponski verified that was all the Enterprise Funds.

Mr. Zollinger said it is.

Mr. Nicponski asked where the General Funds money was.

Mr. Zollinger said the General Fund has already moved their money to the Capital Projects Fund. The General Funds contribution was \$300,000.

Mr. Zollinger said we received money from UDOT for Cottonwood Street improvements in the amount of \$49,847. They have allowed us to use that for some of the improvements on Cottonwood Street. This will be in the Capital Projects Fund.

We received 1300 East County Road Funding of \$200,000 for the Capital Projects Fund. We also received \$60,000 for the Bike Lane Interlocal agreement that was just passed which will also go in the Capital Projects Fund.

The City will increase the Telecommunications Fund by \$100,000 for telecommunications improvements. We are using the reserves that have been there since about 2011 for the Murray City Plan. Finally, for our Community Development Block Grant Fund for NeighborWorks we will appropriate \$2,619 to finish up their project that was not quite done in fiscal year 2014.

Mr. Nicponski asked about the 1300 East project for \$1,136,000; who are we doing that with?

Mr. Zollinger said the money was provided via House Bill 377 that awarded the money to the City so we are doing the project.

Mr. Nicponski stated it was a legislative appropriation.

Mr. Zollinger replied exactly.

Mr. Nicponski asked if we were teaming up with anyone on that or doing it solo.

Mr. Nakamura, City Attorney, said the City will be receiving money from

Salt Lake County for the connected roads being Vine Street and those streets related to Vine Street.

Ms. Turner asked if the City receives the Justice Assistance Grant every year.

Mr. Zollinger said we do. We thought we were not going to receive it this year because we had some paperwork that was a little late getting turned in. The Police Department did a good job in catching up all the information and the City still received the grant.

Public Hearing Open for Public Comment

Beverly Crangle – 1628 East Vine Street, Murray, Utah

Ms. Crangle asked if the new software will give links to the different agenda items as they are presented so it is easier to track some of the actions that are happening and the detail for the hearing so that it is more transparent.

Mr. Zollinger stated the new software has one application that is called Agenda Builder in which you can workflow your information to the Council so everything can get placed on the agenda and on the website. He said he is not sure if it has hyperlinks that will link an agenda item to the detail.

Mr. Hales stated that Janet Lopez, Council Administrator could do that.

Public comment closed

7.3.2 Council consideration of the above matter.

Mr. Hales made a motion to adopt the Ordinance
Mr. Brass seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

8. Unfinished Business

8.1 None scheduled.

9. New Business

- 9.1 Consider a Resolution approving an Interlocal Cooperation Agreement between the City and Salt Lake County (“County”) to receive funds from the County for the costs of bicycle lanes and other highway construction, reconstruction and maintenance projects in the City.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill said this is an Interlocal Agreement with Salt Lake County where the County would reimburse Murray City \$60,000 for putting bike lanes on Vine Street between the UTA light rail station on Cottonwood Street near the hospital up to 900 East. That would eliminate, in many places, a lane of travel on Vine Street. It could be the center lane of travel or an actual lane that travels up further east. It would allow for cars to park along many sections of Vine Street, especially where there are homes. Painted bike lanes going both directions would be installed as well as a lane of travel for traffic in each direction. If the Council approves this; the City will work with Salt Lake County to get the money and start spending it soon to get these lanes striped.

Mr. Nicponski asked if this would affect parking.

Mr. Hill replied it should not affect parking at all. The parking that is currently available will still be available.

Mr. Camp said he wanted to clarify that this is just for Vine Street and there will be talk about doing other areas in the City. Hopefully we will be getting some additional funding for that in the future. He verified that according to the agreement this is just for Vine Street.

Mr. Hill stated this is just for Vine Street. He is currently working with UTA and they have just presented, with 90% drawings, for Winchester Street from the Trax station going west to 1300 West. As soon as those drawings are approved, there will be an Interlocal Agreement he will bring to the Council for Winchester Street.

Mr. Hales made a motion to approve the Resolution
Ms. Turner seconded the motion

Call vote recorded by Jennifer Kennedy

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

A Mr. Nicponski

Motion passed 5-0

- 9.2 Consider an Ordinance enacting Chapter 15.32 of the Murray City Municipal Code relating to the Building Occupancy Resumption Program.

Staff presentation: Gilbert Gonzales, Chief Building Official

Mr. Gonzales stated the Building Occupancy Resumption Program allows business owners who choose to participate, as this is strictly a volunteer program, an opportunity to have their businesses evaluated by a Design Team that is approved by the Building Division, prior to and after a natural disaster, typically an earthquake. If you have been watching the news lately you've seen the Napa Valley earthquake they are showing a lot of these placards out there. Red is typically the ones you will see as unsafe, do not occupy. This is because the building could come down with an aftershock.

Mr. Gonzales said the reason he mentioned this is because currently the only ones who can placard a building in Murray City is Murray City. What the BORP plan accomplishes is it will allow businesses who are part of the program and their Design Team to evaluate their buildings prior to a natural disaster and they can make recommendations that would help these business owners have safer buildings if they choose to comply with those recommendations. They do not have to, these are just recommendations.

Mr. Gonzales said there is a lot of information on the Napa Valley earthquake where they are losing all their products because their shelves were not anchored properly. This is what this Design Team will do in addition to looking at the overall safety of the structure of a building. After a natural disaster, the Design Team that has been approved by Murray City for that business will go in and do a detailed evaluation of that building, not the rapid visual assessment that the Building Division will do. Typically the Building Division will be out doing rapid visual assessments of buildings, but their priorities are going to be hospitals, shelters, and even a lot of homes because they are not going to have the resources to shelter everybody; they are going to have to shelter in place. The evaluation the Design Team will do as part of the BORP program will be a detailed evaluation and hopefully the business will get a green placard on their building which says, "Lawful Occupancy Permitted" and not a red placard.

Mr. Nicponski stated he has family in Napa California. He said there did not seem to be a real concerted effort down there to keep people from going back into their homes. He asked if the City has a public information plan ready if something does happen that would impact Murray.

Mr. Tingey said the City has the Emergency Operations Center that would be in

place and there are trainings that have occurred and there is a process that would be pursued for emergency operations. It involves multiple departments, especially the police, fire and other public services. So we do have things in place to address that.

Mr. Gonzales said there is a “Shake Out” every year. The Murray City Building Division is also working on a disaster response card that says who is authorized to go out there. There will be other people involved in that so we can have people that will come to Murray that will help us. As long as they have this disaster response card, we would allow them to go out and to a rapid visual assessment, not the detailed assessment that we will see from people that are part of the BORP program.

The BORP program is a very detailed program. Salt Lake City has it as an ordinance right now. It is quite a lengthy process they have to go through with their Design Team. Hopefully what it will do is get these businesses back up and running in a timely manner. It will also give the hospital, as they are interested in this program, the ability to placard their own building. They would have their own Design Team available. Mr. Gonzalez said he thinks this is also something the City needs to look into because we have three new hotels that just opened up. They could come onboard with a BORP plan right now because their buildings have just been inspected and approved and the engineering is up to date. If they wanted to be part of that, they would be able to placard their building to allow people to go back into their structure.

Mr. Gonzales said that in order to keep people out of these areas, they would be going to these areas and putting a flagging out stating “do not enter” and things of that nature once they have done a rapid visual assessment of those structures.

Ms. Turner stated she thinks this is a really good program.

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

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

- 9.3 Consider an Ordinance amending Section 12.24.040 of the Murray City Municipal Code relating to Public Park and playground use regulations.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said this agenda item, as well as the next two, are as a result of State Legislation essentially preempting Municipalities from regulating firearms. The City's existing Ordinance prohibits the possession of firearms in parks and playgrounds. That has been changed by State law so we are coming into compliance with State law by amending that and our Ordinance no longer prohibits the possession of firearms. We can still regulate and prohibit the discharge of firearms.

Mr. Nakamura said that based on a recommendation from Mr. Camp, he wants to make sure that the subtitle of section 12.24.040 actually states the "discharge of firearms and fireworks are prohibited."

Mr. Brass made a motion to adopt the Ordinance
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

- 9.4 Consider an Ordinance amending Section 9.04.010 of the Murray City Municipal Code relating to adopting state statutes by reference.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said this is for the same reasons. The City is incorporating State law by referencing this Ordinance and eliminating any language that would indicate that we are regulating firearms which is now preempted by the State.

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

Call vote recorded by Jennifer Kennedy

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

A Mr. Nicponski

Motion passed 5-0

- 9.5 Consider an Ordinance amending Section 5.04.230 of the Murray City Municipal Code relating to business licensing.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said this is also for the same reasons. In the licensing ordinance we required a bond for firearms dealer or gunsmith. Again, State law has preempted cities in regulating, in this case, sales of firearms. Therefore, we are eliminating the bond requirement.

Mr. Nicponski verified that there will not be a bond requirement.

Mr. Nakamura responded there is no bond requirement because of State law.

Mr. Nicponski said that if you were a dealer you had to be bonded.

Mr. Nakamura stated prior to this change, yes.

Mr. Brass added that you still need a Federal Firearms License.

Mr. Nakamura stated yes, there are Federal Regulations.

Ms. Turner made a motion to adopt the Ordinance

Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

 A Mr. Camp

 A Mr. Brass

 A Ms. Turner

 A Mr. Hales

 A Mr. Nicponski

Motion passed 5-0

- 9.6 Consider a Resolution authorizing the execution of a Telecommunications Franchise Agreement between TW Telecom, Inc. ("Provider") and Murray City ("City") for the provision of broadband services to high end bandwidth users using public rights of way.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said under Federal and State law the City must allow any telecom providers to use our right-of-ways and we do not charge a franchise fee. The City does have a Municipal Telecommunications License tax, which is not the same as a fee. We can enter into a franchise agreement with these providers. The reason we have a franchise agreement is to allow the City to ensure the installation, construction and maintenance are done properly according to certain standards. They are required to work with the City Engineer. The franchise agreements allow the City to access the right-of-ways or even relocate lines if it is necessary.

That is the purpose of the franchise agreement. In other words we must allow them but we also have the right to have them abide by some of these safety and construction regulations. Under the law we are required to bring these franchise agreements and have the City Council review and approve them. This agreement is with TW Telecom and we will likely see other franchise agreements similar to this in the future.

Mr. Nicponski asked how many of these agreements we have at the present time with these telecommunications firms.

Mr. Nakamura replied we do not have very many right now; maybe 5 or 6. There is one in the works that will be forthcoming.

Mr. Nicponski asked if AT&T will be one of those.

Mr. Nakamura said yes, CenturyLink obviously is a large one and they have an agreement. This is not a pole attachment agreement; this is different than a pole attachment agreement. This is just using the right-of-ways and companies such as CenturyLink have both a franchise agreement and a pole attachment.

Mr. Nicponski asked if they need a franchise agreement to operate.

Mr. Nakamura said the franchise agreement is to use our right-of-ways to put up their lines.

Mr. Nicponski asked how much we charge.

Mr. Nakamura said we do not charge. There is a 3.5% Municipal Telecommunications License tax that is charged on revenues. That is collected by the Utah Tax Commission. There is no fee. We do have fees for pole attachments but that is a different matter when they use our poles.

Mr. Camp made a motion to approve the Resolution

Mr. Brass seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

10. **Mayor**

10.1 Report

Mayor Eyre said that last week, several members of the Council and staff had the opportunity to join the Power Department up at the Utah Associated Municipal Power System (UAMPS) conference that was held in Logan. It was a wonderful conference; very informative. Mayor Eyre said he appreciates the representation that we received from our City by the Power Department.

On August 18, 2014 the Police and Fire Departments did a great job at the Health and Safety Fair. Mayor Eyre acknowledged their service to the City and all the effort they put forward in order to make the fair so successful.

Unfortunately on August 23, 2014 we had the funeral of one of our firewomen by the name of Glenae Turley. It was a wonderful service and the City was represented extremely well by the Fire Chief, Gil Rodriguez who spoke at the service. There was an honor guard which was incredible to see. It was a wonderful tribute to a wonderful person.

Mayor Eyre stated that a couple of months ago we honored one of our employees in the City as the Employee of the Month by the name of Tom Baker. He acknowledged Mr. Baker for installing the new carpet in the Council Chambers. He was here all weekend long installing the carpet because the room is utilized so much during the week that it could not be out of service for that many hours so Mr. Baker volunteered to come in over the weekend to do it.

Yesterday, the City had a very successful Moving and Grooving in the Park that was put on by the Parks Department and the Parks Center. Marci Williams, Park Center Director and her staff did a tremendous amount of work organizing the event. There were a lot of people over there that enjoyed that in the park. There were a lot of different activities for all different age groups. Mayor Eyre acknowledged Ms. Williams for her hard work and efforts.

Mayor Eyre said several of the City Council members and others in the City were able to go over to AISU, the new charter school that has been able to take over what was the 49th Street Galleria or the Fun Dome. The school is for grades K-12 with a waiting list of between 300 - 400 pupils that are trying to get into that

school between grades K-8 and only 20 vacancies for grades 9-12. It will be fully occupied. It is a beautiful addition and a wonder asset to our City. He encouraged anyone who is interested to go over and tour the school.

10.2 Questions for the Mayor

Mr. Nicponski asked about the grand opening for the Hilton.

Mr. Brass replied it is tomorrow at 4:00 pm.

Mr. Nicponski said that will be the first of three hotels that are coming online which he thinks is exciting. He encouraged anyone who is interested to attend.

Mr. Brass said that last Saturday Chief Rodriguez and the Murray Fire Department arranged for some of them to attend Fire Ops 101 in West Valley City. He attended this and recommended to anyone who is interested to do it. They have several stations that you go to. One was attending to someone who had a heart attack. There was a dummy that you did CPR on until the paramedics arrived. There was someone with a stopwatch and their average time is five minutes from the time somebody actually makes a phone call until they arrive. Sitting over someone and doing CPR for five minutes is a workout.

They did extrication on a car so everybody got to chop up a car. The interesting thing is that you do it in all the turn-out gear so you have the heavy coat and pants, helmet, gloves, goggles and everything. It was hot inside that gear. They taught them about hazmat and they had a burn event. It gives you a really, really great appreciation for what firefighters go through every single day. You carry a 40 pound air pack and you have all that heavy turn-out gear on.

Mr. Brass said that somebody mentioned the State Legislature changed retirement from 20 years to 25 years. That does not seem like much, but he is 60 and in carrying that gear for an hour he thought he was going to lose 50 pounds. Imagine doing it or a living all day at 55 instead of 50. It does make a difference; those things make a huge difference.

Mr. Brass thanked Chief Rodriguez for the opportunity. H said he would do it all over again.

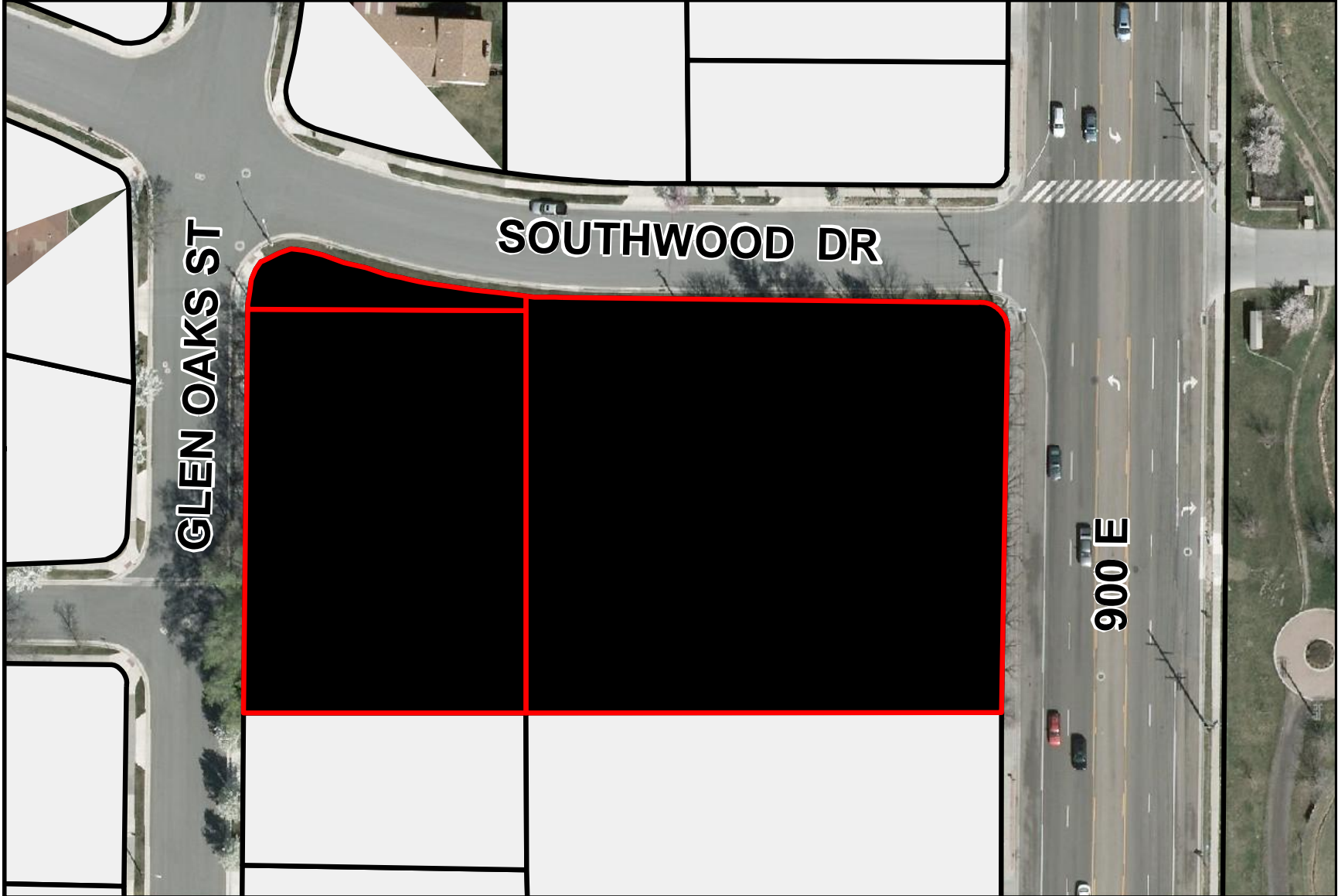
Mr. Nicponski asked the scouts in attendance to introduce themselves and state their troop number and the badge they are working on.

11. Adjournment

Attachment 1

Clarus Vision

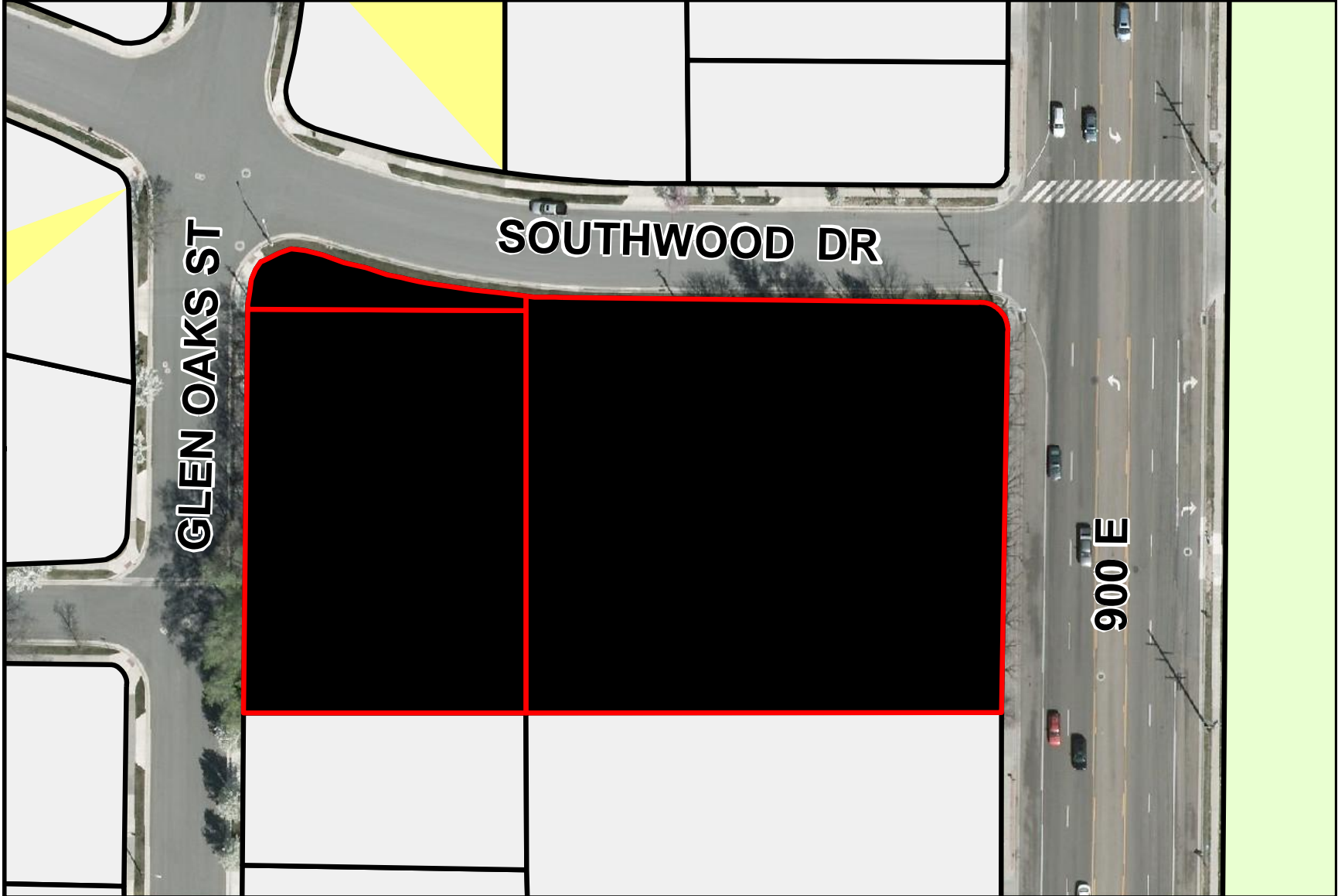
6344 South 900 East



GLEN OAKS ST

SOUTHWOOD DR

900 E






















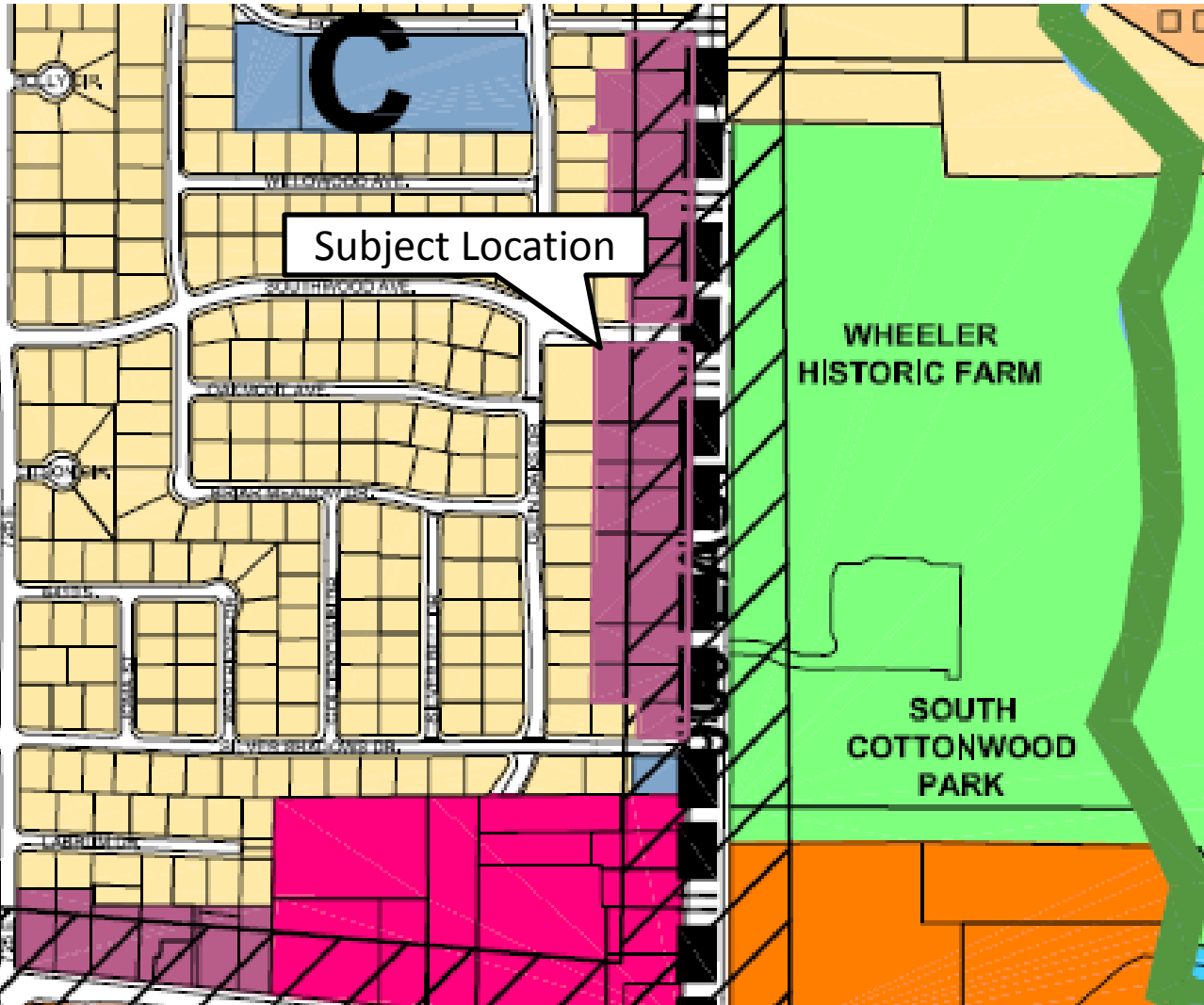
GLEN OAKS ST

SOUTHWOOD DR

900 E

Murray City General Plan Future Land Use

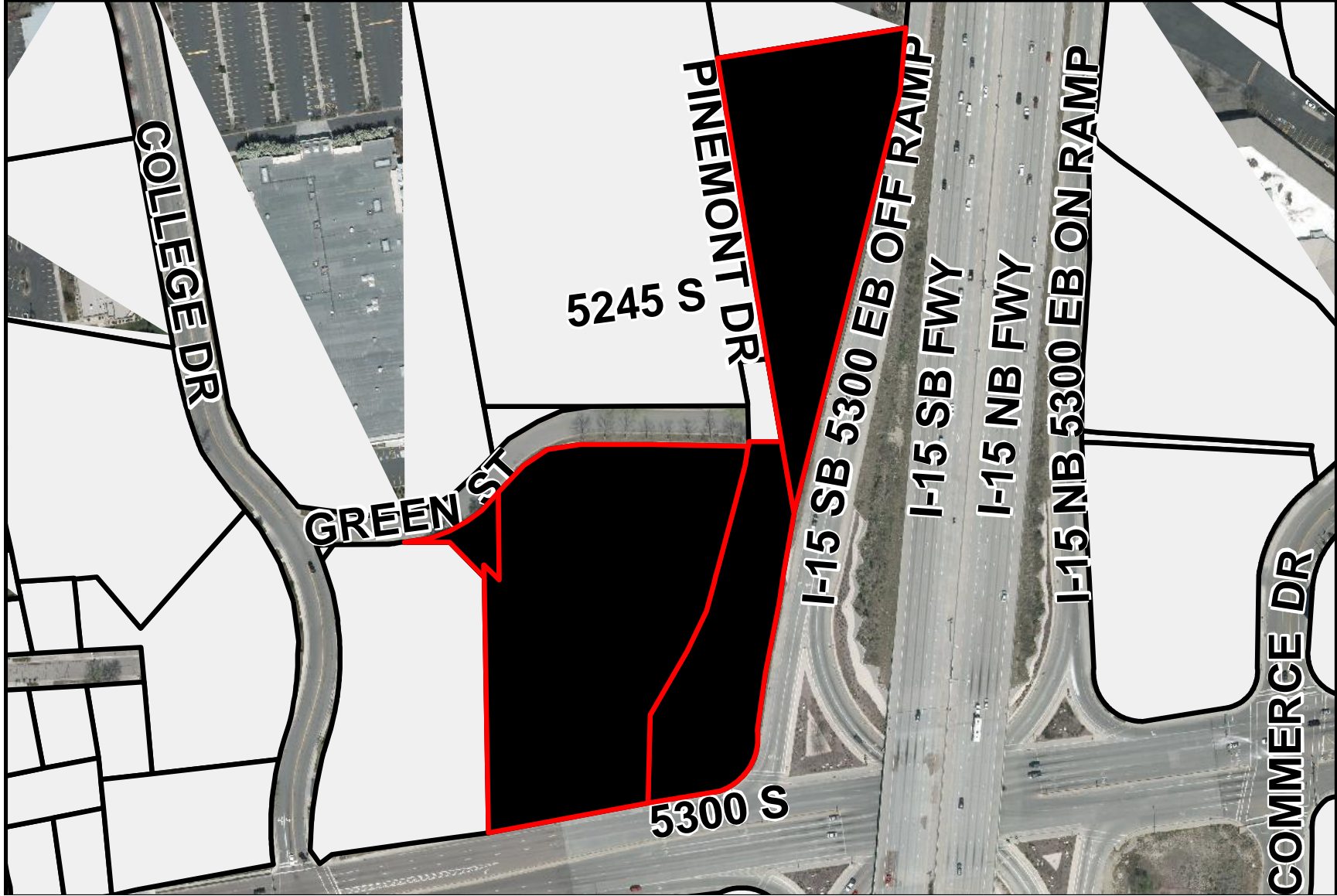
-  RESIDENTIAL SINGLE FAMILY LOW DENSITY
-  RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY
-  RESIDENTIAL MULTI-FAMILY LOW DENSITY
-  RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY
-  RESIDENTIAL MULTI-FAMILY HIGH DENSITY
-  MIXED USE
-  RESIDENTIAL BUSINESS
-  COMMERCIAL RETAIL
-  OFFICE
-  INDUSTRIAL
-  PUBLIC- QUASI-PUBLIC (CHURCHES, SCHOOLS, GOVT.)
-  MEDICAL
-  PARKS AND OPEN SPACE
-  CEMETERY
-  TRANSPORTATION / UTILITY
-  WATER PATH
-  CHURCH
-  SPECIAL PARKWAY DEVELOPMENT AREA (WINCHESTER/900 EAST)
-  OPEN SPACE TRAIL CORRIDOR



Attachment 2

Security National

360 West 5300 South



COLLEGE DR

GREEN ST

PINEMONT DR

5245 S

5300 S

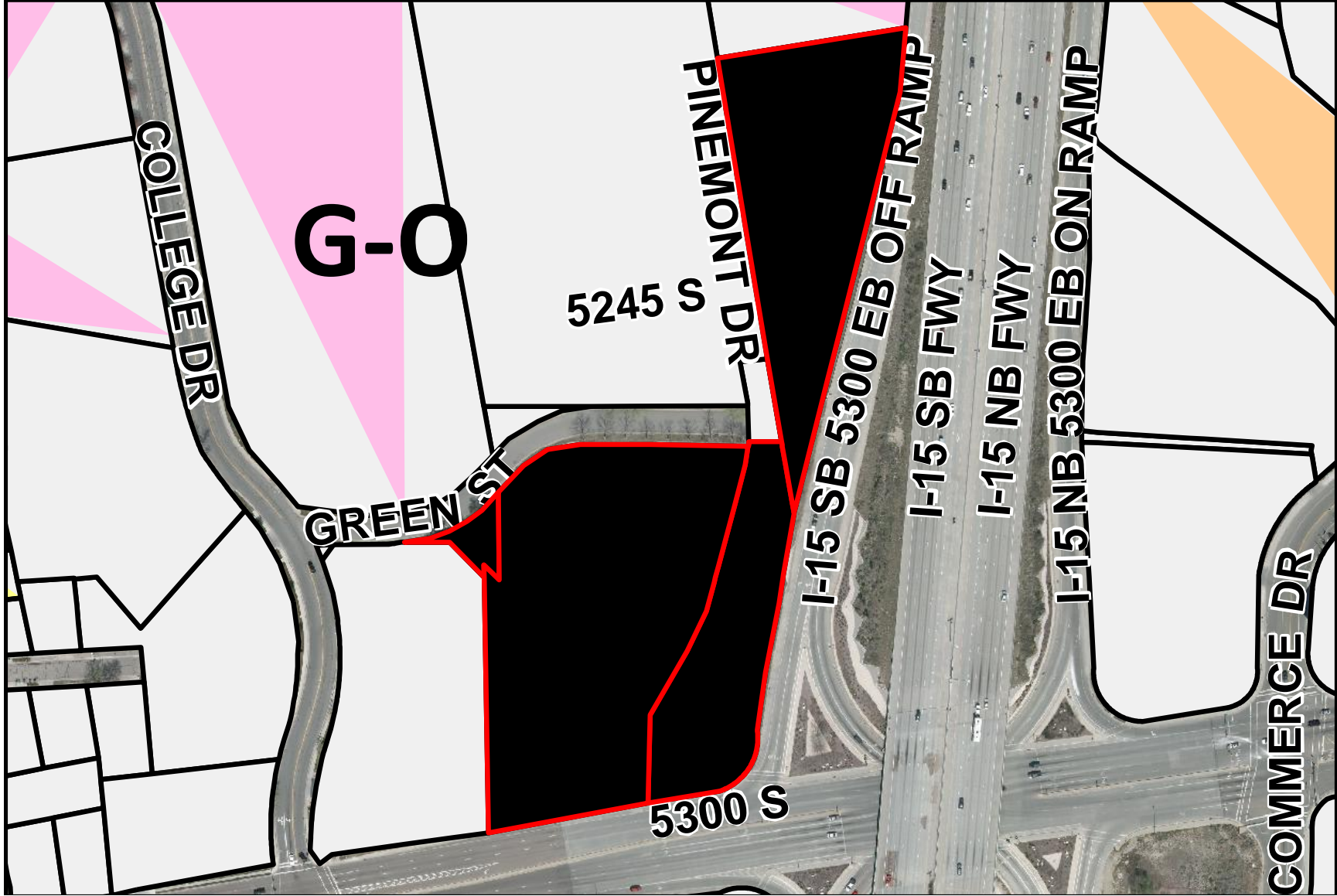
I-15 SB 5300 EB OFF RAMP

I-15 SB FWY

I-15 NB FWY

I-15 NB 5300 EB ON RAMP

COMMERCE DR



COLLEGE DR

G-O

5245 S

PINEMONT DR

GREEN ST

5300 S

I-15 SB 5300 EB OFF RAMP

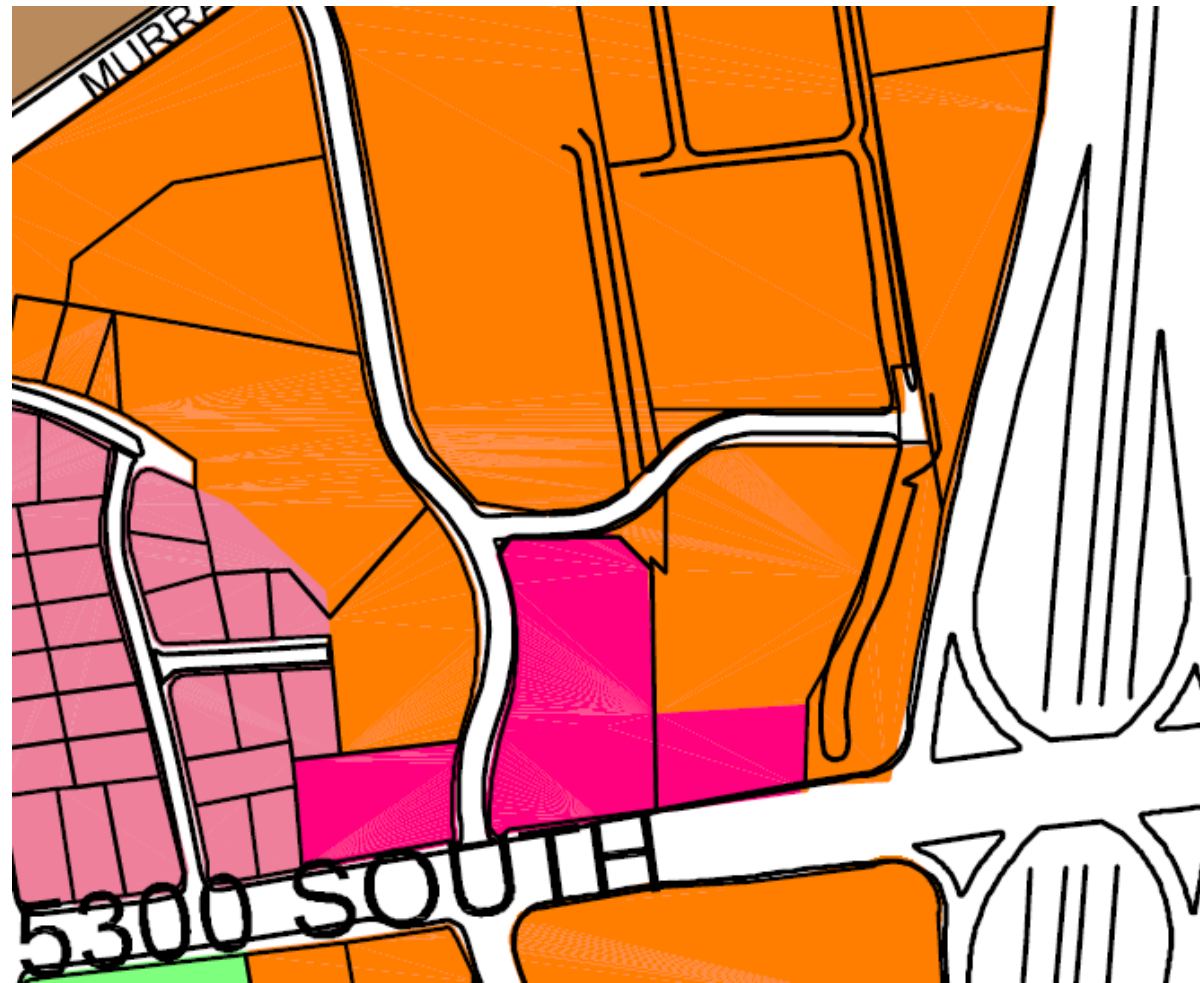
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


















I-15 NB FWY

I-15 NB 5300 EB ON RAMP

COMMERCE DR

Murray City General Plan Future Land Use



-  RESIDENTIAL SINGLE FAMILY LOW DENSITY
-  RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY
-  RESIDENTIAL MULTI-FAMILY LOW DENSITY
-  RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY
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