

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 5th day of July, 2016 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
Diane Turner,	Councilmember – Conducted
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
Craig Burnett,	Police Chief
Gil Rodriguez,	Fire Chief
Doug Hill,	Public Services Director
Susan Gregory,	Heritage Center Director
Justin Zollinger,	Finance Director
Tim Tingey,	Administrative and Development Services Director
Citizens	

1. Opening Ceremonies

1.1 Pledge of Allegiance – Margaret Jacobs

1.2 Approval of Minutes

1.2.1 Council Meeting – June 21, 2016

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

Voice vote taken, all “ayes.”

1.3 Special Recognition

1.3.1 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City in Appreciation for Susan Gregory.

Staff Presentation: Mayor Ted Eyre

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

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

Mayor Eyre read the Resolution in its entirety.

Ms. Gregory said working for the City for 35 years has been a wonderful experience. She couldn't have accomplished all the things she did without a wonderful, supportive staff and volunteers. The Heritage Center has a great staff and over 100 volunteers that help with all their programs. The Administration and Council have been supportive and have helped to give Ms. Gregory the freedom to do the things she has done in the past 35 years. She is so grateful and blessed; it has been a great 35 years. She thanked her children, husband and parents for their support.

Ms. Gregory started her job with the City as a lifeguard and swimming instructor which led to many other wonderful opportunities. The Heritage

Center is a wonderful facility and she encouraged people to take advantage of it. She advised the staff from the center to keep offering their services to help the center continue to grow and be the best it can be. She thanked everyone for the opportunity to have such a wonderful job. She expressed her appreciation to Mayor Eyre and Doug Hill, Public Services Director. She will cherish the memories she has from this job and she is looking forward to and excited for retirement and what the future is going to bring for her.

Ms. Gregory introduced her family.

Mr. Camp told Ms. Gregory she will be missed at the City. For many years Ms. Gregory was his neighbor and they watched their children grow up together. She is missed in her old neighborhood and now she will be missed at the City. He congratulated her and wished her well.

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

Terry Fleishman - 6438 South 990 West, Murray, Utah

Mr. Fleishman said he got a letter the other day in reference to the possible selling of Winchester Estates; which is home to him and others who are in attendance tonight. He has only lived there for a couple of years, but others have lived there for much longer. Their homes are being uprooted. There are people there that have no other option than to live in this park. Moving it or selling it or rezoning it or whatever criteria these people that own it want to do is not right to the people that live in that park. It's just not right. This is their home and they want to stay here. They hope the City will use whatever means are available to stop it and leave it as a manufactured home park for age 55 and older. It is one of the nicest and least expensive mobile home parks in the City.

People on limited incomes cannot uproot and move a mobile home. It costs over \$10,000 to tear apart a double wide mobile home and relocate it someplace else. He doesn't know about anyone else, but he doesn't have that kind of money. He said he appreciates the City's help in making sure this doesn't happen so they can stay in their homes.

Connie Hill – Utah Coalition of Manufactured Homeowners

Ms. Hill said she is with a non-profit called Utah Coalition of Manufactured Homeowners which is a statewide entity that does advocating for homeowners. She lives in Cottonwood Cove which is another senior mobile home park. Manufactured homes are considered affordable housing and count towards unsubsidized housing which, as she understands, every city has to have so much of. That is something that we as a City should keep in mind.

Ms. Hill stated her organization would like to stay involved with any plans for anything that would affect the residents of Winchester Estates.

Patti Phillips – 6433 South 940 West, Murray, Utah

Ms. Phillips said she and some others went around Winchester Estates today asking everybody they could to come to this meeting. They understand that people own properties and they can buy and sell those properties at their whim. They love and are proud of Murray and want to be here for a long time. They asked that the City not consider rezoning their property.

Ms. Phillips stated a copy of the letter that the residents of Winchester Estates received was given to Tim Tingey, Administrative and Development Services Director. The residents of Winchester Estates are asking the City to keep them involved with every single person that comes in wanting to rezone their park. They love it here and want to stay here.

Mr. Camp reminded everyone that this meeting is conducted under Roberts Rules of Order. He asked that people be recognized before they speak, address their comments to the Council and withhold applause so the decorum of the meeting can be maintained.

Sharon White 6428 South 1040 West, Murray, Utah

Ms. White said she heard there is a new law in Murray that someone cannot take over their complex and build new high rises or apartments like the ones they are building adjacent to the park. She said she wants to know if that is true or not.

Ms. Turner replied this time is for citizen comments and that this item is not on the agenda.

Ms. White asked if they are going to learn, so they can sleep at night, if it is true or not that someone cannot take over and build new condos as they just did on the north end of them. The new buyer could raise the rent, but can they take over their complex and build condos?

Ms. Turner responded that this is not an issue for the Council this evening and thanked Ms. White for her comments.

Margaret Jacobs – 5730 Utahna Drive, Murray, Utah

Ms. Jacobs said she has lived in her home for 44 years. On June 13 there was a terrible rain and hail storm. She stood at her front door and watch the water rise on the North end of Utahna Drive. When she could see that the storm was not going to stop because the sky was so black, she called Public Services and asked for sandbags because they were going to be flooded again. She watched the water rise up her street. Her backyard received 14 inches of water and her basement flooded again.

The lady Ms. Jacobs spoke with at Public Services said there were no sandbags and that Murray City didn't do that, even though they have done it before. Low and behold, the sandbags arrived, but they were too late. The disaster people came and cleaned up her basement. Her basement, with the T.V. room in it, has been torn apart for three weeks.

Ms. Jacobs stated this is not the first time the street has flooded, it has flooded three or four times since she has lived there. When she sees a big, black cloud, she gets frightened. It is obvious that the drainage system is not adequate enough for that street. She doesn't know what needs to be done, she's not an engineer, but something needs to be done. Personally

she is really sick of it. She doesn't like her basement being flooded with dirty, filthy water.

Kurtis Holt – 5707 Utahna Drive, Murray, Utah

Mr. Holt said he has lived next to the Jacobs' for most of his life. This flooding has occurred quite a few times. Living next to these people, he has seen how the street used to be. Before they built the houses on the circles, there was an open ditch that went all the way around. He believes the aqueduct is not big enough to handle the water that comes down from all the other streets. All the water flows down to their street from the east. His house has not flooded, but it has come close. Luckily he is on the other side of the street so the water just raises up to his front yard. It's obvious the drainage is not adequate enough for these flash floods.

Paul Rueckert – 5720 South Utahna Drive, Murray, Utah

Mr. Rueckert said his basement and garage both flood. There used to be a canal behind the back of his house. The flooding started after UTA put in the light rail. They built a big berm in what used to be a settling pond for the storm water that comes through. Ever since the berm was put up flooding is a regular occurrence. Flooding has destroyed his garden. He said it might be a UTA thing because ever since UTA put in the berm for the noise wall, it seems like with every other storm they are getting flooded. His garage and basement have been flooded quite a bit.

Felix Montoya – 5710 South Utahna Drive, Murray, Utah

Mr. Montoya said these floods ruin his garden and make his garage dirty. It takes him three to five days to empty the garage out, clean it, dry everything and bring everything back in whenever they have these floods. He is fortunate his home has not flooded, but that thought is in the back of his mind all the time. He believes something should be done to correct this flood situation.

Earnest Bennett – 6479 South 1040 West, Murray, Utah

Mr. Bennett said he has lived in Winchester Estates for 14 years. After giving up his home of 44 years, he moved into this retirement community figuring he could live there for the rest of his life. He has been declared legally blind and it would be impossible for him to try to move his trailer or set up again someplace else. He is here to voice his opinion in opposition to changing the zoning laws for the park that exist there at this time.

Mary Johnston – 6408 South 940 West, Murray, Utah

Ms. Johnston said she is 85 years old. She bought her home in the park with the profit from the sale of her big home three years ago. She bought it thinking it would be her end of life home. She fixed up her home and then her daughter bought a home in the park so she could be next to her. She hopes the Mayor will see that Midvale does not annex their property. If they raise the rent, fine. The lady across the street from her is 96 years old and has colon cancer. Ms. Johnston said that money doesn't mean everything.

Frank White – 6428 South 1040 West, Murray Utah

Mr. White said he moved to Murray, into Winchester Estates, three years ago. He would like to know when the people of Winchester Estates will know if there is something

substantial happening that will give them a chance to relax a little bit. He is very fortunate because he owns the most expensive home in the park, so he isn't in dire straits like some other people are. He is asking for the City's cooperation in giving them peace of mind.

Terry Fleishman - 6438 South 990 West, Murray, Utah

Mr. Fleishman asked to hear from the Councilmember who represents their area.

Mr. Nicponski introduced himself as the Councilmember for District 1, the district that Winchester Estates is located in. He told the citizens that they have an advocate in him and he will do everything in his power to support their position. He assured them they haven't wasted their time.

3. Consent Agenda

3.1 None scheduled.

4. Public Hearings

4.1 Public Hearing #1

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

Consider an ordinance amending Section 17.160.030 of the Murray City Municipal Code removing self-storage units as an authorized use in the Commercial Development Mixed Use District (C-D Zone).

Staff Presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey said this item was considered at the May 5, 2016 Planning Commission Meeting. This is a simple application to remove self-storage units in the C-D Zone. The C-D Zone is more in line with retail type uses and the land use patterns of storage units do not fit well with that, even though it has been that way for quite some time. Staff feels that storage units are more in line with the general manufacturing types of uses where there are warehousing elements.

The Planning Commission recommended approval of this and staff is recommending approval as well.

Public Hearing Open for Public Comment

No public comments were given.

Public comment closed

4.1.2 Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

4.2 Public Hearing #2

4.2.1 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 Residential Single Family Low Density to Commercial Retail and amends the Zoning Map from R-1-8 to C-D for the property located at approximately 144 East 5600 South (rear), Murray City, Utah. (Applicant: Aunt Loretta's Childcare)

Staff Presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey said this item was considered at a Planning Commission meeting. This is for a rezone request and General Plan amendment to change a properties designation to C-D from R-1-8. Currently there is a property that is zoned C-D that has a daycare facility located on it. The owners of that property want to expand to the east, which goes into a residential neighborhood. The General Plan has this property's future use as R-1-8 which is residential single-family so any uses on that site would have to have an R-1-8 single-family designation. This proposal is to change the designation of the property and change the General Plan even though the General Plan designates the future land use as remaining the same, R-1-8 single-family, and not going to commercial.

Staff has a number of concerns with this. The property is designated as a residential area and the further you move to the east with commercial, the more it encroaches into the neighborhood. A commercial use is not limited to the existing daycare facility that is next door to this property. It could be rezoned and changed into a variety of different uses including gas stations, retail convenience stores, fast food stores, and even an auto repair shop in

the future. The encroachment into the residential area is a concern for staff. It's not about a Conditional Use Permit. It's not about anything but a rezone and a General Plan amendment to go from residential to commercial.

Staff is not comfortable with the proposal and are recommending denial. The Planning Commission also recommended denial.

Ms. Turner invited Boyd Viehweg, the Architect for the project, to speak.

Mr. Viehweg said when they started this process they did not understand that there was a plan to limit commercial encroachment into residential areas. They understand and agree with that goal. They also understand that the Council may not be inclined to change the R-1-8 Zoning to commercial.

Mr. Viehweg stated they are open to changing the C-D Zoning that the daycare is on to a residential zoning which would be a change in the other direction. This would move the residential zone as opposed to having encroachment from the commercial zone into the residential zone. He isn't sure how that would work and realizes what is being proposed tonight is a change from R-1-8 to C-D. If the Council is able to, he would like them to consider a change from C-D to R-1-8. They need both properties to be the same zoning in order to use one spot for parking which is really what makes a difference in this case.

Ms. Turner stated they are just considering the proposed ordinance. The proposal Mr. Viehweg just mentioned would not be in the purview of this particular item.

Public Hearing Open for Public Comment

Wendy Parsons Baker – 190 East 5600 South, Murray, Utah

Ms. Baker said she owns the property adjacent to her residence which is adjoining the property they want to rezone. Normally she would not be in favor at all of having property move from residential to commercial. However, this happens to be a landlocked piece of property in Murray. She has lived in her home for about 30 years. During that time the property has been a weed field and has had abandoned cars on it; it's been a horrible place.

She is in favor of the proposal. She understands about encroaching from commercial into residential and thinks it's terrible when that happens. She thinks what is being proposed with this expansion is a good use of the property. She hopes the Council will take a look at the proposal and see where the piece of property is and what is involved. She hopes they move forward and recommend this change.

John Moran – 5767 South Lindon Street, Murray, Utah

Mr. Moran said there are a lot of different concerns about this kind of change in zoning. He appreciates the Planning Commission's recommendation of denial and agrees with it. He understands the architect wants to expand parking, but expanding parking is expanding commercial.

Lindon Street is a dead end street. Mr. Moran understands that during construction the construction workers might want to use Lindon Street as a thoroughfare to be able to work on the property from their side of the street. They like their neighborhood being a dead end street. There has been a lot of transition going on in their neighborhood. People have made lots of investments in improving their properties and backyards. They are concerned about the property values going down and having all kinds of traffic going back and forth.

A big sewage project was just finished a couple of years ago so Lindon Street is a beautiful roadway right now. If there are commercial vehicles going in and out during construction, they are concerned with the roads getting torn up. He implored the Council to vote against this proposal.

Sherman Wickel – 5710 South Lindon Street, Murray, Utah

Mr. Wickel proposed the following regarding the zoning request.

- 1) Fill in a six foot masonry wall at the north end of Lindon Street before construction starts;
- 2) Provide a 10 foot easement from the masonry wall;
- 3) No construction trucks from the start to the finish of construction on Lindon Street or Lindon Way;
- 4) Have all construction trucks enter the construction site from 5600 South (Aunt Loretta's has two gates that trucks can enter and exit by);

Mr. Wickel stated he lives behind the Larry Miller car dealership. Larry Miller installed a six foot high masonry wall from 5770 South to 5600 South. The same masonry wall goes all the way up to the end of Lindon Way. There is only one opening with a gate at the end of Lindon Street. This is where they want the masonry wall to close off the entry to Aunt Loretta's. If this is done, Mr. Wickel has no problem with Aunt Loretta's being rezoned to commercial.

There is a utility easement on the east side of Aunt Loretta's property, however, this is not a problem that should hinder the installation of the masonry wall.

If there is no permanent wall to close the opening at the north end of Lindon Street, there will most likely be an increase in traffic due to patrons of Aunt Loretta's using the newly installed parking spaces. It's hard to believe the

gate wouldn't be left open allowing people to enter her business from Lindon Street. There are young families on Lindon Street with children who attend McMillan Elementary School. It is expected that the increase in traffic would necessitate a crossing guard to help children cross the street safely on their way to and from school.

There are commercial dump trucks, double trailers and forklifts using Aunt Loretta's property right now. They enter and exit through the gate at the north end of Lindon Street. The property, at present, isn't zoned for commercial use.

Mr. Wickel stated he has the signatures of 31 people who live on Lindon Street and Lindon Way. No one has any problem with any business that Jane Loretta Bowman wants to have as long as she or Murray City closes in the existing gated fence with a masonry wall. There is an entry and exit at the existing child daycare off of 5600 South. There is also a two gated fence where all construction vehicles can enter and exit.

There are two houses at the north end of Lindon Street and both have driveways right by the gated fence that they want replaced with a wall. The owners of these homes would be drastically affected should this entrance to Aunt Loretta's business ever be used by a steady flow of traffic.

Murray City Land Use Ordinance requires a six foot high masonry wall and a ten foot depth of a landscaping buffer where a commercial property abuts a residential property. There seems to be some concern about a utility easement at the east side of Aunt Loretta's property where a sewer line is located. Any problem would be easy to resolve. Build the masonry wall up to the sewer line and utility easement then install a four, five or six foot gate with a lock allowing for access to the sewer line and utility should work need to be done. The existing utility easement has some pipes that are exposed now. They would need to be placed below ground to comply with the code anyway.

People who live on Lindon Street and Lindon Way are concerned about what would happen if Jane Bowman's property is rezoned commercial and she sells to a business like the Mike Acura Dealership located to the west of her, or to the rock business that now borrows her land. Without a masonry wall the residents could be dealing with a whole new set of problems. They are already surrounded by businesses such as Cameo, Phillips 66, Larry Miller car dealerships and the increased traffic that came with them. The traffic makes it difficult and often dangerous to attempt to turn left at 5770 South and State Street. They have already seen several accidents and near misses at that intersection. The last thing they want is increased traffic on Lindon Street and Lindon Way.

They are concerned about the future of Lindon Street and Lindon Way. Their goal is to preserve the integrity and safety of their neighborhood. They respectfully request that Jane Bowman's property be rezoned only if a masonry wall is built at the north end of Lindon Street.

Kathy Fredrickson – 5762 South Lindon Street, Murray, Utah

Ms. Fredrickson asked what district they are in and who represents them.

Mr. Hales stated they are in District 5 which is his district.

Ms. Fredrickson said there are 22 kids just on Lindon Street. The residents already have a problem with the daycare allowing a semi-truck to come in and dump rocks. She doesn't know how that is even being allowed.

Ms. Fredrickson stated she has a problem with not being notified about this proposal since she lives right there. She thinks three letters were sent out to notify people of this proposal so their voices could be heard. She is 100% opposed to this property becoming commercial in any way. The property is not landlocked and it can be accessed from Lindon Street and could be a home. It would still be a dead end street, there would just be a home at the end of it. She reiterated that it is not a landlocked piece of property.

Ms. Fredrickson said she sees nothing good that could come from this street becoming a thru street. If this property were to be rezoned commercial it sounds like basically anything could go in there. They are already one street over from State Street and it's bad enough with 7-11 being right there. They have had people jump over a wall and try breaking into their homes. Everyone Ms. Fredrickson has spoken with is completely opposed to this property being zoned commercial.

Karl Kitchin – 2433 East Kentucky Avenue, Holladay, Utah

Mr. Kitchin said he is the grandson of the owner of the childcare center that is trying to expand. He wanted to clarify that the property the daycare is on right now is currently zoned as commercial. There's a piece of property right next to it which is zoned residential. That is the property they are trying to get zoned commercial and if it doesn't pass they will try to pursue something else in the near future.

They only want to use the property for parking. The gate that everyone is concerned with will not become a thru street; that has already been made very clear to Mr. Kitchin by the Planning Commission. They would figure out access for construction later. They have plenty of other space for that.

He doesn't think it would be possible for there to be a complete masonry wall because of the business being a childcare center. They need some kind

of emergency access. They could possibly put in a crash gate or something that would remain permanently closed. They don't plan to use the gate as access to the business at all.

They are getting ready to partner with Head Start and are just looking to expand. By using the property that is currently zoned as residential he would be able to build a 9,000 square foot building versus a 4,000 square foot building. Also, with a 9,000 square foot building, he would be able to donate space to Head Start which is something he would love to be able to do.

Public comment closed

4.2.2 Council consideration of the above matter.

Mr. Camp stated to Mr. Tingey that it was mentioned that this property is landlocked but is it not the case that the same owner owns the property directly to the south.

Mr. Tingey said from the property in question the same owner owns property to the west which is zoned C-D where their daycare facility is. They also own property to the north, which is residential, of the property in question.

As far as being landlocked, if they were looking at locating a residence there, they would have to look at a flag lot type scenario. It would have to be addressed in one way or another through an access easement.

Mr. Camp said he knows they are only considering the C-D Zone change tonight. He asked if this entire property would be a candidate for an R-N-B rezone.

Mr. Tingey replied that based on the City's General Plan, it would not. R-N-B has designated areas in the General Plan especially along arterial streets. This would not be a candidate for the R-N-B.

The daycare is a C-D use. In order to have parking adjoining the daycare, they need to have a property with C-D zoning. That is why this request was made.

Mr. Camp verified that R-N-B would not be appropriate on 5600 South.

Mr. Tingey replied that right now, the City's General Plan has not designated that area as an R-N-B area. It's something that could be looked at, but right now it's not.

Mr. Nakamura said there are processes that need to be followed and until we go through those processes we can't answer the question as to whether or not the property would qualify for an R-N-B zone change. It may or may not. There are processes that go through Planning and Zoning so they can look at all the reasons why a property should or should not be rezoned. He wanted to clarify that the Council could not make a recommendation today about the property being rezoned to R-N-B.

Mr. Camp stated he understood that and that he wasn't looking for a recommendation tonight.

Mr. Brass said it was mentioned earlier that when the Council gets a zone change or a General Plan change before them, they often get plans of what people want to put on the property. In reality, they don't look at those plans as much as they look at what could potentially go on the property. There is a whole list in the Zoning Ordinance that will state what type of businesses can go in a particular zone. In the future, should this business relocate, go out of business or change, someone else could buy that property and put in whatever is acceptable in that zone and then it does impact the residential neighborhood.

Mr. Brass served on Planning and Zoning for three years before he became a Councilmember. Applications come in for zone changes for businesses that don't always happen and then something larger gets put on the property. If the property is up against a residential neighborhood, it impacts everybody. The City has started to look very seriously at protecting neighborhoods. The people make Murray what it is and they want to keep the neighborhoods in tact as best they can. That is why they are looking at this property as strictly a C-D rezone and if it is appropriate for that area or not.

Mr. Hales made a motion to deny the Ordinance
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion to deny passed 5-0

5. Unfinished Business

5.1 None scheduled.

6. New Business

6.1 Consider a Resolution approving an Interlocal Cooperation Agreement between the City and North Salt Lake (“NSL”), for the City to donate rock at the McGhie Springs for NSL to use on several public works projects.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill said the City owns property at the mouth of Big Cottonwood Canyon. It is a water property and over many years the number of boulders that have been dug up on that property have been piling up. The City has no use for those boulders and North Salt Lake City has asked that we donate some of these rocks for their use in a storm retention basin.

State Law requires that whenever two cities enter into an agreement, it requires action by the Legislative Body or the City Council. North Salt Lake City Council has already considered this Ordinance and approved it. Mr. Hill is asking the Council to also approve this Ordinance. By approving it, it allows the City to donate these rocks for North Salt Lake’s use. North Salt Lake would use their own trucks to come and pick the rocks up.

Mr. Nicponski asked Mr. Hill if he sees any need for Murray to use these rocks in the foreseeable future.

Mr. Hill replied he does not.

Mr. Brass asked if moving the rocks would disrupt the springs at all.

Mr. Hill said it would not.

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

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

6.2 Consider an Ordinance amending Chapter 2.09 of the Murray City Municipal Code

relating to the Murray Municipal Justice Court.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said every year after the Legislature completes their work, his office looks at the new statutes and determines if there are any changes that need to be made to our Municipal Code in order to conform to the changes that were made by the Legislature. This year the Legislature made some changes to the Justice Court and some of the issues related to the Justice Court. This Ordinance is presented to incorporate those changes. Three bills were passed that require us to make changes to our Code – House Bill 160 (HB 160), Senate Bill 181(SB 181) and House Bill 381 (HB 381).

HB 160 dealt with the qualifications of the Justice Court Judge. A law degree is required now. This does not impact the City's Judge as he is a lawyer and has a law degree.

SB 181 clarified the jurisdiction of Juvenile Court and that there were certain types of crimes that are within the jurisdiction of the Justice Court rather than the Juvenile Court. Those are mainly traffic violations and certain Class B Misdemeanors. The juvenile offenses that are under the jurisdiction of the Justice Court are now specified in the Code so there is no confusion as to whether or not the Justice or the Juvenile Court has jurisdiction.

Mr. Nakamura stated he is not sure what the impact of HB 381 will be, but that bill has made it a little more difficult to issue warrants of arrest instead of a summons. He thinks some good changes were made. There are now certain requirements that if you issue a warrant you have to have probable cause and also show that the person would be a safety or health risk. He thinks the impact may be more use of summons and less use of warrants.

The Legislature also changed some of the appeal processes for both the prosecution and defense. There is now a shorter time period in which you can file an appeal.

Mr. Nakamura reiterated that these changes are mainly to conform to the new legislation. There were also some things they came across in the Code that needed some clarification. Other than the changes to issuing warrants and summons, he is not sure the other changes are that substantial for Murray City.

Mr. Camp asked if the age limitation for the Judge was part of the new law.

Mr. Nakamura replied that was part of an old law and apparently we did not have that in our Code before. There is an age limit as to when you have to retire as a judge; 75 years old.

Mr. Brass made a motion to adopt the Ordinance

Mr. Nicponski seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

7. Mayor

7.1 Report

Mayor Eyre commented on the 4th of July activities. All day long, from 7:00 in the morning until nearly 11:00 at night, there were activities in Murray Park. The Sunrise Service was one of the most patriotic and emotional Sunrise Services the City has had in recent memory. It was a wonderful presentation of the American Dream and a wonderful representation of our country through music.

Following the Sunrise Service there was a wonderful parade that was well attended. Following the parade were activities in Murray Park. All of the activities were well organized from the car show to the activities for the young people. The Charley Jenkins concert was that night followed by a wonderful fireworks display.

The whole day was a tremendous success. He acknowledged all the people in the City who worked so hard to put that together; the Recreation Department, the Police and Fire Departments and the Police Cadets. Everyone worked hard to make it a great event for our City.

Mayor Eyre stated on July 13, 2016 there will be an employee appreciation day. That's where all the elected officials get to participate in scooping out ice cream to all of the employees. Employees can come by Pavilion 5 during their lunch break from 11:30 am to 1:00 pm. It is a social event for all the employees to show them how much they are appreciated.

Mayor Eyre said Murray City has several firefighters that have spent time in Southern Utah fighting fires down there. They are working on the Saddle Fire which is about 42% contained. The people in Southern Utah are appreciative of the professionalism and the amount of effort that Murray has put in, both in manpower and equipment, to fight that fire.

Mayor Eyre said a couple of weeks ago the Council passed the City's new budget for Fiscal Year 2016 – 2017. That budget has been posted on the City's website so

anyone can look through and see everything that's been done with it. The City was fortunate to have a great budget this year. We are fortunate to have very diverse revenue sources with over 3,000 businesses. The Council was able to pass the budget without any increase in property tax. There has not been a property tax increase in Murray since 2006.

Mayor Eyre stated the City's website is old and is in need of updating. There is an internal committee working together who have young, bright ideas on how a website should look. The website is being reconstructed right now and should be up and running by fall of this year.

7.2 Questions of the Mayor

Mr. Nicponski commended the Mayor and Fire Department for the outstanding job they did on the field fire off of about 700 West and 5000 South. They were able to use the gates and the fire was effectively handled.

8. Adjournment

Jennifer Kennedy, City Recorder