

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

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The Municipal Council of Murray City, Utah, met on Tuesday, the 18<sup>th</sup> day of April, 2017 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

The meeting was conducted by Diane Turner

Council Members Present:

Dave Nicponski, Council District 1  
Blair Camp, Council District 2  
Jim Brass, Council District 3 - Excused  
Diane Turner, Council District 4/Council Chair  
Brett Hales, Council District 5

City Staff Present:

Ted Eyre, Mayor  
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  
Larry Killips, Recreation Director  
Tim Tingey, Administrative and Development Services Director  
Jim McNulty, Development Services Manager

Ms. Turner called the meeting to order at 6:30 P.M.

**5. Opening Ceremonies**

**5.1 Pledge of Allegiance**

The Pledge of Allegiance was led by Darin Bird.

**5.2 Approval of Minutes**

**5.2.1 Council Meeting – March 7, 2017**

**5.2.2 Council Meeting – March 21, 2017**

MOTION: Mr. Hales moved to approve both sets of minutes. The motion was SECONDED by Mr. Camp. Voice vote taken, all “ayes.”

**5.3 Special Recognition**

**5.3.1 Murray City Council Employee of the Month, Larry Killips, Recreation Director.**

Staff Presentation: Brett Hales, Councilmember  
Doug Hill, Public Services Director

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

Mr. Hill spoke about Mr. Killips’ 27 year career with Murray City. Mr. Killips thanked the Council.

**5.3.2 Certificate of Achievement for Excellence in Financial Reporting.**

Ms. Turner stated this item will be continued until May 2, 2017.

**5.3.3 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah, declaring Friday, May 5, 2017 as Murray Arbor Day.**

Staff Presentation: Mayor Ted Eyre

Mayor Eyre read the Joint Resolution and presented it to Darin Bird who is representing the Shade Tree Commission.

MOTION: Mr. Camp moved to adopt the Joint Resolution. The motion was SECONDED by Mr. Hales.

Council roll call vote:

Mr. Hales           Aye  
Mr. Nicponski   Aye  
Mr. Camp           Aye  
Ms. Turner        Aye

Motion passed 4-0

Mr. Bird thanked the Mayor and Council for their support. He stated Tree City USA has been around for 41 years and Murray City has been a part of it for 40 years. There are over 80 cities in Utah that are Tree Cities.

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

No citizen comments were given.

7.    **Consent Agenda**

7.1    None scheduled.

8.    **Public Hearings**

8.1    Public Hearing #1

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

**Consider an ordinance approving a boundary adjustment with Midvale City.**

Staff Presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey said this item was taken before the Planning Commission on March 29, 2017. Prior to that, this item was heard by the City Council where the City Council passed a resolution to evaluate this issue. The property is on the boarder of Midvale and Murray on 700 West. Mr. Tingey outlined the process for a de-annexation or boundary adjustment. The process is governed by State code and there are specific steps that have to be taken.

This property is currently zoned R-1-6 – residential single-family with minimum lot sizes of 6,000 square feet.

During the Planning Commission meeting, there was input and information provided by the police, fire, power, and public services departments. The police department was concerned about jurisdictional issues related to people understanding what services Murray City would provide when it comes to public safety. The only issue with the power department was that they have existing power lines that would have to remain in place even if this property was de-annexed.

Public services had some issues and concerns with the sewage on this property. The property would require a lift station and there were concerns about providing ongoing maintenance of that lift station. Since that meeting, the public services department conducted a study and learned there are some alternatives that could be looked at to potentially address the sewer issues in this area.

Mr. Tingey summarized the concerns raised by citizens at the Planning Commission meeting. Those concerns included: concerns about Murray giving up tax revenue, jurisdictional issues related to the roads and public safety, traffic concerns, loss of opportunities for development in Murray, confusion of city services, Murray losing control of the land use, and density. There was also one comment in support of the application.

The Planning Commission talked about the ongoing cost and maintenance of a lift station. They were concerned about the loss of land use control and with the development standards. They encouraged the Council to look at other options before making a decision. Based on all that the Planning Commission recommended denial. They want to see this land stay in Murray.

Mr. Camp said he noticed that staff did not make a recommendation. He asked Mayor Eyre if the administration had any recommendation.

Mayor Eyre replied the administration would like to see the land stay in Murray.

Mr. Tingey added the reason the staff report did not provide a recommendation is because staff wanted the Planning Commission to really weigh all the issues on this. There were a variety of concerns from public safety to public services. Therefore, staff opted to let the Planning Commission take public comment and make a recommendation without their input.

#### Jacob Ballstaedt – Garbett Homes, Applicant

Mr. Ballstaedt gave some background on this site and the history of the development. This property became available for purchase last fall. Garbett Homes (Garbett) were able to secure a purchase agreement with the seller and started working on entitlements. At that time, Garbett proposed a concept site plan that corresponded with the existing zoning of R-1-6.

As they started working through the planning of the property, they realized the sewer and storm drain were a problem. The property is significantly

lower than its nearest storm drain on 700 West. He explained there was no way for them to gravity flow the sewer because the depth of the sewer on 700 West is shallow, only a few feet deep. They couldn't get a storm drain there either. In situations like this, one of the options is to provide a sewer lift station. Garbett proposed this option to the public services department. They proposed to build the sewer lift station, design it to the specs that were required by the city, pay for it, and then dedicate it to the city. The city was not willing to accept a sewer lift station because there are other sewer lift stations in the city that cause problems.

Mr. Ballstaedt said they then took a look at running the sewer south of the Winchester Estates Mobile Home Park. As they looked at the preliminary engineering, they realized if they did that, the sewer would be several feet above the ground by the time it reached this subdivision.

Garbett then approached Midvale City as Midvale already has a storm drain and a sewer lift station in that area. After a few meetings with Midvale, they agreed to let Garbett run the storm drain into their city. However, they would only do this with an Interlocal Agreement with Murray City that states how the storm drain will be maintained and how the ongoing maintenance will be paid for. Midvale was also willing to let Garbett use their sewer, but they were not willing to take on the liability and challenges with the sewer unless the property was located in Midvale. At that point, Garbett realized there was no other option than to try to do a boundary adjustment and move the property from Murray to Midvale.

Mr. Ballstaedt stated that after they made the application and started the process of moving this property into Midvale, Murray City ordered an engineering study of the feasibility of running the sewer south of the mobile home park. Garbett took a close look at it as well and did an additional study of their own. The results of the study determined that it would be possible for the sewer to run south of the mobile home park.

Mr. Ballstaedt went over some of the details of this possibility noting that the majority of the sewer would not be on Garbett's property. It would be on property owned by IPG, the new owner of the Winchester Estates Mobile Home Park. He provided some profiles of options for the sewer to the Council and explained how each would work.

Mr. Ballstaedt explained that Garbett approached IPG to acquire a sewer easement. They made them an offer and concessions to help them in their future development, but they haven't responded. Garbett is hoping IPG will review and consider their offer, but they have no obligation to do so.

Mr. Ballstaedt stated there are a couple of options to make this sewer and subdivision work. The first option would be to try to sewer the property

into Midvale through a boundary adjustment. The second option would be to build a sewer lift station and keep the property in Murray, following the city's direction, paying for it, and dedicating it to the city to the city can maintain it. The third option is to hope that IPG will allow Grabett to run sewer pipe through their property.

Grabett's desire is not to go to Midvale. They bought this property because it was in Murray. They want to develop this property, but this situation has made the property undevelopable. If Murray is not willing to have a lift station or let the property go to Midvale, the property is going to sit; it cannot be developed. They need help to figure this out. At this point, the boundary adjustment is the only option they have because they have already been told no on the other options. Mr. Ballstaedt reiterated they are only pursuing the boundary adjustment so they can sewer the property.

The public hearing was opened for public comment.

David Broadbent – Murray City, Utah

Mr. Broadbent urged the Council to help find a solution that will work for this property. It's a great piece of property that's potential will be unrealized unless the sewer problem is resolved through either a boundary adjustment that would move the property into Midvale or Murray City accepting a dedicated lift station.

Cass Butler – Murray City Utah

Mr. Butler said his family owns the northern acres of this property. He remembers farming the property when he was younger. As time progressed, the Union and Jordan Irrigation Company liquidated and went out of business which cut off their ability to get irrigation water to farm the property. Without water, you can't farm. Back then, the whole area was a farming community with very little development. Over the years, the areas around this property were developed and all that is left is this undeveloped property that can't be farmed. Currently, this property is rented out to horse owners but it is time for it to be developed.

Mr. Butler stated he appreciates the concerns from the public services department regarding maintaining a lift station. He feels those issues are budgetary issues. He asked the Council not to annex this property but instead address the budgetary issues and build the lift station so the property can be developed.

Lisa Hubbard – Murray City, Utah

Ms. Hubbard feels that the property needs to be maintained and stay in Murray. She encouraged the city to hire someone to take care of the lift station. She said it is nice to think there will be some new homes going in

for future residents. The city needs to do whatever needs to be done to keep this land in Murray.

Jocelyn Rees – Murray City, Utah

Ms. Rees said she wants the future residents in this area to be supported by Murray and to have the same experiences and opportunities as other Murray residents have had. It would not be respecting the residents to let those homes go into Midvale. Midvale has different standards. They aren't bad standards, they are just different. Residents of Murray choose to live in Murray based on those standards and they pay for it. She wants Murray to support the land that is in Murray and for the Council to vote not to give this land to Midvale.

Cynthia Rees – Murray City, Utah

Ms. Rees said she wants to see this property stay in Murray. Her son's school is looking at doing a first/second grade split class because there aren't enough kids in their school. There will be some infrastructure issues with the road around this development and if Midvale is in charge of it, Murray won't be able to do much about it.

Jenny Wood – Murray City, Utah

Ms. Wood said she would like to build a home in Murray. Murray has an awesome police department and great recreational activities; she doesn't want to move anywhere else. When she heard this property was going to be developed, she was excited because now she would have an opportunity to have a brand new house in Murray. She doesn't want to be a Midvale resident, she wants to be a Murray resident.

Ms. Turner closed the public hearing and asked Mr. Ballstaedt if he would like to respond to any of the comments. Mr. Ballstaedt said he agrees with all the comments he just heard.

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

Mr. Nicponski asked Mr. Hill to explain the lift station concerns.

Mr. Hill replied there are currently three lift stations in the city. There used to be four, but last year the city got rid of one of them. There are costs involved with running a lift station. Every day an employee goes to all of the lift stations to make sure they are functioning and the power is working. Even a few hours of a lift station not working can cause backups to all the properties that drain into it. Lift stations are alarmed with a SCADA system so if the power goes out or the backup generator fails, which has happened before, the alarm system notifies dispatch who will then notify employees to respond immediately.

In addition to the daily maintenance that lift stations require, weekly maintenance must also be done on them. Lift stations require quite a bit of staff time and the costs are in perpetuity, but those are not the biggest concerns the city has with them. The biggest concerns the city has with lift stations has to do with the noise and smells that are generated by them. Although there is technology to help reduce the noises and smells, it is not 100% effective.

This lift station would be located right in the middle of a residential neighborhood, or several residential neighborhoods that adjoin this property. Because the properties would be so close to the lift station, the potential for complaints is there and the issues are ones that the city cannot resolve. The city gets complaints all the time on the current lift stations and none of those are located as close in proximity to residences as this one would be.

Mr. Hill said another alternative would be to have a privately owned and maintained lift station. He doesn't think that Garbett wants to do that anymore than the city does, because then some kind of HOA would need to be created and the residents in the area would have to take responsibility for the daily and weekly maintenance of the lift station. Lift stations, whether they are privately owned and operated or publically owned and operated, are problematic.

When Garbett told the city they would need a lift station to make this project work, the city tried to explore every alternative to a gravity flow sewer system because that is the ideal solution to this problem. However, that solution comes with challenges and it comes with cost. It may even be improbable for Garbett to do it if they can't purchase an easement from the adjoining property owner to install sewer lines, it may not be feasible at this time. That's the challenge with development; sometimes not all properties can be developed immediately. Every so often it takes time for things to fall together before properties can be developed.

Mr. Hill stated Garbett has been great to work with. They have worked together to try to solve this problem and they want to see the property stay in Murray. The best way to do that is to pursue the gravity flow option rather than a lift station.

Mr. Nicponski asked how often the other lift stations overflow.

Mr. Hill replied last year there were two instances where lift stations failed and there were backups. One of the incidents did not result in any property damage, but did result in sewer going to the Jordan River. The city had to work with the Department of Environmental Quality to clean it up. The other backup resulted in some property damage. This doesn't mean the



city has two backups every year; it can be several years between backups. However, it seems like every year or two the city is dealing with a problem with a lift station.

Mr. Hales asked where the lift stations are at.

Mr. Hill replied there are two on the Jordan River; one is at the golf course on the Jordan River and the other one is just south of 5400 South on the Jordan River. The third one is located on Big Cottonwood Creek at about 4500 South 300 East.

Mr. Hales asked Mr. Tingey if he was familiar with IPG and if he has had any contact with them.

Mr. Tingey responded no.

Mr. Nicponski said he called IPG and left a message for them, but has not had a return call yet.

Mr. Camp said he also contacted IPG. He received an email response from them stating they are considering working with Garbett on the sewer.

Scott Howell, Garbett Homes, said the role of government is to solve problems and make progress. As soon as Garbett made an agreement to purchase this property, they met with Mayor Eyre to let him know they were coming to Murray with homes starting in the low \$300,000 that are solar equipped and energy efficient. They never had intentions to go into Midvale, their intention is to develop this property in Murray.

Mr. Howell suggested that IPG would really react to a resolution from the Council suggesting that IPG work with Garbett homes to solve this problem. Garbett has offered IPG more than fair market value on the easement and it's on a piece of property that IPG will never use. The irony is that Garbett had an opportunity to purchase this piece of property but they didn't because they didn't think they would ever need it.

Mr. Howell stated that Garbett wants to work with IPG but IPG is not responding to them. Garbett also met with the community leaders of Winchester Estates and they all said they support this project and want it done sooner than later. Mr. Howell thanked Mr. Nicponski and Mr. Camp for reaching out to IPG.

MOTION: Mr. Camp moved to deny the ordinance. The motion was SECONDED by Mr. Hales.

Mr. Camp thanked everyone for the dialogue that has gone along with this

issue tonight. First of all, Murray does not want to lose this property, which has been stated tonight. Secondly, if this boundary were to be adjusted, the city would lose control of the zoning of this property, and the property could potentially be rezoned to higher density.

Mr. Camp stated he does not like the idea of adjusting a current property owner into Midvale City. He feels that the lift station approach is a policy decision that is not being considered tonight. The council is considering the boundary adjustment, therefore, he supports the denial of this ordinance.

Council roll call vote:

Mr. Hales	Aye
Mr. Nicponski	Aye
Mr. Camp	Aye
Ms. Turner	Aye

Motion to deny passed 4-0. The ordinance was not approved.

Mr. Nicponski encouraged the public services department to work with the Mayor's office and Garbett Homes to reach out to IPG and try to solve the sewer problem.

## **8.2 Public Hearing #2**

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

**Consider an ordinance relating to land use; amends the General Plan from Residential Business and Residential Single Family Low Density to Office and amends the Zoning Map from R-1-8 to G-O for the properties located at approximately 533, 551, 565, 583, 593, 631 East Winchester Street and 6363 South 525 East, Murray City, Utah.**

Staff Presentation: Tim Tingey, Administrative and Development Services Director  
Applicant – Bedford Properties/Robert Smith

Mr. Tingey said this item was considered at the March 16, 2017 Planning Commission meeting. Since that time, Mr. Tingey received a letter from the applicant. The letter was received after the noticing for this public hearing had been send out. Mr. Tingey read from the letter.

*"Dear Murray City Mayor, City Council, Planning Commission and staff;*

*The Smith family would like to withdraw their application for the change to the General Plan/Land Use Map from R-N-B to General Office and also the change in zoning from residential to G-O. During the March Planning*

*Commission meeting it was made clear by the Planning Commission that the intent of the city is for the future land use on these properties to be R-N-B. We also listened to some residents talk about their concerns over the G-O zone being adjacent to their neighborhood. We wish to continue working with the city as we consider our options. Thank you for your willingness to work with us and we look forward to improve our properties in Murray."*

Mr. Tingey stated that in summary, the applicants are requesting to withdraw this item and for it not to be considered tonight.

Mr. Nakamura explained that the Council does not have to accept the applicants request to withdraw this item. He noted there are people in attendance pursuant to the notice and public hearing and that the Council can take public comment. The Council can also approve the withdrawal and not proceed any further with this item.

Ms. Turner opened the public hearing asking if anyone would still like to speak on this item even though there is a request to withdraw it. No public comments were given and the public hearing was closed.

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

MOTION: Mr. Nicponski moved to accept the applicants request to withdraw the application. The motion was SECONDED by Mr. Hales.

##### Council roll call vote:

Mr. Hales	Aye
Mr. Nicponski	Aye
Mr. Camp	Aye
Ms. Turner	Aye

Motion passed 4-0

#### **9. Unfinished Business**

##### **9.1 None scheduled.**

#### **10. New Business**

##### **10.1 Consider a resolution approving an Interlocal Cooperation Agreement between the City and the State of Utah, Utah State History, Department of Heritage and Arts for a grant to undertake local historic preservation projects under the Certified Local Government Program.**

Staff presentation: Doug Hill, Public Services Director

Mr. Hill said the city applied for and received a grant from the State of Utah for

\$16,615 for historic preservation projects in the next fiscal year's budget. The grant will help offset some of the city's administration costs for these historic preservation projects. It will also do an intensive level survey on a home on 1294 West Bullion Street to find out the history of the home, who lived there and document it with photos and stories. It will also do an intensive level survey on the Murray Cemetery.

The grant would increase the size of the downtown residential historic district to include an additional 270 homes. That doesn't mean these homes would be protected, it just means the homes could become eligible to be placed on the national historic registry if the individual property owners choose to do that.

Finally, the grant would allow the city to hire an architect and engineer to evaluate the Murray Theater, which the city owns, to determine what work would need to be done so the theater could be occupied. It would allow some architectural concept plans to be put together on what the theater could look like and what the cost would be should the city want to move forward with some kind of remodeling project for the theater. Right now, the theater cannot be used for public use because of several building code issues.

Mr. Hill noted the CIP Committee has recommended matching funds for the theater study. The other funds would come from the cultural art and history budget.

Mr. Nakamura clarified that every agreement is subject to the appropriation of funds.

MOTION: Mr. Hales moved to adopt the resolution. The motion was SECONDED by Mr. Nicponski.

Council roll call vote:

Mr. Hales	Aye
Mr. Nicponski	Aye
Mr. Camp	Aye
Ms. Turner	Aye

Motion passed 4-0

**11. Mayor**

**11.1 Report**

Mayor Eyre spoke about the Power Department and how they will plant trees in resident's park strips for a \$45 fee. There are four different types of trees residents can choose from. Once a resident purchases a tree, the Power Department plants and maintains the trees. The Power Department is planning on planting about 150

trees this year.

Mayor Eyre said there have been approximately 662 5<sup>th</sup> graders who have graduated from the D.A.R.E. program this year. He noted that over 50% of kids in the D.A.R.E. program want to become police officers when they grow up.

Mayor Eyre thanked the Council for everything they do and thanked them for reading through their information packets before the City Council Meetings every week to ensure the Council Meetings are ran efficiently and don't run all night long.

#### 11.2 Questions for the Mayor

### 12. **Adjournment**

The meeting was adjourned at 7:49 P.M.

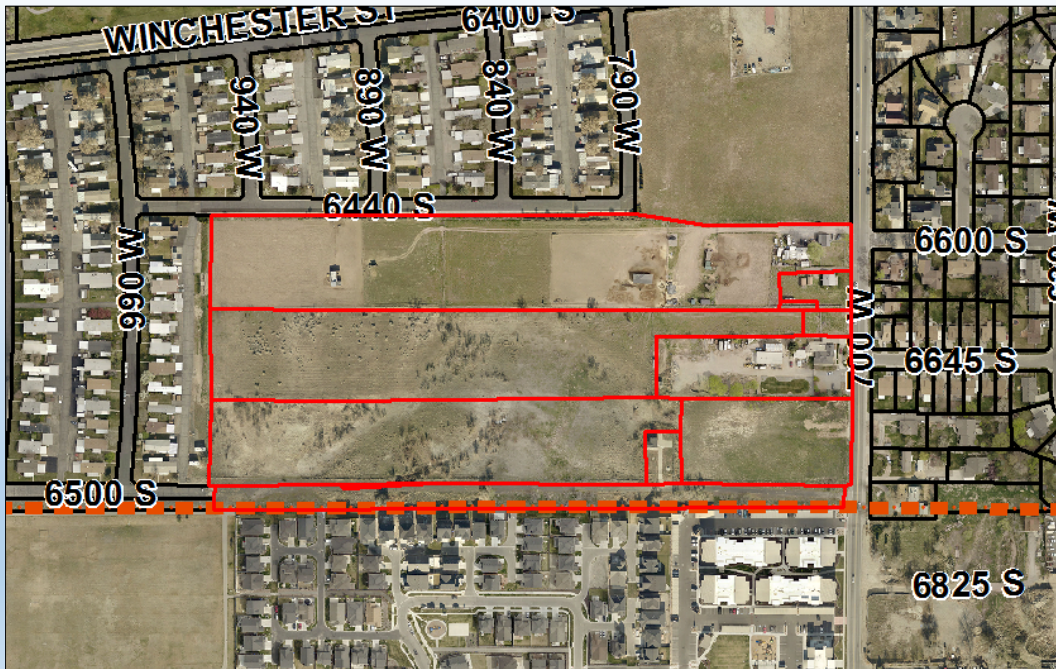
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Jennifer Kennedy, City Recorder

# Attachment 1

# BOUNDARY ADJUSTMENT MURRAY CITY TO MIDVALE CITY

6600 South 700 West



# 10-2-419

[Index](#) [Utah Code](#)  
[Title 10](#) [Utah Municipal Code](#)  
[Chapter 2](#) [Classification, Boundaries, Consolidation, and Dissolution of Municipalities](#)  
[Part 4](#) [Annexation](#)  
**Section 419** [Boundary adjustment -- Notice and hearing -- Protest.](#)

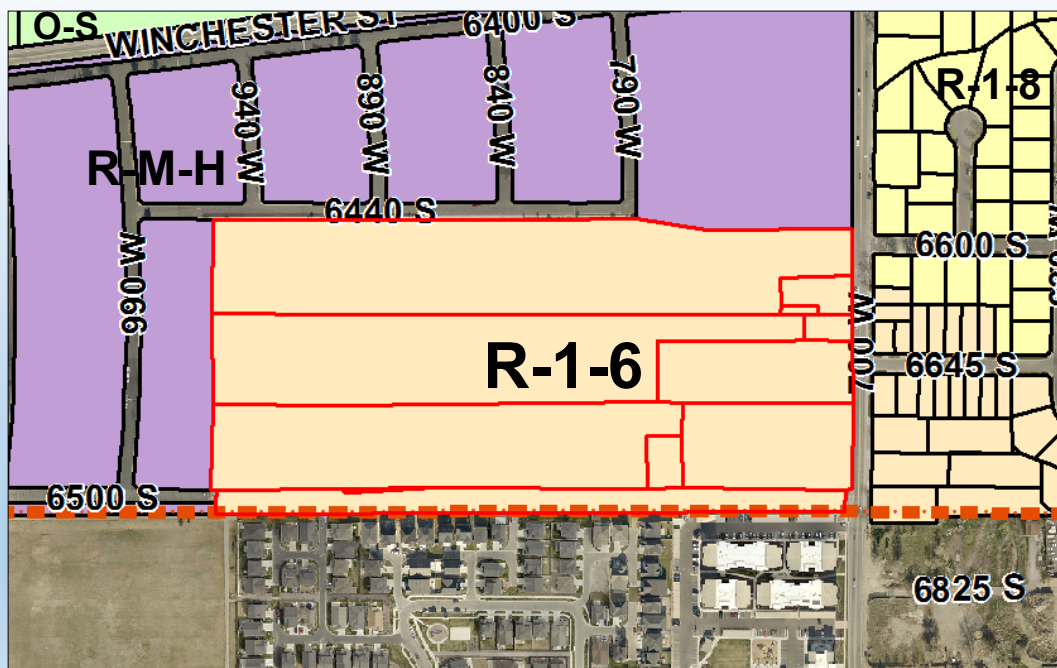
## **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

- (1) The legislative bodies of two or more municipalities having common boundaries may adjust their common boundaries as provided in this section.
- (2) (a) The legislative body of each municipality intending to adjust a boundary that is common with another municipality shall:
- (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a common boundary;
  - (ii) hold a public hearing on the proposed adjustment no less than 60 days after the adoption of the resolution under Subsection (2)(a)(i); and
  - (iii) (A) publish notice:
    - (I) at least once a week for three successive weeks in a newspaper of general circulation within the municipality; or
    - (II) if there is no newspaper of general circulation within the municipality, post at least one notice per 1,000 population in places within the municipality that are most likely to give notice to residents of the municipality; and
- (B) on the Utah Public Notice Website created in Section 63F-1-701 for three weeks.

## Process

- The legislative body (City Council) adopts a resolution stating intent to adjust a common boundary;
- Council holds a public hearing on the adjustment as proposed by the resolution;
- Council enacts an ordinance approving the adjustment of the boundary;
- A notice of the action and a final local entity plat is filed with the Lieutenant Governor;
- The Lieutenant Governor's certificate, originals of the documents (resolutions and ordinances) and final local entity plat are filed with the Salt Lake County Recorder.





#### **Public Services**

- The property can only be served by Murray City with a new lift station
- Murray City will not accept and maintain a new sewer lift station – station would have to be private
- Midvale City is in a better position to provide sewer service for development here

#### **Power Department**

- Transmission line runs along east property line
- Must stay in service (many properties, including Murray well house)

#### **Police**

- Traffic and some other code enforcement is complicated by 700 West being split between jurisdictions
- Response in general is complicated because a portion of Midvale would be surrounded on three sides by Murray

#### **Community & Economic Development**

- City loses input into land use decisions
- Large size of developable land (24 + acres) magnifies impacts of land use decisions





Looking west across 700 West, Midvale boundary with Murray



East side of 700 West, Murray City