



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, June 4, 2019 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### Council Members in Attendance:

Dale Cox – Vice Chair	District #2
Jim Brass	District #3
Diane Turner	District #4
Brett Hales	District #5

<u>Excused:</u> Dave Nicponski - Chair	District #1
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### Others in Attendance:

Blair Camp	Mayor	Jan Lopez	Council Director
G.L. Critchfield	City Attorney	Jennifer Kennedy	City Recorder
Doug Hill	Chief Administrative Officer	Kim Sorensen	Parks & Rec. Director
Jennifer Heaps	Comm. & PR Director	Blaine Haacke	Power General Manager
Rob White	IT Director	Robyn Colton	HR Director
Melinda Greenwood	CED Director	Danny Hansen	IT
Jon Harris	Fire Chief	Kim Fong	Library Director
Russ Kakala	Streets Superintendent	Jared Hall	CED Division Supervisor
Brenda Moore	Finance Director	Kat Martinez	Resident
Jennifer Brass	Resident	Jan Cox	Resident

Mr. Cox called the Committee of the Whole meeting to order at 4:46 p.m.

**Approval of Minutes** - Mr. Nicponski asked for comments or a motion on two sets of minutes. Mr. Hales moved approval, and Mr. Brass seconded the motion on the following minutes. (Approved 4-0)

- Budget & Finance Committee – February 11, 2019
- Committee of the Whole – March 5, 2019

### **Reports from Representatives to Interlocal Boards and Commissions**

- **Utah Association of Municipal Power Systems (UAMPS) and Intermountain Power Project (IPA) – Blaine Haacke**

- SNR (small nuclear reactors) - Mr. Haacke encouraged the council to attend upcoming APPA (American Public Power Association) meetings in Austin, Texas regarding SNR, which the city is considering for generation acquisition. UAMPS continues to attain subscribers, like Murray, to purchase megawatts from the SNR plant that would produce a total of 720MW from 12 modules. Currently, the DOE (Department of Energy) would purchase 2 modules, and UAMPS is committed to two modules, providing four modules for the first phase of the project. The design phase is underway with the NRC (Nuclear Regulatory Commission) resulting in questions for NuScale from the federal level; for example, cooling procedures, and proximity to a seismic fault line; so far, there are no significant foreseen problems. After the pending design approval process, the licensing process begins, which could take a number of years. Construction is expected to start in 2022, with a 2025 completion date that is sooner than expected.
- Large Scale Solar – Mr. Haacke said the city is considering a large-scale solar resource, which is an area of land filled with large solar panels. One advantage to large scale solar is the ability to purchase significant amounts of energy at reasonable rates. Several solar farms exist but a new project exclusively for UAMPS, with a completion date of 2022, is anticipated in the four corners area producing 65MW. The city would commit to 5MW, which is 3% of the city's entire energy requirement. In addition, the city would market the resource for residents who cannot attain solar energy, due to apartment living, or those shaded by thick trees. The addition is a positive push towards attaining renewable energy in the city's portfolio, which is almost 40% -50% renewable.

Ms. Tuner asked if Murray customers could request the solar use. Mr. Haacke said yes, with a slight mark-up in price and approximately 3MW would be utilized for city use. Solar was a big success for RMP (Rocky Mountain Power) customers, which sold out quickly after offered to customers. Mr. Haacke favored solar energy over wind turbines, even with the liability of cloud cover, solar is more reliable and consistent in meeting the city's load. Cost for the resource is not determined yet, however, Mr. Haack thought it would be similar to the federal hydro-plant, which is inexpensive.

- IPA – Mr. Haacke reported the resource is still scheduled to change from a coal fired plant to a natural gas plant. Six California cities, and 22 Utah cities are committed to the resource until 2027; at that time, the new plant would be ready. After 2027, three California cities drop from the project; Anaheim, Riverside, and Pasadena. Repowering is due to California legislation, requiring all cities to be 100% renewable by the year 2045. California legislation hurt the project; however, remaining California cities will pay for all new construction costs, there is no cost to Murray, and Murray will still have access to call-back power if necessary. The plant will become a smaller facility than originally planned; at 860MW it is 45% of its current size. Murray will lose some of that capacity, but IPA is a secondary resource to the city, used only when necessary because at \$75Mwh (megawatts per hour) it is twice the cost of the federal- hydro resource, due to a carbon tax and existing generation costs that are required after 2025 when the new natural gas plant is built.

Mr. Haack is an IPA Board member and would keep the council up to date as legislation occurs, construction bids come in, and the design unfolds. He said Los Angeles will not back out of the plant because it provides 1/3 of California energy, by way of existing Utah transmission lines that send renewable energy from wind and solar resources located in Milford and Delta Utah; the only way to

achieve this is by having the thermal plant to push voltage to California cities.

- **Trans-Jordan Cities** – Mr. Kakala reported the following:
  - The landfill has a new executive director.
  - Sandy City requested Trans-Jordan build a new transfer station /facility to be run by Sandy; a business plan is complete. Sandy would lease the property long-term to include an indoor HHW (household hazardous waste) drop off. The location would benefit Murray and other nearby cities.
  - An annual budget meeting and hearing would be held on the morning of June 20, 2019, which would include a 1.5% COLA (cost of living adjustment) and a 3.5% merit increase to wages; tipping fees would not increase this year.
- **Murray City Library** – Ms. Fong explained behind the scenes strategies. An outdated three-year strategic plan was expiring, and a Service Design Module would be implemented. The new method constantly looks for ways to improve service as a whole. The Service Design Module judges a service as “good” with elements like how useful, useable, efficient, effective, and desirable, a certain service is. She noted one module analyzed how different groups of people use the library, and how service to those people could be improved. Nine patron types were named as: holders, browsers, computer program users, digital attenders, studiers, public meeting users, lookers and volunteers. Analysis helped develop better ways of meeting each of those needs. Ms. Fong concluded by sharing an insightful quote: “Building good customer service does not happen by accident, it happens by design.”
- **COG (Council of Governments)** – Mayor Camp said four meetings occur each year in January, May, August and November. The following was highlighted:
  - January: COG committee appointments were filled, and leadership updates were addressed. For a second year, Mayor Camp would participate on the Transportation Coordinating Committee, and the TRCC (Tourism, recreation, cultural and conventions) Advisory Board; the source of the \$3.6 million for remodeling the Murray Theater.
  - May: Transportation funding updates, legislative issues from Cameron Diehl, moderate income planning, and a presentation on the 2020 Census.
  - November: Legislation meetings would occur with Senate and House representatives. Mayor Camp confirmed all council members were invited to attend the upcoming meetings.
- **Utah Telecommunications Open Infrastructure Agency (UTOPIA) – and - Utah Infrastructure Agency (UIA)** – Mayor Camp provided an update and confirmed the two organizations combined because they are one in the same. A handout noted as: *Recurring Revenue Combined* (UTOPIA and UIA) (See Attachment #1) was shared to reflect steady growth and revenue. Mayor Camp noted the average increase in combined recurring revenue was \$20,000 per month. Of that, \$18,000 was from UIA, which has an average of 13,500 customers, and increases each month by approximately 372 customers; UTOPIA attains about 27 new customers per month.

A tentative FY 2020 budget was passed on May 13, 2019 and a public hearing was set for June 10, 2019. UTOPIA requires an additional seven full-time positions that include a sales engineer, a sales manager, a construction project supervisor, two fiber technicians, one field service technician, and one marketing assistant; part- time employees include three GIS interns. All cost increases incurred by

UTOPIA from running the network are being funded by additional transfers from UIA, because they are providing support staff, which is an additional transfer this year of \$400,000 from UIA to UTOPIA. The budget included an average wage increase of 3%, which is merit only, and a 9% increase is expected in benefits. Increases are to be paid by increased management fees from UIA. Currently, there are 54 full time employees in the organization, however that would increase to 61 with the tentative budget proposed. Mayor Camp noted the following:

- Layton City bonded twice for buildouts. One bond occurred in July of last year, and the other would occur this year; each bond to build the system totals \$24 million.
- Morgan City, which is not a UTOPIA city, would bond for \$2.6 million to buildout. Morgan City would pay all bond costs except construction costs and UIA would build and supply service.
- Payson, a UTOPIA city, planned to purchase a bond for \$3.7 million to finish their system, and consider paying outstanding UIA assessments to become a full-fledged UIA member.
- Woodland Hills would pay to own their UIA system; UIA would install and provide services.

Mayor Camp confirmed UIA was expanding without additional costs to UIA members and said the Murray buildout was projected for 2024. However, the projected payback of Op-Ex (operations expense) was expected in 2022; payback of Op-Ex would first be allocated to those cities who paid in full, and then to those made partial payments.

Ms. Turner asked if connections were progressively increasing in Murray, and what the average number was per month. Mayor Camp stated he would get back to her with that breakdown.

Mr. Hales asked if Mayor Camp had better insight into the UIA, UTOPIA organizations, as Murray's Mayor. Mayor Camp explained with increased interest in high-speed internet, the organization was doing better than in the past, although, he did not think the city would ever be reimbursed for original bond costs the city initially paid upfront.

Mr. Brass confirmed when UTOPIA technology first came about, Murray was told joining immediately was imperative, because in the future there would be no other opportunity to be part of the technology. As a result, just 11 cities initially supported the organization. However, this was not the case, as currently, more and more cities are able to get the high-speed internet at the same cost those 11 cities paid originally; and the first cities are now obligated to pay the debt of \$350 million accumulated by UTOPIA. Therefore, Morgan City, Woodland Hills, and others are benefiting for free, from a system paid for by cities like Murray who are not even built out yet. He said this was not right, and the \$1.7 million bond payment the city must pay to UTOPIA, increases each year, would make up a double bond payment elsewhere.

Mayor Camp agreed a philosophical direction taken by the board to expand the network, was driven by thinking the expansion would benefit everyone.

Mr. Hales agreed Murray would benefit if membership was offered now, instead of how it was handled in the beginning. Mayor Camp confirmed.

Mayor Camp said the council would consider Ms. Moore as the city's new UIA representative during the next council meeting, which was critical to keeping them all informed.

- **CAP (Community Action Program)** – Ms. Kennedy shared a story about a Murray resident who contacted the city in need, due to a brain injury; the Mayor's office requested Ms. Kennedy reach out with CAP information. As a result, CAP provided one month of rent, food pantry assistance, a VA (Veterans Administration) case manager referral to find medication cost assistance and resources Murray cannot provide. She said working together makes a difference in helping the needy. Other items she reported were:
  - The HEAT program finished for the season; last winter the program accepted 12,118 applications and provided \$5.6 million in utility assistance to Utah households.
  - A summer dinner program would begin Monday-Fridays from 4:00 p.m. to 6:30 p.m. at three locations: South Salt Lake, Magna, and West Valley. A free meal is offered to people under 18 years of age; those over 18 pay \$3.
- **Jordan River Commission** – Mr. Sorensen reviewed the following:
  - The legislature appropriated \$1.1 million for the Jordan River recreation area located between 4800 South and 2100 South. Three important proposals for the zone were noted as follows; funding for a Tracy Aviary satellite station near 3300 South, which did not pass; Green bike stations along the river; and a trail to be installed on the east side of the river, by the city of Millcreek, which would connect with a bridge to Murray at 4500 South with no impact to Murray.
  - Murray's donation decreased \$31. Donations are based on the amount of river frontage, population, and square miles; the city's cost is \$3,648 this year.
  - The annual celebration called "Get into The River" changed its name to "Get to the River." The change better reflects activities, events, and volunteer programs held at the river. Murray will have a volunteer project to remove large invasive trees along the north side of 4500 South to celebrate the event in September or October. The city will solicit proposals this summer from tree companies for the project.

Ms. Turner asked if the Jordan River Commission membership was worthwhile. Ms. Sorensen confirmed funds were received as a result; for signage, additional policing, tree pruning and removal, membership was worth more than the cost to join the commission.

### **Holiday Ordinance Discussion**

Mayor Camp led a discussion about a "tradition" that developed over the years on Christmas Eve, and New Year's Eve; regular full-time employees expected the mayor to declare city hall closed after noon, allowing them to leave work early. Since becoming Mayor, he wanted to resolve the matter, which seemed unfair to firefighters, police officers, and other city employees who could not leave work. He hoped to address the issue early, so he consulted department directors last year to discuss the practice and possibly change City ordinance 2.62.120: Holidays. He proposed city hall to close at 2:00 p.m. on Christmas Eve and city employees who could not leave their positions three hours early would be compensated; (there would be

change on New Year's Eve). As a result, complaints from employees were that a benefit they were accustomed to was taken away. Mayor Camp noted neither were paid holidays. However, it was discovered the new proposal was in the existing city ordinance – but not in city personnel policy.

Mayor Camp shared a handout (Attachment #2) related to paid city holidays, comparing Murray City to other cities. Murray noted with 14 paid holidays and three floating holidays was more than most cities; the lowest number was 11 paid holidays.

Mayor Camp said his intent was to follow the existing holiday ordinance, but an awkward position resulted. He requested the council provide input and direction to either change the current ordinance by increasing the number of paid holidays to include Christmas Eve; or, decrease floating holidays by one, to provide Christmas Eve. He noted if employees used a vacation day on Christmas Eve, all fairness would still not be achieved because everyone might not have available vacation time. In addition, city hall must remain open, unless Christmas Eve was a scheduled paid holiday by ordinance.

Ms. Turner thought the decision was within Mayor Camp's purview to give city employees a half-day off on Christmas Eve if he wished. As a state employee in the past, Ms. Turner explained one week prior to the holiday, the governor gave non-essential personnel a half-day off on Christmas Eve, by declaration. State employees expected it to happen and essential employees were happy to cover, due to the nature of their work. Mayor Camp asked Mr. Critchfield because not all employees could participate.

Mr. Critchfield said a mayor could grant a half-day off on occasion; however, a mayor sets policy by executive order, and an executive order cannot contradict an ongoing ordinance. It was the city council who could pass a rule, law, or ordinance and make it permanent. He confirmed the tradition expected by city employees, was ongoing for, therefore it was a city council matter.

Mayor Camp suggested the option to remove current text from the ordinance, and delegate to the council, new language be considered as policy.

Mr. Cox requested extended time to review of the proposed ordinance. He thought Christmas was a unique holiday to be recognized and noted city hall was not a busy place of business on Christmas Eve anyway – except for emergencies. Therefore, he suggested possibly providing the entire day off on Christmas Eve, as a paid city holiday. He wanted time to create a way to make the policy work for everyone, including first responders who could not take Christmas Eve off, and agreed those employees should be compensated accordingly. If anything, he said new policy should at least include a paid half-day on Christmas Eve for everyone.

Mr. Brass agreed a new ordinance should accommodate all city employees, so in the meantime, the current ordinance should be followed. Mr. Hales agreed. There was consensus Mayor Camp would return to the council with a new proposed ordinance for their review.

Mr. Cox stressed urgency for having the new ordinance in place this year, so employees could make holiday plans ahead of time.

**Renewal of the NeighborWorks Agreement Discussion** – Melinda Greenwood, Jim McNulty

The NeighborWorks organization of Salt Lake City would like to continue its partnership with Murray, and the Murray RDA (Redevelopment Agency). Ms. Greenwood reviewed the proposed agreement that would replace an existing expired agreement. It included updated neighborhood, housing, and moderate-income housing goals, as outlined in the Murray City General plan adopted in May 2017; the city worked cooperatively with Neighborworks the last several years. The partnership provides an avenue for the city to utilize designated affordable housing funds accumulated through RDA areas, and provides great opportunities for Murray citizens, by facilitating neighborhood revitalization and development through increased homeownership in the community. Assistance with a down payments, attaining home loans, and assisting with repairs are some of the benefits.

Mr. Brass confirmed the relationship was of great value because many loans given were forgivable. The council would consider the agreement following approval by the RDA Board.

**Indoor Farming Discussion** – Jared Hall

A proposed text amendment would allow produce to be grown year-round indoors, using hydroponic methods; fruits and vegetables are grown with nutrients added to water, applied directly to roots without soil. Mr. Hall explained as production methods evolve an application was submitted from a business of this nature. The detailed information was given to the planning commission, who recommended approval to the council, to add the text to the M-U (mixed use), M-G (manufacturing general), C-D (commercial development), TOD (transit oriented development), and B-P (business park) zones, as a conditional use.

Mr. Hall explained the applicant would grow primarily strawberries, lettuce, kale and arugula. He gave a power point presentation to explain the environmentally controlled method, the proposed area, the warehouse facility located east of State Street between 4500 South and 4600 South. (See Attachment #3) He said indoor farming provides local sustainable food, where recycled water can be utilized, and explained the city did not have a category for this type of farming, therefore, new language was created.

Ms. Turner confirmed the city never had language prohibiting the new technology. Mr. Jared confirmed clarifying indoor farming text was necessary for eliminating language related to acres of land needed for traditional farming. He reviewed details in the ordinance related to lighting, where light provided by LED fixtures are used instead of direct sunlight and noted the need for generated power to run air conditioning and heating units required for indoor temperature control. He reviewed findings the planning commission made and reported only one other indoor farm was operating in Utah, near Park City. He said staff and the planning commission support the concept, because in terms of land use, the city would benefit by providing fresh produce to nearby restaurants, and citizens by offering a retail farmer's market.

Mr. Brass expressed concern about delivery trucks coming and going near neighborhoods. He thought the increase went beyond the terms of the conditional use permit. Mr. Hall would study the activity and thought delivery service would not get worse than what already occurred in the area. Mr. Brass suggested the right turn only condition should be maintained.

Ms. Turner asked whether marijuana could be grown indoors. Mr. Hall confirmed according to the new cannabis ordinance, a certain number of producers are only allowed to grow marijuana in S-A (state

agricultural) zones. He said the city was more likely to get a dispensary, than a producer, because the city did not have an abundance of agricultural land; in addition, production is preferred outside the core of a city. Ms. Greenwood confirmed staff was working on an ordinance to address changes in state code to allow marijuana growth in agricultural areas, which could expand to other areas in the future.

Mr. Brass noted vacant buildings like K-mart and Shopko; he noted these facilities could also be used short-term for indoor farming, because old buildings are hard to repurpose. Mr. Hall agreed portions of buildings could be easily utilized for indoor farming.

The city council would consider the proposed land use ordinance text amendment for indoor farming at an upcoming council meeting. To find more information google: *vertical farming in Jackson*.

#### **Fiscal Year 2018-2019 Budget Amendment Review**— Brenda Moore

Ms. Moore reviewed the proposed ordinance that would provide revisions to the 2018-2019 budget and ensure the city did not go over budget. This was the last budget opening for the 2018-2019 budget year, and the council would consider the proposed budget amendment on June 18, 2019.

- The city received increased investment revenue due to rising interest rates; receipt of \$210,000 would be added to Interest Revenue.
- The fire department requires an increase to *overtime*, due to retirements, as well as, for required retirement payouts. In addition, money for social security contributions brought the total to \$100,000.
- Utilities at the cemetery need additional funding for watering, due to new metering, a long hot summer, and the increase in water rates along with the new tiered rate system. She noted approximately \$50,000 to cover the need for the remaining year.
- The same significant cost increase was noted for Murray Park, for the same reasons mentioned at the cemetery; the Parks Division would need a total of \$60,000 for the remaining year.
- Receive and appropriate Capital Fund grants and related expenditures with no financial impact, which were noted as: Choice Transportation Funds from Salt Lake County to help fund various street projects, like the Vine Street project, and two road projects related to Hanauer Street, and UDOT funding for 5600 South State Street.

#### **Allowed dates for Fireworks** – G.L. Critchfield

The council would consider amending City Code Section 5.38.020, due to updated changes in state law regarding fireworks sales and uses. Mr. Critchfield noted state changes that reduce the number of days for selling and setting off fireworks; therefore, the city's ordinance would be consistent with state law.

**Announcements:** None.

**Adjournment:** 6:04 p.m.

**Pattie Johnson  
Council Office Administrator II**



# ATTACHMENT #1

# PLANNING COMMISSION MEETING

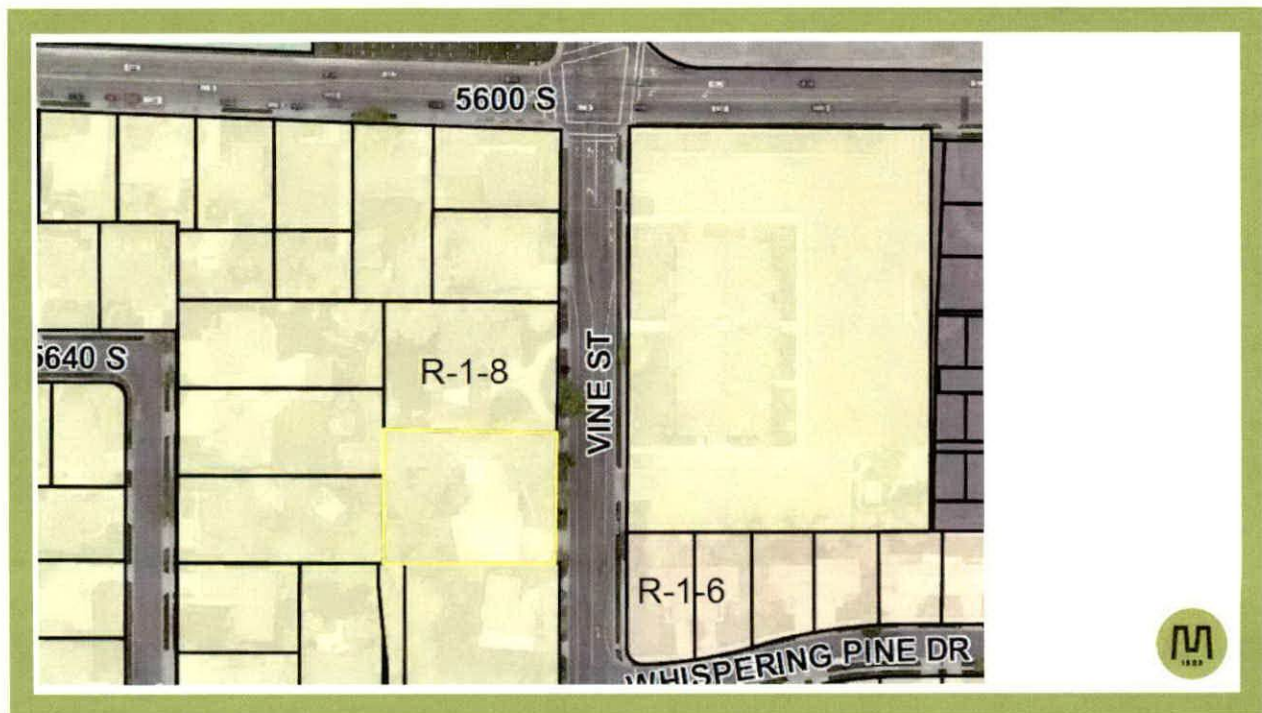
May 2, 2019



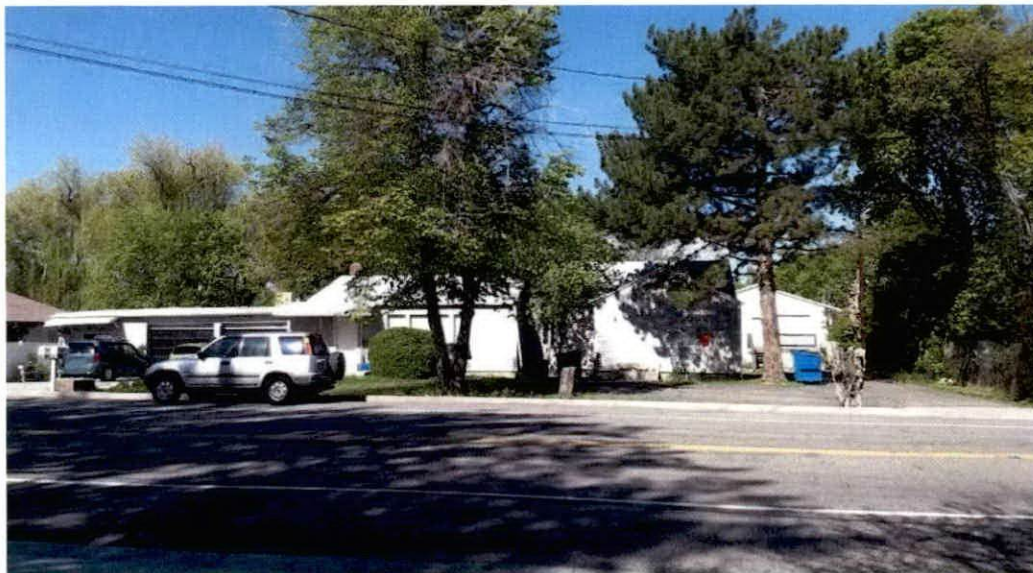
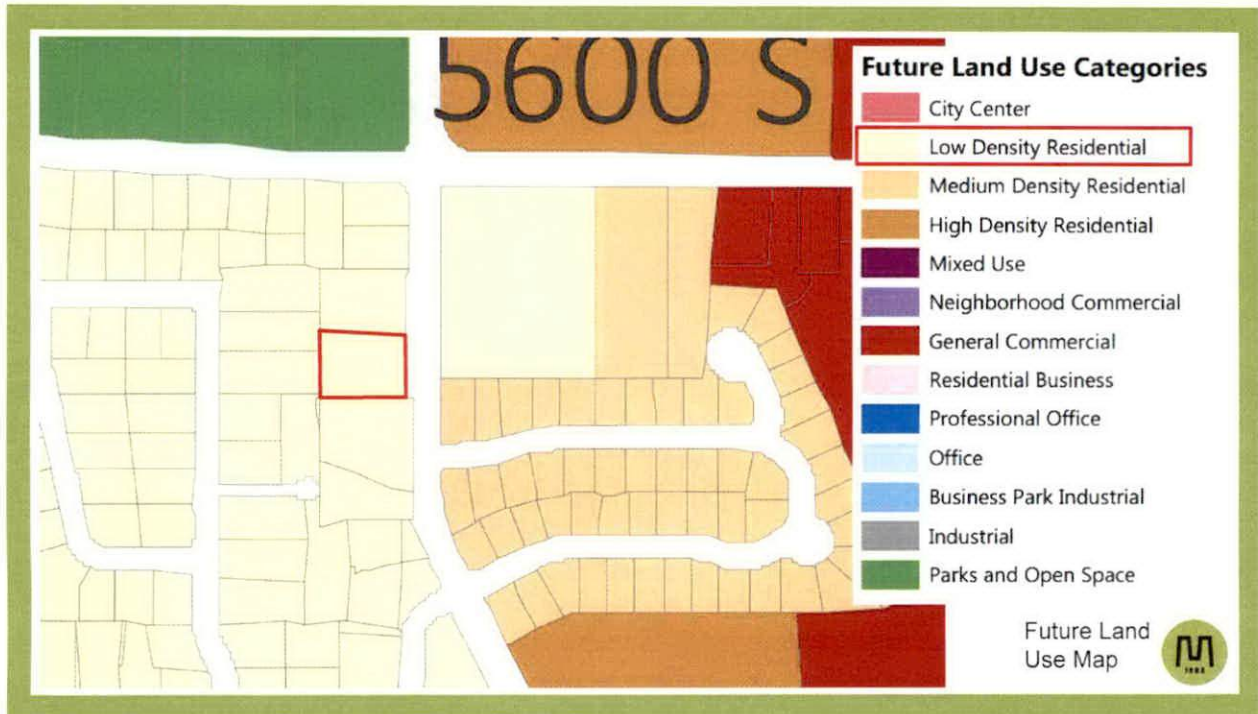
## Sunny Vines Zone Map Amendment from R-1-8 to R-1-6

770 East Vine Street

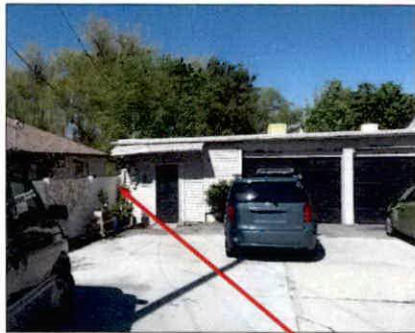








Looking west across Vine Street at the subject property.



Looking west at the south property line. The duplex building appears to be located directly on the property line, with no setback.



In addition to a variance for front yard setbacks, any subdivision would also require a variance to the rear yard setback requirement, and to the side yard setback on the north property line.



Looking west at the rear building. Given the location of the duplex and the rear building, any subdivision between them would require variances to the rear setback of the duplex and the front setback of the rear building.



## Findings

1. The rezoning of the property to R-1-6 is supported by the Future Land Use Map designation of Low Density Residential, however, the applicant's intended purpose in seeking the change of zoning conflicts with the purpose of "encouraging residential development with is single-family detached in character".
2. The requested rezoning has been carefully considered based on the characteristics of the site and surrounding area and the policies and objectives of the 2017 Murray City General Plan. While the Future Land Use Map would support the rezone, the property would represent an isolated parcel zoned differently from all those surrounding it.
3. The proposed amendment to the Zoning Map from R-1-8 to R-1-6 is not in harmony with the established pattern of zoning and development surrounding the subject property.
4. The rezone has been requested in support of potential requests for several inappropriate variances and a subdivision that Staff cannot support. Staff finds that if approved, the variances and subdivision would have negative impacts to the surrounding properties.



## Staff Recommendation

Staff recommends that the Planning Commission forward a recommendation of DENIAL to the City Council for the requested amendment to the Zoning Map designation for the property located at 770 East Vine Street from R-1-8, Single-Family Residential to R-1-6, Single-Family Residential.

