



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, June 18, 2019 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### Council Members in Attendance:

Dave Nicponski - Chair	District #1
Dale Cox – Vice Chair	District #2
Jim Brass	District #3
Diane Turner	District #4
Brett Hales	District #5

### 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	Pattie Johnson	Council Office
Connie Carpenter	Council Office	Jim McNulty	CED
Rob White	IT Director	Danny Astill	Public Works Director
Melinda Greenwood	CED Director	Craig Burnett	Police Chief
Brenda Moore	Finance Director	Mike Dykman	Assist. Fire Chief
Jennifer Brass	Resident		

Mr. Nicponski called the Committee of the Whole meeting to order at 5:15 p.m.

**Approval of Minutes** - Mr. Nicponski asked for comments or a motion on the minutes from Committee of the Whole, March 19, 2019. Mr. Hales moved approval. Mr. Brass seconded the motion. (Approved 5-0)

### Discussion Items

### Reports from Representatives to Interlocal Boards and Commissions

- **VECC (Valley Emergency Communications Center)** - Doug Hill

For the last three years VECC worked to acquire a new software dispatch system. Hexagon was selected for a cost of \$3 million and work began to integrate and implement the system, however, in

doing so, the system was found incompatible with the police department. After successful negotiations between VECC and Hexagon, the contract was terminated, and Hexagon would pay a small settlement back to VECC; all terms are confidential. Mr. Hill confirmed VECC would start again to find a new provider and the RFP (request for proposal) process was underway.

VECC integrated new entities: UPD (Unified Police Department), Herriman City, and Riverton; all wages and benefits are now uniform by combining protocols. In addition, it has been a challenge to hire dispatchers, due to a competitive market; new compensation programs and incentives are being considered to recruit workers and retain them. Mr. Hill explained since Hexagon was terminated, VECC is required to work with existing systems that cities own. In Murray's case, an old version of Spillman software would be reprogrammed and upgraded so Murray police have access to data.

New assessment is being considered for all entities since additional entities were acquired; calculations are based on the number of calls averaged over a three-year period of time; because Murray's calls have not changed significantly, a slight decrease was seen in the expense. However, due to inflation additional costs could potentially have an impact. Mr. Hill was not certain if the city would be required to provide funding to migrate to the new software, but he thought somehow VECC would need to make up the additional cost for those systems. Mr. Nicponski asked the current cost for assessment. Mr. Hill said annually, approximately \$406,000 for police, and \$170,000 for the fire department.

Mr. Cox asked about existing problems to extend and upgrade the Spillman contract. Mr. Hill said IT Director, Mr. White coordinated with VECC and will upgrade Spillman in July, which would take less than a week to complete. Mr. Cox asked once RFP's were conducted how long before a new system would be in place. Mr. Hill explained conflict because the ultimate goal of legislation was to provide one dispatch software system for all of Salt Lake County, but VECC and Salt Lake City do not utilize the same system. Challenges began after Hexagon did not work out and SLC was no longer interested in a new product and wanted to keep their existing Versaterm program, and suggested VECC also use it. Discussions would continue to address procurement issues and resolve differing opinions and the hope is to find a new compatible software.

- **Metro Fire - Doug Hill**

Mr. Hill noted the purpose of Metro Fire to provide specialized services to cities that do not belong to UFA (Unified Fire Authority). When those cities need a specialized service like hazmat, canine, and water rescue, rather than train staff, they call Metro Fire Authority. For example, as a Metro Fire member, Murray responders specialize in swift water rescue. Mr. Hill said the program works well, and because Metro Fire member cities coordinate well together, there were no major issues or concerns to report; meetings are often cancelled for lack of content to discuss. Mr. Hill appreciated Murray Fire Chief Jon Harris, Chairman of Operations on the Metro Fire board, who worked with other fire chief members. They are currently considering different ideas to fund specialty services, improve coordinated services, and provide better consistency in all specialized services.

- **UCLT Legislative Policy Committee - Dale Cox**

No meetings were held since the 2019 Legislative Session adjourned, although, a conference in April was held in St. George where both Cameron Diehl and Rachel Otto reported on important issues

that occurred during the 2019 session. Mr. Cox noted in lieu of having weekly LPC (Legislative Policy Committee) meetings, caucus meetings would be held this summer on August 20, or 21, 2019, and Murray would be in the “established mid-sized cities” group. The group includes: Bountiful, Centerville, Cottonwood Heights, Draper, Holladay, Logan, Midvale, North Salt Lake, South Ogden, South Salt Lake, Taylorville, and Tooele.

The overall concern underway is the revamping of the tax bill. Mr. Cox confirmed potential changes would affect income tax, sales tax on food, imposing a state property tax, expanding the sales tax base to include untaxed services, expanding the motor fuel tax and cutting the state budget. The Utah Taxpayers Association held a meeting in May where legislative leadership and task force members discussed the state’s structural imbalance statements, and indicated all options are on the table for review. The Tax Task Force will hold eight public meetings at various cities statewide, between June 25 and July 30, and final details are expected to be announced this week. Mr. Cox said the issue is important because the city lives and dies by sales tax revenue, and hopefully when a solid plan is determined, it would be beneficial to all cities. Mr. Nicponski requested the list of cities where meetings would be held. Ms. Lopez would provide it.

- **Association of Municipal Councils** - Brett Hales shared the following about monthly meetings:
  - January - Purpose and goals of the meeting were to promote collaboration between communities and help council members expand their understanding of issues to learn and compare with other cities.
  - February - WVC (West Valley City) discussed medical marijuana and shared what they learned about the cash business industry after visiting San Francisco and Denver. Mr. Hales discussed the following:
    - Denver has 400 production sites and realized tax revenue totaling \$45 million from the industry.
    - Production occurs in Class B industrial buildings.
    - The growing process and production cycles that include high amounts of water and power.
    - Affected nearby areas, in terms of, smell, burglaries, high level security, and the increased cost for leasing industrial properties.
    - Utah’s law allows seven dispensaries and 10 production sites statewide.
    - Information was shared with Murray City Attorney, G.L. Critchfield, and the city was encouraged to update land use codes to model the WVC ordinance, as soon as possible.

Mr. Hales noted Murray must comply and be ready to accommodate medical marijuana by May 2020. If the state was not prepared by then, doctor prescriptions would be honored out of state, so patients can travel outside Utah and bring medical marijuana back home. He was impressed with overall current information WVC shared to help educate other cities.

- May - Attendees had round table discussions as follows:
  - Holladay City reported the 57-acre Cottonwood Mall site development is dead. Mr. Hales said clear disappointment was expressed. Plans are still not certain for property.
  - South Jordan discussed 61,000 signatures against high-density housing; they only want to allow 4 units per acres.
  - Cottonwood Heights referendum success on rezone for high-density housing development.
  - Mr. Hales talked about the proposed plastic bag ordinance and open meeting in Murray.
  - WVC and Midvale noted recycling; both cities will have an opt-out option for residents.

- West Jordan conversed about a puppy store opening with significant complaints from citizens; however, the company insisted it was reputable.
- Taylorsville and Holladay are negotiating contracts for snowplowing and have a Municipal Service District with a line item on tax bills. Also, UPD (Unified Police Department) budget increases based on Riverton's decision to pull out and go with their own police force.
- Riverton has an Airbnb issue coming up to include restrictions within the state code. And, their city council passed a resolution for the protection of human life.
- June – Mr. Hales was unable to attend, so Ms. Lopez reported UTA Board of Trustees, Carlton Christensen led discussions about new board organization, allocations of the quarter of the quarter percent; UTA receives 5%, cities and counties get 10%; and, a new program to be tested in the south part of the valley similar to Uber that utilizes small transports to take people to specific places. If successful, it will expand to other areas. Mr. Brass added a test run operated at Farmington Station.
- **CVWR (Central Valley Water Reclamation)** - Mr. Brass reviewed the following:
  - Several retirements occurred, particularly General Manager, Tom Holstrom who was replaced by former Assistant Manager, Phil Heck; the rebuild is running smoothly aside from many personnel changes.
  - New clarifiers are coated and complete, and CVWR continues to work on the new generation side of the facility. The ultimate goal to completely power the plant with created methane gas.
  - The compost process is exceeding \$1 million in expense because sludge piles must be covered, and constantly turned; new covers and equipment are required to conduct the operation. Mr. Brass explained selling compost to landscaping companies became a side business over the years, which was not initially intended for-profit. Compost made from sludge was designed to cut costs of hauling sludge, as far away as Idaho. New board members who are not aware of why the business began are considering whether to continue composting operations; the finance director is also questioning whether the business is worthwhile. Updated transport costs and reevaluating the savings would be reviewed, in terms of, fuel, wages and truck maintenance before a final decision is made.
  - Discussions are ongoing about removing the golf course and developing the land. Mr. Brass explained currently, if the area was redeveloped, complaints would be heard about a strong stench on most windy days; however, once the rebuild is complete that smell should subside, due to the new generation process. He noted smells from the nearby recycling transfer station would still remain.
- **WFWRD (Wasatch Front Waste & Recycling District)** - Jim Brass

Mr. Brass said nationwide people are reevaluating the recycling process, due to extremely high recycling costs. Currently, Waste Management facility charges \$66 per ton, and WFWRD's cost for dumping garbage only is \$31 per ton, which means recycling costs are double that of basic trash disposal. As a result, WFWRD takes recycling material to RMR (Rocky Mountain Recycling) because the cost is \$47 per ton. The current contract price will expire in May 2020, after which, negotiations for a new contract are anticipated with new index pricing, based a recycling commodities market. He anticipates the industry will turn around and recycling plants will reopen for paper and cardboard. He noted a new plastic recycling plant in the mid-west that created a new market in the way of fuel for farm tractors. He said if enough new recycling businesses are supported, the recycling market would grow again and remain in the United States.

Currently, the WFWRD budget is stable, but a budget increase of \$150,000 is expected, which is absorbable. However, if prices surge at RMR, the increase might be as much as \$300,000. Mr. Brass

said this would require rethinking the overall recycling process, but recent studies confirmed the majority of people want to continue recycling. As a WFWRD board member, he said it was difficult to justify that when 20% of recycled material ends up in landfills, and recycling costs keep soaring, but the hope is to keep companies like RMR viable and in business. He said just one new plant can make a significant difference; for example, a fiberglass insulation company in Nephi, Utah provided a new way for recycling glass in the state.

Mr. Brass explained when Millcreek Township was created, and unincorporated geographical areas were possibly getting annexed into Sandy City, there was difficulty to program driving routes for ACE truck drivers because geographical areas associated with WFWRD routes were so sporadic and meshed. The problem is getting resolved and WFWRD agreed to let Sandy annex those properties; the loss in tax revenue does not compare to the costly inefficient routes.

A decision to close the transfer station near 3300 South and 700 West is still underway, after Salt Lake County proposed closing it. Currently, ACE has its own transfer station, and is constructing a new one, which would cost \$1 per ton less than others.

- **Murray Area Chamber of Commerce - Jim Brass**

This year's golf tournament would be held at Murray Parkway on June 28, 2019 to raise money for a variety of children's charities across the valley. Mr. Brass reported no significant change in business because with a booming economy, it was a struggle to maintain membership. The Murray Chamber of Commerce would attend a meeting, hosted by Ms. Strobell about development in the downtown area to support local businesses. He confirmed the chamber had taken a stand to be non-partisan to avoid political matters, and do not endorse candidates or policies; their presence is to advise and support business matters in the area.

**Zone Map Amendment 770 E. Vine Street – Jim McNulty**

Property owners requested the existing R-1-8 zone be changed to R-1-6 (Single Family Residential), where the lot size is .48-acres. Aerial maps of the parcel were shared to review the Future Land Use Zone Map and land use categories. He noted Whispering Pine Drive across the street is an R-1-6 zone, where twin homes were allowed on 6,000 square foot lots. He provided photos depicting a structure that presently functions as a duplex, which is currently, legal non-conforming. He explained the General Plan Land Use Map adopted two years ago allows and supports the R-1-6 low-density residential, however, in this case, staff does not support it. (See Attachment #1).

Mr. Cox asked the meaning of legal non-conforming. Mr. McNulty explained legal, non-conforming property is when a structure was legally constructed years ago but could not be newly built today on land that is no longer zoned as it once was. Therefore, at the site, the zone changed at some point and the city no longer allows twin homes, or duplexes on R-1-8 lots, however, the city would permit what is there prior to the change. The current permitted use is Single Family Detached.

Mr. McNulty said the primary concern was a detached structure in the rear of the property, which was never allowed initially; Salt Lake County and Murray City have no permit on file. Owners claim the detached structure is used for storage, but it may have been used as a dwelling space in the past. Because

the *duplex use* exists on the property, the applicant wants the city to approve a rezone, so the property can be subdivided. Another concern relates to the number of required variances because the existing structure sits directly on property lines; there are no setbacks at the front, rear and side yards, so, even if the property were rezoned to R-1-6, required variances – totaling five - would still remain. The applicant was asked to consider starting over by scrapping the property, but the owner declined because the desire is to attain three rental units for an investment. Mr. McNulty concluded a rezone does not lend itself to the current zone, and conflicts with the purpose of encouraging residential development, which is Single Family Detached in character. It would represent an isolated parcel zoned differently from all those properties around it.

The proposal went before the planning commission on May 2, 2019, where staff recommended the planning commission deny the request, which they did unanimously during a public hearing. The planning commission forwarded that recommendation of denial on to the city council.

**UDOT Transportation Funds** – Danny Astill

Murray City was considered to receive a one-time funding award for a local transportation project (Senate Bill #268), during the 2019 Legislative Session. As a result, the city would receive \$1 million to complete a project identified as crucial on 5600 South. Mr. Astill explained the \$1 million was not enough to complete the entire project, so the work would begin at State Street and move eastward toward Van Winkle, until funds are exhausted; an application for the remaining funds needed would be submitted to the Transportation Choice and Wasatch Front Regional Council to assist with completing the entire corridor. He said it was a great opportunity for the city to utilize \$1 million and make improvements to pedestrian access, curbs, gutters and sidewalks and other elements. UDOT would like to start the project soon, so, a Pass-Through Funds Agreement is required in order to receive funding, and the council would consider the resolution during council meeting.

**Justice Court Prisoner Transportation** – G.L. Critchfield

The city's current interlocal cooperation agreement with Salt Lake County is due to expire and must be renewed; prisoners are transported from jail to the Murray City Court for processing. The county offers a highly specialized service and the city would like to renew the agreement for another year. Mayor Camp noted the number of transports annually lessened, due to video arrangements. Mr. Nicponski asked the annual cost for the service. Mr. Critchfield stated \$50,000 was budgeted but each transport is an individual cost. The proposed new contract, if approved would be for a similar term: one year with four, renewal terms.

**Announcements:** Ms. Lopez made several announcements related to coming events for the council members.

**Adjournment:** 6:10 p.m.

**Pattie Johnson**  
**Council Office Administrator II**

# ATTACHMENT #1

# PLANNING COMMISSION MEETING

May 2, 2019

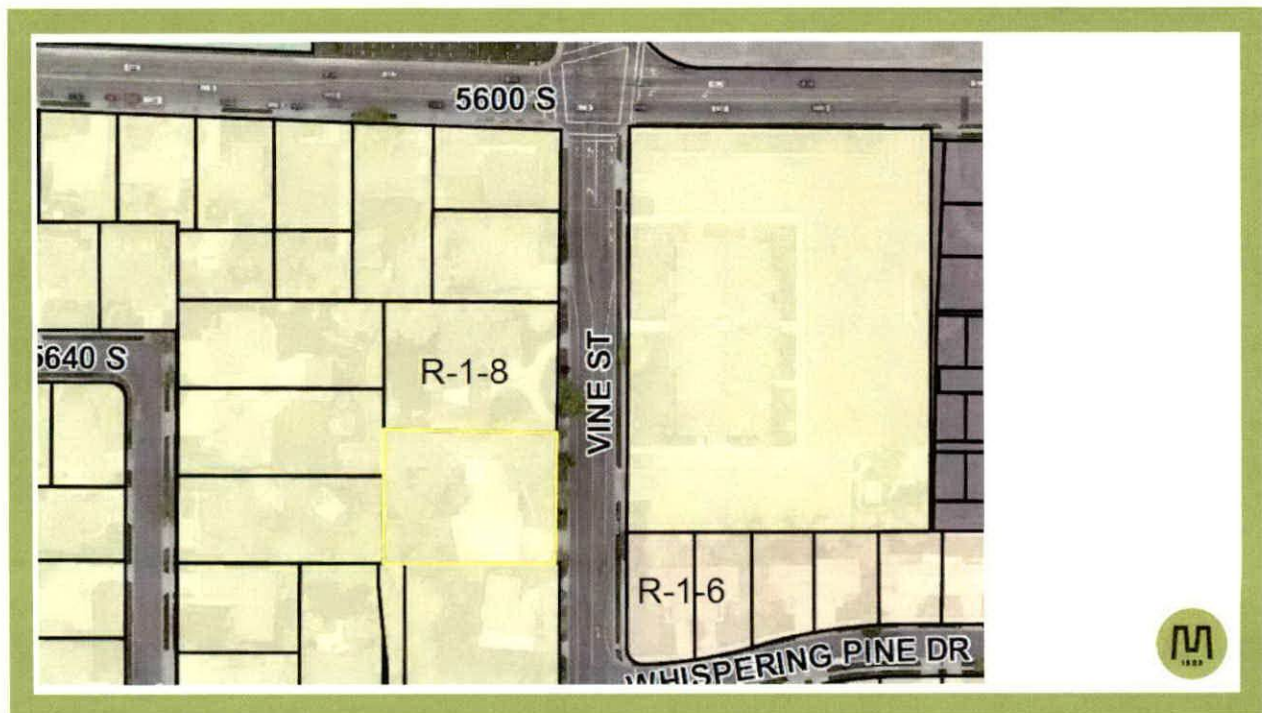


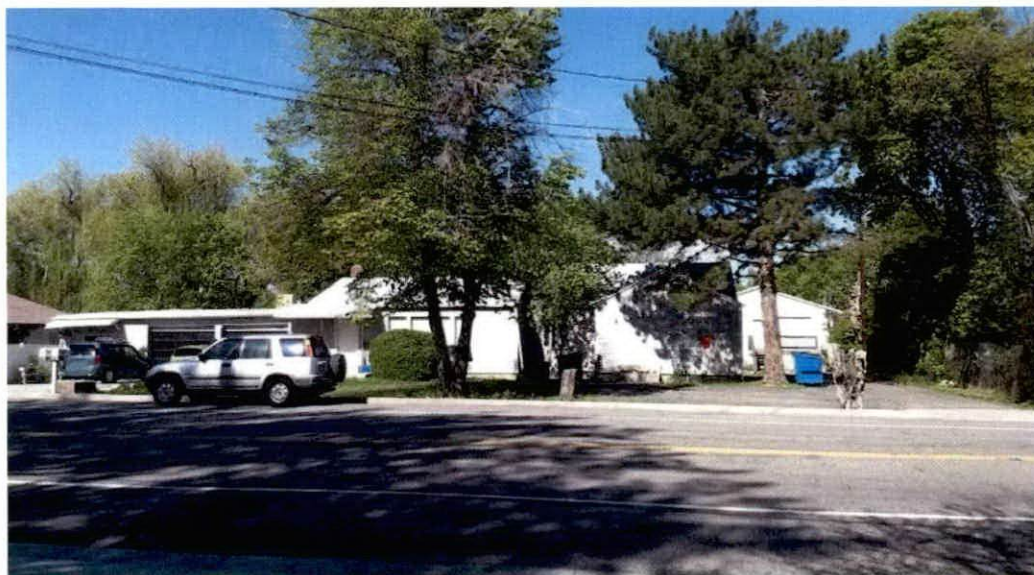
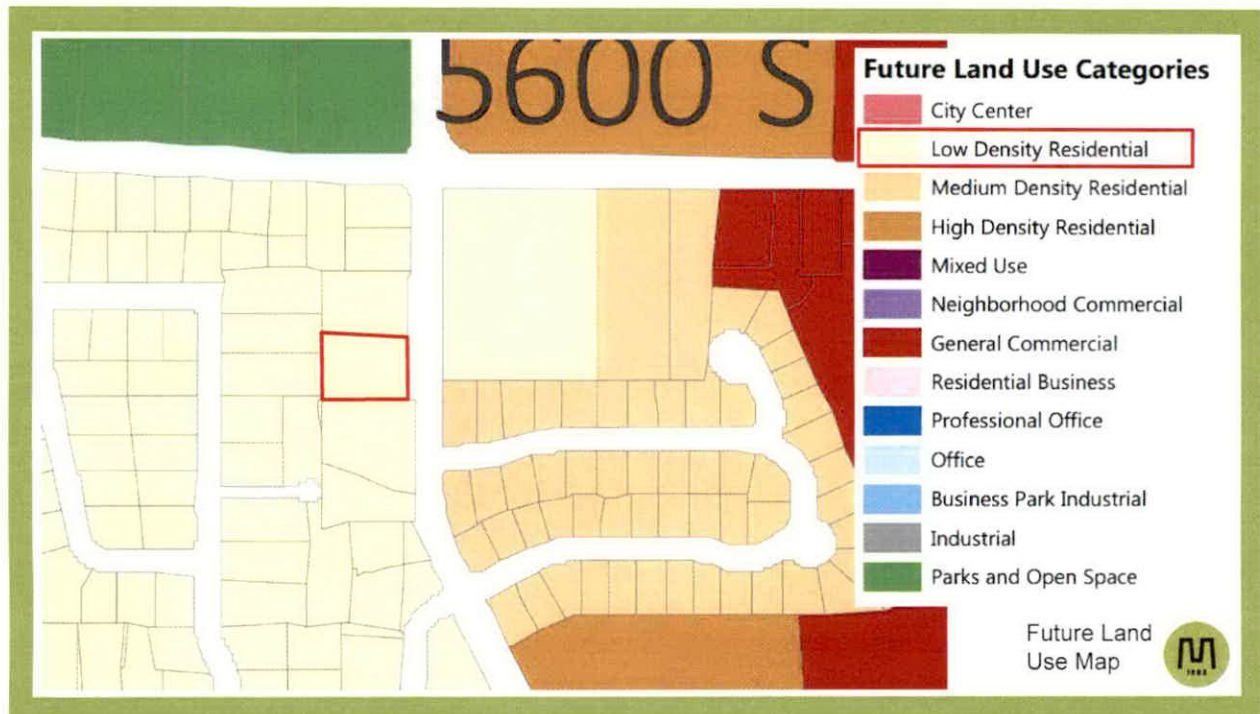
## Sunny Vines Zone Map Amendment from R-1-8 to R-1-6

770 East Vine Street



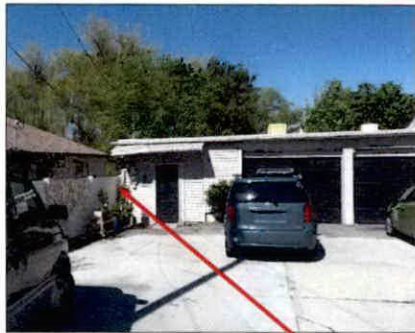






Looking west across Vine Street at the subject property.





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.

