



MURRAY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

Meeting Minutes

Tuesday, September 21, 2021
Murray City Center

5025 South State Street, Conference Room #107, Murray, Utah 84107

Attendance: Council Members and others:

Diane Turner – Chair	District #4
Brett Hales – Vice Chair	District #5
Kat Martinez	District #1
Dale Cox	District #2
Rosalba Dominguez	District #3

Blair Camp	Mayor	Jennifer Kennedy	City Council Director
Doug Hill	Chief Administrative Officer	Brenda Moore	Finance Director
Rob White	IT Director	Brooke Smith	City Recorder
G.L. Critchfield	City Attorney	Zac Smallwood	CED Associate Planner
Jared Hall	CED Division Supervisor	Melinda Greenwood	CED Director
Residents			

Conducting: Ms. Turner called the meeting to order at 4:30 p.m.

Approval of Minutes: Committee of the Whole – August 24, 2021. Mr. Hales motioned approval. Ms. Martinez seconded the motion. (All in favor 5-0)

Discussion items:

- **Fraud Risk Assessment:** Ms. Moore presenting. Ms. Moore said each year the City is required by the State auditor to complete a fraud risk assessment. The discussion would help Council Members be aware of related risk matters since they are responsible for the finances of the City; but no future action would be required.

Ms. Moore highlighted items from the assessment and noted various questions related to basic separation of duties. She explained that all finance and administration staff are required to read and certify in writing that they will abide by the City's ethics ordinance. All online training was completed, but newly elected or re-elected officials would be encouraged to take the training again next year. The total number of points earned was 355, which placed the City in the "Very Low Risk" category.

- **Ordinance amendment, adding section 3.04.095, pertaining to utility payment assistance:** Ms. Moore presenting. Ms. Moore read the Preamble of the proposed draft ordinance to explain the amendment: *Murray City is aware that households with the lowest incomes often pay a higher proportion of their household income for home utilities including electricity, water, and sewer services.*

The City seeks to help promote the general health and welfare of its citizens by facilitating utility service for those who qualify for government and nonprofit payment assistance.

The purpose of modifying the ordinance was to waive utility deposits when a customer is working with entities like the Road Home, HEAT (Home Energy Assistance Target) program or other nonprofit agencies that help low-income individuals set up utility services in apartments or homes. Ms. Moore explained utility deposits are required by ordinance but there was nothing in the existing ordinance allowing for a deposit to be waived. The proposed amendment would make that allowance only for qualified customers who request it. The proposed amendment also authorizes the mayor to sign contracts and enter into agreements to work with organizations and allow the finance director to waive the deposit requirement.

Ms. Dominquez asked who was currently signing contract waiver agreements. Ms. Moore said because this type of contract was not like an official Interlocal Agreement approved only by the City Council, Mayor Camp has been authorizing waivers without Council consent. She noted when many requests come through agencies like the Red Cross or HEAT that also offer financial relief for water bills and rent payments, utility bills are paid for with CARES (Coronavirus Aid, Relief, and Economic Security) Act, or ARPA (American Rescue Plan Act) stimulus money. Ms. Dominguez wondered if there was an issue with the Council approving contract waivers. Ms. Moore said no.

Mr. Critchfield agreed circumstances are limited when Mayor Camp signs agreements of this nature that are usually a rare occurrence. He clarified the proposed amendment came about due to State programs that now require cities to waive utility deposits for specific low-income customers. Because the City Council oversees the City Budget, and utility deposit revenue is budget related, the Council was informed and would need to approve the amendment, as other governmental agencies or nonprofit programs would be paying utility costs for specific residents.

Mr. Hales verified that the administration would not have to come to the Council every time a request was made. Mr. Critchfield stated that was correct. The Council would consider the amendment during the October 5, 2021 council meeting.

- **Revised MCCD Design Guidelines:** Mr. Hall presenting. Revised MCCD (Murray City Center District) Design Guidelines would repeal and replace the existing MCCD Design Guidelines if approved by the Council. Mr. Hall provided the draft revisions and gave a slide show. He explained guideline language adopted in the previous City Code needed to be changed. He said changes made to the MCCD zone in 2019 anticipated future revisions like this.

Mr. Hall read current language: *Guidelines shall be consulted during the review of the proposed development in order to provide guidance, direction, and options which will further the stated purposes of the MCCD. Wherever practicable the developments should adhere to the objectives and principals contained in the Design Guidelines.*

He said confusion was created in the current language because conformance to existing design guidelines was mixed together with development standard conformance. He clarified that design guidelines are a set of discretionary statements, concepts and ideas that should be followed and reinforced through the actions of development; and development standards are a set of thresholds that are actual required elements. Various examples of each were reviewed.

He explained that because the two ideas were meshed together staff felt they could come up with simple guidelines by repealing and replacing the existing guidelines. For that process they reevaluated concepts, objectives, and goals from the General Plan (GP), and specifically the *Five Key Initiatives* to come up with *Five Shared Values*. All together these values support the proposed guidelines. Mr. Hall noted since the current guidelines are very complicated with various tables, hard thresholds, and elements not appropriate as guidelines, their goal was to make each one a simple one-page, easy to understand design with values linked back to the GP. Issues would be addressed more clearly, and different actions would be recommended to support a specific guideline.

The pre-application conference to request development in the MCCD would not change, nor would the application process for design review approval. A project would be reviewed and recommended by the MCCD Review Committee, followed by a design review by the planning commission in a public meeting. To ensure that specific development requirements are met, and projects are thoroughly reviewed, written changes for the MCCD zone also propose a *Standard of Review* process. For example, projects must conform with the current GP and any specific area plan that might be in place. Projects must conform with the requirements of those sections of land use ordinances; they must not jeopardize public health, safety, or welfare, and must be in harmony with the purpose of the MCCD zone that adheres to the principals of the design guidelines.

Revised MCCD Design Guidelines are broken into two overarching sections:

- *Five Shared Values: Authentic, Active, and Inclusive, Multi-modal, and Connected.* These values must be established as a compass to provide directions for the guidelines.
- *Actual Guidelines:* Separated into four distinct categories: *District Wide, Public Spaces and Streetscape; Development Site and Architectural.* Mr. Hall highlighted various guidelines and discussed several strict development standards within each category.

Mr. Hall discussed the deterrent approach to historic preservation that occurred in the previous MCCD development standards and guidelines. In 2019 that approach was changed to an incentive-based approach, which is why a *Historic Preservation* guideline is not seen in the new proposed guidelines.

The planning commission reviewed the proposed MCCD Design Guidelines in November of 2021 and recommended approval to the City Council; staff also recommends that the City Council approve the text amendment to repeal and replace the MCCD Design Guidelines as proposed.

Mr. Hill commented about a recent meeting with Edlen Developers and Co-founder Ms. Sherman who agreed to make changes to the design of their proposed project on Block One, which is located within the MCCD. They also indicated that if the City Council voted to change the ordinance for the MCCD to allow a shorter building, they were open to those changes too. He asked if the revised design guidelines were flexible enough that it would not make a difference to the proposed Edlen project. Mr. Hall stated no, the broadly written changes would not affect their proposed project.

Ms. Dominguez led a discussion about incentives to get new businesses to locate to Murray. She wondered if they could be specified in the design guidelines. Ms. Greenwood noted two existing incentives pertaining to the MCCD, which are sustainable projects, and if a business owner wants to keep a historic building, the building permit fee would be waived. Anything else is State regulated and not through local governments. Other incentives occurred through the development process with

Redevelopment Agency project areas and development agreements.

Ms. Turner felt the proposal was a good reflection of what Murray residents want to see developed in the downtown area. Mr. Hall believed the current application process was effective, and staff worked hard to revise the MCCD Design Guidelines to create a great downtown.

Ms. Dominguez asked the reason for changing the MCCD Design Guidelines. Mr. Hall said updated language would remove certain standards and thresholds and change specific elements into true guidelines. Mr. Smallwood agreed some current guidelines were no longer in City Code, which needed updating to avoid conflict and simplify the language. Ms. Greenwood added that when the Temporary Land Use Restriction was put into place in February of 2020, staff decided to hold off on updating the MCCD guidelines knowing conceivable changes were possible to City Code that could impact guidelines.

Mr. Hales suggested a design guideline walking tour would be beneficial. Mr. Hall agreed. There was a consensus among Council Members that more time was needed to review the draft MCCD Design Guidelines packet. The item would be placed on hold for further review. Both the existing and the proposed guidelines can be viewed on the MCCD page of the Murray City website. Mr. Hall said the Council will have ample time to review the document.

Announcements: None

Adjournment: 5:27 p.m.

Pattie Johnson
Council Office Administrator III