



MURRAY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

Meeting Minutes

Tuesday, March 1, 2022
Murray City Center

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

Attendance: Council Members and others:

Kat Martinez – Chair	District #1
Garry Hrechkosy	District #5
Pam Cotter	District #2
Rosalba Dominguez	District #3

Brett Hales	Mayor	Jennifer Kennedy	City Council Executive Director
Doug Hill	Chief Administrative Officer	Pattie Johnson	Council Administration
Tammy Kikuchi	Chief Communications Officer	Trae Stokes	City Engineer
G.L. Critchfield	City Attorney	Soni Hirasuna	Parks and Recreation
Kim Sorensen	Parks and Recreation Director	Laura Brown	City Deputy Recorder
Danny Astill	Public Works Director	Cory Wells	Water Superintendent
Susan Nixon	CED Planner	Emily Barton	Finance Department
Jared Hall	CED Division Supervisor	Zach Smallwood	CED Planner
Rob White	IT Director	Danny Hansen	IT
Residents			

Excused: Diane Turner – Vice Chair, District #4

Conducting: Ms. Martinez called the meeting to order at 4:00 p.m.

Approval of Minutes: Committee of the Whole meetings - January 18, 2022 and February 1, 2022 and the February 1, 2022 Special Meeting for City Council District #5 Interviews. Ms. Cotter moved to approve all three sets of minutes. Mr. Hrechkosy seconded the motion. All in favor 4-0.

Discussion Items:

- **Radon Project Presentation.** – Eleanor Divver with the Utah State Department of Environmental Quality gave a presentation about Radon Awareness. She used a slide show to discuss what Radon is, how it naturally occurs, how the radioactive gas gets into homes, what levels are unsafe and what can be done to test and mitigate high levels that are found. (Attachment #1) Murray student Tanya Yu expressed appreciation to the City Council for taking time to learn about radon that is prevalent in Utah. She became aware of radon issues during an environmental science class and her hope was to educate all Murray citizens including students about radon mitigation. Last spring she conducted a county wide survey that helped her understand health risks related to high levels of radon and how to test for it. She reviewed a number of ways she will continue spreading awareness and gave radon test kits to Council

Members.

- **An ordinance enacting Section 12.24.175 of the Murray City Municipal Code authorizing the Mayor to establish certain Parks and Recreation related fees.** – Mr. Sorensen explained the proposed ordinance would allow Mayor Hales to set certain fees within the parks and recreation department for activities and facility rentals. This would happen as needed following input given from the Murray Parks and Recreation Department and the Parks Advisory Board. Mr. Sorensen said the proposed ordinance would formalize what they have already been doing.

He explained the City Council does approve fee ordinances for the parks and recreation department for standard charges like using the golf course, Park Center, cemetery, and outdoor pool, but many other fees do not require City Council approval. For example, recreational programs include direct charges to individual players for offsetting various costs like hiring recreational officials, purchasing team shirts and balls, and participation awards. Individuals in adult/teen sports and youth sports are charged a certain percentage for participation according to a policy enacted in 2008 by Mayor Snarr.

The procedure is also followed at the outdoor pool for buying candy, swimming googles and swim diapers; and the golf course for selling golf shirts, clubs, balls, and tees where some prices are determined according to name brand regulations and manufacturer's suggested retail pricing. Price setting is also needed for concessions at the amphitheater and movies in the park, facility rentals like park pavilions, private outdoor pool parties and the park itself for special events. Mr. Sorensen said fee amounts are not intended to create a profit but are for generating revenue to provide the items needed by patrons who visit our City's recreational facilities. It would be impractical for him to come before the City Council each time a price needs to be determined, so the proposed ordinance would allow Mayor Hales to set these types of fees as determined by staff.

- **Closing and vacating an alleyway located at 1 East 4800 South (North Alleyway).** – Mr. Stokes explained there is no use for the right-of-way/alleyway located at the new city hall site and it is no longer being used for access or utility services. The new city hall site is comprised of 24 separate parcels, two old alleyways and several old utility easements that are being vacated by CenturyLink. As part of the redevelopment the City's engineering division devised a Subdivision Plat that consolidates the 24 parcels and two rights-of-way. As a result, the site will now consist of three lots; Lot 1 being City Hall, Lot 2 is the East Parking lot and Lot 3 is the South Parking lot. To be in compliance with City Code, the alleyway must be vacated before the Subdivision Plat can be finalized. He displayed an aerial photo to pinpoint the North Alleyway that was used historically to access interior properties, the old cell tower property and used for old overhead power lines. The Murray Public Works Department would return to the March 8, 2022 council meeting and present the proposed ordinance to vacate the North Alleyway.
- **Closing and vacating a portion of an alleyway located at 4860 South Poplar Street (South Alleyway).** – Mr. Stokes confirmed the right-of-way was not useful anymore and displayed an aerial photo to pinpoint the South Alleyway that was used for old overhead power lines. Old utilities have been removed for city hall development and the vacation is needed for the platting process mentioned above. He said cleanup would continue over the coming months, and he would return on March 8, 2022 with the proposed ordinance to formally request that City Council approve the request to vacate the South Alleyway.
- **MCCD (Murray City Center District) Design Guidelines.** – Mr. Smallwood reminded the Council that it was Murray City CED (Community and Economic Development) staff that made the request to repeal and

replace the existing design guidelines for the MCCD Zoning District. The idea came about in 2019 as part of rewriting the MCCD zone Code. The revised guidelines were presented to the Council in early 2020 prior to the mixed-use moratorium. His hope was to introduce the revised design guidelines to new council members and refresh current council members on the issue.

Mr. Smallwood presented a map to show that the MCCD is a small area in the downtown and envelopes a few parcels on the east side of State Street where the existing city hall building is located. He said the MCCD design guidelines only apply to this area, and the reason staff decided to revise them was because they did not fit with newly written MCCD zone Code. He reviewed the purpose of the MCCD zone Code to show that principles in code were written into the revised design guidelines. He compared current text with new text adopted in 2019 to note that old language instructed the City Council in how they would adopt the MCCD design guidelines. This was a conflict because old language gave the impression that design guidelines should be viewed as a standard of law. Mr. Hall rewrote the MCCD zone Code in 2019 to clarify design guidelines are not code standards but strategies to be consulted and not followed to a T. Design guidelines are aspirational goals given to developers for explaining what the City would like to see in the MCCD and guide developers in a hopeful way. He read the definition of what design guidelines are and stressed they are not development standards, which are threshold requirements like height, driveway width, setbacks, and parking.

He said current guidelines were thought to be vague, and contain requirements removed from City Code like the LEED (Leadership in Energy and Environmental Design) requirement. To make revisions staff referred back to the GP (General Plan) because extensive public involvement and significant citizen input occurred for the GP update process; focus groups were formed, four open house events were held, and the adoption process was held publicly for both the planning commission and the City Council. Staff created the five shared values in the revised design guidelines as guiding principles from the GP because they were well researched and came from the public.

Mr. Smallwood reviewed the process for all construction in the MCCD zone. Required steps include: a pre-application review by the CED planning division; an application for design review- that would require approval. Next a project review, and recommendations would fall under the MCCD Review Committee, who would then make a recommendation to the planning commission. The planning commission would then make the final decision during a public meeting where public comments would be heard. However, before the planning commission can give a positive *Design Review Approval*, they must first ensure that a project conforms with the GP; meets requirements applicable to the specific land use law; does not jeopardize health and safety of the public; is in harmony with the MCCD zone and adheres to principals in the design guidelines.

The revised design guidelines are broken into four sections: District Wide, Development Site, Public Spaces/Streetscapes and Architectural; each section provides a list of various recommended guidelines. He gave a thorough review of each section and noted corresponding guidelines. He concluded by sharing findings to support why staff made the initial request to repeal and replace the current design guidelines. He said the planning commission also recommended approval to the City Council after reviewing the matter on November 19, 2020.

Ms. Dominguez stated she did not support the request in 2020 due to a lack of community outreach. She reported more recently citizens felt left out of the process with no insight or value in participation for revising the MCCD design guidelines. She had additional unanswered questions about the guidelines and

thought the Council would again reanalyze requirements after the recent Council workshop and new legislation. She thought revisions were headed in the right step but without community input and public buy-in the City was failing the community and a more humanistic approach was needed to ensure that public voices within the MCCD were heard before moving guidelines forward. She suggested holding off to allow more time for another workshop to provide better community understanding. She noted at the recent workshop Ms. Martinez conveyed to the Council that additional ideas could be revisited.

Ms. Martinez clarified the past Council workshop was for analyzing City Code in the MCCD zone – not for the design guidelines. Her comment to the Council was intended to mean that City Code could be revisited and amended. She understood design guidelines are not followed to a T; and the information used to build the revised guidelines came from a number of public meetings. Mr. Smallwood confirmed staff utilized the public process. Public input was used to write the five initiatives in the GP that was citizen expression and desire, so those comments were literally cut into the five shared values in the revised design guidelines.

Ms. Dominguez felt there was a lack of trust from the community and contention had grown since the 2017 GP update, which was why she wanted to hold off revising the design guidelines. She felt City Code should be changed first to meet the revisions, and design guidelines should match City Code. She said even though the current guidelines do not match code, new information might come about after the Block One survey was completed. She suggested that sub-surveys in the MCCD might also help provide more public input. Mr. Smallwood said adopting the revised guidelines would match City Code better. He agreed some principles in the current guidelines do not match the current code – but important values in the revised guidelines could not be encouraged if not approved.

Mr. Hrechkosy commented that design guidelines are only guidelines, and a project could be approved without following design guidelines because principles are not standards written in City Code. Mr. Hall agreed smaller projects in the MCCD, under three-acres would not come before the Council for site plan agreement reviews. He confirmed the revised guidelines meet existing MCCD zone Code better than the old guidelines and staff worked hard to match them with development standards. He preferred design guidelines be more simple and broad because they are only guiding principles.

Ms. Dominguez requested that something more than a placard on a street be required in historical areas and suggested more noticeable statues. Ms. Dominguez asked for clarification between development standards and development guidelines.

Mr. Smallwood clarified development standards are completely separate from design guidelines. Development standards are codified rules that must be followed like for height and setbacks. Design guidelines are discretionary, or optional suggestions for a proposed developer to understand what the community and City Council would like a project to feel like. The design guidelines provide a small way for staff to push back on certain designing elements when possible – but they do not stop developers from constructing what is allowed. The two are completely severed and are not connected in any way.

Mr. Hrechkosy reiterated that City Code was more certain, when requirements are codified – so there was nothing the Council could do to prevent a project from being built a specific way if those conditions are allowed in City Code.

Ms. Martinez appreciated Mr. Smallwood tying details together and organizing the walking tour. She

agreed design guidelines could be improved again after the Block One survey and that residents should be heard. She thought the design guidelines were a crucial tool for City staff to help guide developers in providing the best developments that line up with what the City and citizens want. She agreed the Council should continue analyzing or adjusting MCCD zone Codes – but after approving the design guidelines. She thought by not moving the design guidelines forward the City would remain stuck, and although not perfect, the revisions were a better fit than the current guidelines.

- **Zone Map amendment for property located at 6560 South 130 West.** – Ms. Nixon noted that recently the City Council approved a text amendment to allow twin homes in the R-2-10 zone – but now a zone map amendment is needed. JNG Investments made the initial request for the reason to construct twin homes on the subject property. An ariel map was displayed, and photos were shown of the completely vacant 1.46-acre field. She explained basic differences between the R-1-8 and the R-2-10 zones and said the main difference is that the R-2-10 allows twin homes, duplexes, and retirement homes; the R-1-8 does not. She noted that the General Plan's future land use map predicts the area to become a low-density residential category; and is included in Sub-area #1 according to a recent small area plan study that encourages housing options in the future.

Ms. Nixon stated all findings were in harmony with the General Plan, so staff recommended approval of the zone change as requested. On January 6, 2022 the planning commission reviewed the request in a public hearing and voted 3-2 to send a positive recommendation of approval to the City Council also.

Ms. Cotter led a conversation about sidewalks not being in that area of her district. Ms. Nixon said the City's Master Transportation Plan calls for sidewalks to be installed in that area in approximately 10-20 years. If that process were forced sooner the City would be required to take private property from citizens along the frontage, which would not happen because the City negotiates with citizens in those instances to purchase property – but this project will be required to install curb, gutters, and sidewalks for subdivision approval.

Mr. Hrechkosy pointed out because the R-2-10 zone allows for duplexes, the developer could change the plan and construct those instead of twin homes. Mr. Hall agreed it was possible. Mr. Hrechkosy noted great public concern during the planning commission's public hearing; and two planning commission members voted against the zone map amendment. Ms. Nixon confirmed the vote outcome was unusual that resulted from the matter being convoluted with the text amendment issue which were two separate items.

- **2022 Utah Legislative Session Update.** – Ms. Dominguez reviewed the ULCT (Utah League of Cities and Towns) February 28, 2022 agenda related to bills that were of concern to Utah cities. She reported the status of various bills she was tracking and discussed a bill regarding homelessness and the proposal for cities to provide overnight shelters. Mr. Critchfield confirmed why the homeless bill was concerning for cities, but he believed it would motivate cities to address the issue proactively. A bill about metering secondary water was discussed as one that the ULCT was currently opposing.

Adjournment: Ms. Martinez closed the meeting at 5:47 p.m.

Pattie Johnson
Council Office Administrator III