



MURRAY
CITY COUNCIL

Committee of the Whole Meeting

August 22, 2023



Murray City Municipal Council

Committee of the Whole

Meeting Notice

August 22, 2023

PUBLIC NOTICE IS HEREBY GIVEN that the Murray City Municipal Council will hold a Committee of the Whole meeting beginning at 5:00 p.m. on Tuesday, August 22, 2023 in the Poplar Meeting Room #151 located at Murray City Hall, 10 East 4800 South, Murray, UT.

Meeting Agenda

5:00 p.m. **Committee of the Whole** – Poplar Meeting Room #151
Garry Hrechkosy conducting.

Approval of Minutes

Committee of the Whole – July 18, 2023
Committee of the Whole – August 1, 2023

Discussion Items

1. Discussion on the Murray City Municipal Justice Court. Jim Peters, Justice Court Administrator, Administrative Office of the Courts presenting. (30 minutes)
2. Discussion on an ordinance amending Sections 3.14.060 and 3.14.070 of the Murray City Municipal Code relating to impact fee adjustments. G.L. Critchfield presenting. (10 minutes)

Adjournment

NOTICE

Supporting materials are available for inspection on the Murray City website at www.murray.utah.gov.

Special accommodations for the hearing or visually impaired will be made upon a request to the office of the Murray City Recorder (801-264-2663). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speaker phone. The speaker phone will be amplified so that the other Council Members and all other persons present in the Poplar Meeting Room will be able to hear all discussions.

On Friday, August 18, 2023, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Hall, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov, and the state noticing website at <http://pmn.utah.gov>.

Jennifer Kennedy
Council Executive Director
Murray City Municipal Council



MURRAY
CITY COUNCIL

Committee of the Whole Minutes

MURRAY MUNICIPAL COUNCIL

COMMITTEE OF THE WHOLE

Meeting Minutes

Tuesday, July 18 2023

Murray City Hall, 10 East 4800 South, Poplar Conference Room, Murray, Utah 84107

Attendance:

Council Members and others:

Garry Hrechkosy – Chair	District #5 - Excused
Vacant	District #1
Pam Cotter	District #2
Rosalba Dominguez	District #3
Diane Turner	District #4

Brett Hales	Mayor	Jennifer Kennedy	City Council Executive Director
Doug Hill	Chief Administrative Officer	Pattie Johnson	Council Administration
Phil Markham	CED Director	Tammy Kikuchi	Chief Communications Officer
Brenda Moore	Finance Director	Ben Gray	IT
G.L. Critchfield	City Attorney	Kim Sorensen	Parks and Recreation Director
Loran Pasalich	Murray Chamber of Commerce	Stephen Olsen	Fire Battalion Chief
Russ Kakala	Public Works Director	Brooke Smith	City Recorder
Citizens			

Conducting: Council Member Dominguez called the meeting to order at 5:30 pm.

Approval of Minutes: Committee of the Whole – June 27, 2023. Ms. Cotter moved to approve. Ms. Turner seconded the motion. Approved 3-0

Discussion Items:

- **Fraud Risk Assessment**

Finance Director Brenda Moore discussed the Fraud Risk Assessment to confirm that the City has proper methods in place for fraud prevention. She reviewed ways the City has good internal control, explained answers to questions on the assessment and reported that due to good financial and existing drive controls, the City places in the very low risk category for fraud. She noted that as part of the assessment all elected officials are required by ordinance to train once every four years in ethical policy training.

- **Reports from Interlocal Boards and Committees**

- TransJordan Landfill – Streets Superintendent Lynn Potter reported that construction of the new Sandy Transfer Station was delayed due to permit issues with Sandy City, which pushed the grand opening date to December 20, 2024. As of July 10, 2023 the permit issue was resolved, so Big D Construction will proceed with the first phase of construction. Mr. Potter said the final budget was approved in June of 2023, which included a 5% Cost Of Living Adjustment, a 3.5% Merit increase for all employees; and a \$2 increase to all tipping fee rates. This means 24 member-cities will now pay \$24 per ton and commercial grades will pay \$39 per ton. The \$2 increase will occur annually over the next five years to provide for short and long term needs of the landfill.
- AMC (Association of Municipal Councils) – Council Member Turner said attendance for AMC meetings had dropped significantly. She reported that in March the group learned about Friends of Herriman, a non-profit organization geared towards growing and building a stronger and healthier community in Herriman City. Ms. Turner shared about their meeting in May with Salt

Lake County Parks and Recreation who presented their Master Plan and Salt Lake County Community Services shared information about the tourism tax; and in June AMC members discussed water meters, recycling programs and impact fees. Ms. Turner said there was value in attending AMC meetings and hoped attendance would improve.

- WFWRD (Wasatch Front Waste and Recycling District) – Former Council Member Markham said General Manager and CEO Pam Roberts keeps board members well informed on a regular basis about the budget, personnel issues, safety plans, safety updates, and customer satisfaction surveys. He reported that recently the website was redesigned to include customer feedback options, and the popular seasonal container rental program continues to be evaluated and fine-tuned for better service. Mr. Markham said he initiated a plastic bag ban discussion with board members. He felt it was polarizing because while some favor the idea, many are hesitant and do not want to take the lead in banning them. Ms. Turner agreed nobody wants to take the first step in banning plastic bags. Mr. Markham believed it would take the Salt Lake County Council to get involved on a countywide level, so he anticipated the discussion would continue throughout the year at WFWRD. Ms. Dominguez noted many Murray businesses now charge a fee for using plastic bags. Ms. Cotter said other stores give gas purchase credits for returning plastic bags, Stitching Hearts makes sleeping matts from plastic bags for the homeless; and heavier plastic bags from department stores are a bigger challenge than single use plastic bags. Mr. Markham agreed education at the forefront would change behaviors.
- Murray Chamber of Commerce – Council Member Dominguez invited Lauren Pasalich of the Murray Chamber to give the update. He reported five recent ribbon cutting ceremonies, and reviewed annual and monthly events that encourage networking and promote education. He noted a positive relationship with the Park City Chamber of Commerce and five other chambers, where meetings occur frequently, and attendance continues to grow. They hosted a Meet the Candidates Night with the help of the Murray Youth Council. This year the annual golf tournament will be held September 8, 2023, which will support a homeless youth program called the Spartan Closet. He discussed new partnerships the Chamber is working on that include the City's Community and Economic Development department to encourage new businesses to use the Chamber as a resource, and the Murray Rotary Club to collaborate service orientations with business organizations. The Chamber is also working on a senior mentorship program involving the Murray Rotary Club to reach retired business owners in the community.
- LPC (Legislative Policy Committee) – Council Member Cotter noted various staff changes and reported new hires for the Utah League of Cities and Towns. She said there is a new website, <https://guidingourgrowth.utah.gov> where Utah citizens can participate in a survey to share thoughts on Utah's housing, transportation, water, recreation areas and growth. A legislative survey is also coming this fall related to sales tax projections for local governments. She shared about a new bill that was passed during the first Special Session of 2023 that helps families of fallen first responders with a new death benefit package. This happened after Matt Hamilton, a 30-year veteran firefighter who was eligible for retirement, died on duty. Because of a clerical error the family was left in death benefit limbo following his passing. The incident was addressed by legislators who approved the new bill that would help thousands of Division B type firefighters like Mr. Hamilton and their families in the future. Ms. Cotter will attend future 2023 LPC meetings in September, October, November, and December.
- JRC (Jordan River Commission) – Parks and Recreation Director Kim Sorensen highlighted

legislative appropriations that would impact Murray. Funding of \$200,000 is available for extra police patrol along the trail, weed management and for the recreation zone located between 4800 South and 5400 South. Parks Superintendent Bruce Holyoak plans to request \$2,500 to replace interpretive signs at the Nature Center. Mr. Sorensen said the JRC member donation fee was reduced this year to \$3,690 which is based on population, linear miles, and the City's acreage along the river. Once again Murray will participate in the Get To the River festival which will be held on Saturday, September 16, 2023.

Adjournment: 6:17 p.m.

Pattie Johnson
Council Office Administrator III

DRAFT

**MURRAY MUNICIPAL COUNCIL
COMMITTEE OF THE WHOLE**

Meeting Minutes

Tuesday, August 1 2023

Murray City Hall, 10 East 4800 South, Poplar Conference Room, Murray, Utah 84107

Attendance:

Council Members and others:

Garry Hrechkosy – Chair	District #5
Vacant	District #1
Pam Cotter	District #2
Rosalba Dominguez	District #3
Diane Turner	District #4

Brett Hales	Mayor	Jennifer Kennedy	City Council Executive Director
Doug Hill	Chief Administrative Officer	Pattie Johnson	Council Administration
Tammy Kikuchi	Chief Communications Officer	Jackie Coombs	UAMPS
G.L. Critchfield	City Attorney	Brooke Smith	City Recorder
Joey Mittelman	Fire Chief	Elvon Farrell	CED
Citizens			

Conducting: Council Member Hrechkosy called the meeting to order at 5:30 pm.

Approval of Minutes: Committee of the Whole, June 6, 2023 and Committee of the Whole, July 11, 2023.

Council Member Cotter moved to approve, and Council Member Turner seconded the motion.

All in favor 4-0.

Discussion Items:

- UAMPS (Utah Associated Municipal Power Systems) presentation on the current status of SMR (Small Modular Reactors).

Ms. Coombs began the presentation to review current resource planning that UAMPS is doing for all its members. She said as they move forward with the CFPP (Carbon Free Power Project), UAMPS had been doing a lot of other resource development as well to address escalating electricity rates. Project development is very complex, but UAMPS would be developing new energy resources for the next 15 years. Project development takes up to five years and does not include a completely separate challenge of transmission, which is to interconnect energy to where it is needed. The following resources are being investigated and also continue to increase in cost.

- Red Mesa Tapaha Solar – The 66 MW (megawatt) resource was delayed six months due to supply chain issues and increased in cost, but it was completed in November of 2022.
- Steel Solar – Two steel solar projects providing 40 MW each, have been delayed six months due to supply chain issues because solar panels are manufactured in China. Shipping issues have also delayed the project. The hope is to schedule both projects by the end of 2023.
- Zion Battery Solar and Storage – A 100 MW resource is in the study phase because the battery component for effectively storing solar energy is still under research. The hope is to eventually store solar energy and use it when needed.
- Geothermal Energy – The 85 MW resource is in the study phase with immediate plans to hire a developer to move the project forward. Ms. Coombs said Geothermal is being considered because it is a reliable resource that can operate 24 hours per day, long-term. With the Hunter coal plant closing in 2027 instead of 2032, UAMPS members will definitely need a more reliable

resource sooner.

- Horse Butte Wind project – The wind resource is in the study phase. It was expanded to provide 112 MW instead of the original plan of 57 MW.
- Natural Gas Plants – Because natural gas easily follows energy loads and can be utilized quickly, they hope to add additional natural gas plants. Although natural gas still leaves a carbon footprint it would have to be advertised over 10 years because of new federal regulations associated with fossil fuel.
- Sunnyside Waste Heat Coal – The existing coal plant facility is in the study phase, located near Price, Utah, which could be a seven-year short-term contract resource.

UAMPS CFPP Senior Vice President of Business Development Rich Walje gave the presentation. He said providing consistent energy is a nationwide challenge because people in the industry know that intermittent and unpredictable energy is not reliable, and there are not enough batteries to store wind or solar energy for future use. The CFPP is set up as an independent LLC business, wholly owned by UAMPS, sited at the Idaho National Laboratory in Idaho Falls and would deliver 462 MW of carbon free power, with six module reactors. All current participants are UAMPS members, but the hope is to find other participants other than UAMPS members.

He said 20% of the nation's power now comes from nuclear power plants, discussed characteristics of the project, and reported that design plans were recently submitted for approval. With congress approval, UAMPS will receive \$1.4 billion over the next three years for cost share support that will help with the permitting process of the project. So far, UAMPS spent approximately \$400 million and another \$1 billion was recently allocated and authorized. The project is scheduled to come on line in December of 2029 when the first module is ready; the remaining five modules will sequentially be completed by the end of 2030.

He displayed a photo of the 90-foot NuScale power module, explained its core technology, and reviewed the operation of a module including the safe shutdown process. No additional water would be needed for the shutdown process because modules are underwater in cooling pools and would continue to cool once a shutdown occurs.

Ms. Turner asked how much water the project required if modules are already emersed in water. Mr. Walje said to complete the project, tens of thousands of gallons of water from a nearby reservoir would be required initially, but no additional water is required for the cooling process. The original plan was for a water-cooling process that changed to a dry cooling option due to scarcity of water and drought conditions in the area. Ms. Coombs said water towers were not included at the site because the dry cooling method would save 95% of the water usage. The dry cooling process was chosen because it was best for the environment and the cost of water outweighed the cost of acquiring the water rights.

Conceptual drawings were displayed to describe plant design on 65 acres and the site layout for administrative buildings, a reactor building, turbine building, storage of spent fuel, air cooled condensers, the six power modules, and the switchyard. The entire project would be surrounded by a fenced EPZ (emergency planning zone). Mr. Walje explained the process for storing fuel and disposing of spent fuel and noted that the DOE (Department of Energy) has the responsibility for the final disposal of spent fuel under the Nuclear Waste Policy Act.

Licensing delays occurred due to the number of permits required by the NRC (Nuclear Regulatory Commission) to ensure that the plant runs safely, securely and in a way that is not harmful to the environment. He explained that because NuScale started with early outreach to NRC regulators and had years of communication, in 2022 the CFPP was the first in the nation to get NRC approval for the EPZ and to apply for standard design approval.

The NRC licensing process would continue through various stages until 2026 when a combined operating license is anticipated, followed by three years construction to install the first module in 2029. Mr. Walje said with cost share funding from the DOE, the manufacturing process started in South Korea, which is the only foundry left in the world where steel is poured to form a nuclear reactor vessel.

The biggest challenge of the project is paying for it. The CFPP would be the most expensive project besides purchasing power from the market and will end up being more expensive than nearly every other option. Eventually over 40 years, after committing to the project the resource will be there for future decades and predictably reliable for a long period of time.

He reviewed the 2022 revised budget plan to show that the cost has gone up considerably due to supply chain issues, inflation and borrowing costs. Murray would need to decide whether or not to participate in the \$9.3 billion project, which after federal government cost share contributions and incentives of the Inflation Reduction Act, would be reduced to approximately \$5.126 billion.

He noted that the cost did include the cost to connect the plant to the transmission grid. It does not include any additional costs associated with boosting the capabilities of the grid to take on 462 MW of energy. Utah would connect to Pacific Corp system at the Antelope Substation and because of a negotiations contract, UAMPS members would not pay for incremental costs associated with taking energy from resources connected to Pacific Corp.

Ms. Turner asked if Pacific Corp would help fund the project. Mr. Walje said they have committed to using a competitor called Natrium Technology that is being developed simultaneously in Oregon. He said many economic and electric constraints prevent UAMPS from developing more energy resources like hydro plants and stacking batteries to store energy, because neither is sufficient, and this is why he believes the CFPP is the better solution.

Mr. Walje reviewed timing considerations and noted that an 80% subscription is required by the end of 2023. Any contracts must take financial responsibility for development, construction, operational and decommissions costs. Money from private equity or investment dollars from others sources is also a prospective option, however UAMPS needs to get enough municipal participation before they can ensure investors that the project is strong, low risk and a reality. This is why it will be a challenge to get new contracts in place, and purchase agreements filled where there are specific conditions to participate in the CFPP. The leveled cost of electricity model shows that the CFPP resource would cost \$89 MW as related to 2022 pricing.

Ms. Dominguez asked how many UAMPS members are currently participating. Ms. Coombs said 27 out of 50 members are signed on. Mr. Walje said it was the responsibility of the Murray City Council to decide whether the City would obligate Murray constituents to the CFPP, but the decision would need to be made either way. He said in order to get 80% of subscribers by the end of this year, they

were talking with Deseret Power, Utah Municipal Power Agency, and other investor-owned utilities in Utah except for Pacific Corp. He believed the potential to gain members is there, but the process would be tough because nuclear power is so expensive.

Ms. Cotter asked what the CFPP resource would cost by 2030. Mr. Walje said he would return to the Council with the 2030 cost projection in the future. Ms. Cotter asked how the CFPP compared with other resource pricing. Mr. Walje said market pricing is \$100 MW or more; solar energy is about \$30 MW; offshore wind farms are \$60 MW and natural gas is approximately \$89 MW.

He continued to discuss solar issues to clarify that a solar resource with battery storage would cost much more than \$30 MW in the future. The reason is that currently no battery is large enough to run solar energy 24 hours a day, for seven days a week, so it is only used to meet peak loads. He said solar battery combinations are misleading because they cannot store enough electricity to operate all night.

Ms. Turner asked if the storage technology would be ready by 2030. Mr. Walje said according to various studies, the price could go as high as \$80 to \$90 MW. He explained that solar contract pricing is hard to project because due to ongoing repairs, the overall cost is never really discussed. When Pacific Corp built their first solar project it was supposed to last 20+ years, which came at a low investment cost for development and transmission and no more capacity had to be built. The project only lasted 10 years, because deteriorating solar panels needed replacing, or new solar panel technology was required as the industry matured. This capital investment to replace solar panels needs to be made every ten years which increases the low capital investment of solar over time. This is why he felt to really compare the economic cost of solar to the CFPP, the question should be how much does a resource cost over 60 years. This is why he believed the CFPP competes well on price overall.

Due to a time constraint, Mr. Hrechkosy asked Council Members to submit any other questions to the UAMPS team for further discussion.

Adjournment: 6:17 p.m.

Pattie Johnson
Council Office Administrator III



MURRAY
CITY COUNCIL

Discussion Items



MURRAY
CITY COUNCIL

Discussion Item #1



Mayor's Office

Murray City Justice Court Update

MURRAY

Council Action Request

Committee of the Whole

Meeting Date: August 22, 2023

Department Director Mayor Brett Hales	Purpose of Proposal Discuss the retirement of Judge Paul Thompson and its impact on the Murray City Justice Court
Phone # 801-264-2600	Action Requested Informational only
Presenters Jim Peters, Justice Court Administrator, Administrative Office of the Courts	Attachments n/a
Budget Impact	Description of this Item n/a
Required Time for Presentation 20 Minutes	Judge Paul Thompson will retire in May 2024 from the Murray City Justice Court. Jim Peters, Justice Court Administrator from the Administrative Office of the Courts, will discuss this impact and what options are available to the city.
Is This Time Sensitive Yes	
Mayor's Approval	
Date August 22, 2023	



MURRAY
CITY COUNCIL

Discussion Item #2



MURRAY

City Attorney's Office

Consider Ordinance Relating to Impact Fee Adjustments

Council Action Request

Council Meeting

Meeting Date: September 12, 2023

Department Director G.L. Critchfield	Purpose of Proposal To consider an ordinance amending Sections 3.14.060 and 3.14.070 relating to impact fee adjustments and credits
Phone # 801-264-2640	Action Requested Action - Ordinance amending Sections 3.14.060 and 3.14.070
Presenters G.L. Critchfield	Attachments Proposed Ordinance; Section 11-36a-703, Utah Code Annotated
Required Time for Presentation 10 Minutes	Budget Impact N/A
Is This Time Sensitive No	Description of this Item Currently, the City Code requires impact fee adjustments or requests for credit to be submitted, reviewed, and approved by the City Council. State law provides for an administrative review rather than a legislative review. With the proposed ordinance, the City Council would authorize the Director of Finance and Administration to review and approve impact fee adjustments or credit requests.
Mayor's Approval 	
Date July 21, 2023	

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 3.14.060 AND 3.14.070 OF
THE MURRAY CITY MUNICIPAL CODE RELATING TO IMPACT FEE
ADJUSTMENTS

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this Ordinance is to amend sections 3.14.060 and 3.14.070 of the Murray City Municipal Code relating to impact fee adjustments.

Section 2. Amendment of sections 3.14.060 and 3.14.070 of the Murray City Municipal Code. Sections 3.14.060 and 3.14.070 of the Murray City Municipal Code relating to impact fee adjustments shall be amended to read as follows:

3.14.060: ADJUSTMENT OF IMPACT FEES:

1. A. The City may adjust the impact fees imposed in accordance with this chapter at the time the fee is charged, as necessary, in order to: Respond to unusual circumstances in specific cases;
2. Respond to a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected; and
3. Ensure that the impact fees are imposed fairly.

B. The City may adjust the standard impact fee for one or more services based, in whole or in part, upon studies and data submitted by the developer.

C. The Director of Finance and Administration shall have the authority to make such adjustments. If the applicant, person or entity is not satisfied with the decision of the Mayor or designee, a further appeal may be made under the procedures set forth in Utah Code section 11-36a-703.

3.14.070: IMPACT FEE CREDIT:

A. The Director of Finance and Administration may approve an impact fee credit if an applicant:

1. Dedicates land for a system improvement;
2. Builds and dedicates some or all of a system improvement; or
3. Dedicates a public facility that the City and the developer agree will reduce the need for a system improvement.

B. The City shall provide an impact fee credit for any dedication of land for, improvement to, or new construction of, any system improvements provided by the applicant if the facilities:

1. Are system improvements; or
2. Are dedicated to the public and offset the need for an identified system improvement. (Ord. 21-27)

Section 3. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this _____ day of _____, 2023.

MURRAY CITY MUNICIPAL COUNCIL

Garry Hrechkosy, Chair

ATTEST:

Brooke Smith, City Recorder

Transmitted to the Office of the Mayor of Murray City on this _____ day of _____, 2023.

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2023.

Brett A. Hales, Mayor

ATTEST:

Brooke Smith, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the ____ day of _____, 2023.

Brooke Smith, City Recorder

11-36a-703 Procedures for challenging an impact fee.

- (1)
 - (a) A local political subdivision may establish, by ordinance or resolution, or a private entity may establish by prior written policy, an administrative appeals procedure to consider and decide a challenge to an impact fee.
 - (b) If the local political subdivision or private entity establishes an administrative appeals procedure, the local political subdivision shall ensure that the procedure includes a requirement that the local political subdivision make its decision no later than 30 days after the day on which the challenge to the impact fee is filed.
- (2) A challenge under Subsection 11-36a-701(3)(a) is initiated by filing:
 - (a) if the local political subdivision or private entity has established an administrative appeals procedure under Subsection (1), the necessary document, under the administrative appeals procedure, for initiating the administrative appeal;
 - (b) a request for arbitration as provided in Section 11-36a-705; or
 - (c) an action in district court.
- (3) The sole remedy for a successful challenge under Subsection 11-36a-701(1), which determines that an impact fee process was invalid, or an impact fee is in excess of the fee allowed under this act, is a declaration that, until the local political subdivision or private entity enacts a new impact fee study, from the date of the decision forward, the entity may charge an impact fee only as the court has determined would have been appropriate if it had been properly enacted.
- (4) Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1) may not be construed as requiring a person or an entity to exhaust administrative remedies with the local political subdivision before filing an action in district court under Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1).
- (5) The judge may award reasonable attorney fees and costs to the prevailing party in an action brought under this section.
- (6) This chapter may not be construed as restricting or limiting any rights to challenge impact fees that were paid before the effective date of this chapter.

Amended by Chapter 200, 2013 General Session



MURRAY
CITY COUNCIL

Adjournment