



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, January 21, 2014, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

Brett Hales	Council Chair
Dave Nicponski	Council Member
D. Blair Camp	Council Member
Jim Brass	Council Member
Diane Turner	Council Member

Others in Attendance:

Ted Eyre	Mayor	Justin Zollinger	Finance Director
Janet M. Lopez	Council Office	Jan Wells	Chief Administrative Officer
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Brent Davidson	Deputy Recorder	Janet Towers	Exec. Asst. to Mayor
Pete Fondaco	Police Chief	Tim Tingey	ADS Director
Jennifer Brass	Resident	Kellie Challburg	Council Office
Blaine Haacke	Power General Manager	Chad Wilkinson	CED
David Stewart	Lobbyist		

Chairman Hales called the Committee of the Whole meeting to order and welcomed those in attendance.

Minutes

Chairman Hales asked for approval on the minutes from the Committee of the Whole on November 19, 2013. Mr. Camp noted that he had one correction and that was for the definition of a PSAP (Public Safety Answering Point). Mr. Brass moved approval with the correction noted. Ms. Turner seconded the motion. All were in favor.

Business Item #1

Preview of 2014 Legislative Issues- Dave Stewart

Mr. Stewart mentioned that the Legislative session would begin Monday and last for 46

days lasting through mid-March. Some of the bigger issues include the recent decision by Judge Shelby regarding same sex marriage. That issue will likely dominate a good portion of the Legislature, with many differing opinions.

One of the critical issues that would affect Murray City directly is the Sales Tax Distribution, and he would lobby on the City's behalf. Representative Jim Nielson from the Bountiful area is running a bill, similar to one he has run for several years regarding tweaking the sales tax formula. He has made enough changes to the bill that it affects internet sales at the congressional level. At the last calculation, Utah was missing out on about \$100 million of sales tax because of internet sales not being taxed. At some point, Congress will decide to tax internet sales. When that happens, this bill would become effective. The bill would take the new money and split it into three sections: population, point of sale, and valuation. Currently the dollars are split into halves with population and point of sale. The last time the sales tax formula was tweaked, it was not positive for Murray City, and neither would this formula. There are other allies to help defeat this bill. Mr. Stewart is still positive about Murray's chances but Representative Nielson continues to take some of the opposition away.

Representative Kurt Webb has a bill regarding UTOPIA (Utah Telecommunications Open Infrastructure Agency). This bill would not allow a city, or a group of cities to provide service outside of their boundaries. It puts a box around UTOPIA.

The Gas Tax will be interesting, noted Mr. Stewart. The Governor has mentioned a gas tax but has stopped short of supporting it. The Speaker of the House has remarked that it is a dying tax. Currently about 95% of Utahans drive vehicles that use gas. That equates to about \$400 to \$500 million a year, but it is slowly diminishing. The Senate is supportive of a gas tax, but would need the House and the Governor to support it also. As a fallback, there has been some discussion about a registration fee increase. A few years ago, an increase was imposed at the state level, and another local registration fee increase was at the county level. There is some discussion about allowing another increase to occur. The House has not really indicated any support there. There are those trying to get more significant transportation dollars to address the needs of local roads, but it is difficult to raise enough money through registration fee increases. If the registration fee is increased by \$20-\$30 dollars, it equate to \$50-60 million statewide, that is just a drop in the bucket, remarked Mr. Stewart. It wouldn't necessarily solve the problem with the roads. Mr. Stewart recommended keeping pressure on the legislators regarding transportation dollars, and this will continue to help in the future. He is aware that cities are tapping in to General Fund budgets to try and keep up with road maintenance.

The League is working on some issues, including Imminent Domain on a limited use for trails, and addressing some issues through the Quality Growth Commission.

There will be some issues surrounding GRAMA (Government Records Access Management Act), as well as election issues.

Mr. Stewart noted that the County should be meeting with Murray City regarding a draft interlocal agreement to help with road projects. The Legislative bill giving Murray \$1.8 million sent some money back to the County for prioritization, and the County prioritized \$200,000 to Murray.

Mr. Stewart mentioned that he had been asked about the quarter of a quarter fund for local roads. That fund is fairly tapped out for this year. Some of those funds were the ones that went back to the County and have since been bonded against. It will take a year or so to build

that fund back up. Next year would be the best scenario to pursue some local funding. He recommended having a project or two ready, in case funding became available.

Mr. Stewart commented on the issue of impediments in the Jordan River. That is a huge priority for the City. The Governor has put \$100,000 in the budget to go towards that. Unfortunately, the budget is being created again, but the State has shown that it is aware this issue needs to be addressed. Mr. Stewart will proactively spend time on the Jordan River issue and meet with local representatives. Unfortunately, the tragedy that occurred will bring this issue to the forefront.

Mr. Nicponski asked about the Sales Tax Formula, and if Salt Lake City was with Murray. Mr. Stewart said he hasn't seen the exact numbers after the valuation. He believes the same "losers" are grouped together. Mr. Stewart said he would get back to the City on that issue.

Mr. Nicponski asked Mr. Stewart to elaborate on the sales tax bill and the three proposed divisions. Mr. Stewart said the correlation being drawn is that cities in areas with a higher valuation attract higher paying jobs, etc. The whole concept is to get away from zoning for sales tax dollars, and to drive economic development. Their case is that valuation factors in and higher paying jobs are true economic development. Mr. Brass asked if that value was assessed or actual value. Murray has a disproportionate amount of property that is not on the tax rolls, remarked Mr. Brass. Mr. Nicponski asked if the valuation is cross referenced with a percentage. Mr. Stewart replied that the formula weighs the three components equally: point of sale, population and valuation.

Mayor Eyre asked Mr. Brass if about 28% of the land in Murray was non tax generating land in the City. Mr. Brass replied that he believes it could be closer to 30%. If the golf course, parks are accounted for, the total acreage could be quite large.

Mr. Stewart welcomed anyone to contact him at the legislature and he would be happy to assist them.

Mr. Nicponski asked if the only possible road money might come from the STIP (State Transportation Improvement Program). Mr. Stewart said that the Speaker mentioned that it would take a year or two to build up transportation funds. Some transportation money could be used to help with the impediment in the river, since it is a waterway.

Business Item #2

Discussion of Residential Beekeeping and Chicken Land Use Ordinances- Tim Tingey and Chad Wilkinson

Mr. Tingey said this process began a little less than a year ago. The information based on the surveys and input meetings have been ready to go since August. The staff has done a lot of work to get this ready. Between the elections and holidays, this issue has been postponed for some time.

The earlier meetings and discussions involved bees, chickens, and also park strips, relating to landscaping issues. The park and planter strip discussion would be later on. There was a lot of discrepancy in the responses, so a scientific survey may be needed before addressing that issue.

Mr. Wilkinson remarked that this had been an interesting project for his staff and has given them some good experience on conducting a public process. This experience will be useful going forward in the general plan update.

Currently, Murray does allow chickens and bees in certain areas of the City. They are only allowed in the agricultural zones of the City. There have not been a lot of restrictions for those chickens and bees in the agricultural zones, as long as they are non-commercial. There have not been any regulations set as far as the number of chickens allowed, or regarding the size of the lot. If there was a commercial chicken or bee business, that owner would have to get a conditional use permit.

Much of the feedback was concerning whether residents were “grandfathered” or not. The first issue about enforcement is that the City does receive calls regarding chickens and bees. Some of those calls are regarding the legitimate residents in agricultural zones, and some are areas of the County that allowed them, prior to being annexed in the City. That second scenario of non-conforming existing chicken and bee ownership is pretty rare. There are some annexed properties that have continued their farm use, but they are not common. In order for a property to be considered “grandfathered”, or existing non-conforming, the use has to have been established legally at some point, and continued throughout the years. Usually, when a subdivision is recorded on a property, the zoning changes and the use is discontinued. There are a few areas that still meet the requirements.

Mr. Wilkinson showed a map with the different zoning areas in the City, including the agricultural zones.

There were two public outreach meetings held on February 26, 2013 and March 26, 2013. There were different exercises and exhibits for the public to participate in. Some of the exhibits showed existing rules in other areas of the County. There were opportunities for feedback with a paper survey, as well as an online survey. The online survey was available from February through April.

There were 282 responses on the chicken survey, 180 were online and 102 were paper responses. There were a little less responses on the bees’ issue. Overall, it was a good response to this type of survey.

As has been noted, this was not a scientific poll. The sampling was not random, but rather, people interested in the issue. The entire City received a notice of these meetings, though the utility billings, which helped improve the turnout.

The results of the survey regarding **chickens**:

- 78% of respondents thought that chickens should be allowed, 22% disagreed.

Some of the most important concerns regarding chickens:

- There is some restriction on the number of animals.
- Requirements for coops and pens.
- Noise levels, especially with roosters.
- Also, snow, distance from property lines, and rodents, etc.

That question was asked again in a similar fashion and the results were the same. Looking at the results, it is apparent that many residents have interest in keeping chickens, noted Mr. Wilkinson. Respondents also agreed that some kind of permit or regulation should be required. People have mostly been against the status quo, and would like to raise chickens in Murray. It was pretty agreed upon that roosters could be an issue.

The results of the survey regarding **bees**:

- 79% of respondents thought that bees should be allowed, 21% disagreed.

Some of the most important concerns regarding bees:

- 77% of people concerned with the number of hives.
- 53% wanted specific requirements for hives.
- Distance from property lines for hives.

One difference between chickens and bees is that there is state law that governs bees. There is a Salt Lake County bee inspector that inspects and monitors hives. There is no chicken inspector. Mr. Wilkinson wanted to make that distinction in case the two issues should be looked at separately.

The choices available regarding chickens and bees are:

- Make no changes, remain status quo. The city receives requests for chickens, yet also complaints about chickens.
- Modify the ordinances to provide regulations, but no permit required.
- Require permits.
- A scientific poll could be done to ensure the same results as this non-scientific poll.

The staff feels like it could establish an ordinance if that is the direction the Council would like to move. There has been a lot of data compiled from other cities and counties regarding chickens and bees. All of the cities in the valley were compared. Almost all of the cities allow both bees and chickens. Some of the cities allow them only in agricultural zones, other allow them in a variety of zones, with regulations regarding lot size and number of animals. There are a lot of resources available to adopt some standards. Mr. Wilkinson said that his staff would like some direction in how to pursue these issues.

Mr. Wilkinson included some of the responses from residents on chickens and bees. This was a free comment area and some of the comments were quite humorous, and meant to be so. There are some legitimate concerns on both sides of the issue. Salt Lake City has allowed chickens, since the formation of the City. He spoke with staff from Salt Lake City and they are very comfortable with chickens and the required enforcement. Other cities are new to this issue and still testing the waters.

Mr. Camp asked about the possible percentage of the population jumping on board and raising chickens. Mr. Wilkinson said several of his neighbors raise poultry and it does seem to be a current trend. There are at least a couple requests per week in Murray to allow chickens. The interest calls probably outweigh the complaint calls, remarked Mr. Wilkinson.

Mr. Camp noted that there may be some residential zones where it would not be proper to have chickens, such as medium to high density zones. He asked if that issue would be addressed by the minimum lot size requirement. Mr. Wilkinson replied that would be one way to address that, but also noted that some high density areas have some non-conforming single family homes. That issue could be addressed with a minimum lot size requirement that would require a certain amount of square footage. It could also be limited to single family homes in residential zoning.

Ms. Turner mentioned that she attended meetings in Taylorsville about five years ago, regarding chickens and bees. The meeting was packed with people, and she asked how that compared to the meetings in Murray. Mr. Wilkinson replied that Murray had a tremendous response at the meetings. The first meeting that was held at the City Hall had about 100 people attend. The second meeting was held at Murray High School and also a good turnout. The staff was pleasantly surprised at the 282 responses that they received. If future public hearings are held, those same people would be invited back.

Ms. Turner said she contacted the Community Development Director in Taylorsville and asked how things had worked out so far concerning chickens and bees. He replied that since the passing of the ordinance, there had been zero complaints. Taylorsville had received 30 new applications, and about 100 total cases. The Director mentioned that he believed their policy was a little restrictive.

Mr. Wilkinson noted that the other cities have various requirements on permits and different restrictions. He mentioned that the city he lives in requires a permit and a public meeting.

Mr. Hales clarified that the existing chicken and bees owners do not have permits, because they reside in the agricultural zone. He asked if permits would help the issue. Mr. Wilkinson said there are two sides to the issue: some people think that the requirement of going through the permit process is unnecessary and to simply enact regulations, and also a permit would require a fee to cover the time it takes to process them. The permit does allow the City to track the applicants, in case there are problems.

Mr. Brass noted that he has had a lot of interest from residents, and passions seem to be divided pretty equally. He was surprised at how many people are keeping bees. Some bee owners are successful, and some are not. He wouldn't be against an ordinance, and believes enforcement may be an issue with permits. He likes the idea of lot size because it makes it a little easier. Mr. Brass said that the apiary experts should be consulted when it comes to bee keeping. There are many different things that can harm a hive.

Mr. Brass said there are many communities that have had their animal control facilities inundated with chickens when they stop laying eggs. That seems to be an unintended consequence of passing similar laws. This issue wasn't addressed in any of the surveys. He believes that Wheeler Farm may take care of those unwanted chickens. Mr. Wilkinson said that staff could look into that issue also. Mr. Wilkinson also believes that Intermountain Farmers may take care of unwanted chickens also.

Mr. Brass believes that going forward would require two public hearings at least. One through the Council, and one through Planning and Zoning.

Mr. Brass said he hasn't had any comments on this matter from residents in his District. Mayor Eyre asked Mr. Wilkinson to revisit the chart of the comparison of the cities. It appears that all of the cities listed currently allow chickens. Mr. Wilkinson said that was correct, but is somewhat misleading because Murray allows them also, in the agricultural zones only. Some cities allow them in all of their zones.

Mr. Wilkinson said that one universal concept seems to be lot size and the number of animals allowed, as well as the number of hives. Many communities have determined the allowed number of animals through a square footage formula.

Mr. Nicponski asked Mr. Wilkinson to revisit the comparison of the different municipalities for further review.

Mr. Wilkinson noted that the County Bee Inspector and the Bee Association have both offered their assistance in drafting ordinances. They had representatives attend both meetings.

Ms. Turner stated she would be supportive of an ordinance also. She has not yet received any feedback from her District regarding chickens and bees.

Mr. Hales asked if the majority would like to move forward on this issue. All agreed.

Mr. Wilkinson said that his staff would move in that direction and prepare to have some public meetings.

Announcements

Ms. Lopez noted that there is one Committee assignment that needs a representative. This Committee is a spinoff from the Strategic Plan Committee that Mr. Tingey organizes. It is called the Thriving Neighborhoods Committee. The Committee meets every other month at 9:00 a.m. on Thursdays. The next meeting is February 6th. Mr. Brass volunteered to serve on the Committee. All were in favor.

Mr. Hales adjourned the meeting.

Kellie Challburg
Council Office Administrator II

