



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, September 20, 2016, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Council Members in Attendance:

Blair Camp, Chair	District #2
Diane Turner, Vice-Chair	District #4
Dave Nicponski	District #1
Jim Brass	District #3
Brett Hales	District #5

Others in Attendance:

Ted Eyre	Mayor	Jan Lopez	Council Administrator
Jennifer Kennedy	City Recorder	Janet Towers	Exec. Asst. to the Mayor
Tim Tingey	ADS Director	Jared Hall	CED –Division Director
Pattie Johnson	Council Office	Jared Oldroyd	Engineer
Darlene Morgan	Resident	Frank Nakamura	City Attorney
Justin Zollinger	Finance Director	Doug Hill	Public Services Director
Jennifer Brass	Resident	Ben Stringham	Scout Leader
Thomas Lundberg	Resident/Boy Scout	Kaleb Snell	Resident/Boy Scout

Chairman Camp called the Committee of the Whole meeting to order at 5:15 p.m. and welcomed those in attendance.

1. Approval of Minutes

Mr. Camp asked for corrections and approval on the minutes from August 23, 2016, Mr. Brass moved for approval and Ms. Turner seconded the motion. All were in favor.

2. Business Items

2.1 Sewer Lateral Insurance Presentation – Darlene Morgan

As a Murray resident, Darlene Morgan abides on Vine Street and experienced broken sewer laterals for the last five years. Her constant dilemma was whether to repair them at her own cost, or continue cleaning them out, for a cost of \$400 per cleaning, three or four times per year. Her hope was for the council to consider and approve providing insurance similar to a program that Sandy City offers their residents for repairing and replacing laterals. Repair costs are generally between \$7,000 and \$10,000 and Ms. Morgan was aware of new legislation requiring cities to inform citizens of their obligations to pay for their own lateral repairs and replacements.

An engineer for 25 years, Mr. Oldroyd owns JWO Engineering and was key in preparing, selecting and providing Sandy City Suburban with the Sewer and Water Insurance Program (SWIP), which specializes in water resources related to waste water; he stated he is not employed by SWIP. Residents would no longer pay high out of pocket expenses for repairs and maintenance should they assume coverage.

Mr. Oldroyd gave savings examples favorable to Sandy, provided technical details and explained five reasons for encouraging Murray to adopt SWIP:

- *Accepting laterals as an infrastructure, residents desire insurance because laterals reach into public right of way.* Once a home owner discovers the high costs of repairs using contractors, insurance becomes attractive and provides savings.
- *Insurance avoids conflict between residents and cities.* Contractors prove to be expensive so residents tend to settle for the least amount of service. Rather than repair and replace, they pay for cleaning maintenance only, which later creates problems for cities.
- *Most cost effective solution allows complete coverage with economy of scale.* Cost savings can be great compared to quotes to individuals of \$10,000 by contractors. By partnering with local sewer agencies, SWIP is also able to reduce costs compared to warranty programs that do not cover laterals.
- *Better maintenance creates better inflow of the system.* Repairs conducted by SWIP provide long lasting and top quality service, by removing tree roots, which lead to a better collection system. Emergency situations are also handled more efficiently with SWIP because they have more experience in emergencies than contractors.
- *Nationally, regulatory trends are moving in the direction of lateral insurance.* Idaho passed regulations requiring video inspections on laterals prior to property sales.

Mr. Oldroyd believed Sandy City Suburban was leading the way in lateral insurance after he received so much positive feedback from the board and the residents.

Ms. Turner was concerned with how the insurance might benefit hundreds of residents living in apartment and condominium complexes. Mr. Oldroyd stated the insurance would exclude those types of commercial dwelling places because complexes would have maintenance contracts in place. It was the homeowner who would not have the tools in place to repair because they are not commercial enterprises.

Mr. Camp questioned how SWIP would aid in avoiding conflicts between cities and residents. He also wondered how he would convince residents to pick up additional insurance coverage. Residents who already have home owners insurance which covers laterals, would have to pay a double coverage, in order to provide coverage for those who don't have coverage with a home owner's policy.

Mr. Oldroyd explained conflict was avoided because SWIP coverage would take care of broken laterals, sidewalk repair, root removal and replacement, making it their own challenge instead of the cities'. Also, when a resident who hires a contractor, may take short cuts to repair, in order to save money, and perhaps the outcome would not measure up to city standards.

Mr. Camp asked about the cost for coverage and whether residents could opt in or out for insurance. Mr. Oldroyd explained unlike optional warranty coverage, everyone pays \$5 per month, per connection. If Murray City adopted SWIP, the exact cost for coverage would be determined after the application process and an examination of how many connections are involved.

Mr. Camp asked if there was immediate coverage for preexisting conditions. Mr. Oldroyd answered yes. Mr. Camp asked if there were any annual system wide limits. Mr. Oldroyd replied for Sandy Suburban there was a stop loss total limit, where the district would be responsible beyond that amount, but he was not sure of the details. Programs can be specifically designed for cost savings and are determined by monthly repair rates.

Mr. Camp asked Mr. Hill if there were any other sewer districts that serve the city with similar programs. Mr. Hill replied the city had been approached three times over the last four years by insurance companies to implement this program. He thought Salt Lake City Public Utilities implemented a similar program a few years ago with a different insurance company and different program. Mr. Hill reminded the council there were also water laterals to consider and not only sewer laterals involved with flow concerns. Mr. Oldroyd stated SWIP would cover water laterals if requested.

Ms. Turner asked if the billing and collection procedures could be handled by Murray City or by SWIP. Mr. Oldroyd reported Sandy Suburban handles the billing and insurance fees, which are included in monthly bills to avoid additional administrative costs.

Mayor Eyre questioned two major factors affecting cost: 1) The length of the laterals, 2) the age of the home. For example, suppose one home had laterals 150 feet away from the curb and a neighbor was 20 feet away from the curb, wouldn't that produce extreme cost differences due to distance. Also, comparatively, if one home was 5 years old, and another 45 years old, was there a way to average the cost for individuals rather than requiring the same \$5 monthly fee for each. Mr. Oldroyd said due to public infrastructure, the premium would be included in the sewer portion of utility bills and everyone would pay the same regardless.

Mr. Brass pointed out conflicts that might occur if Murray adopted the insurance, when one person might be covered with up to three types of sewer coverage and the neighbor across the street, living in the Cottonwood Improvement District would not and how would that be addressed. It was Mr.

Oldroyd's belief people in other areas who were not covered by SWIP, would eventually want coverage also after seeing the advantages.

2.2 Residential Chicken Raising Land Use Ordinance – Tim Tingey

Mr. Tingey reviewed what the planning commission considered in 2014. Chickens are currently allowed in agricultural districts, which are slowly being phased out of the current General Plan, and chickens are not allowed in residential zones. There are very few agricultural areas left in Murray, where residents have asked permission to raise chickens. There are those who have just taken it upon themselves to put chickens in their yards, raising significant enforcement issues. When complaints are received from residents, enforcement is utilized. Enforcement issues have also prompted residents to request an ordinance allowing for chickens in residential districts. The urban trend of raising chickens is not new to the community, as other communities in the Salt Lake valley, as well as, cities across the country, have ignited the idea with popularity.

A significant public input process occurred at various open houses which related to land use issues and whether chickens should be allowed in neighborhoods or not. The interesting outcome reflected strong opinions on both sides, and some concerns were related to smells, rodents and disposing of chickens.

A scientific community survey was conducted in November 2015 and the results on the importance of allowing chickens were: somewhat or very unimportant 40% and somewhat or very important 29%. Conclusions were made that there was not an overwhelming response to the need for allowing chickens.

Mr. Camp asked whether the survey was taken completely across the city and wondered if residents who knew they could not have chickens in the first place, showed little concern over favoring the ordinance. Mr. Tingey stated the majority of the responders from the survey were single-family homes, versus apartment dwellers, and the majority of the responders were owner occupied.

Mr. Tingey provided an outline of the basic components of the ordinance. Permit fees were suggested at \$100. Regulations, such as, no roosters, distance from a neighbor's house, requirements for size and location of coops, number of chickens per lot and feed containers were provided.

*Details in Attachment A.

Mr. Nicponski addressed manpower related to enforcement issues. Mr. Tingey shared additional concerns over the process of yearly inspections, disposal of chickens and implications of animal control. Mr. Brass noted everyone who currently has chickens would need to come into compliance. Mr. Tingey stated the ordinance allowed for penalties or citations for those who did not comply.

Mr. Brass also noted a problem in California, because residents did not realize chickens only produced eggs for a certain time period and disposing of them became a concern. He also mentioned seeing a chicken recently at the local animal shelter, which confirmed the unforeseen concerns.

2.3 Residential Bee-Keeping Land Use Ordinance – Tim Tingey

Bee keeping is similar to chickens, allowed in A-1 Zones but not residential areas. Mr. Tingey summarized the proposed requirements for bee hives explaining: lot size and number of hives per lot, position of hives in the yard, fencing and coop regulations, as well as, flyaway barriers.

*Details in Attachment B.

Currently, the city deals with the issue of bees in neighborhoods on a complaint basis only. Bee keepers must be registered with the Department of Agriculture and Food and Salt Lake County assists with inspections of bee keeping. Further research would continue with the attorney's office to finalize the elements of the proposed ordinance.

The scientific community survey conducted in November 2015 also included bee keeping and the results on the importance of allowing bees was: somewhat or very unimportant 41% and somewhat or very important 38%.

Mayor Eyre stated that, in relationship to ordinances, chickens and bees have always gone together. He wondered if any other city had opposed chickens but allowed beekeeping. Mr. Hall confirmed there were a couple of cities that adopted bees and not chicken ordinances. All of the council agreed they should be considered as separate ordinances and they would do so in the decision making process. Mr. Tingey confirmed the ordinances are similar, but are completely separate ordinances. The council would continue to review the information.

3. Announcements: Ms. Lopez made the following announcements:

- Thursday, September 22, 2016, 6:00 p.m. a Joint meeting with the Planning Commission.

4. Adjournment: 6:15 p.m.

Pattie Johnson
Council Office Administrator II