



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, January 24, 2017 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

**Council Members in Attendance:**

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

**Excused:**

Brett Hales	District #5
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**Others in Attendance:**

Ted Eyre	Mayor	Jan Lopez	Council Administrator
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Pattie Johnson	Council Office	Tim Tingey	ADS Director
Jennifer Kennedy	City Recorder	Mandy Ditto	Murray Journal
Justin Zollinger	Finance Director	Bruce Baird	Garbett Homes Attorney
Danny Astill	Public Services	David Broadbent	Attorney for Littleson
Jacob Ballstaedt	Garbett Homes	Bryson Garbett	Garbett Homes
Jennifer Brass	Resident	Rick Davidson	Broker – Garbett Homes
Ruth Eyre	Resident	Sally Hoffelmeyer Katz	Resident
George Katz	Resident		

Ms. Turner called the Committee of the Whole meeting to order at 6:00 p.m. and welcomed those in attendance.

**1. Approval of Minutes**

None Scheduled.

## **2. Business Items**

### **2.1 Discuss Proposed Boundary Adjustment with Midvale at approximately 6800 South 700 West – Doug Hill**

The city received a request from Garbett Homes to remove approximately 24.47 acres of land from Murray City by adjusting the boundary with Midvale. A map was used to depict the encompassed area and Mr. Hill said the reason for the boundary adjustment request was primarily due to issues in providing sewer and storm water services to the area.

Grade slopes away from 700 West, where a sewer line is located, as well as, away south from Winchester Street, where another sewer line is located. The only solution to attain gravity flow from the property and provide sewer lines into the city sewer system would be to construct a lift station. The same gravity flow problem exists for storm water, which would require construction, by moving water towards the Jordan River to the southwest and into the Midvale storm sewer system.

The city is not interested in building, operating and maintaining another lift station for sewer water, and is currently in the process of removing lift stations out of the city's system, where possible. A lift station was recently removed lowering the number from four stations to three. Lift stations are often required in certain areas where development is desired, however, it is felt that due to the size of this particular area, Murray citizens would not be best served by installing a lift station to handle sewer needs for the new development. The situation is similar related to storm water issues.

Overall, the city is considering four options in handling the boundary adjustment request:

1. Pursue an interlocal agreement with Midvale to have sewer and storm water go into their system. (Midvale city council is not interested in that arrangement.)
2. Have the developers build and operate their own lift station. Garbett is not interested.
3. Pursue a boundary adjustment with Midvale, who would then take over all utility services including sewer, storm water, water, police, fire, and Rocky Mountain Power to provide electricity. The Murray School District boundary would not change. There would be some impact to property taxes and voting.
4. Do nothing. No development that would require sewer would be allowed.

Ms. Turner asked how many homes Garbett wanted to construct. Mr. Hill stated approximately 130 lots would be created. If the city chooses option #4, other limited development options are possible that would not require sewer construction. Ms. Turner suggested perhaps green space. Mr. Brass asked how sewer systems in the mobile home park nearby were handled. Mr. Hill explained sewage flowed to Winchester Street, however, this vacant lot is situated down in a hole, where sewer is not readily able. There is only one small section on the property near 700 West, where a house currently sits and is on higher ground providing natural gravity flow for sewer lines.

Mr. Hill described the process of a boundary adjustment request as follows, if council approves:

1. Formal request from developer for boundary adjustment.
2. City councils of both cities would need to approve an intent resolution to begin the process.
3. After no less than a 60 day period with multiple notices posted, the city council would hold a public hearing and conduct the final vote.

4. Garbett would like the process completed by the end of April to meet state deadlines for boundary adjustments.

Mr. Nakamura would present a resolution of intent to the council for consideration and confirmed that the process for the boundary adjustment, state law requirements and time frame were correct. He felt the council should reserve comments until the resolution was presented to them.

Ms. Turner asked if the city owns the property. Mr. Hill explained although the vacant property was located in Murray, all property owners were under contract, which allowed Garbett to make the boundary adjustment request. One portion of the entire property, not under contract, where a house is currently located would be represented by Garbett.

Mr. Camp asked in relationship to servicing the mobile home park with storm water and sewer, where and how far the grade was sloping. Mr. Ballstaedt used a map to indicate where the mobile park was relatively sitting higher, from the surface level of the street, to the surface level of the property; the difference was six to eight feet below the street. Mobile homes are built up two or three feet above ground on a platform foundation and have no basements, therefore, a very shallow sewage system flows to the north.

Mr. Camp was concerned about Midvale rezoning the area to high density housing, once the boundary was adjusted. Mr. Nakamura stated there was nothing binding Midvale from doing so, however, he believed Garbett's intent was to construct low density housing only. Theoretically, years into the future, the zoning could be changed, but for now there was nothing Murray could do once it belonged to Midvale.

Mr. Baird, believed a dis-annexation agreement, which had never been done before, could be prepared and would record specifics on the title of the land, favoring Murray City and limiting the development of the land. It would not be possible through zoning, however, a contract of development would provide a legally binding way to achieve the guarantee. He was confident of the suggestion and confident that protecting Murray was a priority to Midvale's excellent relationship with Murray. Midvale did not want to appear as poaching land from Murray and wanted the same sort of agreement in place.

Mr. Nakamura agreed, a dis-annexation agreement suggested by Mr. Baird was new and believed it could hold up between Murray and Midvale. However, by merely adjusting the boundary, he felt low density housing would result just the same.

Mr. Baird added the possibility existed for a contractual agreement between Murray City and Garbett Homes, indicating low density housing only, along with a damage clause stating Murray City's expectations for construction on the vacant lot. There were other ways to protect Murray's extremely legitimate interest in what was to be developed in the area. Regardless, forty years from now, changes are inevitable.

Mr. Hill noted Murray Police Chief Burnett had concerns related to police services to the area if the boundary changed. Murray Fire Chief, Gil Rodriguez, felt there was no apparent concern for his department, due to the interlocal agreement and servicing beyond boundary areas was common. Research was conducted by the power department and further discussion with the council would be needed on their behalf.

Mr. Baird thanked the Murray City Council and Murray staff for the opportunity to discuss their request on such a short notice and noted the approaching desired deadlines.

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

- Wednesday, January 25, 2017 at 11:00 a.m. - Local Officials Day at the Legislature. Located at the Salt Palace.

Also, 3:00 p.m. - IMC Transformation Center Groundbreaking Event at the Regent Street & Eccles Theater.

- Wednesday, February 8, 2017 at 12:00 Noon - Budget meeting and lunch held in the City Hall Conference Room #107 and Council Chambers.
- Tuesday, February 14, 2017 at 12:00 Noon - Council Retreat and lunch. Located in the City Hall Conference Room #107 and Council Chambers.

**4. Adjournment:**

Ms. Turner thanked everyone in attendance for coming to the meeting and adjourned at 6:18 p.m.

**Pattie Johnson**  
**Council Office Administrator II**