



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday August 22, 2017 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Council Members in Attendance:

Diane Turner, Chair	District #4
Blair Camp	District #2
Jim Brass	District #3
Brett Hales	District #5

Excused:

Dave Nicponski, Vice-Chair	District #1
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Others in Attendance:

Tim Tingey	Mayor Pro Tem	Jan Lopez	Council Administrator
Janet Towers	Chief Admin. Officer	Jennifer Kennedy	City Recorder
Pattie Johnson	Council Office	Danyce Steck	Finance
Frank Nakamura	City Attorney	Briant Farnsworth	Senior City Attorney
Jim McNulty	Development Services Mgr.	Gil Rodriquez	Fire Chief
Danny Astill	Water Superintendent	Jon Harris	Deputy Fire Chief
Darrell Pehrson	Resident	Brent Barnett	Resident
Jennifer Brass	Resident	Stan Hoffman	Dakota Pacific Real Estate
Richard Crangle	Resident	Kathleen Stanford	Resident

Ms. Turner called the Committee of the Whole meeting to order at 5:00 p.m. and welcomed those in attendance.

1. Approval of Minutes

Ms. Turner asked for action on the minutes from June 5, and June 20, 2017 Committee of the Whole. Mr. Brass moved approval. Mr. Hales seconded the motion. All were in favor.

2. Discussion Items

2.1 Land Use Ordinance Setback Requirements – Tim Tingey

Mr. Tingey said the proposed text amendment came about because of a need for space on smaller lots, such as 6,000 square foot lots, for single family residential setbacks. Details were explained by Mr. McNulty.

Mr. McNulty noted City Code Title 16 - Subdivisions, and Title 17 - Land Use Ordinances, where regulations for R-1-6 zones provide for 6,000 square foot lots, for example, in a new residential area to be constructed by Garbett Homes; R-1-8 zones provide 8,000 square foot lots; R-1-10 zones allow 10,000 square foot lots; and R-1-12 zones offer 12,000 square foot lots.

The text amendment was due to a conflict with a minimum side yard setback of five feet in the R-1-6 zone, and public utilities currently requiring seven and a half feet. Larger lots are wide enough to avoid the issue. In addition, the objective for the proposed text amendment would ensure that Title 16 and Title 17 agree in setback requirements.

The proposed text amendment for public utility and drainage (PUD) easements was reviewed and approved by city attorneys, the city engineer, the development review committee, power department, public works, and fire department.

Mr. McNulty explained all lots have front, back, and side yard easements. Consequently, standard front and rear yard easements would stay the same, 10 feet, where utilities such as water and sewer lines are located. How the proposed amendment would affect each zone was noted.

R-1-6 zones - Two scenarios would occur in R-1-6 zones.

1. Just one side yard easement would exist on each lot, abutting the adjacent side yard easement. As a result, there would be five feet on one side yard, and five feet on the next side yard, still allowing 10 feet between lots for the PUD easement.
2. Should a project exist in the R-1-6 zone with an uneven number of lots, two five foot side yard utility easements would border each other, totaling 10 feet. However, the odd lot at the end of the street block would contain a single 5 foot PUD easement determined by city staff. This scenario is common in other small lot PUD areas, for small subdivisions, condominiums, and townhomes.

R-1-8 zones -Instead of the typical seven and a half foot PUD currently written in the ordinance for all R-1 zones, the text amendment would allow five feet on each side yard, because 8,000 square foot lots are commonly, 80 feet wide, by 100 feet deep. Side yard setbacks are a minimum of 8 feet on one side, and 12 feet on the other side - for a total of 20 feet of PUD. The option of 10 feet on both sides was also noted. Therefore, a developer could build on a 60 foot wide lot. The amendment would also prevent the encroachment of window well placement into minimum setbacks, because they often measure into easement areas.

Zones R-1-10 and R-1-12 – These larger lots with seven and a half feet easements on each side yard, provide a total of 15 feet PUD. Generally, 10,000 and 12,000 square foot lots are 100 feet wide where it is easier for a developer to plant utilities with more lot width, avoiding encroachment as seen in R-1-6 and R-1-8 zones.

The current ordinance states: “All lots must have a ten foot rear yard easement, and a ten foot front yard easement.”

The new ordinance would read: “All lots must have side yard utility and drainages easements as follows: R-1-6 lots must have a five foot utility and drainage easement on one side. Each side yard easement must line up with the side yard easement on and adjacent lot. For developments with an odd number of lots, on one lot the required side yard easement may be located in either side yard as determined by city staff. Lots within the R-1-8 Zone must have a five foot easement in each side yard, Lots within the R-1-10 and R-1-12 Zones must have a seven foot six inch easement in each side yard.”

The proposed text amendment for Title 16 will be considered by the planning commission, and presented to the council for consideration at a future council meeting.

2.2 Fire Station #81 Project Update – Gil Rodriguez

As the planning phase occurred, building to accommodate future needs of the city was a priority. Chief Rodriguez said a worst case scenario would be to build a station too small for needs 10 to 50 years from now. As a result, an increase to general staff, more administration, and more responsiveness was definite. Another substantial increase every year is call volume, so projections for an effective response team was noted on a chart indicating expected increases in firefighters and apparatus at Station #81. The increase from seven people currently, to 10 people in the near future was certain, with an increase to 12 people in five-plus years.

Two floorplans representing the current layout and the new fire station layout were compared. The Chief explained fire apparatus was getting larger, and taller, and as a result, a larger response bay and storage bays were needed. Again, projections were based upon needed response, and floor plan design and improvements were made to accommodate an increased staff, requiring more living and bedroom space. The apparatus bay would expand 13.1 % - from 5,700 square feet, to 6,446 square feet. Office and living space would expand 18.4% - from the current 13,100 square feet, to 15,515 square feet. Separate buildings at the current location, house the community room, annex, gym area and Fire Prevention Bureau building, will be located within the new facility and current bays would no longer be used for storage.

Unlike the current station, the new station would house an ambulance with two employees for improved response. Because Murray fire stations are centrally located in the valley, county meetings are held at Murray stations, therefore, a community room and additional meeting space would accommodate future meetings, as well as, training for firefighters. Main entrances, and administration areas, were noted on conceptual designs. The second floor would contain a day room, kitchen, bedrooms, and workout room. Elevation, architecture, color and outside design details were described for the entire facility.

A list was provided to compare current design with the future station.

<u>Current</u>	<u>Future Layout</u>
2 Response Bay	3 Response Bays
2 Storage Bays	2 Storage Bays
7 Bedrooms	12 Bedrooms
1 Workout room	1 Workout room
2 Meeting rooms	2 Meeting rooms
2 Training rooms	2 Training rooms
12 <u>offices</u>	11 <u>offices</u>
1 - Fire Chief	1 - Fire Chief
1 - Assistant Chief	1 - Assistant Chief
1 - Deputy Chief	1 - Deputy Chief
1 – IT	0 - IT
1 - Executive Assistant	1 - Executive Assistant
1 - Administrative Assistant	1 -Administrative Assistant
2 – Paramedic	1 - Paramedic
1 – Captain	0 - Captain
1 – Training Officer	1 – Training Officer
1 - Deputy Fire Marshall (2 cubicles)	1 - Deputy Fire Marshall (3 cubicles)
1 - Fire Marshal	1 - Fire Marshal
	1 – Battalion Chief
	1 – EMS

The fire station is the beginning of the new downtown city campus. A meeting with the planning commission is scheduled for September 7, 2017 for approval of the site plan and certificate of appropriateness.

Mr. Camp recalled the opening of the new Station #81, in 1980, when Art Caldwell gave a speech stating how that station would serve Murray’s community for 25 years. Mr. Camp agreed it certainly did. Chief Rodriquez concurred, and felt with new growth in the city, adding the second level, additional office space, and training rooms to the new station, would serve the community many more years to come.

Further discussion and a presentation providing cost, and more design details would be shared with the council at an upcoming retreat.

2.3 Proposed Amendments to Title 12 of the Murray City Municipal Code – Frank Nakamura and Briant Farnsworth

Mr. Nakamura appreciated Mr. Farnsworth’s hard work on updating City Code in order to be consistent. Most changes were technical, however, substantive changes were made as well. The changes were reviewed and input was given by Mayor Eyre, the public services director and city engineer.

Mr. Farnsworth explained changes were made to specific fees for various permits and services provided to recoup the cost in providing these permits and services.

Proposed language would allow the mayor to determine fees, and keep them in a written schedule available to the public. In addition, fees could be changed easier to reflect actual costs.

Mr. Camp noted the council typically sets fees, and keeps the fee schedule. He wondered whether the change was made so that fees could be changed for a specific project, reflecting actual costs, or, was the change proposed because fee schedules change frequently and need updating regularly.

Mr. Nakamura replied it was due to frequent changes and explained the text amendment was noted for specific projects, although some fees were percentage based which could change. In addition, the proposal was made to accommodate service and permit needs in the future to avoid increased costs to the city, when increasing fees through the council, could be burdensome. He reminded the council, the change was for various permits and provided services only - not utility charges. He agreed fees were usually set by the council, however, concerns and requests in the past, stressed a need for the mayor to change fees. The action would be an executive function of the mayor, provided fees were based on actual costs. He believed the amendment would provide a nice balance between administrative fees versus, utility user fees, which were approved by the council.

Mr. Camp wondered about checks and balances, because usually fee increases are suggested by the administration and approved by the council. He wondered if this change would make the mayor solely accountable and responsible for those increases.

Mr. Nakamura said the proposed amendment applied to administrative fees without significant cost; fees not considered significant in terms of budgetary impact. For example, part of the application processes are administrative, versus, setting a utility fee, such as power and water, which was more substantial and set by the council. Therefore, he felt this was an effort to provide a good balance.

Mr. Camp wondered if there were other fees set by the administration. Mr. Nakamura replied yes, for instance, recreation fees and programs fees.

Mr. Farnsworth explained additional proposed changes to the following chapters of Title 12:

- Chapter 12.04 - Language was moved from Capital Chapter 13.44 into the end of chapter 12.04
- Chapter 12.08 - Updated provisions were made for street names and property numbers.
- Chapter 12.16 - Outdated language was removed regarding excavations.
- Chapter 12.24 - Outdated regulations and requirements were removed from park and playground use language. Such as, prohibiting livestock and horses in parks, driving commercial vehicles, depositing garbage and trash, using restrooms of the opposite sex. These items are not a current concern or were based on the current legal and political environment. Based on state law speed violations in parks are an infraction, and no longer a Class B misdemeanor. A provision related to alcoholic beverages in parks, was amended from a Class B misdemeanor to a Class C violation; and the provision of discharge of fireworks was updated, due to Title 53 of Utah Code.
- Chapter 12.28 - Sections B, C, and D were removed, relating to financial standards at the Murray Parkway Golf Course. For instance, the transfer amount the council could require, can be determined each year during the budgetary process.

The council would consider the proposed ordinance changes during the council meeting on August 22, 2017.

2.4 Proposed Amendments to Title 15 of the Murray City Municipal Code – Frank Nakamura

Technical and grammatical changes were noted, however, fee changes would occur administratively as well as legislatively.

A major change was noted in Chapter 15.28 regarding “Fit Premises.” It was discovered that state law changed the Fit Premise Act substantively, therefore, tracking the language was necessary in order for the city to be in compliance.

Mr. Camp wondered if amendments provided the city with additional tools for code enforcement, as compared to in the past.

Mr. Nakamura felt the proposed amendment certainly would. “Fit Premises” are often utilized in civil litigation, should a private party bring action against a land owner. He explained courts often defer to those standards, therefore, the change would provide better clarification, and definitely provide tougher standards for code enforcement.

Mr. Farnsworth said the standards would also help crime victims who may be discriminated against. For example, the provision would help individuals from an eviction situation, when a crime had taken place in their rental.

Mr. Brass asked about remote control aircraft in parks because he noticed during the recent Public Safety Fair, a remote control aircraft flying near an Air-Med helicopter as it was lifting off. Police officers ran to the man controlling the aircraft and instructed him to stop flying it.

Mr. Nakamura said the Federal Aviation Administration should pre-empt the city, because in general, certain heights are governed by and prohibited by federal laws. The city does not have legislation to address such issues directly, nor has any ordinance at this point in time. However, consideration to do so, as it relates to privacy and harassment code enforcements, should be addressed in the future.

Mr. Farnsworth noted the difference between drones and remote control airplanes and said under recently passed legislation, state law restricted cities abilities to regulate drones. Therefore, concerns would be addressed at the state level, however, he agreed issues such as, privacy and harassment could be addressed.

2.5 Fiscal Year 2017 - 2018 Budget Amendment Discussion – Jim Brass

Mr. Brass reported all council members met with Ms. Steck over the last week to review budget amendments for Fiscal Year 2017-2018. He wanted to ensure there were no further questions, since a cost increase was noted for the canal trail. Details about the power department’s budget and the number of vehicles was in question, as well.

Ms. Turner reported a very helpful memo from Mr. Hill was given to the council regarding the canal trail.

Ms. Steck said she reviewed the history of the canal trail line item and reported \$809,000 was allocated for the trail, \$10,000 of which, was for pickle ball courts. She understood the council's concerns about the high dollar amount and explained another discussion would take place on September 5, 2017 with Mr. Hill, after canal trail bids were submitted. In the meantime, she offered two immediate options for the council to consider:

1. Approve the budget amendment as is and if desired remove the line item later.
2. Remove the line item from the budget amendment at this time with the option to approve it in the future if the final bid is acceptable.

Mr. Camp was concerned because he voted to move the canal forward, with cost certainty; he did not vote for the canal trail to be built, regardless of unknown additional cost increases. Not only was he concerned about cost escalation, but new requirements made by Salt Lake City. He felt it was premature to approve the budget opening before bids came in.

Ms. Steck presented a power point of the budget amendment and noted 42 line items in need of approval. She pin-pointed the canal trail line items. Reiterating, she said the council could approve all items, except the canal trail at this time. Ms. Tuner thanked Ms. Steck for the option.

Mr. Camp affirmed the motion to do so would take place during a public hearing. Mr. Brass felt the item was most concerning and appreciated the option to remove it.

Ms. Steck explained 95% of budget amendment items were allocated for ongoing projects as of June 30, 2017 when the fiscal year ended. These are substantially roll-over items for completion in the new fiscal year.

Mr. Camp noted allocations for clean-up of the downtown - a day before bids were due. He asked Mr. Tingey if he was comfortable with this and was a decision on a bid close. Mr. Tingey replied yes, the choice was close, and he stressed moving forward quickly was important, due to ongoing code enforcement issues related to structural work in buildings. Due to the location in the MCCD, approval with the planning commission was also expected in three weeks.

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

- Thursday, August 24, 2017 - Council Retreat located in the conference room, 12:00 pm.
- Tuesday, August 29, 2017 - Board of Canvassers located in the Council Chambers, 4:00 pm
- Wednesday – Friday, September 13 -15, 2017, ULCT Conference located at the Sheraton Hotel in Salt Lake City.

4. Adjournment: Ms. Turner adjourned the meeting at 5:53 p.m.

Pattie Johnson
Council Office Administrator II