



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

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The Murray City Municipal Council met as a Committee of the Whole on Tuesday, December 11, 2018 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
Dale Cox	District #2
Jim Brass	District #3
Brett Hales	District #5

### Others in Attendance:

Blair Camp	Mayor	Jan Lopez	Council Director
Danny Astill	Public Works Director	Jennifer Kennedy	City Recorder
Jennifer Heaps	Comm & PR Director	Pattie Johnson	Council Office
Jim McNulty	CED Manager	Doug Hill	Chief Admin Officer
Rob White	IT Director	Danyce Steck	Finance Director
Steve Reid	Bldg. Dept.	Briant Farnsworth	City Attorney
Isaac Zenger	IT		

Ms. Turner called the Committee of the Whole meeting to order at 5:00 p.m.

### Discussion Items

#### **Funding Proposal for a Database Analyst – Mayor Camp and Robert White**

Mr. Decker, who received military deployment orders starting January 6, 2019, worked as a Database Analyst in the IT Department on the conversion of the utility billing system with Dave Carpenter. Mayor Camp explained his position must be held for him up to one year, however, this would create a critical personnel shortage in their department.

Mr. White affirmed the conversion project would take about one year, beginning in January 2019. The position was imperative during this phase of the conversion because the database analyst pulls data from the old system, incorporating it into the new system - completing the conversion on time was

crucial.

Mayor Camp appreciated Ms. Lopez getting the item on the agenda at the last minute, due to the urgency. He confirmed the position was already advertised, and budget opening for the position would occur after the first of the year.

Mr. Nicponski wondered about procedures when Mr. Decker returned from duty. Mr. White thought the current senior programmer position might be replaced by then. Ms. Steck said the replacement of the senior programmer position would be considered a succession plan. She thought positions in the IT Department are isolated in their knowledge base and learning a position like this one could take a year getting familiarized with the new system - once implemented. She agreed IT positions are critical to the utility billing system, because the employees are experts on the Munis System software. Mr. White agreed the position was critical in providing stability for the upcoming year, and years to come.

Ms. Turner asked if the position was one that would be continued. Ms. Steck confirmed. Mr. White affirmed the new position would be permanent.

Mayor Camp said while Mr. Decker was deployed, the city would be obligated to pay his retirement benefit, which would be the only budget impact. Ms. Steck recommended deferring retirement funding until Mr. Decker returned, so funds could be saved this year. Reasoning was noted that if he did not return to the position, the city would not have the obligation, but would be paid upfront when he did.

Mr. Cox wondered if Mr. Decker would lose any benefits by delaying the funding. Mr. White said putting it off for six months would not create a loss or affect seniority. Ms. Steck explained URS funds are not allocated to people, specifically, until they actually retire.

Mr. Cox wanted to be absolutely sure Mr. Decker would receive credit and funds – immediately upon his return. Ms. Steck confirmed.

Mr. Brass agreed filling the position was critical, considering recent billing issues, and hiring someone was an inexpensive fix, and a good insurance policy.

Mr. Cox reiterated concerns about not paying retirement benefits for Mr. Decker this year, because the type of absence was due to deployment. He thought if something happened to Mr. Decker during his time of service, pension benefits normally occurring throughout the year, should be available to the family immediately. Ms. Steck unfortunately noted Mr. Decker was not fully vested into the retirement system because he was only employed by the city for five months. Mr. White said other benefits, including life insurance would still be available.

Mayor Camp noted formal action by the council would occur during the first council meeting in January 2019. There was a consensus among council members to fund the position of database analyst.

**Building Permit Fee Discussion** – Mayor Camp, Briant Farnsworth, Steve Reid and Jim McNulty

Mr. McNulty noted necessary changes to City Code - Title 15; Sections 15.08.010, 15.08.020, and

15.08.030 related to building permit fees. The proposed revisions would allow for the reinstatement of expired permits with associated fees, and the removal of completion deposits for one and two-family residential projects, as well as, multi-family and commercial projects. However, plan review fees would remain.

Murray City, Chief Building Official, Mr. Reid who understands the issues and studied the process led a discussion regarding proposed changes. Mr. Farnsworth assisted with forming the proposed ordinance.

Mr. Reid said there were two key issues that caused problems and challenges:

1. The completion deposit process. The fee is received upfront for certain types of permits. Mr. Reid suggested eliminating this process for the following reasons:
  - A. Lengthy time to complete transactions. Mr. Reid described many steps involved from start to finish. His hope is to utilize staff more efficiently. Delays occur with only two employees authorized to process completion deposits. The proposed change would allow several employees to assign permits and permit numbers, receive and record transactions, and process refunds as needed. Currently, Mr. Reid and other part-time employees are not permitted to assist with that process.
  - B. Difficulty in tracking money for reimbursements. Mr. Reid explained once completion deposits are received and if final inspections go well, money is refunded appropriately. However, if inspections do not go well and permits are not finalized in a timely manner, the letter writing process begins to notify businesses that permits must be reinstated. He said by the time a permit expires, the initial deposit was transferred out. This was concerning to him because once a permit was reinstated, it was unclear where to locate the funds for reimbursement. The proposed code changes would eliminate this process making reimbursement easier, and guarantee completion deposits be automatically reinstated once final inspections were made.

Mr. McNulty regularly overrides mistakes. He confirmed even though the Munis conversion was fully complete some transactions were still slow to process. He said other cities do not collect this type of outdated fee and the hope is to make the procedure less complicated.

Mr. Reid said unlike completion deposits, plan review deposits, implemented in 2008, can be utilized for time spent reviewing project plans. He thought eliminating the completion deposition process was a good decision, confirmed by his research.

Mr. Hales wondered where the completion deposit funds were being transferred. Mr. McNulty monitors completion deposits using the Munis system and approves invoices weekly. He said funds were transferred to the finance department. Ms. Steck specified completion deposit funds become a liability once deposited. She noted the problem of having 10-year-old completion deposits still recorded on the books still. As a result, there was pressure to process refunds appropriately.

Mr. McNulty said the process to return monies is active and requires several people to manage the final reimbursement.

Ms. Turner thought the proposed change was a good idea to help streamline the process. Mr. Reid agreed.

2. Finalizing permits. Mr. Reid wants to devise a better program related to reinstating final permits. The current notification process regarding expired permits was described as follows:

- Contact is first made by mailing letters and sending emails. If the first letter is ignored, another attempt is made with a second letter. A certificate of non-compliance is issued as a final attempt, if the second notification is disregarded.

Mr. Reid described an owner/builder who requested an inspection for a residential garage that was reconstructed. However, since the permit expired over a year prior, the inspection could not be granted - unless a full building permit fee of \$600 was paid again. Mr. Reid said he would rather not charge this fee when someone is voluntarily trying to restart a project.

Another challenging example was noted with BMW of Murray, when an extensive building addition was constructed - the permit fee was \$12,500. However, a storm drain was not in compliance, so the inspection was rejected, and the permit could not be finalized. Because BMW did not follow through with reinstating, the notification process began. If the second letter was ignored, a certificate of non-compliance would be issued on the building preventing them from refinancing or selling the facility. As a result, the reinstatement fee would cost approximately \$6,250 for one inspection.

Mr. Reid said he was not comfortable trying to collect these high reinstatement fees and would like to see them adjusted.

Ms. Turner asked if high reinstatement fees or certificate of non-compliance would indicate the importance of compliance.

Mr. McNulty thought a certificate of non-compliance was serious because the organization could not refinance or sell, and the city would eventually have legal ground. However, avoiding that direction was the preference, because city departments, such as, the Development Review Committee, Public Works, Planning, Zoning, Building Safety and Business Licensing, value working together as a team.

Mr. Reid wanted to create a more user-friendly approach to get projects completed and help provide overall solutions.

Mr. Hales wondered if complaints were received about having to pay additional fees to get reinstated. Mr. McNulty acknowledged Mr. Reid was willing to work businesses who were struggling to pay high reinstatement fees to get back on their feet.

Mr. Hales thought it was important for the city to have good working relationships with Murray businesses, and staff teamwork was imperative when partnering with them. He said Murray businesses play a significant role in the city.

Mr. Reid agreed and explained code changes would put a set series of fees in place making them easier to process.

- First notification was a phone call offering a reinstatement fee of \$100.
- Second notification was a letter conveying the cost of \$250 for reinstatement.
- Final notice is a certificate of non-compliance – set at \$400.

He addressed the situation with BMW and agreed a lower reinstatement fee might encourage them to take care of engineering issues. The process for reinstating permits would be easier and allow staff to start the process.

Mr. Brass thought it was in the best interest of the city to have projects completed and done well, whether commercial or residential. Partially built projects sitting to rot anywhere in the city causes complaints by neighbors. He said it was critical the issue of storm water at BMW be completed correctly, because it could affect the city financially, particularly with the Department of Water Quality currently looking at storm water issues. He favored the proposed changes. He wondered if permits could be extended without reinstatement fees and suggested the first call or letter should be outreach only, to find out if builders are even interested in finishing a project.

Mr. McNulty thought offering lower reinstatement fees of \$100, instead of \$6,000, or \$650, was very user friendly, especially for permits that expired over a year before.

Mr. Reid said tracking expired permits using the Munis system was a struggle. He hoped in the long-term, the system could automatically generate notification letters prior to permits expiring. He explained extensions of six months or longer could be requested at no charge for a good cause.

Ms. Turner said compliance was very important, especially as it related to BMW. Mr. Reid said the proposed code changes was the beginning of resolving those issues.

Mr. McNulty noted most business follow through with compliance and inspections, however, there are a few who do not.

Ms. Turner agreed if permits were not reinstated in a timely manner, notification letters sent a month or two in advance would help.

Mr. Reid confirmed the system was not capable yet, which made it hard to prioritize expired permits. He said the challenge to keep up with the demand for issuing permits, conducting inspections, and follow up, was also due to so much growth in the city.

Mr. White stated the Munis system was currently four versions behind. The next update to the highest version would occur in January, which would help resolve many issues.

Mr. Farnsworth explained the benefit of streamlining was not due to any legal position, but rather agrees with the current business reality. He confirmed the deposit and reimbursement process was an outdated procedure, and proposed provisions should be amended.

Mr. Cox mentioned a Legislative Policy Committee meeting he attended recently, where legislature was currently looking at issues related to city liabilities. He agreed anything the city could do to better document, upgrade, and modernize to make the process flow better would help immensely.

Mr. McNulty understood changes and adjustments to House Bill 241 would occur again this year. He said this was another reason Mr. Reid wanted to provide better customer service to Murray businesses, and why he felt pressure at times to meet the 14 and 21-day window for completing plan reviews.

**Proposed Rezone for 5668 S. Bullion Street** – Jim McNulty

The applicant, Anton Rezac requested a rezone for the property of 1.82 acres in size. He intends to subdivide allowing for single-family residential lots with frontage off of Aaron Park Circle.

Mr. McNulty used a power point to show the plans, share conceptual maps, convey future land use categories, and presented ground and aerial photos. He said the proposed rezone would be consistent with the General Plan Land Use Map, which identifies Low Density Residential uses for properties in this area. Staff recommended the planning commission forward a recommendation of approval to the Murray Council for the requested amendment to the Zoning Map for the property located at 5668 South Bullion Street, from A-1 Agricultural, to R-1-8, Single-Family Low Density Residential. On November 1, 2018, the planning Commission held a public hearing, where there was no opposition. A recommendation of approval was forwarded to the Murray Council for the requested amendment to the Zoning Map.

The council would consider the rezone during an upcoming council meeting.

**Sign Code Revisions** – Mayor Camp and Jim McNulty

Mayor Camp said Mr. McNulty, his department, and the city attorneys' office worked diligently to rewrite the Murray City sign ordinance. The question about continuing to allow pole signs was discussed during meetings. He asked the council to take time to review related issues, because many cities are restricting pole signs, and said although the thought was preliminary, he appreciated the council's input on the proposed changes.

Mr. McNulty confirmed revisions to rewrite and modernize the document took several months. He said Mr. Critchfield and Mr. Farnsworth updated the findings, purpose and intent sections of code to ensure code was compliant with the Constitution and Utah State Code, due to the importance of First Amendment rights. A power point was shared to explain a number of the revisions related to general sign regulations, such as, size, placement, lighting, location, landscaping requirements, levels of height, and width.

Mr. McNulty reviewed a number of new sign graphics that city staff created to make the document more user friendly, listed by zone, for retail, business owners, contractors, developers and others. In addition, the process for submitting a sign permit application includes specific requirements.

Currently, an A- Frame sign, usually placed on sidewalks for boutiques, sandwich shops, or to promote

outdoor dining, is not allowed in Murray City. The proposal would allow each business to have one such sign. He explained the sign is folded up and taken inside when businesses are closed.

Mr. McNulty reviewed reasoning behind suggested updates and explained new types of signs have been invented in the last 20 years. He noted signs with a clean approach and understandable clear graphics, such as, a marquee, a monument, ground and pylon signs; pedestal, residential entry, and banner signs, both temporary and those that attach to street lights.

He pointed out flexibility in code and said more importantly signs should blend with landforms and buildings. The presentation continued with a lengthy review, detailing each new sign proposed and a description of the provisions. He noted replacing signs that are old and no longer in use are important for future planning.

A public hearing for both the planning commission, and city council, would occur in the future to review and consider the proposed changes to the existing language.

**Announcements:** Ms. Lopez made several announcements related to coming events for the council members.

**Adjournment:** 6:20 p.m.

**Pattie Johnson  
Council Office Administrator II**