



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, April 16, 2019 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

**Council Members in Attendance:**

Dave Nicponski - Chair	District #1
Dale Cox – Vice Chair	District #2
Jim Brass	District #3
Diane Turner	District #4
Brett Hales	District #5

**Others in Attendance:**

Blair Camp	Mayor	Jan Lopez	Council Director
G.L. Critchfield	City Attorney	Jennifer Kennedy	City Recorder
Doug Hill	Chief Administrative Officer	Kim Sorensen	Parks & Rec. Director
Jennifer Heaps	Comm. & PR Director	Pattie Johnson	Council Office
Rob White	IT Director	Danny Astill	Public Works Director
Melinda Greenwood	CED Director	Bruce Holyoak	Parks Superintendent
Jon Harris	Fire Chief	Paula Rasmussen	Council
Jim McNulty	CED Manager	Jody Burnett	City Attorney
Kory Holdaway	Murray Lobbyist	Dave Stewart	Murray Lobbyist
Brenda Moore	Finance	Kate Sturgeon	Resident
Jennifer Brass	Resident		

Mr. Nicponski called the Committee of the Whole meeting to order at 4:45 p.m.

**Approval of Minutes** - Mr. Nicponski asked for comments or a motion on the minutes from:

- Committee of the Whole – January 22, 2019

Mr. Brass moved approval. Mr. Cox seconded the motion. (Approved 5-0)

**Discussion Items**

**Murray Central Station Small Area Plan** –Jim McNulty

The city was awarded a TLC (Transportation and Land Use Connection) grant in March 2018, by the WFRC (Wasatch Front Regional Council). Funding allows for the development of a Small Area Plan for the Murray Central Station. Staff applied for the grant because the General Plan identifies multiple areas in the city where those types of areas would be of great benefit.

Mr. McNulty said the council would consider adopting the Master Plan for the Murray Central Station Small Area Plan in a few weeks. He presented the draft document and asked the council if they wanted to see any additional changes. He said pictures in the plan were related to possible future development; noted as *iconic*, wording could be changed, as well as, the figures and diagrams. He reviewed two draft proposals; Concept #1, which was more likely to be developed and included a pedestrian bridge over the railway area; and Concept #2, more grandiose with the *iconic* massive structures. Mr. McNulty shared word definitions and derivatives to clarify various descriptive text meaning and to help visualize concepts used in the modern world of advertising. For example, he preferred the term *landmark* rather than *iconic*.

Mr. Nicponski recognized the bridge concept would connect the hospital's westside area, over railways, with businesses west of the train tracks as Concept #1. Mr. McNulty confirmed existing EMI offices would benefit, and the hope was to construct a second building like it, as well as, build a mixed-use residential tower, and parking structure in the area. Bridge access could link all these developments, along with existing Murray Crossing residents, to employment opportunities.

Mr. McNulty said the draft document, compatible with land use ordinances and City Code, was only a recommendation for how the area might be developed and look in 20 years. The overall decision to re-invent the Murray Central Station is up to UTA (Utah Transit Authority). However, a hurdle exists within the DEQ (Department of Environmental Quality) and the EPA (Environmental Protection Agency) agreement, because residential opportunities are not allowed in the SSOD (Smelter Site Overlay District) – west of IMC, and in the approximate 20 acres UTA owns nearby. Business offices, retail stores, the substation, and parking structures can all be accomplished, but the likelihood of a residential component is still questionable, which has city staff concerned, due to those limitations.

There would be no financial impact to the city, where the Small Area Plan totals 900 acres; the SSOD is 142 acres; and the MCCD is 97 acres, with only 53 of those acres developable, 20 of which are owned by UTA. Mr. McNulty said decisions made by UTA come down to market driven economics, so the city has no say in any of those decisions. However, by having the Small Area Master Plan in place, the city would have a guideline and tool that would run hand in hand with the current General Plan and land use ordinances. He noted this was the first Small Area Plan to be considered since 2017, when these spaces were approved.

Mr. Brass wanted to ensure all streets and intersections in the area could handle additional traffic created by increased density; he said even though people live next to TRAX stations, they still own cars and drive to and from. He thought overall traffic in the city was already a serious problem because of so many new developments. Therefore, this particular area could become a constant traffic concern, especially with the relocation of police and fire station vehicles now added to the area. He noted infrastructural capacities like water, sewer, and power demands should also be carefully assessed in relationship to this plan. Mr. McNulty agreed there were also areas to the north and west, that could

potentially become high density residential.

Mr. Brass favored the bridge concept and noted elevators to gain access. Mr. McNulty confirmed a stairway would also be available.

Mr. Cox affirmed all development decisions would be made by UTA. Mr. McNulty confirmed; however, IMC would decide core area development. He explained IMC has a 50-year Master Plan already in place for their site; so far, they accomplished the Transformation Center, and a new parking structure. The plan also calls for the possibility of an additional parking structure to the south, and possibly two more buildings, because their only focus is creating a large medical campus.

**Legislative Update** - Kory Holdaway, David Stewart, and intern Michael Dillman

City lobbyists presented an overview of the recent legislative session and reviewed the 2019 Legislative Intern Report. (See Attachment #1)

Mr. Holdaway reported the session was different from past sessions, because of concerning tax issues. He said up until the very end of the session, it seemed as though the budget was not going to come together, due to a desire to completely reform sales tax revenue.

Mr. Stewart confirmed by the end of the session the House of Representatives presented a bill, which ultimately, the Senate was not going to support, and business communities would not support, so there was frustration with the chamber who came out prematurely supporting sales tax on services.

He said because of unknown ramifications, and unattended consequences, complexities resulted, imploding the proposal. Therefore, a task force was formed made up of ten voting members, and four additional non-voting members (both democrat and republican) with direct recommendations from the governor, appointments by the Speaker and the President, were authorized to resolve the matter about sales tax revenue generation and implementation related to services provided, during a possible special session to be held in August of 2019.

The House and the Senate had opposing views about lowering rates, and/or broadening the tax base, as well as, what types of sales tax revenue from what types of services should be included; for example, window washers. Historically, a sales tax on services has not been successful in other states, and there was no estimation on how much money could be generated by such a tax.

Mr. Holdaway confirmed the process was lengthy. At the end of the session clear definitive answers, in terms of revenue and projections, were still unknown; there were suggestions to pass the bill just to see how much money could be generated.

Mr. Hales was concerned the bill would pass - just to be tested. Mr. Holdaway confirmed, there were ideas floating, in terms of surplus and setting aside money to buffer, in case revenue was not adequate.

Mr. Brass attended a USDA (United States Department of Agriculture) meeting and confirmed a confusing debate about sales tax implementation on water and sewer services. He explained the only way to accomplish that was to meter sewer lines, which was not something that happened. So, as a result of that obstacle, the idea fell apart; it was also realized double taxation would occur. Mr. Brass concluded the tax

change would have affected so many services, and said it was clear careful thought was not given to begin with, not to mention there was no time to read a 200-page legislative bill.

Mr. Stewart confirmed the House wanted to make complex changes to the bill, which was what ultimately prevented the bill from passing, in addition, the Senate realized they would be passing a bill that was already broken, which could not be fixed by the end of the session.

Mr. Holdaway noted a significant group in the House was seeing wisdom in what the Senate was trying to accomplish, so he thought a positive shift would slowly occur, although, House leadership was lacking. He agreed it would be interesting to see what the task force might accomplish, and it was his job as a lobbyist to provide feedback to help them make good decisions.

Mr. Holdaway highlighted the following in Mr. Dillman's 2019 Legislative Intern Report:

- HB119 (Initiatives, Referenda, and Other Political Activities) (B. Daw). The bill is one the city should be aware of in terms of educating the community and suggested changes to the process.
- SB129 (Tier II Retirement). The bill passed with a one-year funding reprieve for cities. The State funded the first year and moved first responders from a 1.5 multiplier to a 2.0 multiplier. The bill was needed, in terms of equity, with eventual great cost to cities.
- SB168 (Sales and Use Tax Revisions) (C. Bramble). The bill addressed small seller standards for sales tax from on-line sales. Proposed regulations apply when either 200 transactions are reached, or \$100,000 is made before sales tax incurs. The hope is to provide cities with more on-line sales tax revenue.

Mr. Stewart discussed the following:

- SB268 (Transportation - Quarter of the quarter bill). Meetings occurred with UDOT (Utah Department of Transportation) and others and it was discovered, due to increased growth, and sales tax revenue greater than bond commitments, a one-time \$12 million excess existed. Therefore, Mr. Stewart quickly created a proposal during the last few days of the session to acquire \$1 million; funding was granted for a road repair project located east of State Street on 5600 South.
- SB34 (Affordable Housing Modifications) (J. Anderegg). He said Murray qualifies for funding – because the city updated its moderate-income housing plan and filed a report to attain TIF (Transportation Investment Fund) funding; however, funding is not available at this time.

Mr. Nicponski thanked city lobbyists for their report, and he commended them for a job well done. The city was in dire straits at the beginning of the 2019 Legislative Session because of looming issues, such as, proposed sales tax revenue adjustment, proposed tax re-distribution, a proposal to stop enterprise fund transfers, and the planned restructuring of voting districts, requiring at-large council members. None of these things occurred, due to city involvement in the process. All councilmembers agreed.

Mr. Stewart stated water was a big concern. Conservation bills did not pass this year because future State rules and mandates would be coming in the future. Mr. Holdaway confirmed.

Mr. Hales ask the total number of bills presented this year, and how many bills passed. Mr. Stewart stated approximately 1,300 bills were proposed, which was the highest on record, and 571 bills were approved. He thought many bills presented lacked meaningful debate; the hope next year is to slow the process down.

Mr. Dillman was invited to share his experience as an intern; he met daily with Mr. Holdaway, for decided

which bills were pertinent to Murray, noted committee meeting attendance, and reviewed methods for tracking bills over the session. His final report was an accumulation of his findings. He was grateful for the experience and hoped the information would be useful to the council.

**Proposed Rezone 1104 West Winchester** – Melinda Greenwood, Jim McNulty

Ms. Greenwood asked Mr. McNulty to give the presentation. A proposed amendment to the zoning map was reviewed and applicants would like to develop a housing project with minimum lot sizes of 6,000 square feet. The property is currently unused, but a vacant home and several accessory structures are located on site.

Mr. McNulty described the area adjacent to the Murray Parkway golf course, approximately 2.19 acres in size, and currently recorded as an O-S Zone (open space zone); a request was made to change it to a Single-Family Residential R-1-6 Zone. (See Attachment #2)

He shared an aerial map, street photos, and noted future land use categories, compliant to designations listed on the General Plan Land Use map. Staff recommended the Murray Planning Commission forward a recommendation of approval to the Murray City Council for the request. A public hearing was held on March 7, 2019, and the planning commission sent the council a recommendation to approve the zone change. There were no opposing citizens in attendance and the only public comment made was from the applicant.

Mr. Nicponski asked how many units would be provided. Mr. McNulty thought about 10-12 on a cul-de-sac, or five units per acre, with one public road in and out of the development.

A conversation occurred about the many attempts the city made to purchase the space and keep it as green space, however, property owners were not interested in selling to the city.

Mr. Brass thought a rezone to R-1-6 would yield the highest number of units for low density zoning. Mr. McNulty agreed; however, he explained it was consistent with the Garbett project nearby. Mr. Brass noted the difference; this project was not located on 700 West like the Garbett project. He wondered what the impact of more traffic would be on Winchester. The intersection of Winchester and 700 West, with additional houses would be more congested in the morning and evenings. Mr. McNulty confirmed great consideration occurred by comparing the area to the Ballard project on 5600 South, and the conclusion was that an R-1-6 zone would create much less traffic. Mr. Brass said the lack of public concern was telling.

Mr. Nicponski thought traffic from the Garbett project would filter south on 700 West toward 7200 South - to access the Interstate 15 freeway, so traffic north on 700 West would be minimal. Mr. McNulty agreed, and noted council would consider the rezone at future meeting.

**Pending Ordinance to Amend the City's Sign Code** – Mayor Camp, G.L. Critchfield, Melinda Greenwood, Jim McNulty, and Jody Burnett.

Mr. Critchfield led a discussion about a pending land use ordinance to amend provisions of the Murray City Sign Code, Chapter 17.48; to be considered at a future council meeting. He invited Murray City Land Use Attorney, Jody Burnett to discuss those details, and explain why this was not a planning commission issue.

Mr. Burnett explained amendments were made to the Land Use Development Act during the 2018 Legislative General Session, with respect to billboards. Certain rights were granted, largely from a dispute with Salt Lake City, which clarified circumstances, and the process under which a city could condemn a billboard and create special rules about how they are valued. Among the changes that got less attention, was clarity that the owner of a billboard has the right to structurally modify or upgrade a billboard. However, digital or electronic messages on an existing billboard is not considered an upgrade.

Mr. Burnett explained, with foresight Murray approved electronic messages on billboards in the 1980's with established rules and regulations for the purpose of on-premise signs. Therefore, the city must allow digital billboards, but the city has no detailed regulations about how frequent messages can be shown, what kind of lighting is required, and how those elements impact adjoining properties. Under state law provisions, the city is allowed to adopt a resolution stating that any future applicant must comply with future regulations – yet to be determined.

As a result, the city has 180 days to provide new regulations, determined by Mr. McNulty, Ms. Greenwood, Mr. Critchfield, and the planning commission. New regulations would be formulated and completed by way of the normal land use process, where the city council would consider all related policies in the future. Mr. Burnett noted in the city, there was a big difference between electronic signs along the freeway, and one that maybe flashing at odd hours across the street from a residential zone.

Mr. McNulty met with James Carpentier, from the ISA (International Sign Association); who recommended new foot-candle levels for on-premise signage, which would provide consistency in the city. But since ISA does not represent the off-premise or outdoor advertising industry, which has completely different standards, Mr. McNulty would further research foot-candle levels for those areas. Mr. Burnett confirmed the city would benefit from working with professional sign companies for developing standards.

#### **Discussion on a Grant from the Utah Division of Forestry, Fire and State Lands** – Kim Sorensen

Mr. Sorensen provided a power point to review grant information about attaining money from the FFSL (Utah Division of Forestry, Fire and State Lands).

A map was shared to depict six acres of city owned property north of 4500 South, along the east bank of the Jordan River, near 500 West. Mr. Sorensen said the Jordan River Property is land not utilized by the city in any way, which is overgrown with shrubs, non-native and invasive trees, and bushes, where homeless camps, and criminal activity has increased the last few years.

He explained Utah State legislators appropriated money last year to clean up areas like this in a specific zone between 2100 South and 4500 South. As a result, Mr. Holyoak submitted a grant request to attain some of that funding; the city was awarded \$22,500. No financial match is required; however, Murray will provide city labor, equipment and volunteer hours to complete the reimbursement project.

The plan to remove evasive plants from the area, and plant better habitat for birds and animals and vegetation the city can manage, would provide better visibility from the river and parking lot. The cleanup would also improve public safety, by clearing areas where transient people are presumed to live, as well as, provide better access for public officials when they need to quickly address incidents in that zone.

Mr. Nicponski thought improvements to the area would also help nearby business owners. Mr. Sorensen confirmed complaints had come from business owners in the past; the hope now is to provide those businesses with a safe clean setting, nice picnic area, and encourage walks during lunch breaks. He said Millcreek City to the north expressed an interest in placing a trail on the eastside of the river; so, there may come a day when Murray puts a trail on the eastside also.

The council would consider an agreement between the FFSL and Murray City to accept the grant funding at a future council meeting.

**Audit Services Committee Recommendation** – Janet Lopez, Diane Turner, Brett Hales

A resolution was proposed so the Audit Services Committee could recommend audit services for FY 2019, 2020, and 2021.

Ms. Lopez noted the city used the same auditor, Kennington & Christensen for the last six years; the contract expired, so in February of 2019 an RFP was created and seven proposals were received. She explained the Audit Services Committee, consisting of two councilmembers, Ms. Turner and Mr. Hales; herself and Mr. Plaizier, reviewed all proposals separately and gave each candidate a score. A meeting was held to determine the results and the highest score went to HBME, LLC; formerly, Hansen Bradshaw, Malmrose & Erickson, who previously worked for the city to provide audit services for 11 years.

Ms. Lopez said the city was happy with their services in the past. They were established in 1980, located in Bountiful, with 24 employees, 7 partners, 3 directors, and 6 managers. Each auditor has extensive governmental auditing experience, with required education contained in Government Standards. All except one are CPA's. A different audit manager was proposed than used in the past.

- The team consists of:
  - Robert Wood
  - Aaron Hixson
  - Jeffery Miles
  - Todd Sullivan
  
- A few other cities using the firm are:
  - Provo
  - Layton
  - Logan
  - Riverton
  - Taylorsville
  - Draper
  - Holladay
  - Bluffdale

Ms. Lopez reviewed audit details as:

- Total audit hours = 200

- 2019 Cost = \$27,500
- 2020 Cost = \$28,200
- 2021 Cost = \$28,800
- Total for three years = \$84,500
  - The organization submitted a three-year proposal with a two-year extension.
  - The two-year extension requires cost negotiation.

Mr. Hales noted the auditing firm would not only work at city hall when conducting the audit, but also from their own office. Ms. Lopez confirmed. The council would consider the resolution during the council meeting tonight.

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

**Adjournment:** 5:48 p.m.

**Pattie Johnson  
Council Office Administrator II**



**Discussion Items**

**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**