

# Murray City Municipal Council Chambers Murray City, Utah

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The Murray City Municipal Council met on Tuesday, August 27, 2019 at 6:30 p.m. for a meeting held in the Murray City Center Council Chambers, 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
Craig Burnett	Police Chief	Brenda Moore	Controller/Acting Finance Director
Jon Harris	Fire Chief	Joey Mittelman	Assistant Chief/Fire Marshal
Travis Bodtcher	Captain	Kim Fong	Library Director
Chelsea Hoffman	Librarian	Kayla Chandler	Library
Blaine Haacke	General Manager of Power	Melinda Greenwood	Community & Economic Development (CED) Director
Greg Bellon	Assistant General Manager of Power	Danny Hansen	IT
Citizens			

**Opening Ceremonies**

Call to Order – Mr. Hales called the meeting to order at 6:30 p.m.

Pledge of Allegiance – The Pledge of Allegiance was led by Greg Bellon, Assistant General Manager of Power

**Approval of Minutes**

Council Meeting – August 6, 2019

Mr. Brass stated some of his comments from the August 6, 2019 City Council meeting were not in the minutes and he would like them added. He asked that the approval of the minutes be postponed until the next City Council meeting.

MOTION: Mr. Brass moved to postpone the approval of the minutes of the August 6, 2019 City Council meeting until the September 3, 2019 City Council meeting. The motion was SECONDED by Mr. Nicponski. Voice vote taken, all "ayes."

### **Special Recognition**

1. Murray City Council Employee of the Month, Chelsea Hoffman, Librarian.

#### Staff Presentation: Brett Hales, Council Member and Kim Fong, Library Director

Mr. Hales said the Council started the Employee of the Month Program because they felt it was important to recognize the City's employees. He presented Ms. Hoffman with a certificate, a \$50 gift card and told her that her name would appear on the plaque located in the Council Chambers. He expressed his appreciation to Ms. Hoffman for all she does for the City.

Ms. Fong spoke about all the great work Ms. Hoffman has done during the time she has been with the Library.

2. Fire Department Swearing-In: Assistant Chief/Fire Marshal, Joey Mittelman; and Captain Travis Bodtcher.

#### Staff Presentation: Jon Harris, Fire Chief

Chief Harris showed a bugle and explained the history that bugles/trumpets have within the fire service. Chief Harris introduced Mr. Bodtcher and spoke about how he became interested in working for the Fire Department. Mr. Bodtcher has been a paramedic and will soon be a training captain for the Fire Department.

Chief Harris introduced Mr. Mittelman. He spoke about his education and noted he was just accepted to the Executive Fire Officer program with the National Fire Academy.

The Swearing-In Ceremonies were performed by Jennifer Kennedy, City Recorder.

Mayor Camp noted that both Mr. Bodtcher and Mr. Mittelman are fine young men. He is excited for Mr. Mittelman to take on his new position because it is the same position he held from 1994-1999 when he was in the Fire Department.

### **Citizen Comments** – Comments are limited to 3 minutes unless otherwise approved by the Council.

#### Janice Strobell – Murray City, Utah

Ms. Strobell said Murray City is unique and beautiful and there are experts who recognize that. These experts are coming from all over and will spend all day on Thursday, August

29, 2019, at a community workshop at the Desert Star Theater. The focus will be downtown Murray which is something everyone wants to improve and have better serve the community. During the workshop these experts will talk about ideas and things that have worked in other areas. She encouraged everyone to take advantage of this opportunity.

On Friday, August 30, 2019, the UVU architecture students will be conducting a public survey. Ms. Strobell noted that all of this is to benefit Murray City.

Mr. Nicponski asked Ms. Strobell what time and where the workshop is being held at.

Ms. Strobell responded it is at the Desert Star Theater from 8:30 a.m. to 1:00 p.m. on both Thursday and Friday. There is a \$20 registration fee to attend the workshop on Thursday.

### **Public Hearings**

Staff and sponsor presentations and public comment will be given prior to Council action on the following matters.

1. Consider a resolution approving the City's application for a grant from the Edward Byrne Justice Assistance Grant Program (JAG).

#### Staff Presentation: Craig Burnett, Police Chief

Chief Burnett said the city applies for this grant every year. Part of the grant requires that the city give notice that we intend to apply for the grant and what we plan to do with the money. This year, the city intends to apply for the grant in the amount of \$34,849 and use that money to purchase five additional HD in-car digital cameras for patrol cars.

The public hearing was open for public comments. No comments were given, and the public hearing was closed.

MOTION: Ms. Turner moved to adopt the resolution. The motion was SECONDED by Mr. Brass.

#### Council roll call vote:

Mr. Nicponski Aye  
Mr. Cox Aye  
Mr. Brass Aye  
Ms. Turner Aye  
Mr. Hales Aye

Motion passed 5-0

2. Consider an ordinance relating to land use; amends the Zoning Map for the property located at 4670 South 900 East, Murray City, Utah from C-D (Commercial) Zoning District

to M-U (Mixed Use) Zoning District. Kimball Associates applicant.

Staff Presentation: Melinda Greenwood, CED Director

(See Attachment 1 for slides used during this presentation)

Ms. Greenwood said this property is commonly referred to as the “Old Kmart Property” or the “Kmart Property”. The property is 10 ½ acres and is currently zoned for commercial use. This proposal is to change the zoning from commercial to mixed use. This property has been vacant for a number of years.

Several people have looked at this property over the years and now there is a proposal to change the zone of the property. The Planning Commission held a public hearing on this item on July 18, 2019 and have forwarded a positive recommendation to change the zone of this property. The re-designation of the Future Land Use Map for this property is in line with patterns of development in the area. Currently, the surrounding area has a mix of commercial and residential uses. The requested amendments to the future land use and zoning map have been carefully considered by staff. Based on the characteristics of the surrounding area, staff feel like this is an appropriate amendment.

Some concerns were brought up at the Planning Commission meeting. However, it is difficult to address a lot of those concerns now because what is being considered tonight is just the rezone of the property and not a specific project. Should the rezone of the property be approved, the public will have the opportunity to have their concerns addressed when a specific project goes before the Planning Commission. Ms. Greenwood noted she and her staff have also received some written communication relating to project specific concerns that cannot be addressed at this level of the process.

Ms. Greenwood said one question that came up during the Planning Commission meeting and when this item was addressed at the Committee of the Whole meeting was whether or not there was an easement across the property going into the residential area at the back of the property. To this point, no formal record of an easement has been located. The applicant has been through two different title searches and the city hasn't been able to find anything either.

Kimball Associates, Applicant

A representative from Kimball Associates noted that they have worked on other sites that are similar to this one. Retail is a changing; the footprints are getting smaller. They are in the due diligence stage of trying to figure out what this property can offer. They don't feel the best use for this property is straight commercial use with a large parking lot. However, they think there is great opportunity for commercial to remain along 900 East and welcome public comments.

The public hearing was open for public comments.

Deborah Hoyt – Millcreek City, Utah

See Attachment 2 for Ms. Hoyt's comments.

Ms. Hoyt also asked how many residential units Kimball Associates planned to put on the property.

Adam Thompson – Murray City, Utah

Mr. Thompson said he supports this zone change. He has a background in real estate development and believes this proposal is in continuity with the surrounding area. He doesn't think buildings will be higher than 35 feet. The only problem he sees is the ingress egress issue. Because the property has been used to access a residential neighborhood for 50 years there needs to be input from the citizens regarding that issue because they can't make a left turn from their neighborhood onto 700 East.

Marion Gary – Millcreek City, Utah

Mr. Gary said the street he lives on is Namba Way and the original owner of the home he lives in was Mr. Namba. Mr. Namba was the one who fought with the courts to keep that easement through the property. Mr. Gary believes when he bought his home, he was told that the easement belongs to his property. There is a record of it somewhere, somebody just isn't finding it.

Mr. Gary believes that property should stay zoned commercial or zoned to residential. There are 17 new apartments within a three mile radius of this area. This property is literally in his back yard and he doesn't want an apartment in his backyard. He would have never bought in that area if he had known there was going to be a big apartment complex beside him. This area has been a nice place to live but it won't be nice if big high rises are built in there.

Loretta Jensen – Millcreek City, Utah

Ms. Jensen believes there are too many high rises in Murray. She asked what the occupancy rate in all the high rises are. She would like to see single-family homes and maybe twin homes built on this property. She agrees that the access to the neighborhood needs to be kept.

Mr. Hales closed the public hearing.

Ms. Greenwood said the maximum height a property can be in a commercial zone is 35 feet but in a mixed use zone the maximum height of a property is 50 feet.

MOTION: Mr. Nicponski moved to adopt the ordinance. The motion was SECONDED by Ms. Turner.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Cox	Aye

Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye

Motion passed 5-0

Mr. Hales noted that Senator Kathleen Riebe was in attendance.

### **Business Items**

1. Consider a resolution authorizing the execution and delivery of a Power Supply Agreement with Utah Associated Municipal Power Systems and the Red Mesa Tapaha Solar Project Transaction Schedule under such Power Supply Agreement; and related matters.

#### Staff Presentation: Blaine Haacke, General Manager of Power

Mr. Haacke said this is a renewable, fairly priced resource that is located in Utah. The goal tonight is to have the Council adopt this resolution which will allow Murray City Power to enter into an agreement with UAMPS (Utah Associated Municipal Power Systems) and UAMPS will enter into an agreement with the Navajo Tribe Utility Authority.

This plant is located north of the Arizona/Utah boarder in the Navajo Nation. It will be a 66 megawatt plant that all the UAMPS members are subscribing to. It is the third large scale solar plant that the Navajos have developed. Murray is asking for five megawatts, about 7.5%, of the plant. The other 61 megawatts will be taken by the other UAMPS members. This will be a 25 year contract and the earliest the plant will be built is June 2022.

The name of the project is the Red Mesa Tapaha Solar Resource. The Navajo nation is using this as a revenue maker. They do not want people to own it. The revenue they receive from the sale of the power will go into the Light Up Navajo project which the city participated in earlier this year.

The Navajo Nation has agreed to build the transmission line. The price will be \$23.12 per megawatt hour for the first year and escalate 2% over the time of the agreement. Over the term of the agreement, the average price will be \$29.60 per megawatt hour.

Mr. Haacke said he has had a couple of questions about this agreement. The first question was about who is responsible for the decommissioning of the plant once the 25 years is up. The answer is it will not be the city's or UAMPS responsibility. The Navajos will own it so they will be involved with the decommissioning of it. The other question was if there would be the possibility to extend the agreement. Currently there is no extension offered in the agreement.

Mr. Haacke said this resource fits nicely into the city's portfolio. The city's landfill

methane, which is a renewable resource, covers about 8% of our energy needs. The Cottonwood hydro, coming out of Little Cottonwood Canyon, covers about 2-3% of our energy needs. The Federal hydro, on the Colorado River, covers about 30% of our energy needs and we are changing our coal fire plant to natural gas. Environmentally, Murray City is doing more than what most municipal cities in Utah are doing.

This resource will fit nicely with the Small Modular Reactors (SMR). There has to be a backup when a solar project is not able to produce. The Power Department has looked at four other solar projects. This project is reasonably priced and is with the UAMPS group.

Mr. Haacke noted there are three changes that need to be made to the resolution. One is changing Murray City Utah to Murray City Corporation. The second is a typo that reads 20 years but should say 25 years. The third is changing the signature line on the resolution so the City Council will sign it rather than the Mayor.

Ms. Turner asked if there is a possibility of increasing the amount of megawatts the city will receive.

Mr. Haacke said not right now with this project, but maybe a year or two down the road on another project.

MOTION: Mr. Brass moved to adopt the ordinance. The motion was SECONDED by Mr. Cox.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye

Motion passed 5-0

2. Consider a resolution approving an Interlocal Cooperation Agreement between the City, Salt Lake County ("County") and Salt Lake City Corporation ("SLC") for a Brownfields Assessment Grant.

Staff Presentation: Melinda Greenwood, CED Director

Ms. Greenwood said this is for a grant the city applied for earlier in the year and was awarded. The city teamed up with Salt Lake City and Salt Lake County to submit a grant for Brownfields funding through the Environmental Protection Agency (EPA). This will allow the city to conduct studies on properties where the city wants to develop or where there are needs for the assessment of soil contamination. There was approximately \$600,000 awarded between the three entities. This resolution is to formalize the

relationship between the three entities. The city will be submitting project specific items in the future to draw on that grant funding.

MOTION: Ms. Turner moved to adopt the ordinance. The motion was SECONDED by Mr. Nicponksi.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye

Motion passed 5-0

3. Consider approval of revisions to the Rules of the Murray City Council.

Staff Presentation: Janet Lopez, Council Director

Ms. Lopez said this item is to make revisions to the governing procedures to the City Council Rules. There were some minor revisions to the agenda section, some revisions to the personnel section, and the addition of the independent financial audit and the council relations anti-harassment policy.

MOTION: Mr. Brass moved to adopt the revisions to the Rules of the Murray City Council. The motion was SECONDED by Ms. Turner.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye

Motion passed 5-0

### **Mayor's Report and Questions**

Mayor Camp reported on the following items:

- The hydro in Little Cottonwood Canyon that was shut down by the mudslides is back up and running again. It is still producing about 1.2 megawatts.
- Labor Day Events: There is a family and youth triathlon at 7:45 a.m. on Labor Day. At 6:00 p.m. on Labor Day the Murray Acoustic Festival will be held at the Amphitheater. That will be the last event at the Amphitheater for the year.
- The Park Center has reopened after being closed for maintenance. The basketball court floor was refinished and upgrades were made to the Kids Zone. The indoor leisure pool is



being re-plastered and is still closed.

- The storm drain is still being installed on Vine Street. The section closed to 900 East will be paved in the next week or two then paving crews will be working towards 1300 East.
- There have been discussions brought up in citizen comments recently regarding the topic of short-term overnight rentals. It has been mentioned that they are not allowed in the city. Mayor Camp clarified that there are two zones that these rentals are allowed in. They are allowed in the TOD and M-U zones.
- Beginning tomorrow, the intersection of Commerce Drive and 4800 South will be under construction for traffic signal and pedestrian upgrades. That project will take up to six weeks to complete.

### **Adjournment**

The meeting was adjourned at 7:38 p.m.

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Jennifer Kennedy, City Recorder

# Attachment 1

# CITY COUNCIL MEETING

August 27, 2019



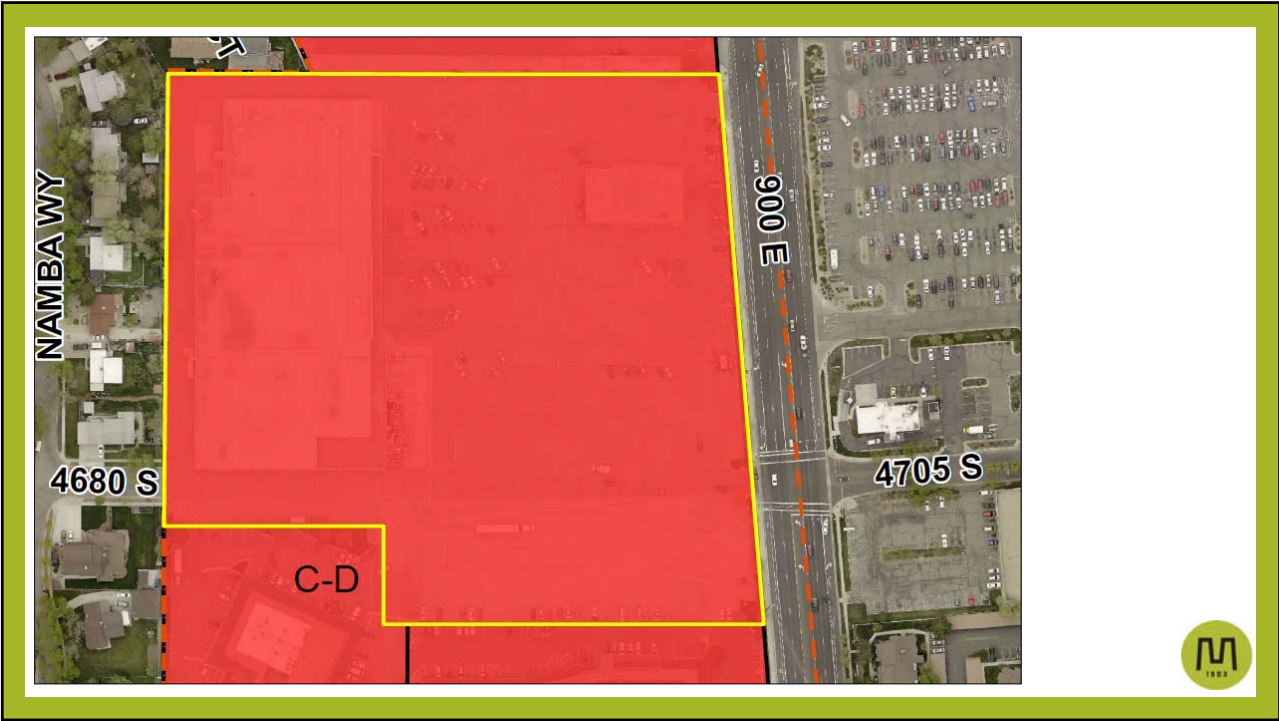
## KIMBALL ASSOCIATES

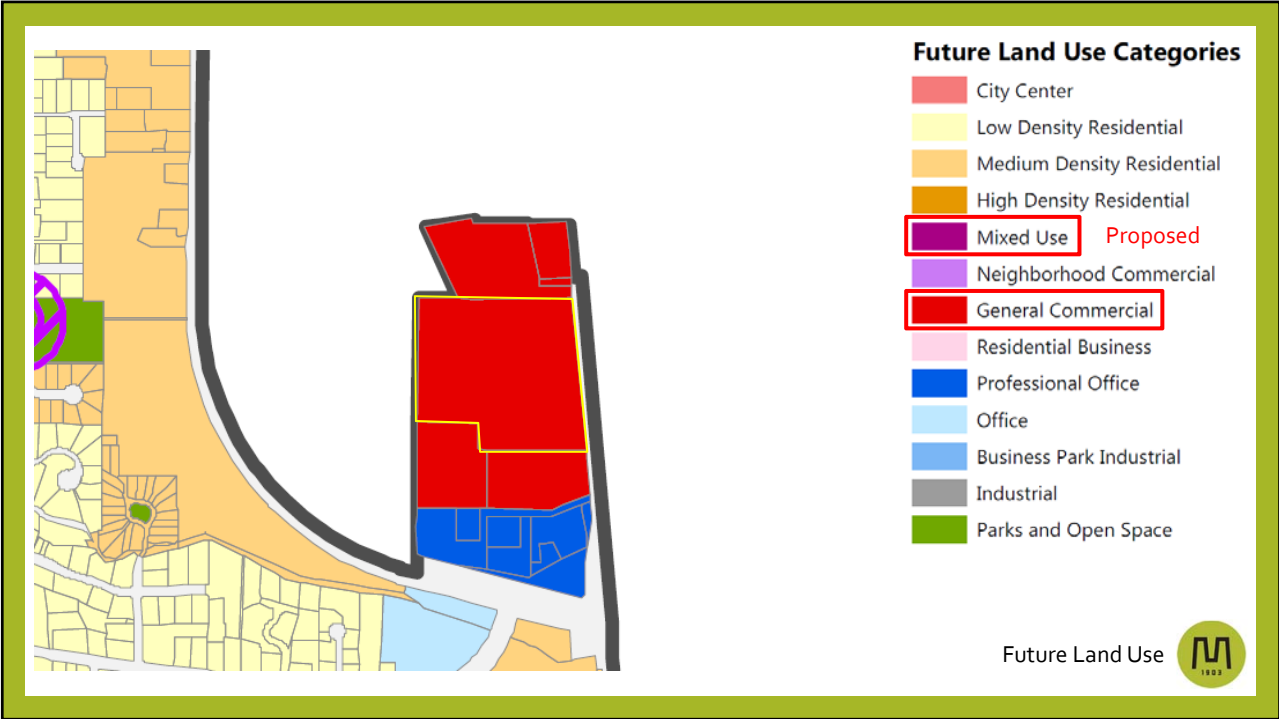
**General Plan Amendment from General Commercial to Mixed Use  
Zone Map Amendment from Commercial Development to Mixed Use**

Property Address: 4670 South 900 East

Property Size: 10.52 Acres







# Planning Commission Recommendations

## **General Plan / Future Land Use Map Recommendation**

On July 18, 2019, the Planning Commission held a public hearing and forwarded a recommendation of APPROVAL to the City Council for the requested amendment to the General Plan Future Land Use Map, re-designating the property located at 4670 South 900 East from General Commercial to Mixed Use.

## **Zoning Map Recommendation**

On July 18, 2019, the Planning Commission held a public hearing and forwarded a recommendation of APPROVAL to the City Council for the requested amendment to the Zoning Map designation of the property located at 4670 South 900 East from C-D, Commercial Development to M-U, Mixed Use.



# Findings

1. Re-designation of the Future Land Use Map for the subject property as requested is in keeping with the patterns of development in the area, which currently includes a mix of residential and commercial uses.
2. The proposed amendment of the Zoning Map from C-D, Commercial Development to M-U, Mixed Use is supported by the description and intent statements for the General Commercial land use designation which recognizes the appropriateness of mixed use developments including high-density, multi-family housing in the General Commercial designation.
3. The requested amendments to the Future Land Use Map and Zoning Map have been carefully considered based on the characteristics of the site and surrounding area and on the policies and objectives of the 2017 Murray City General Plan and are in harmony with the goals of the Plan.



# Staff Recommendations

## **General Plan / Future Land Use Map Recommendation**

Staff recommends that the City Council APPROVE the requested amendment to the General Plan Future Land Use Map, re-designating the property located at 4670 South 900 East from General Commercial to Mixed Use.

## **Zoning Map Recommendation**

Staff recommends that the City Council APPROVE to the requested amendment to the Zoning Map designation of the property located at 4670 South 900 East from C-D, Commercial Development to M-U, Mixed Use.



# Attachment 2



Murray City Municipal Council  
5025 S State Street, Room 113  
Murray, Utah 84107-4824

Pertaining to amending the Zoning Map of the property located at 4670 South 900 East

I have been a resident of the Green Valley Subdivision for 41 years. I have two concerns regarding the amendment of the Zoning on the subject property from C-D to M-U.

1. Street Access- An East West running road labeled 4680 South on the West side of the property map and 4705 South on the East side of the property map has been in continuous use to provide access to the Green Valley subdivision for more than 50 years. I request that guarantees be made that this access will be maintained in perpetuity. Should construction activities necessitate temporary closing of the road, access shall be interrupted for less than 4 hours within any 24-hour period. Upon completion of the project full and complete access for ingress and egress shall be available to the Green Valley residents at all times.
2. Subdivision covenants for the Green Valley subdivision restrict the height of buildings to one and one-half stories above ground level. To maintain continuity with the neighborhood the new construction should maintain similar height restrictions.

Thank you for your consideration of these concerns.

Deborah Hoyt  
814 Green Valley Drive  
Salt Lake City, UT 84107  
801-262-5534