



**MURRAY CITY MUNICIPAL COUNCIL
COMMITTEE OF THE WHOLE**

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, November 12, 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	Janet Lopez	City Council
Brenda Moore	Finance Director	Pattie Johnson	City Council Office
Jim McNulty	CED	Marie Goettsche	Murray Chamber
Alan Sullivan	Seven Canyons Trust	Michael Todd	Desert Star
Johnny Burt	Citizen	Scott White	General Interest
Chelsea Hofmann	MCEA	Janice Strobell	Citizen
Robert White	IT Director	Jann Cox	Citizen
Robyn Colton	HR Director	Mary Ann Kirk	Citizen
Jackie Sadler	Court/MCEA	Kathleen Stanford	Citizen
Katie Lindquist	Parks and Rec	Rosalba Dominguez	Citizen
Lori Edmunds	Parks and Rec	Bruce Turner	Power Department
Jon Harris	Fire Chief	Zac Smallwood	CED
Doug Hill	Chief Administrative Officer	Craig Burnett	Police Chief
Danny Hansen	IT Department	Kim Anderson	Citizen
Jared Hall	CED Supervisor		

Chair Nicponski called the Meeting of the Committee of the Whole to order at approximately 4:40 p.m.

Approval of Minutes

Mr. Nicponski asked for comments or a motion on the minutes from Committee of the Whole, August 27, and October 1, 2019. Mr. Brass moved to approve the minutes. Mr. Hales seconded. Passed 5-0.

Mr. Nicponski asked for comments or a motion on the minutes from Murray City Council Workshop – September 25, 2019. Mr. Brass moved to approve. Ms. Turner seconded the motion. Passed 5-0.

Discussion Items

Seven Canyons Trust Presentation – Dale Cox, Brian Tonetti

Mr. Cox described the mission of Seven Canyons Trust, a non-profit organization working to rehabilitate the Seven Canyon Creeks in Utah, which is to restore beauty and health to the hydrology of the Salt Lake Valley. The trust is presenting the Southern Gateway Visioning Plan, a grant proposal through the WFRC (Wasatch Front Regional Council) Transportation, and Land Use Connection Program. The plan is an effort to capture the collective imagination and creation of greenway corridors along the seven major waterways flowing out of the Wasatch Range into Salt Lake County. The seven waterways identified are:

1. City Creek
2. Red Butte Creek
3. Emigration Creek
4. Parley's Creek
5. Mill Creek
6. Big Cottonwood Creek
7. Little Cottonwood Creek

The process is intended to bring Salt Lake County municipalities together that are adjacent to the waterways, land managers, stakeholders, and the public through surveying to identify recommendations, policy tools, and areas of opportunity.

Mr. Tonetti from the Seven Canyons Trust reported they are utilizing a WFRC grant. A brief presentation described their mission and vision, and a photo from 1910 of the burial of City Creek was displayed to provide a context on what has been done to hydrology in the Salt Lake Valley. In 1995, a private-public partnership between Salt Lake City and the LDS Church helped carve a creek channel in a former surface parking lot. City Creek was allowed to pool again and attracted people, plants, and wildlife.

The Seven Canyons Trust partnered with Salt Lake City to secure \$3 million to expose and restore 200 feet of creek and create amenities for the surrounding community. Plans to restore the Ogden River were also described. An outline was provided of Murray City's creeks, which include Big and Little Cottonwood Creeks. Mr. Tonetti explained two creek profiles that will pass over Big Cottonwood Creek are impaired for approximately 25 miles of its channel, with about one-half of it being buried. Little Cottonwood Creek is impaired for about 22 miles and buried for nearly one mile of its channel. He reported that in the Valley there are about 21 miles of buried creeks and 87 miles of impaired waterways.

Through the WFRC Transportation and the Land Use Connection Program approximately \$150,000 was requested to create a visioning plan that would look at all seven watersheds to create seven greenways that would include trails, recreation areas, and wildlife habitat corridors. The Committee of the Whole was asked to provide a letter of support for the grant proposal, which is due in December. A financial

commitment of \$2,000 was also requested; nine cities that border the creeks will be asked to make the same contribution.

Mr. Sullivan, Volunteer Director of Seven Canyons Trust, reported the movement is taking place all around the world where cities are recognizing the value of creeks, rivers, and streams that have been buried and abused. He explained cities where a creek comes above ground, become part of a coherent parks system, which can be used by the public and spur economic development. The intent was to put a coherent plan in place. There was a consensus by the council to support the program.

Mr. Tonetti commented there will be a partnership between all of the municipalities and increased communication among the cities. Member cities were noted: Salt Lake City that made a \$5,000 contribution; and Holladay, Millcreek, and South Salt Lake City, that all made a \$2,000 financial commitment and gave a Letter of Support.

Trust representatives have also met with Cottonwood Heights and were awaiting the Letter of Intent and financial contribution. They were scheduled to meet with Sandy and Midvale cities.

Chair Nicponski indicated Murray City would begin drafting a Letter of Intent.

State Street Bridge – Doug Hill

Mr. Hill noted the pedestrian bridge over State Street between Murray High School and the former Hillcrest Junior High School site. A few years ago, UDOT (Utah Department of Transportation) discovered during an annual bridge inspection that the bridge was in need of repair. The City was notified and hired an engineering consultant to conduct an in-depth study of the bridge and make recommendations on the needed repairs and associated costs.

The following three options were identified:

1. Replace the bridge. It has up to a 20-year life span with the estimated replacement cost of \$2.6 million.
2. Rehabilitate the bridge. A short-term solution would still require replacement at some point. The cost was estimated at just over \$500,000.
3. Demolish the bridge. The estimated cost was \$150,000.

Mr. Hill explained the bridge was constructed in 1972 and it was unclear who originally paid for it but was built to help students cross between the two schools. It is located entirely on Murray School District property. UDOT's policies specify that bridges are typically the responsibility of the local municipality. Because they could not determine responsibility for the bridge, the Mayor suggested that Mr. Hill meet with the Murray School District and UDOT and determine if there was a consensus on how to proceed and to determine the willingness on the part of the parties to cost share.

The three entities met and recommended the bridge be demolished as it no longer serves the purpose it did in 1972. Since the junior high school has been relocated, an additional intersection has been created on State Street with a traffic signal and pedestrian crossings at 5460 South not more than 150 feet from the bridge. There is also a crossing on 5300 South and State Street that has a traffic signal and full pedestrian crossing. An Interlocal Agreement was prepared and signed by the three parties. All agreed to demolish the bridge with UDOT agreeing to pay up to half of the cost or up to \$75,000. The City would take the lead on the project. The money is budgeted in this fiscal year's budget. Mr. Hill indicated that the Interlocal Agreement will be presented at the next City Council Meeting for consideration. Once approved, they will move forward.

Ms. Turner expressed her support. In response to a question raised, Mr. Hill stated that the school district will not provide any funding toward the cost.

Accessory Structure Height in Residential Zones – Jim McNulty

Mr. McNulty reported a public hearing was held with the Planning Commission one month ago on the above issue. Staff was aware that there are areas where homes were built in the 1950s and 1960s where some of the homes have flat roofs or roofs with very little slope that are 10 to 12 feet high. The current ordinance requires that an accessory structure in a rear yard not exceed the height of the existing home, which has been problematic.

The existing language specifies that an accessory building may consist of only one story and may not exceed the lesser of 20 feet or the height of the residential dwelling on the property. Staff proposed an amendment to specify that an accessory structure may consist of a one-story building and may not exceed 16 feet to the peak of the roof if the primary residential dwelling is less than 20 feet in height. If the primary residential dwelling is greater than 20 feet in height, an accessory structure is allowed at a height of 20 feet to the peak of the roof.

Mr. McNulty said staff feels the proposed text amendments are consistent with the Land Use Ordinance and the General Plan and gives residents an opportunity to have a usable accessory structure on their properties. Staff recommended that the Planning Commission consider approval. The Planning Commission held a public hearing on October 17, 2019, and unanimously recommended approval.

Mr. Brass suggested the word "only" be added to Paragraph 17.9.20.90.G with regard to the number of stories.

Off-Premise Sign Regulations – Jim McNulty

Mr. McNulty reported on recent changes made to the Sign Code, Chapter 17.48, and indicated that a new Sign Code was adopted earlier in the year. At that time, they elected not to change off-premise signs or outdoor billboards or advertising. The decision was made to leave the Code as-is, have the rewrite adopted, and then address off-premise signs and outdoor advertising. A text amendment was being considered for off-premise signs, which are addressed in various sections of the Sign Code. The definitions were removed from other sections of the Code to make it clear and more consistent.

Mr. McNulty explained the intent is to be in compliance with State Code. Staff worked with legal staff with the goal being to allow the outdoor sign industry to have what is permitted under State Code. Utah Code addresses non-conforming off-premise advertising signs along I-15 as well as allowed maintenance. The language is being revised to allow an owner of an off-premise sign to repair, refurbish, repaint, modify, upgrade, or otherwise keep a legal non-conforming off-premise sign safe and in a state suitable for use. The Code would allow these types of signs to be upgraded to an EMC (Electronic Message Center) that would allow for multiple things to be advertised on the same sign. It was proposed that the City's Code be changed to be compliant with State Code.

Section 17.48.270 addresses height adjustments and relocation. The proposed language in the section allows for the relocation of a sign within 5,280 feet of its prior location and no closer than 300 feet from an off-premise sign along the same side of a street, highway, or interstate. It would essentially allow for signs to be moved around within one mile. The section also includes language allowing for additional height for non-interstate highway-oriented off-premise signs and interstate-oriented off-premise signs. Mr. McNulty explained there are different height allowances on I-15 and I-215. Billboards are allowed to be up to 65 feet high or 25 feet above freeway grade, whichever is higher. With regard to highway signs, they can be up to 45 feet in height if adjacent to a highway.

EMC signs were next addressed. Utah Code allows for the owner of a sign to structurally modify or upgrade a billboard. The proposed language allows for an interstate-oriented off-premise sign to have an EMC adjacent to I-15 and I-215 without conditional use approval if located at least 300 feet from a residential use. It also allows for a non-interstate highway-oriented off-premise sign to have an EMC with conditional use approval. The sign must be at least 300 feet from a residential use. It was noted that the ambient light source has been reduced to one-third of what it was previously. As a result, staff was comfortable with the 300-foot provision rather than the prior 500 feet.

Mr. McNulty stated the proposed changes are compliant with the Land Use Ordinance and the General Plan with respect to signage. The Planning Commission held a public hearing on October 3, and unanimously recommended approval to the City Council.

Mr. Brass asked if a sign within 300 feet of residential could be approved as a conditional use if the lights can be dimmed and the issue mitigated. Mr. McNulty stated that it cannot as currently written. Originally, the ordinance required 500 feet. The distance was changed to 300 feet based on technical information provided by the International Sign Association. To reduce it further was of concern to staff.

In response to a question raised by Mr. Hales, Mr. McNulty stated that the high school could post an EMC on a pedestal sign by going through the process.

Moderate-Income Housing Update – Jared Hall

Mr. Hall reported the Planning Commission met on October 17 and voted to recommend approval of a General Plan Amendment to the City Council. The proposed amendment pertains to moderate-income housing and is the direct result of SB 34. The State wanted to ensure that cities are doing more in terms of providing for moderate-income and affordable housing.

The only areas of noncompliance included the need to add the following two strategies to the General Plan in order to comply with SB 34:

1. Maintain reduced residential parking requirements in the M CCD, mixed-use, and transit-oriented development zones.
2. Implement transit-oriented development or mixed-use zoning for properties in and around transit stations.

Parking issues throughout the City were discussed. Mr. Hall explained that the intent is to support the reduction of parking standards near transit stations in mixed-use zones, which must be explicitly stated in the General Plan.

Staff was commended for their efforts on behalf of the City.

Murray City Center District – Jared Hall

Mr. Hall reported that on October 17 the Planning Commission met to review the proposed amendments to the M CCD (Murray City Center District) zone and forwarded a recommendation to the City Council that differed from the staff recommendation. A map of the M CCD zone was displayed. It is a mixed-use zone that includes both commercial and residential components. The following changes were recommended to various aspects of the zone:

1. The Purpose Statement was reduced to reflect the goals of the General Plan that was adopted in 2017.
2. The Design Review Committee (“DRC”). Mr. Hall indicated that every new building in the M CCD zone requires public review. The most significant change to the process was that staff recommended removing the DRC, which consists of five individuals who review plans before they are presented to the Planning Commission. The Planning Commission wanted to see the DRC continue as part of the process.
3. It was recommended that the Design Guidelines be simplified and reduced from 85 to 30 pages.
4. Historic Preservation. Mr. Hall stated that there are significant challenges associated with demolitions in the M CCD zone of historically significant buildings. The issue has hindered development. The intent was to streamline the process and make it more development friendly.
5. Sustainability issues. Mr. Hall indicated that the intent was to offer an incentive for private developers to meet LEED or high-performance building standards.
6. Area frontage. Mr. Hall explained that setbacks are measured from the back of the curb in order to pull buildings toward the street. Additional space was provided to give more room between the

building and street frontage to accommodate ADA standards, off-street parking, and improve general mobility.

7. Public improvements. The MCCD zone has very strict standards about public improvements, which provides an aesthetic into that area of the City.
8. Building siding and density. Mr. Hall reported that the ground floor commercial requirement is a full ground floor and supposed to be non-residential to help with parking. It was proposed that the first 40 feet of the ground floor be non-residential. Behind that, they could have parking and residential units. It was noted that a vertical and horizontal mixed-use distinction was added.
9. The maximum height in the MCCD zone is 135 feet or 10 stories. There are however, other restrictions that apply. Anything adjacent in the MCCD zone north of Court Avenue can build no higher than 35 feet. To attain the maximum height of 135 feet, a building must be at least 150 feet from any residential zoning boundary. It was proposed that that be reduced to 100 feet. It was proposed that any structure that is 80 feet from a residential zone boundary be allowed to construct a 75-foot building. Any structure inside 80 feet can build no higher than 50 feet. Renderings were displayed to illustrate the height proposals.
10. An increase was recommended to the maximum allowed parking ratios. Currently, there are maximums in the MCCD zone of 1.25 parking stalls for two-bedrooms or less. Staff recommended an increase to 1.5. For more than two bedrooms, 1.4 stalls are allowed. Staff proposed an increase to two stalls. It was stressed that the desire is not to encourage overparking. No changes were proposed to the non-residential parking requirements.

Mr. Hall reviewed the findings, which staff felt were in keeping with the General Plan and appropriate. The Planning Commission forwarded a modified recommendation to the City Council that included keeping the DRC as part of the application process and no changes to the Historic Preservation Section. The Planning Commission was not comfortable with the rules that were suggested by staff.

Ms. Turner expressed concern with sustainability and did not think they were requiring enough from developers. She observed that public buildings are required to meet a standard, but private buildings are not. The desire is to attract reputable developers and she suggested the same standard apply. Mr. Hall suggested that they refer to the Sustainability Design Guideline. In order to impose a stronger requirement, a redraft would be necessary. Ms. Turner stressed the importance of strengthening the language and communicating that it is important to the City.

In response to a question raised by Mr. Brass, Mr. Hall stated when the matter is presented, both the recommendation of staff and the Planning Commission will be given. The Council will make the final decision. Mr. Hall supported the original staff recommendation.

Mr. Brass asked about the qualifications for those who serve on the DRC. Mr. Hall stated that 2 to 5 of the members can live outside of the City. Currently, however, there are no non-residents serving on the DRC. They should also have a background that is germane to the work of the DRC.

Ms. Turner asked how much time the DRC adds to the process. Mr. Hall stated that they meet once a month, which typically adds 30 days to the process. He noted that large projects typically are reviewed twice by the DRC. The DRC adds one level of oversight and results in better projects.

Mr. Brass wanted assurance that the revitalization of downtown is done properly. Past efforts to jump-start development downtown have not been well received by the public. He pointed out that 125% of the value of the project is a bond, which deters people from pursuing development.

Mayor Camp commended the Committee for their efforts. He asked that over the following week they sort through issues that are relevant since emotional arguments will likely be made as part of the public hearing. He recommended they also be sensitive to property rights issues.

Mr. Brass agreed with the importance of property rights issues and was aware of people who have been harmed in the process. He liked what was proposed with respect to setbacks. His biggest concern, however, with placing buildings next to sidewalks is snow removal. When streets are plowed, it can be very difficult to get from a vehicle to a store.

Holiday Ordinance Revisions – Dale Cox

Mr. Cox stated he had been looking for a way to give City employees one-half day off on Christmas Eve. One of the ideas proposed by the Mayor included situations where the holiday falls on a Saturday. One option was to have employees work at different times throughout the day. Another option was to have employees use one of their holiday days in exchange for the one-half day off the day before Christmas. He noted that there had been some push back. He invited feedback from the Council.

Chair Nicponski expressed his support. Ms. Turner thought it was important for employees to understand they are appreciated and valued. That is the intention of the ordinance, which she considered a positive step.

Ms. Moore stated the proposed ordinance could be put in place, just for this year. There would be some hard costs involved and it would be difficult to track. She suggested they reduce the number of hours employees receive for personal holidays and then give four hours off in exchange the day before Christmas.

Mayor Camp commented there have been multiple discussions with the department heads about this issue and implementation is complicated. He did not propose a change to the ordinance because it was a complex situation and should be addressed administratively this year. He essentially gave the departments the flexibility to let employees off early.

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

Adjournment: 6:01 p.m.

**Pattie Johnson
Council Office Administrator II**