



**MURRAY MUNICIPAL COUNCIL
COMMITTEE OF THE WHOLE**
Meeting Minutes

**Tuesday, July 6, 2021
Murray City Center**

5025 South State Street, Conference Room #107, Murray, Utah 84107

Council Members in Attendance:

Diane Turner – Chair	District #4
Brett Hales – Vice Chair	District #5
Kat Martinez	District #1
Dale Cox	District #2
Rosalba Dominguez	District #3

Others in Attendance:

Blair Camp	Mayor	Jennifer Kennedy	City Council Director
Jennifer Heaps	Chief Communications Officer	Pattie Johnson	City Council Office Admin
Doug Hill	Chief Administrative Officer	Bruce Turner	Power Operations Manager
G.L. Critchfield	City Attorney	Brooke Smith	City Recorder
Danny Astill	Public Works Director	Ben Ford	Water Superintendent
Joey Mittelman	Assistant Chief Fire Marshal	Rob White	IT Director
Trae Stokes	Public Works Engineer	Jim Livingston	Resident
Steven Jones	Hansen, Allen & Luce	Wendy Livingston	Resident
Camron Killman	IT	Jared Hall	CED Supervisor
Tyler Allen	Hansen, Allen & Luce	Ridley Griggs	Hansen, Allen & Luce
Pam Cotter	Resident		

Ms. Turner called the meeting to order at 4:30 p.m.

Approval of Minutes. – Ms. Turner asked for comments or a motion on the minutes from Committee of the Whole – June 1, 2021 and Committee of the Whole – June 15, 2021. Ms. Martinez moved approval. Mr. Cox seconded the motion. (All in favor 5-0)

Discussion Items:

- **WCMP (Wastewater Collection Master Plan).** – Engineer, Mr. Jones with Hansen, Allen, and Luce Consulting gave the presentation. As a requirement of attaining the City’s wastewater collections Utah Pollutant Discharge Elimination System permit, a performance evaluation of the system is required every five years. From the evaluation staff would resolve issues and make recommendations for any deficiencies and understand growth needs for future development. A PowerPoint was shared to outline the WCPM. To read the plan visit:

<https://www.murray.utah.gov/DocumentCenter/View/1695/Murray-Sewer-Master-Plan-LR?bidId=>

A history was given about the City's wastewater system regarding methodologies used to develop findings and identify solutions that will set priorities for the next 5-10 years. Council Members learned about the capacity of the sewer system, base flow and infiltration, and the hydraulic model to confirm levels of service. Various maps were analyzed related to growth assumptions, and population projections determined how the sewer system would respond to added sewer flow and growth. Mr. Jones noted much of city growth was development driven. Other maps were analyzed regarding existing deficiencies and limitations, projected timing for redevelopment; and recommended projects and future system needs were discussed. The model determined where potential problems would occur in the future if certain areas are developed. Mr. Jones reported bottleneck issues and concerning areas are eminent due to proposed density. Immediate projects that should be done prior to proposed new growth were noted:

- Fairbourne Lift Station – Needs upgrading. The lift station will not be able to keep up with growth in its current condition.
- State Street Corridor – The entire corridor needs to be monitored, upsized, or diverted to other areas for better flow capacity. Concerning areas include both south and north ends of State Street.
- North Trunk Line – Needs to be upsized because all wastewater collects in one single pipe before going to CVW (Central Valley Water Reclamation Facility).

Mr. Ford reported the designing for the State Street corridor project was underway and budgeted to start next summer; the upgrade project for the Fairbourne Lift Station is 4-5 years out. Mr. Jones explained flow estimates are based only on what City planners anticipate, so they could provide the best timeline for when sewer projects should begin. He said the Council has the most control over letting growth happen and how much density would be allowed, so good communication with Mr. Astill was advised as projects must be orchestrated in a timely manner. Mr. Ford agreed with the exception of existing deficiencies, all proposed projects in the plan are driven by development. Mr. Astill said immediate projects need to be done within two years and others within 5-10 years. Mr. Jones reviewed charts that predicted future growth.

There was dialog about speeding up wastewater projects if the City takes on high density over the next few years. Mr. Jones reiterated timing was difficult to predict because many pipelines should be upsized before large developments begin. Mr. Astill reported development was steady but not explosive, so staff was able to keep up on scheduled work so far. He explained unlike the MCD and TOD zones when planning occurred ahead of time and infrastructure was already in place, growth in outlining areas would be guesswork; he expected bonding in the future to pay for many proposed wastewater projects.

Mr. Jones clarified that repair and replacement projects are different, so they should be scheduled separately to ensure the City is staying on top of older and worse case infrastructure issues. He noted due to current astronomical cost increases, the estimated cost of \$11 million to complete the WCMP was high. When asked about pipe replacement schedules, Mr. Ford said the best method going forward is to re-line pipes where applicable, which is more cost effective than digging and replacing pipes and was included in the annual budget. Mr. Astill agreed base inflow was also mitigated, which is roughly 600,000 gallons of wastewater entering the City's system per day.

Mr. Hill shared three related issues: 1.) Murray City does not provide sewer services to the entire City. 2.) A great part of the wastewater budget goes to the cost of treating sewer water that is handled by

CVW. 3.) Over the next two years, the City would receive approximately \$5.9 million from the Federal American Recovery Plan Act, so funding could be used for many proposed sewer/water infrastructure improvements.

There was a discussion about how soon wastewater projects would begin after a specific mixed-use project was presented to the Council in the future. Mr. Astill thought staff had good direction to address proposed projects, as public works staff collaborates with City planners going forward to upgrade the system gradually over time; however scheduling would depend on how soon developments are approved by the Council. The Council would consider the WCMP during the July 20, 2021 council meeting.

- Ordinance to vacate a municipal utility easement located at approximately 20 East Winchester Street. Mr. Turner explained the need to vacate a municipal utility easement to Cell Tower Holdings, LLC, so they can use the parcel for their needs. A map was shared to pinpoint the area where a right-of-way would be moved to match the location of the City's power line. A cell tower is situated on the empty lot that would be subdivided to create two lots. Mr. Turner reported City Deputy Attorney, Mr. Farnsworth worked with the property owners who had no concerns or issues related to the matter. The Council would consider the vacation ordinance during the council meeting.
- Update on City Hall. – Mr. Hill recapped from 1992 when the idea to construct a new building first began to the present situation. He confirmed two specific projects needed prior to City Hall construction: the extension of Hanaeur Street and the relocation of the cell tower. The Hanaeur project is complete, but the three-year process to remove the cell tower, is not. He explained the delay to demolish the cell tower was always unclear when the new tower was up, and moving equipment took minimal time; he thought bureaucracy was the biggest challenge. He said the City was proactive in resolving the problem by utilizing outside legal advisors, who communicated with cell tower owners, American Towers, and most recently the City was informed that demolition would begin the first week of August.

Mr. Hill explained construction started before the removal of the cell tower to avoid foreseen escalating construction costs. The hope was to get the project underbid and under contract for a price of \$28 million; so the City took a chance in October of 2020 to begin construction knowing problems existed without an agreement in place to relocate the cell tower. This was not the overall cost because of associated expenses prior to the contract - like purchasing the ground and paying design architects. Purchases for furniture, fixtures, and art for the new facility still need to be made. As a result, the total bond was \$34 million, which did not include the purchase of City Hall property that was \$4 million.

When asked if the \$34 million cost was binding, he said as long as no outside forces could be used by the contractor to change the price. An aerial photo was displayed to describe accomplishments made so far with the cell tower in the way; but since nothing else can be done, Layton Construction pulled off the site and would not return until the cell tower is gone. Additional information was confirmed:

- Layton Construction has been paid \$4.6 million of the \$28 million budget.
- Six change orders have been issued so far, due to unforeseen things not called for in architectural drawings. Two changes of highest expense were shared:
 1. \$300,000 for steel. Most of the material has been delivered and stored on site. Because escalating prices continue since October 2020, needed steel would be ordered now and also

- stored to provide savings.
2. Delay charges of \$3,000 per day. The cell tower problem delayed the work schedule. Until Layton Construction can return, a clause within the contract would be exercised where they may charge the City for demobilization costs and expenses for rental equipment located on site.
 - Completion date changed from October 2022 to March of 2023 - assuming demolition of the tower begins by August 2021.
 - Layton Construction conducted a cost comparison analysis in May of 2021. It was determined that with current inflation, the City would not have saved \$2.5 million had construction waited until after removal of the cell tower.
 - MOCA designers and GSBS architects are holding solid to their contracts.
- Resolution authorizing and approving proceedings in eminent domain as necessary for a strip of land located at 5859 S. Willow Grove Lane. – Mr. Critchfield noted parcel owners Mr. and Mrs. Livingston were present to observe, and City staff would answer questions about the proposal. He reviewed the matter from July 2020, when NeighborWorks proposed that as part of their new subdivision development, a through street be included to connect Willow Grove Lane with Tripp Lane. He confirmed the original concept was for the area to be a cul-de-sac, but City staff favored the idea after the planning commission approved the proposal. This would mean that the Livingston parcel would need to be acquired.

Since NeighborWorks found they could not acquire the parcel, the City reached out to a right-of-way agent who went through the process to acquire the parcel on behalf of the City. In August of 2020, a council meeting was held but the item was tabled until now. The parcel was appraised, and the process was that the Livingstons would be made an offer to sell. Mr. Critchfield said the Livingstons were entitled to utilize an ombudsmen mediator to handle the government affair, however they declined until after the City Council would vote on the issue during the council meeting, but the overall hope was to resolve the issue out of court.

Council Members analyzed issues related to increased traffic, devastation and change to both neighborhoods, whether to keep with the original cul-de-sac design, and taking a citizen's property. Chief Harris said cul-de-sacs do not provide adequate space for a fire apparatus to turn around and confusion occurs when unfamiliar responders mistakenly turn into dead-end streets that cause delay. Chief Mittelman perceived two separate issues: eminent domain would not guarantee that a cul-de-sac be constructed on Willow Grove Lane; and a continued street would provide NeighborWorks with two additional lots for housing.

Mr. Critchfield clarified deciding factors. 1. Exercising eminent domain means that the street goes through; or 2. NeighborWorks provides a cul-de-sac on Tripp Lane. He said the City was not in a position to tell the Livingstons they must have a cul-de-sac on Willow Grove. If NeighborWorks constructs a cul-de-sac on Tripp Lane, the Livingstons would keep their land and not be involved. The Council understood that NeighborWorks could also redesign the development without a through street.

Mr. Stokes thought it was positive to connect neighborhoods for pedestrian use, emergencies services, snowplows, and street sweepers; and confirmed Willow Grove Lane was stubbed for the

purpose to extend and provide for a future development. He said there was not good connectivity with 17 cul-de-sacs in the entire area; and he believed the connection would not create more traffic after a thorough vetted traffic study implied traffic was already present. He projected 300 cars per day would travel on Willow Grove if connected to Tripp Lane, compared to Green Oaks and Bullion Street that currently see 1800 cars per day. He gave a history of the initial Murray Oaks development when Green Oaks residents were concerned about additional traffic from 23 new lots; he recalled this was the reason the planning commission favored stubbing Willow Grove Lane temporarily. He noted dead-end waterlines are not favorable over time, so he thought utilities at Willow Grove should be extended to serve the NeighborWorks development.

Mr. Critchfield clarified that sewer and water lines already existed from Tripp Lane. Mr. Stokes agreed engineers with NeighborWorks could construct a solution without the connecting street. It was mentioned from a previous meeting that there was room in the City's right-of-way to run all utilities through City owned property - without having to connect the streets. Mr. Stokes confirmed. A brief conversation followed about citizens expressing opposition to connecting Willow Grove to Tripp Lane, and residents who favored the street at first but changed their minds to support the Livingstons. The idea of taking property by eminent domain was reanalyzed thoughtfully. The Council would consider the item in the council meeting.

- Procedures for City Council Meetings. – Ms. Kennedy discussed options moving forward with future in-person COW (Committee of the Whole) work sessions and the CM (Council Meeting). She inquired if the Zoom option should remain, if public comments should continue by email, or would citizen comments be required in person again; pre-pandemic procedures were noted when citizen comments were timed and never read by Council staff. The cut-off time for receiving emailed comments was analyzed. There was a conversation about the conference room not being conducive to live streaming, due to lack of space for live stream equipment and no microphones.

It was agreed that both meetings would be live streamed in the Council Chambers to provide accessibility gained during the pandemic - Zoom would discontinue. Emailed comments would not be read by staff but added to the CM minutes by the city recorder. There was a short discussion about the challenge of responding to live comments on Facebook during both meetings. As a result, there would not be interaction or responses to comments on Facebook during any city council meeting.

Announcements: None.

Adjournment: 5:55 p.m.

**Pattie Johnson
Council Office Administrator III**