



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

**Tuesday, April 19, 2022
Murray City Center**

5025 South State Street, Council Chambers, Murray, Utah 84107

Attendance: Council Members and others:

Kat Martinez – Chair	District #1
Diane Turner – Vice Chair	District #4
Garry Hrechkosy	District #5
Pam Cotter	District #2
Rosalba Dominguez	District #3

Brett Hales	Mayor	Jennifer Kennedy	City Council Executive Director
Doug Hill	Chief Administrative Officer	Pattie Johnson	Council Administration
Tammy Kikuchi	Chief Communications Officer	Robyn Colton	HR Director
G.L. Critchfield	City Attorney	Craig Burnett	Police Chief
Kim Sorensen	Parks and Recreation Director	Laura Brown	Deputy Recorder
Danny Astill	Public Works Director	Robert White	IT Director
Brenda Moore	Finance Director	Zach Smallwood	CED Associate Planner
Jared Hall	CED Division Supervisor	David Stewart	City Lobbyist
Kory Holdaway	City Lobbyist		
Residents			

Conducting: Ms. Martinez called the meeting to order at 5:00 p.m.

Approval of Minutes: Committee of the Whole – March 8, 2022. Ms. Dominguez moved to approve. Ms. Cotter seconded the motion. All in favor 5-0.

Discussion items:

- **2022 Legislative Summary.** – Mr. Critchfield introduced Murray lobbyists Mr. Stewart and Mr. Holdaway who gave an overview of the recent Legislative Session and presented Mr. Critchfield’s 2022 Legislative Summary report)Mr. Holdaway commended the ULCT (Utah League of Cities and Towns) for being a great support to all the member cities. He encouraged Council Members to review the *Legislative Wrap Up* summary report located on the ULCT website that prioritizes each bill and explains how Utah cities would be affected by each bill. Report highlights:
 - HB (House Bill) 462 – Utah Housing Affordability Amendments. Mr. Holdaway said the bill should be monitored closely over the coming months, which affects all Utah cities because it created changes to specific housing requirements and deadlines related to land use, affordable housing, and density requirements. Mr. Stewart said the housing crisis would not be resolved with a one size fits all

solution, but HB-462 was a way to motivate and incentivize cities into providing more housing. He said Murray had done well to address density and housing challenges over the last couple of years and what moved the bill forward was other cities that were holding out to address the housing crisis. Mr. Holdaway agreed Murray's planning was further along than other areas. He noted one change to the bill was that the Department of Workforce Services now has the responsibility for approving housing plans, instead of the Metropolitan Planning Organization; so as Murray City planners submit housing plans, additional ARPA funds would be made available to those that qualify. He encouraged the City to take advantage of funding where applicable which would be additional to what the City had already received.

Mr. Critchfield confirmed Mr. Smallwood had been analyzing the situation since the bill was first proposed. Mr. Smallwood would keep the Council well informed over the next several months about anticipated legislative changes that Murray would need to consider. He agreed Murray did a lot to encourage affordable housing and would not be starting from ground zero like other cities.

- Senate Bill 110 – Water As Part of General Plan. Mr. Holdaway discussed the importance of maintaining local control.
- HB 476 – Local Agricultural Regulations. Mr. Stewart explained how the bill came about and how it failed.
- Mr. Holdaway said during the interim it would also be important to maintain the sovereignty of local control. He expected great opportunities for more interactions with legislators due to upcoming elections. Mr. Stewart said money for the Murray Theater renovation did not materialize because funding was being pushed further to heritage and arts related items but grant opportunities might still be possible after July 1, 2022. Mayor Hales commented that Mr. Sorensen would look into grant funding opportunities.
- Ms. Martinez spoke about HB-121 – Water Conservation Modifications. She wondered how long it would take before this bill and others would be considered by the Council or implemented into Murray City Code. Mr. Critchfield clarified bills would not become laws until May or July of 2022, so staff would be active in working to make changes to City Code over the next several months before items come before the Council. Ms. Martinez said at that time the City Council would have opportunities to ask detailed questions about each bill that would become a proposed ordinance to be considered. Mr. Critchfield confirmed.
- **Discussion on a MOU (Memorandum of Understanding) for 4800 Lofts.** – Mr. Smallwood explained that the MOU for the 4800 Lofts development is a contract for a MU (mixed-use) project and that Council Members would consider the item in a future council meeting. He clarified that as a governing body separate from the administration, the City Council's legislative role was only to authorize the Mayor to sign the MOU contract and nothing more; Council Members would not be reviewing or approving the project. That decision was already delegated to the planning commission who approved the project but could not legislatively enter into contracts.

An aerial map was displayed to point out specific lots that were combined to form the entire project site. Mr. Smallwood reviewed the site plan and explained phases of construction; Phases One and Two, which includes the development for locating four retail areas, the construction of three residential buildings A,

B and C; loft units and parking. Mr. Smallwood confirmed elements in the MOU contract matched site planning included in the approved Master Site Plan. He noted the area was previously designated in the old MU zone that is now the new MCMU (Murray Central Mixed Use) West District/ zone which was why some retail areas would be attached to residential structures and others in a separate building.

He reported that on October 7, 2021, prior to the MU moratorium and based on the previous MU City Code, the planning commission voted 5-0 to approve the MSP (Master Site Plan) and Conditional Use Permit for the horizontal MU development. The project is supported by Murray City staff who reviewed development plans related to infrastructure, engineering, fire, sewer, water, and power for 371 units and 18,000 square feet of commercial space.

Ms. Dominguez asked if the MOU contract was similar to the K-Mart Site development process. Mr. Smallwood said this would be the exact same process when Mayor Camp was authorized to sign the MOU for that MU project.

Ms. Cotter led a lengthy discussion about why the Council was presented with the MOU authorization process when development planning was not a legislative function. She wondered why the Council would be asked to vote on the MOU process, when they had no initial say to approve the project. Mr. Hrechkosy agreed the Council had no opportunity to give an opinion about the project that was approved by the planning commission. Mr. Smallwood agreed the City Council did not approve the project; the City Council role was strictly to give Mayor Hales authorization to sign the MOU. He reiterated this was because the planning commission cannot enter into any contracts. He stressed the MOU contract would ensure that developers construct the project according to the approved MSP. Mr. Critchfield agreed. Ms. Martinez said that the Council would only be approving guidelines and perimeters by authorizing Mayor Hales to sign the MOU. Mr. Hrechkosy said the City Council was being asked to move a project forward, that they could do nothing about. Mr. Critchfield agreed and suggested text be added to the MOU contract or ordinance stating that the planning commission approved the project, and how the City Council only authorized the Mayor to sign the contract. He thought this option would make it clear that the planning commission approved the project and not the City Council. Ms. Turner asked what would happen if the Council voted no to authorize Mayor Hales to sign the MOU. Mr. Critchfield stated the City could get sued.

Mr. Hrechkosy led a discussion about a commercial component being constructed before retail tenants were established and asked if the commercial components were required to increase sales tax revenue. Mr. Smallwood confirmed retail spaces would be built without knowing who tenants would be, and that the commercial aspect was required to ensure that the final product ends up being a MU project and not just a high-density multifamily housing complex with no services. Mr. Hrechkosy asked if all housing units were rentals. Mr. Smallwood said yes. Ms. Martinez favored the retail requirement that would serve many already living in the area with no walkable services. Ms. Cotter expressed concern about how the applicant would ensure commercial tenants would be successful; she noted the area was not walkable to anything or the nearby TRAX station. She said the distance to the TRAX station did not warrant a MU project to be developed in that area. Mr. Smallwood agreed that was true, but as city planners they are imagining what the neighborhood should look like 20-50 years from now. He said the project would help create a more walkable community over time. Mr. Critchfield said it was inappropriate for the City to legislate how developers ensure the success of a retail space. The City only provides a means to develop land with hope that all developers succeed. It is only when the City is allocating money to a project that the City would require such specific provisions.

Mr. Hall stated that all these concerns are now a forgone conclusion. He repeated to Council Members they would not be voting on the already approved project or details in the MOU; they would only be voting to give authorization to Mayor Hales to sign the MOU contract. Mr. Smallwood said since the proposal was a business item the draft ordinance would not require a public hearing, and that details of the Master Site Plan were included in the MOU.

- **Discussion on an ordinance amending Section 2.62.120 of the Murray City Municipal Code relating to employee holiday vacations.** – Ms. Colton explained that to include Juneteenth National Freedom Day as a paid City holiday the proposed ordinance was necessary. Last year after the federal government established the federal holiday, Utah adopted Juneteenth as an official State holiday to be observed on the third Monday in June.

She reviewed that the City's current holiday schedule provides 11 ½ paid holidays, and three personal preference days, which is a total of 14 ½ paid holidays; the draft ordinance adds Juneteenth in place of one of the awarded personal preference days. She said personal preference days would not be reduced this year, because many employees had already used much of their allowance, and it would keep things equitable between public safety employees and public career service employees. Police and fire department employees receive personal days in lieu of holiday wages. For this reason, a small fiscal impact of \$41,427 would be seen only in FY 2022 budgets for police and fire departments.

Adjournment: 6:12 p.m.

Pattie Johnson
Council Office Administrator III