

Murray City Municipal Council Chambers Murray City, Utah

The Murray City Municipal Council met on Tuesday, October 1, 2019 at 6:32 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 – Excused
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	Jennifer Heaps	Communications & Public Relations Director
Craig Burnett	Police Chief	Brenda Moore	Finance Director
Danny Astill	Public Works Director	Jon Harris	Fire Chief
Danny Hansen	Senior IT Technician	Joseph Mittelman	Assistant Chief/Fire Marshal
Jared Hall	Community & Economic Development (CED) Supervisor	Kim Sorensen	Parks & Recreation Director
Robert White	IT Director	Melinda Greenwood	Community & Economic Development (CED) Director
Citizens			

Opening Ceremonies

Call to Order – Mr. Cox called the meeting to order at 6:32 p.m. and excused Council Member Brass.

Pledge of Allegiance – The Pledge of Allegiance was led by Daphne Mittelman

Approval of Minutes

Council Meeting – September 3, 2019

MOTION: Mr. Hales moved to approve the minutes. The motion was SECONDED by Mr. Nicponski. Voice vote taken, all “ayes.”

Special Recognition

1. Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah to Designate and Support the Week of October 6-12, 2019 as Fire Prevention Week. Mayor Camp and Assistant Chief Joey Mittelman presenting.

Mayor Camp read the Joint Resolution.

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

Council roll call vote:

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

Motion passed 4-0

Mayor Camp presented the Joint Resolution to Joey Mittelman, Assistant Chief/Fire Marshal and Jon Harris, Fire Chief. Assistant Chief Mittelman spoke about some of the activities that will be taking place during Fire Prevention Week. He also noted that the Fire Department has partnered with the American Red Cross and so far they have been able to install 78 smoke alarms in homes throughout Murray City.

Mr. Hales asked how people can find out where in their homes they should have smoke alarms.

Assistant Chief Mittelman said there is information online. People can reach out to the Fire Department as well.

Citizen Comments – Comments are limited to 3 minutes unless otherwise approved by the Council. No citizen comments were given.

Public Hearings

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

1. Consider an ordinance amending Section 13.48.050 of the Murray City Municipal Code relating to Stormwater Utility Fees.

Staff Presentation: Danny Astill, Public Works Director

(See Attachment 1 for slides used during this presentation)

Mr. Astill said this item was discussed during a previous Committee of the Whole meeting. He explained that stormwater utilities are authorized by the Utah State Code and the city's stormwater utility operates as a separate enterprise fund. The stormwater utility fund provides specific comprehensive services to benefit the city by managing the quantity and quality of stormwater according to the city's National Pollutant Discharge Elimination System (NPDES) Permit.

Mr. Astill went through some of the things the stormwater money goes towards which include the construction and maintenance of stormwater facilities, stormwater system maintenance, and project site inspections.

Mr. Astill spoke about the approach staff took in reviewing the current stormwater rates. The steps staff took included reviewing the Master Plan, system deficiencies, and existing rates. They performed a comprehensive analysis of the city's current and future needs for stormwater and presented some options to the City Council a few weeks ago.

Mr. Astill explained a rate increase is necessary due to increased operating expenses, capital improvement needs and increased stormwater regulations. He added that some of the objectives of the study were to ensure there were sufficient revenues to cover all expenses, keep at least 180 days of cash on hand and to minimize the impacts to existing ratepayers.

Mr. Astill said the preferred option would be to raise the stormwater fee by \$1.00 per Equivalent Residential Unit (ERU) or \$12.00 per year in fiscal year 2021. After that, for fiscal years 2022-2025, raise the stormwater fee by \$0.65 per month per ERU or \$7.80 per year. He said Murray City's current stormwater rate of \$4.65 is the third lowest across the Wasatch Front. He believes the city is being as fiscally responsibly as it can be.

Ms. Turner asked if tax-exempt and non-profits pay this.

Mr. Astill replied yes they do.

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

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

Council roll call vote:

Ms. Turner	Aye
Mr. Hales	Aye
Mr. Nicponski	Aye

Mr. Cox Aye

Motion passed 4-0

2. Consider an ordinance relating to land use; amends the General Plan from Commercial Development and General Office to Professional Office for the property located at 5920 South Fashion Boulevard, Murray City, Utah.
Applicant: Roderick Enterprises

Staff Presentation: Melinda Greenwood, CED Director

(See Attachment 2 for slides used during this presentation)

Ms. Greenwood said the Zone Map amendment for this item was approved on September 5, 2019. Normally both the Zone Map and General Plan amendment would have been done on the same night, but due to an error in the noticing, they are being done separately. Tonight, the Council will be asked to approve the General Plan amendment.

Ms. Greenwood noted the Planning Commission held a public hearing on this item and have forwarded a recommendation of approval to the City Council. Staff is also recommending approval of this proposal.

Ms. Greenwood explained the Council will only be deciding on the zoning of the property tonight. They will not be deciding on a specific project. That will be done in the future during a separate meeting.

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 ordinance. The motion was SECONDED by Mr. Nicponski.

Council roll call vote:

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

Motion passed 4-0

3. Consider an ordinance amending Sections 17.146.020, 17.146.030, 17.146.040, 17.146.050, 17.146.080, 17.146.090, 17.146.110 and 17.146.120 of the Murray City Municipal Code related to the Mixed-Use Zoning District.

Staff Presentation: Jared Hall, CED Supervisor

(See Attachment 3 for slides used during this presentation)

Mr. Hall said these changes affect many subsections of the Mixed-Use Zone, with the first one being definitions. He went over the definitions that were added and updated to the code so it would be more user friendly and compatible with other areas of the city instead of just around the train stations. Some definitions that were added included transit stations, vertical mixed use, horizontal mixed use, public street and private street. Mr.

Mr. Hall explained another proposed change is to introduce a density grading plan which would allow greater density closer to transit stations or areas. Within ¼ mile of a transit area, the city would allow 100 units per acre in a mixed use zone. Within ½ mile of a transit area, the city would allow 80 units per acre in a mixed use zone. Within 1 mile of a transit area, the city would allow 50 units per acre in a mixed use zone and outside of one mile, if there is a mixed use zone, it should have no more than 40 units per acre.

Mr. Hall said it was important for the city to add definitions of vertical and horizontal mixed use because the city's current ground floor commercial requirement is pretty restrictive. Under the current code, 75% of the ground floor of any residential building has to be commercial. He explained the proposed change would be for 75% of the ground floor facing a public or private street would need to be commercial, at a depth of 40 feet.

Mr. Hall said for any project larger than five acres, staff is recommending a Master Site Plan be required. This will ensure that if the initial developer fails, there is a plan that dictates how the site will be developed. The Master Site Plan would have three components: building orientation, a central feature, and outdoor spaces.

Another proposed change are modifications to the parking requirements, building setbacks and access improvements.

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

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

Council roll call vote:

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

Motion passed 4-0

4. Consider an ordinance amending the Murray City Standard Land Use Code, enacting Chapter 17.43 of the Murray City Municipal Code governing cannabis production establishments and medical cannabis pharmacies, and amending Sections 17.88.020,

17.92.020, 17.144.020, 17.148.020, 17.152.020, 17.156.020, 17.160.020, 17.173.020 and 17.174.020 identifying cannabis production establishments and medical cannabis pharmacies as permitted uses in specified zoning districts.

Staff Presentation: Melinda Greenwood, CED Director

(See Attachment 4 for slides used during this presentation)

Ms. Greenwood said this has been a big topic of discussion over the past few months, especially at the State level. A couple of years ago, voters voted in a medical cannabis bill and last year the State Legislature made changes to that bill. The Legislature recently made additional changes to the bill again during a special session that was held on September 17, 2019.

Ms. Greenwood said one of the main items in this ordinance was to add definitions for cannabis production establishments and medical cannabis pharmacies into the standard land use code.

The State has required that cities allow cannabis production establishments as a permitted use in industrial, manufacturing, and agricultural zones. They have also come out with distance requirements stating that production facilities cannot be within 1000 feet of a community location or within 600 feet of a zone that is primarily residential.

Ms. Greenwood noted that cannabis pharmacies are a permitted use in any zone except for those that are primarily residential. The state allows medical cannabis pharmacies to be located within 600 feet of a community location or within 200 feet of a zone that is primarily residential.

Ms. Greenwood said the proposed ordinance is compliant with state code. She noted the Planning Commission has forwarded a recommendation of approval of this ordinance, although the ordinance they approved was different because of the changes the State Legislature made on September 17, 2019.

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

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

Council roll call vote:

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

Motion passed 4-0

Business Items

None Scheduled.

Mayor's Report and Questions

Mayor Camp reported on the following items:

- Starting today, 300 West will be closed at 5670 South for the installation of a storm drain. This is part of the Utahna Storm Drain project. This is a hard closure and no thru traffic will be allowed. 300 West is scheduled to reopen on October 23, 2019.
- Each year the city's police officers are allowed to grow their beards out. It started out as "Movember" which was to raise awareness for men's health issues. It has been extended this year to include October, November, and December. For each month the officers participate, they make a donation to the Victims Advocate Emergency Fund.
- The city's annual Pumpkin Race will be held on Monday, October 14, 2019 at 6:00 p.m.
- October is Amnesty Month at the Library. Patrons with unpaid for, previously lost items in good condition can bring them back to the Library and have their fines and replacement costs removed from their account and get back in good standing with the Library
- The new fire engine is scheduled to arrive tomorrow. It will take a few weeks for all the equipment to be installed on it and tested.

Adjournment

The meeting was adjourned at 7:27 p.m.

Jennifer Kennedy, City Recorder

Attachment 1



Murray Storm Water Rates

October 1, 2019

Murray City Public Works

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Background Understanding

- Stormwater utilities authorized by the Utah State code.
- Operate as an enterprise fund. We strive to be self-sufficient and provide specific comprehensive services to benefit the City in managing the quantity and quality of stormwater according to our NPDES Permit requirements.
 - Construction and maintenance of stormwater facilities
 - Control flooding and improve the character of surface runoff
 - Implement Best Management Practices in non-point source pollution
 - Water quality sampling, public education and outreach
 - Development plan reviews
 - Stormwater system maintenance
 - Project site inspections
 - Detention / Retention basin planning and maintenance

Approach

- Review Master Plan to understand levels of service to meet permit requirements.
- Review system deficiencies and related construction timing and costs.
- Review existing rates.
- Develop a financial model to perform a comprehensive analysis of current and future needs, or a “Revenue Sufficiency Model”.
- Develop alternatives or options to present to the City Administration and the City Council.
- Stormwater Master Plan was presented on February 5, 2019 and was adopted by the City Council on February 19, 2019
- The Rate study was presented on August 27, 2019
- Recommended adoption of chosen option October 1, 2019

NEED FOR THE STUDY

Growing Costs Due To:

- Increased operating expenses
- Capital improvement needs
- Increased storm water regulations

Objectives of the Study:

- Ensure sufficient revenues to cover all expenses
- Maintain debt coverage ratios and meet bond covenants
- Keep at least 180 days cash on hand
- Minimize impacts to existing ratepayers
- Establish fees that are easy to administer

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Project #	Description	Cost*	Year
P1	725 E Repair	\$2,227,000	2025
P2	Walden Meadows Dr	\$628,000	2021
P3	Clover Meadow Dr	\$722,000	2023
P4	Vine Street (Rodeo Ln to Little Cottonwood Creek)	\$500,000	2022
	Replace 1 Ton Truck/Plow	\$55,000	2021
	New Pickup Truck	\$40,000	2021
	Concrete Washout Trailer	\$10,000	2021
P5	Anderson Ave	\$177,000	2023
	Cleaning Truck	\$420,000	2022
	Topcon Lazer System	\$10,000	2022
	New Pickup Truck	\$40,000	2022
P6	Cherry St and Jensen Ln Intersection	\$252,000	2024
	Street Sweeper	\$320,000	2024
	Pickup Truck	\$45,000	2023
	Trailer Mounted Trash Pump	\$35,000	2024
	Pickup Truck	\$45,000	2025
P11	Spring Clover Dr	\$339,000	2024

*All costs in this table are shown in \$2019; the spreadsheet analysis uses a construction cost inflator of 3% per year.

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Preferred Option

FY 2021 - \$1.00 increase per month per ERU or
\$12.00 per year

FY's 2022-2025 – Increase of \$0.65 per month or
\$7.80 per year

Preferred Option

Fiscal Year	2020	2021	2022	2023	2024	2025
Option #1						
Monthly Rates	\$4.65	\$5.65	\$6.30	\$6.95	\$7.60	\$8.25
Future Bond						\$1.5M
Days* Cash on Hand	529	535	448	352	311	316

*Days cash on hand is measured at the beginning of each year; without the bond in 2025, days cash on hand would decline to 17 days by year-end of 2025.

COMPARATIVE STORM WATER FEES

City	Rate
Lehi	\$3.00
Taylorsville	\$4.00
<i>Murray (current)</i>	<i>\$4.65</i>
West Valley City	\$5.00
West Jordan	\$5.58
<i>Murray (proposed)</i>	<i>\$5.65</i>
Springville	\$5.66
Riverton	\$6.00
North Salt Lake	\$6.00
American Fork	\$6.00
Sandy	\$6.00

City	Rate
Payson	\$6.07
South Jordan	\$7.15
Lindon	\$7.19
Orem	\$7.35
Salt Lake City	\$7.60
Layton City	\$7.60
Ogden	\$7.85
Provo	\$9.20
Spanish Fork	\$9.82
Pleasant Grove	\$13.10

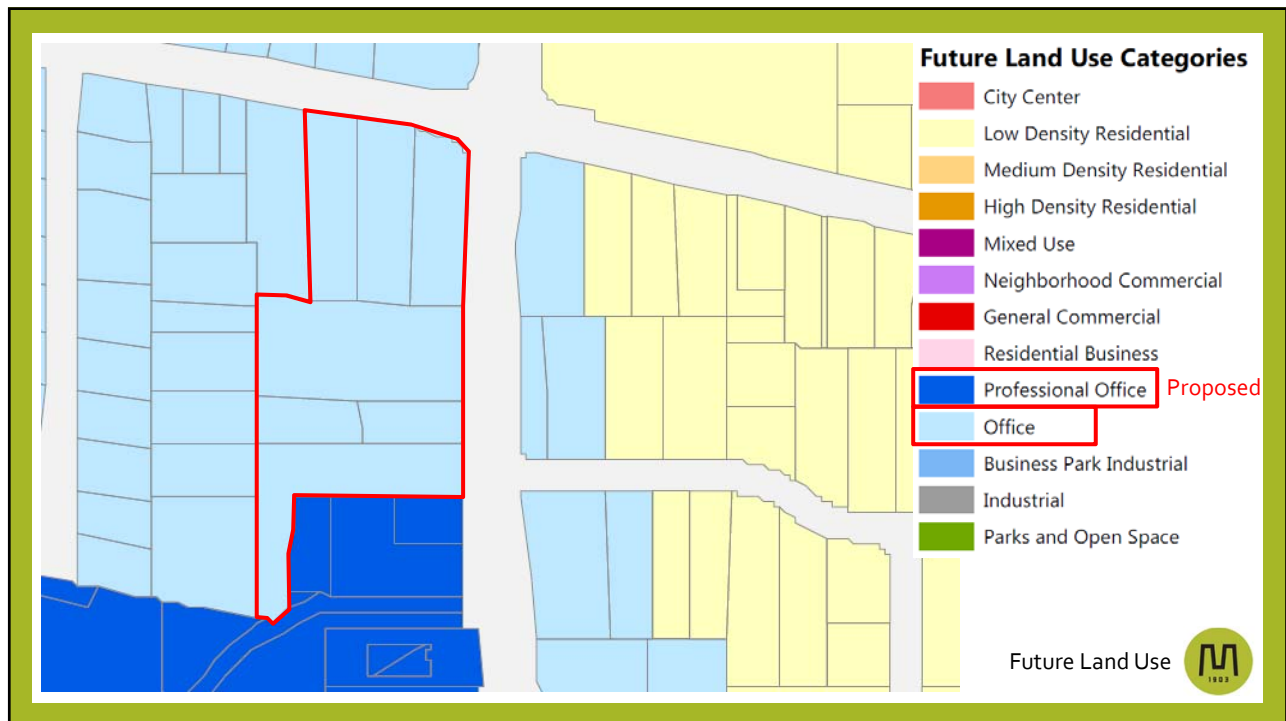
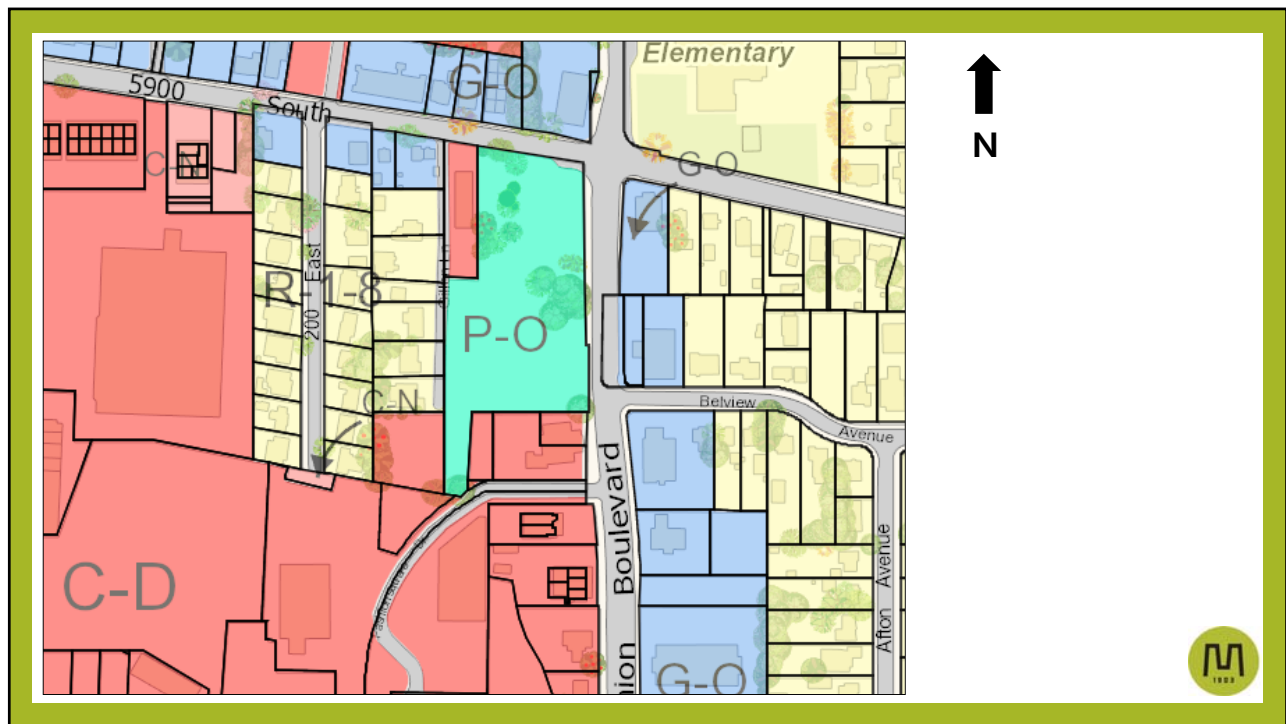
Attachment 2

RODERICK ENTERPRISES

General Plan Amendment from Office to Professional Office

5920 South Fashion Boulevard





Findings

1. Re-designation of the Future Land Use Map and Zoning Map for the subject property as requested would be consistent with the development pattern for the area and will allow for development of the property to the highest and best uses available.
2. The requested amendments have been carefully considered based on the characteristics of the site and surrounding area and the policies and objectives of the 2017 Murray City General Plan and have been found to be in harmony with the goals of the Plan.
3. The proposed amendment of the Zoning Map from G-O and C-D to P-O is in harmony with goals and objectives of the Murray City General Plan.



Staff Recommendation

Based on the findings and the recommendation of the Planning Commission, staff recommends that the City Council APPROVE the requested amendment to the General Plan Future Land Use Map designation of the property located at 5920 South Fashion Boulevard from Office to Professional Office.



Attachment 3

LAND USE TEXT AMENDMENTS

Section 17.146, M-U (Mixed Use) Zone



Added Definitions

TRANSIT STATION: Refers to one of the three rail stations located in Murray City's boundaries; the Murray North Station, Murray Central Station, and Fashion Place West Station.

HORIZONTAL MIXED USE: A mixed-use project in which all or some of the commercial and residential components are provided in separate buildings on the same parcel or on contiguous parcels included together in a Master Site Plan.

VERTICAL MIXED USE: A mixed-use project in which the commercial components are provided within the same buildings with the residential components.

PUBLIC STREET: Means a thoroughfare which has been dedicated to the public and accepted by proper public authority, or a thoroughfare which has been adjudicated to be a public street by public use as provided by law.

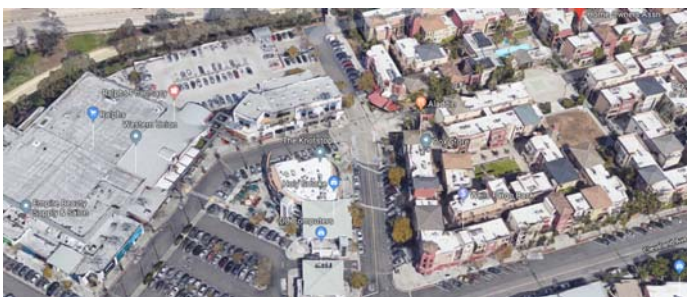
PRIVATE STREET: Means a right of way of easement in private ownership, not dedicated or accepted as a public street, which affords the principal means of access to two (2) or more sites.



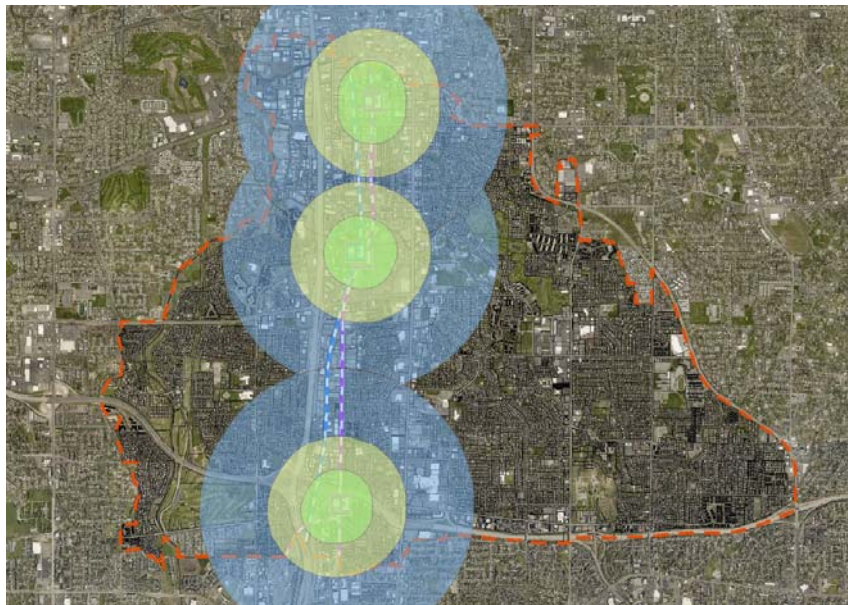
VERTICAL MIXED USE: A mixed-use project in which the commercial components are provided within the same buildings with the residential components.



HORIZONTAL MIXED USE: A mixed-use project in which all or some of the commercial and residential components are provided in separate buildings on the same parcel or on contiguous parcels included together in a Master Site Plan.



Density Gradient



Legend

- Quarter Mile M-U
- Half Mile M-U
- One Mile M-U



Transit Station

Legend

- Quarter Mile M-U
- Half Mile M-U
- One Mile M-U

Vertical Mixed Use, Commercial Requirement

Vertical Mixed Use within one-half mile of a Transit station: Commercial development must occupy 75% of the ground floor of residential buildings that face public streets with a minimum depth of 40 feet. More than one-half mile from a transit station commercial required at 50%.



Horizontal Mixed Use, Commercial Requirement

Horizontal Mixed Use: Commercial development equal to the square footage of an area measured as 75% of the *public frontage of the project area*, at a depth of 40 feet.



1.44 acre project site

290 ft. frontage

8,700 ft² commercial required



Master Site Plan – Building Orientation

1. Building Orientation. Commercial and residential buildings in the same project should primarily be oriented to face public and private streets and accesses, and not parking lots. The orientation of commercial buildings in mixed use projects should consider the residential components of the project and facilitate convenient access to them.



Master Site Plan – Central Feature

2. Central Feature. A prominent, centrally located feature such as a park, plaza, or other gathering place should be provided to unify the residential and commercial uses of the project. This location should include features and amenities to encourage public use and activity, with convenient access from both residential and commercial components of the development.



Master Site Plan – Outdoor Spaces

3. Outdoor Spaces. To the extent possible, buildings should be designed to form outdoor spaces such as courtyards, plazas, and terraces that can integrate the components of the development. Pedestrian walkways linking the components of the development with these outdoor spaces and the public streets should be developed. Where possible, the potential linkages to existing and future adjacent developments should be considered.



Parking

B. If more than twenty five percent (25%) of the off street parking is provided in surface parking lots, the **minimum** parking shall be:

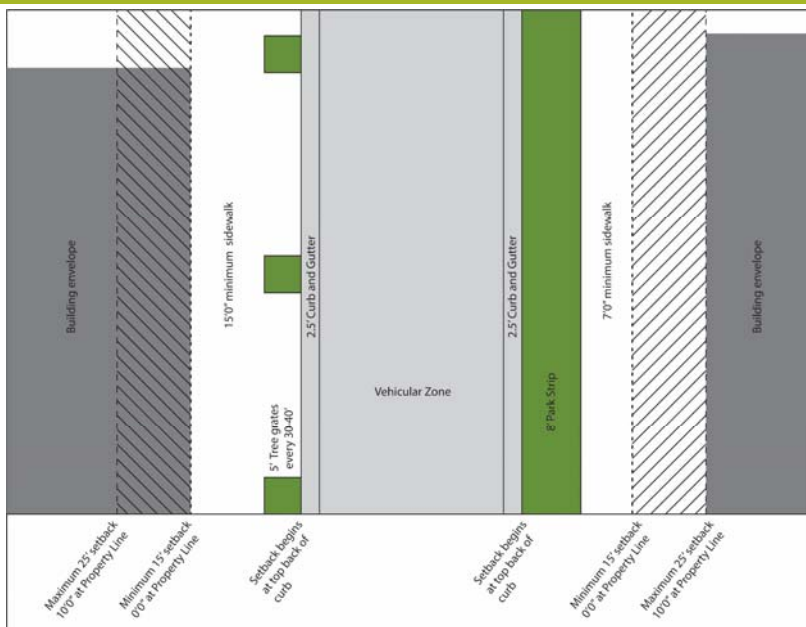
1. For residential units with two (2) bedrooms or fewer, 1.5 stalls per unit.
2. For residential units with more than two (2) bedrooms, 1.85 stalls per unit.
3. ~~When the off~~For all office and retail usesuses or net usable square footage is unknown, off street parking will be calculated at ~~threeone~~ parking stalls for each ~~two hundred sixty five (265) one thousand (1,000)~~ square feet of net usable office area or retail floor area.
4. All medical, dental and related office uses will require one off street parking stall for each two hundred sixty five (265) square feet of net usable office area.
5. All other office uses will be calculated at the ratio of three (3) off street parking stalls for each one thousand (1,000) square feet of net usable floor area.
6. Retail use parking shall be calculated at the rate of one parking space for each two hundred sixty five (265) square feet of net usable floor area.

D. Parking in excess of one hundred ~~ten twenty-five~~ percent (~~10125~~) of the minimums outlined above may only be provided in parking structures or within the envelope of the building.



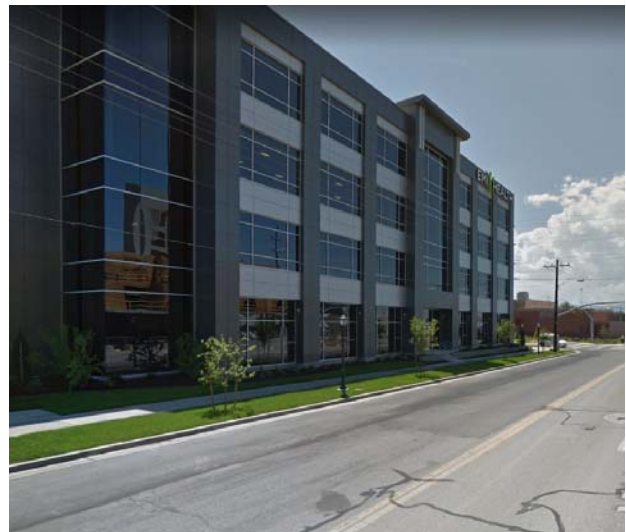
Building Setbacks and Access Improvements

B.A. The front setback for ~~main~~ buildings facing public or private streets, excepting courtyards and plazas, shall be between fifteen feet (15') and twenty five feet (25') **from the back of curb and gutter**. Buildings with setbacks between fifteen feet (15') and eighteen feet (18') must utilize recessed entrances. Up to fifty percent (50%) of the front setback may be greater than twenty five feet (25') if the additional front setback is developed as a courtyard or plaza. ~~Main b~~Buildings may have detached components within a courtyard or plaza if the uses in the detached component enhance activity on the courtyard or plaza. (insert figure a., illustration of public and private setbacks)



Setback and Access Improvements figure to be added to code.





Findings

- i. The proposed amendments are in keeping with the objectives of the Murray City General Plan.
- ii. The proposed amendments are necessary to help facilitate quality mixed use development and to assure that proposed developments are appropriate for the areas of the city in which they occur.



Staff Recommendation

Based on the findings and the recommendation of the Planning Commission, Staff recommends that the City Council APPROVE the proposed ordinance amending Sections 17.146.020, 17.146.030, 17.146.040, 17.146.050, 17.146.080, 17.146.090, 17.146.110 and 17.146.120 of the Murray City Municipal Code related to the Mixed Use Zoning District.



Attachment 4

LAND USE TEXT AMENDMENTS

Chapter 17.43

Medical Cannabis Regulations



Medical Cannabis Regulations

The Utah Legislature has passed statutes that require municipalities to allow for Cannabis Production Establishments and Medical Cannabis Pharmacies.

Chapter 17.43 has been designed to meet the requirements outlined in State Code.

Standard Land Use Code

- 8122 Cannabis Production Establishment
- 5913 Medical Cannabis Pharmacy



Cannabis Production Establishment

Utah Code, Section 4-41a-102 requires that a city's zoning ordinance allow Cannabis Production Establishments as a *permitted use in*

- Industrial/Manufacturing Zones
- Agricultural Zones

Cannabis Production Establishments may not be located within

- 1,000' of a community location (public/private school, licensed childcare facility, church, public library, public playground or park)
- 600' primarily residential zone



Medical Cannabis Pharmacies

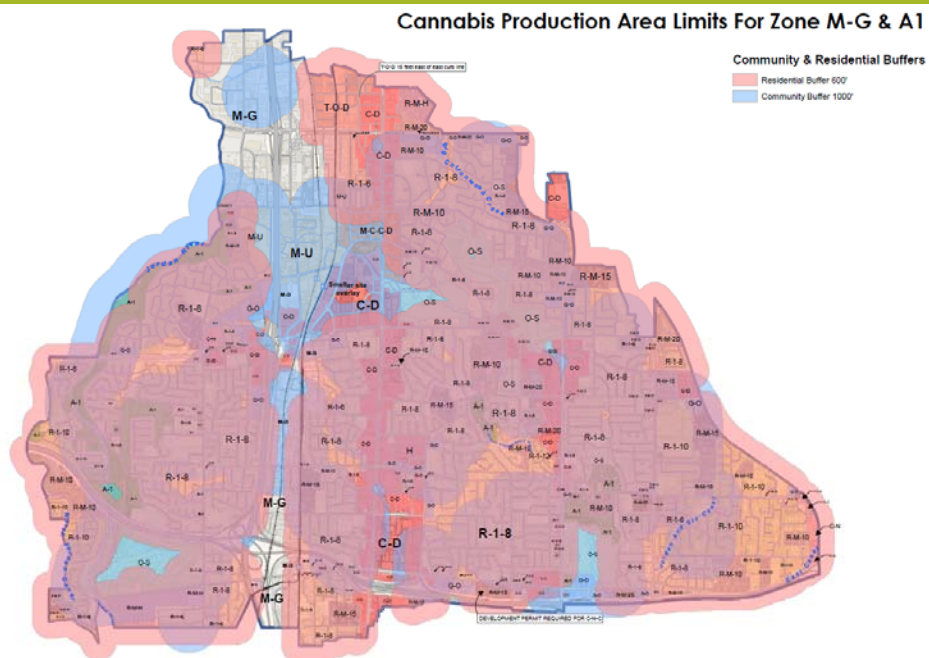
Utah Code, Section 26-61a-102 requires that Medical Cannabis Pharmacies be allowed as Permitted Uses in all zones except primarily residential zones

- Single-Family Medium Density Residential District R-1-6
- Single-Family Low Density Residential District R-1-8
- Single-Family Low Density Residential District R-1-10
- Single-Family Low Density Residential District R-1-12
- Medium Density Residential District R-2-10
- Multiple-Family Low Density Residential District R-M-10
- Multiple-Family Medium Density Residential District R-M-15
- Multiple-Family High Density Residential District R-M-20
- Multiple-Family High Density Residential District R-M-25
- Residential Mobile Home District R-M-H
- Residential Neighborhood Business R-N-B
- Mixed Use Development District M-U
- Transit Oriented Development District TOD
- Murray City Center District MCCD



Utah Code, Section 26-61a-102 requires that Medical Cannabis Pharmacies be allowed as Permitted Uses in all zones except primarily residential zones.

- 600' of a community location (public/private school, licensed childcare facility, church, public library, public playground or park)
- 200' primarily residential zone



Staff Recommendation

Based on the findings and the recommendation of the Planning Commission, staff recommends that the City Council APPROVE the proposed ordinance amending the Murray City Standard Land Use Code, enacting Chapter 17.43, Medical Cannabis Regulations governing cannabis production establishments and medical cannabis pharmacies, and amending Sections 17.88.020, 17.92.020, 17.144.020, 17.148.020, 17.152.020, 17.156.020, 17.160.020, 17.173.020 and 17.174.020 identifying cannabis production establishments and medical cannabis pharmacies as permitted uses in specified zoning districts.

