

Murray City Municipal Council Chambers Murray City, Utah

The Murray City Municipal Council met on Tuesday, August 6, 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
Doug Hill	Chief Administrative Officer	Brenda Moore	Controller/Acting Finance Director
Craig Burnett	Police Chief	Joey Mittelman	Fire Captain
Robert White	IT Director	Kim Sorensen	Parks & Recreation Director
Blaine Haacke	General Manager of Power	Jim McNulty	Community & Economic Development (CED) Manager
Greg Bellon	Assistant General Manager of Power		
Scouts		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 Jake Irvine.

Approval of Minutes

Council Meeting – July 16, 2019

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

Special Recognition

1. Presentation of the Certificate of Achievement for Excellence in Financial Reporting (CAFR) to Brenda Moore.

Staff Presentation: Mayor Blair Camp

Mayor Camp said the city has once again been recognized by the Government Finance Officers Association (GFOA) for excellence in the comprehensive annual financial report (CAFR). He read from a letter he received from GFOA and presented a certificate to Brenda Moore, Finance Director. Ms. Moore thanked her staff for their hard work.

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

John Fruin – Millcreek City, Utah

Mr. Fruin showed the Council some artwork from around the world.

Brett Snow – Murray City, Utah

Mr. Snow said he has been working with Dale Cox and the City's Code Enforcement on an issue with a house on his street that's been under construction for seven years. The owner of the house owns a construction company and is storing all of his material in the driveway. It's to the point where his truck can't fit in the driveway anymore so he parks on the sidewalk, blocking it for anyone who has to use it.

Mr. Snow asked why this house was not being worked on. He asked why the city was not enforcing code enforcement and getting their inspectors out there. He received an email from Melinda Greenwood, CED Director, stating these situations are difficult and slow to resolve. He gets that these situations are probably slow and difficult to resolve, but he felt like she was telling him there was nothing she could do.

Mr. Snow wants to know why there is a zoning department and codes if nothing can be done to enforce them. He feels like the city has turned a blind eye to this situation for years. He asked for some direction on how this can be resolved.

Public Hearings

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

1. Consider an ordinance relating to land use; amends the Zoning Map for the property located at 347 East Winchester Street, Murray City, Utah from the R-1-8 (Low Density Single Family) Zoning District to the R-N-B (Residential Neighborhood Business) Zoning District.

Applicant: Titan Development/Mark Snow applicant.

Staff Presentation: Jim McNulty, Development Services Manager

(See Attachment 1 for slides used during this presentation)

Mr. McNulty said this property is about 1/3 of an acre. He showed a map of the property,

noting the property next to it has also been zoned R-N-B. Mr. McNulty noted that the Master Plan shows the future use of this property as R-N-B. The city has had some good projects come out of the R-N-B zone. The Planning Commission has recommended approval of this proposal. Staff is also recommending approval.

Mr. McNulty noted that the R-N-B zone has some restrictive standards compared to other commercial zones in the city. The building would have to have a residential type of design, appropriate landscaping, fencing and buffering between the main roadway and the residential area behind it.

Mr. Cox said he has had one constituent comment on this. They are in favor of the rezone, but their only concern was that whatever is built on the property will fit in with the neighborhood.

Mr. McNulty said if the rezone is granted, the next step is for the applicant to go through a site plan and conditional use process. That is a public hearing that the neighbors are invited to and can make comments at.

Mark Snow – Titan Development

Mr. Snow said he doesn't know exactly what they are going to put on this property, but they are excited to put something on it.

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. 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 5729 South 700 West, Murray City, Utah from the R-1-8 (Low Density Residential) Zoning District to the R-1-6 (Low/Medium Density Residential) Zoning District.

Applicant: Titan Development/Mark Snow applicant.

Staff Presentation: Jim McNulty, Development Services Manager

(See Attachment 2 for slides used during this presentation)

Mr. McNulty said this property is just shy of 16,000 square feet. The applicant is requesting a rezone from R-1-8 to R-1-6 so he can build two separate properties that are approximately 7,800 square feet each. He said that the Low Density Residential zone includes a lot of different single-family home types such as R-1-8, R-1-6, R-1-10, and R-1-12.

Mr. McNulty noted a study was done in the area where this property is located that the applicant and staff have been looking at. The study shows that there are a number of properties within ¼ mile of this property that are zoned R-1-8 that do not meet the zoning requirement of an 8,000 square foot lot. Over 51% of the lots in the study area are on lots that are less than 8,000 square feet.

The R-1-6 zone is supported by the Future Land Use Map. Staff feels this is a good use of the property. The Planning Commission recommended approval of this proposal. Staff is also recommending approval.

Mark Snow – Titan Development

Mr. Snow said this is a great location and he is excited to build something on this property.

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

Mr. Brass said he doesn't have an issue with this proposal because the lot is so big.

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

3. Consider an ordinance amending Title 16 of the Murray City Municipal Code relating to subdivisions.

Staff Presentation: Jim McNulty, Development Services Manager

(See Attachment 3 for slides used during this presentation)

Mr. McNulty said there have been a number of residents who have voiced concerns about some subdivision plats. Currently, Title 16 of the Murray Code states the Planning

Commission is making a recommendation of preliminary or final approval of a plat to the Mayor, then requires the Mayor to sign off on the final plat. In a few instances, people have requested to meet with the Mayor regarding his approval of a plat.

State Code allows for the Planning Commission to be the land use authority for reviews and final approvals of subdivision plats; they do not have to forward a recommendation to the Mayor's office. The Mayor would still sign the plat at the end of the process.

Mr. McNulty said the city has had a policy allowing a subdivision with ten or less lots to be reviewed and approved concurrently. They want to codify that and add it to the code.

The Planning Commission is recommending approval of these changes, staff is also recommending approval. Mr. McNulty added that the Development Review Committee which includes the Public Works Department, the City Engineer and others that are vital to the review of subdivisions and plats before they are recorded, have been involved with these proposed text amendments.

G.L. Critchfield, City Attorney, said a subdivision review is an administrative decision. One of the advantages of having the Planning Commission be the final decision maker in that is it will allow a forum for a public hearing.

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

MOTION: Mr. Brass 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

Business Items

1. Consider a resolution approving an increase in Murray City's Entitlement Share under the Carbon Free Power Project Power Sales Contract.

Staff Presentation: Blaine Haacke, General Manager of Power

Mr. Haacke said this technology, the Small Modular Reactor (SMR), has been ongoing for about five years and Murray City has been involved with it for the past 18 months.

Mr. Haacke approached the Council in 2018 and asked for a one megawatt interest to examine the SMR technology. The Council is familiar with this technology as they have been involved with the Utah Associated Municipal Power Systems (UAMPS) and Mr. Haacke has had one on one meetings with each of the Council Members. This technology is proposed to be built in the Idaho National Laboratory area located west of Idaho Falls. This technology is new and is not a big nuclear plant. It is small and is being designed and examined in front of the Nuclear Regulatory Commission (NRC) right now. It takes numerous years to get this technology approved. UAMPS has had this technology in front of the NRC for a couple of years and they expect it will take another one and a half to two years to get its final approval. Then at that time it goes from the design phase of the NRC to the NRC administrative group who will actually approve or disapprove the technology.

Mr. Haacke said UAMPS is partnering with a group from Corvallis, Oregon who have devised this technology. This is a self-contained unit that is about 60' by 15'. All of the nuclear reaction and cooling takes place inside the unit.

Mr. Haacke said his intention tonight is to have the Council pass two resolutions. The first resolution would increase the city's entitlement from a one megawatt interest to a 10,250 kilowatt interest. That would commit the city to pursue and continue with the examination and study of this technology on a larger scale. There are advantages to taking a bigger commitment now. There are some cost savings and sharing that are going on now with this new technology. For example, the Department of Energy is paying for half the cost of the licensing. To date, \$6,000,000 has been spent to get the licensing phase to this point. Mr. Haacke explained if the city were to increase their entitlement, Murray would have an \$800,000 interest.

Mr. Haacke explained that when this technology first came out, he was skeptical and worried about it. However, as he's learned more about it, he thinks the technology is exciting and could be a game changer to the whole world.

Mr. Haacke said the second resolution he is bringing before the Council tonight has to do with the Joint Use Module Plant (JUMP) program. He explained that after ten years in this project, the Department of Energy will turn one of their modules, which are 60 megawatts a piece, back to UAMPS. This resolution enables the city to be involved with that call-back possibility and get some more kilowatts in ten years.

Mr. Haacke said the city does have off-ramps where the city can back out of this deal if it needs to. The developers have to meet certain goals and milestones for UAMPS to stay in this. One of those goals is a \$65 per megawatt hour price. If UAMPS sees that the developers are not meeting their goals or feel that there is a safety issue, they can backout of this deal and the Department of Energy will help pay back our \$800,000 commitment. Mr. Haacke noted that UAMPS as a whole would have to backout, Murray City could not backout by themselves.

Another off-ramp will be in late 2023 and the end of the licensing phase. That is when the project will start the construction phase and the bonding will take place. Mr. Haacke said he is not asking for money from Murray City right now.

Mr. Haacke reiterated some the reasons he feels comfortable with this project which included: there are off-ramps to protect us, there is no immediate outlay of money, the Department of Energy is involved, there's a long-term commitment, the City is losing some of its coal fire power plants, and this is a dispatchable resource.

Mr. Haacke said that if the Council decides not to do this, there are some ways around it, but they rely on the market. We can hope that natural gas prices don't go up or that coal fire plants continue to operate for another 20 to 30 years, but his recommendation is to get involved. Ten megawatts is not huge. It is about 7% to 8% of the city's energy needs.

Mr. Nicponski asked if the \$800,000 was coming out of the Power Fund.

Mr. Haacke replied the money is a short-term loan from UAMPS. It is a commitment from Murray, but it's not money out of the city's coffers and hopefully never will be. They are hoping to put the money into the bonding of the plant in 2023.

Ms. Turner said she has done a lot of research and she doesn't believe it should be the role of a city of 50,000 citizens to fund, what will end up being millions of dollars, for small nuclear reactors. The technology is brand new, has not been proven, and has not been on the power grid. She believes the investment is too risky and there are too many "ifs". She supports and believes in the value of innovation, but private industry should be doing this, not small cities.

Ms. Turner stated the total investment will be \$7,300,000 in 2023. One third of her district is not able to, and probably will never be able to have the advantages of Murray Power, however, they would be responsible for that debt. She does not believe that is fair or right. A comment was made (inaudible) and Ms. Turner asked if she was wrong or incorrect.

Mr. Brass said that Ms. Turner was wrong and explained that the Power Department is an Enterprise Fund and that the General Fund would not carry that debt. It would be bonded with the Power Enterprise Fund. Mr. Brass asked Mr. Haacke if the bond would be through the Power Enterprise Fund.

Mr. Haacke replied a bond would be through the Power Department.

Ms. Turner verified that the rest of the city would not be responsible if something happens with this. She asked for verification that the Power Department would be responsible and the city would not have to back the bond up at all.

Mr. Haacke replied he didn't think it was a General Fund commitment he thought it was a Power Fund commitment, but he wasn't sure.

Ms. Turner said she believes there are other options such as investing in renewable energy and further developing the assets the city already has. Although this project offers off ramps, 51% of the UAMPS cities would have to vote in favor of getting out of the project in order to leave the project. If they didn't, and the city wanted out, the city would lose its money if we left on our own.

Mr. Cox said the City has heard from both sides of this issue, and everything has a risk. It was a risk when the City bought the Power Department. Coal is going away and new technologies are coming. Nuclear energy scares everybody, but this is being looked at as a new technology and if it works, could be the future of carbon free emissions. All energy has its carbon footprint. If this technology works, it will be groundbreaking. He reiterated that only Murray Power customers would pay the expense for the SMR.

Mr. Brass said he has worked in the power industry for 45 years, mostly with public power but has called on large scale utilities as well. He has a lot of knowledge in this industry. He has solar powers on his house. He did that because he knew at some point, he would have to make a decision on the City Council on how to charge for solar panel rates and look at other renewable energy. He told the Power Department they could put whatever equipment they wanted to on his house so they could monitor his generation and see where the load curves were. Solar generation looks like a bell curve. The sun comes up and you start generating electricity until the sun goes down.

The majority of the city's generation in our portfolio mix is from coal. As more and more renewables come out, they have become quite cost effective. Mr. Haacke has mentioned a solar energy project that the city might be able to buy into for \$30 per megawatt. That is cheap and is driving the old nuclear plants out because their power costs about \$1.00 per kilowatt.

On the east coast, their learning that when the wind doesn't blow and the sun doesn't shine, the fallback is coal which impacts air quality. You don't see that in Europe which has adopted nuclear power on a greater scale. The basic concept of convention cold reactors has been in nuclear submarines for over 50 years and it is a safe technology. This technology uses a closed loop cooling system so it doesn't consume the outrageous quantities of water that a traditional one off reactor would.

Nuclear is carbon free and can be used 24/7. Natural gas is a cleaner fuel, but it only has 50% less emissions than coal. Mr. Brass would love to hear about another alternative that can be scheduled 24/7 to fill the gaps of the solar load curve and doesn't emit carbon. He would be behind that 100%. But until then, he feels this is an option that the city owes its citizens and the environment to at least take a look at. He knows people are concerned about the radioactive waste, but if this come in at the price Mr. Haacke is saying, it will be

a bargain.

MOTION: Mr. Nicponski moved to adopt the resolution to increase Murray City's Entitlement Share from 1,000 Kilowatts to 10,250 Kilowatts. The motion was SECONDED by Mr. Brass.

Ms. Turner said she doesn't think this is the most responsible thing the city can do with its funding.

Council roll call vote:

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

Motion passed 4-1

2. Consider a resolution authorizing and approving an increase in Murray City's Entitlement Share under the Carbon Free Power Project Power Sales Contract for the Lay-Off Power Sales Agreement associated with the Joint Use Module Plant Operations at the Carbon Free Power Project; and associated matters.

See Business Item #1 for discussion on this item.

MOTION: Mr. Nicponski moved to adopt the resolution. The motion was SECONDED by Mr. Cox.

Council roll call vote:

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

Motion passed 4-1

3. Consider a resolution of the Murray City Municipal Council declaring Murray City's intent and reasonable expectation to reimburse expenditures in connection with construction of a new City Hall with the proceeds of future tax exempt and/or tax credit bonds.

Staff Presentation: Brenda Moore, Finance Director

Ms. Moore said in September or October she will be bringing a parameters resolution before the Council for a bond for the new City Hall. The reason for tonight's resolution is

the city is incurring costs related to the new City Hall now and we intend to reimburse ourselves with the bond proceeds even though the bond won't be issued until early next year.

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

Council roll call vote:

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

Motion passed 5-0

4. Consider an ordinance amending Sections 2.66.020, 2.66.050 and 2.66.060 of the Murray City Municipal Code relating to elections.

Staff Presentation: Jennifer Kennedy, City Recorder

Ms. Kennedy said these changes include that if a candidate is going to be out of town during the entire declaration of candidacy period, they can designate an agent to declare their candidacy on their behalf. The requirements for the nomination petition have been updated now that a single person can nominate someone and we have taken out the section about appointing election judges because Salt Lake County takes care of that.

MOTION: Ms. Turner moved to adopt the ordinance. 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

Mayor's Report and Questions

Mayor Camp reported on the following items:

- Mayor Camp spent some time at Utah Community Action (UCA) this morning learning about their facilities. He learned that the HEAT Program, which is ran by UCA, helped 1,821 Murray citizens between July 2018 and June 2019. There were also almost 1,800 citizens who received emergency food supplies from UCA during that same timeframe.

- Vine Street will be closed in both directions at 1100 East starting tomorrow through Friday.
- The Mayor's Office is aware of the home that was brought up by Mr. Snow on 6286 South 370 East. It is on their radar and they are working on it.

Adjournment

The meeting was adjourned at 7:56 p.m.

Jennifer Kennedy, City Recorder

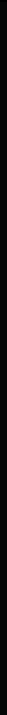
Attachment 1



MURRAY CITY

COUNCIL MEETING

August 6, 2019



MARK SNOW, TITAN DEVELOPMENT

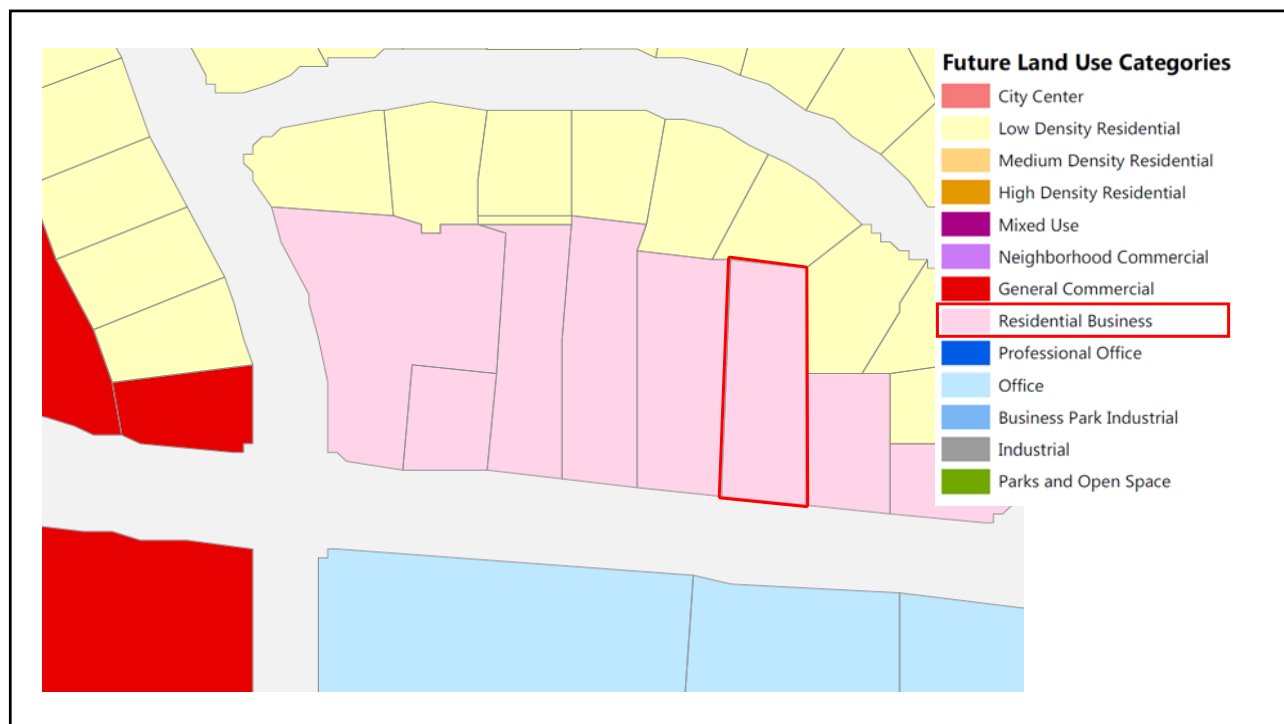
Zone Map Amendment from R-1-8 to R-N-B

Property Address: 347 East Winchester Street

Property Size: 0.32 Acres





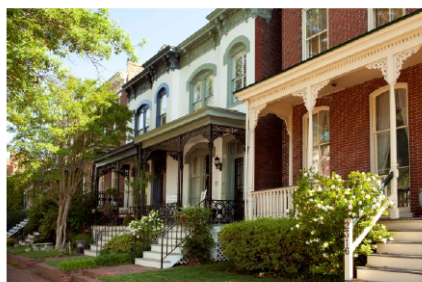


RESIDENTIAL BUSINESS

This designation allows for mixed-use, attached dwellings, or commercial development within primarily residential neighborhoods that is small in scale, has little impact, and provides services for the nearby residential and/or recreational areas (e.g. Jordan River Parkway node at Winchester; adjacent to Wheeler Farm). Development will be similar in scale to nearby residential development to promote compatibility with the surrounding area. This designation is intended for areas where urban public services are available or planned. Areas within this designation are generally small nodes or individual buildings along corridors rather than large centers or complexes. Non-residential or multi-dwelling development will follow a similar development pattern of front setback/yard/landscaping as the surrounding residential context.

Corresponding zone(s):

- RNB, Residential Neighborhood Business



Findings

1. Utilities and services available in the area are sufficient to support the type and scale of development allowed by the proposed R-N-B zone.
2. The requested zone change has 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.
3. The proposed Zone Map Amendment from R-1-8, Single-Family Residential to R-N-B, Residential Neighborhood Business is supported by the General Plan and the Future Land Use Map designation of the subject property.

PLANNING COMMISSION RECOMMENDATION

On June 6, 2019, the Planning Commission held a public hearing and forwarded a recommendation of APPROVAL to the City Council for the property located at 347 East Winchester Street from R-1-8, Single Family Residential to R-N-B, Residential Neighborhood business.

Staff Recommendation

1. Utilities and services available in the area are sufficient to support the type and scale of development allowed by the proposed R-N-B zone.
2. The requested zone change has 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.
3. The proposed Zone Map Amendment from R-1-8, Single-Family Residential to R-N-B, Residential Neighborhood Business is supported by the General Plan and the Future Land Use Map designation of the subject property.

Attachment 2



MURRAY CITY COUNCIL MEETING

August 6, 2019

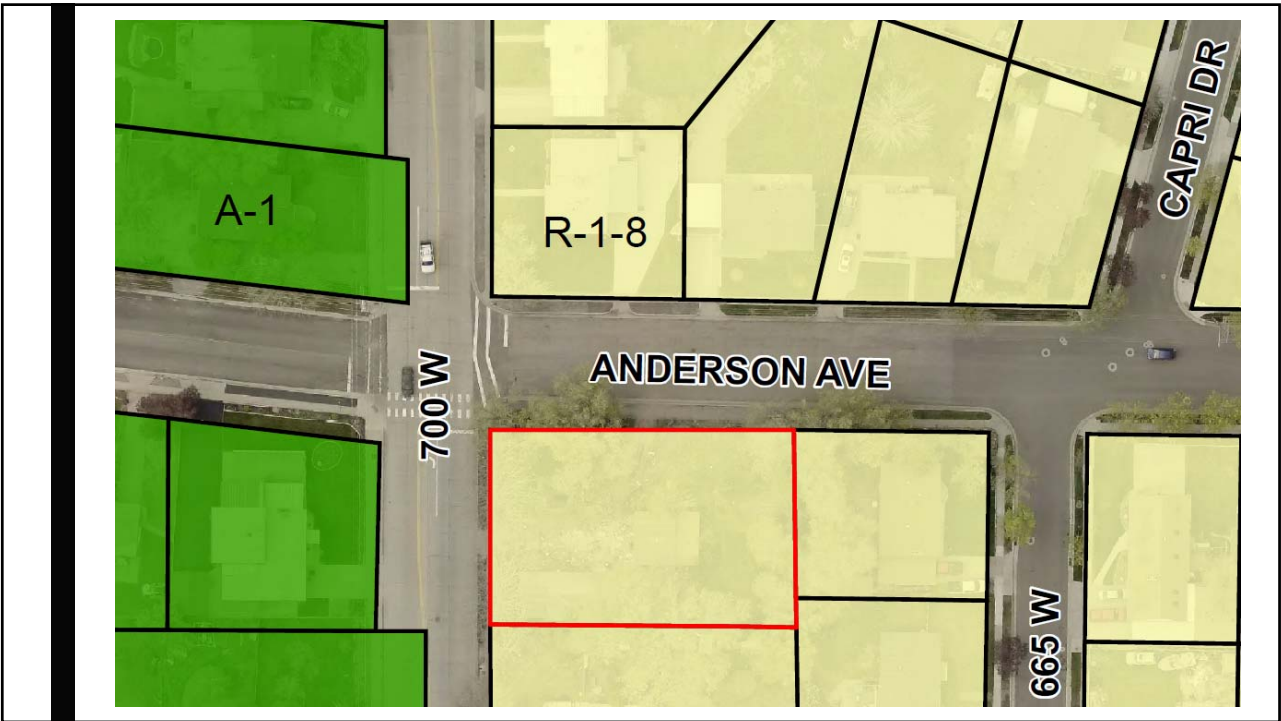


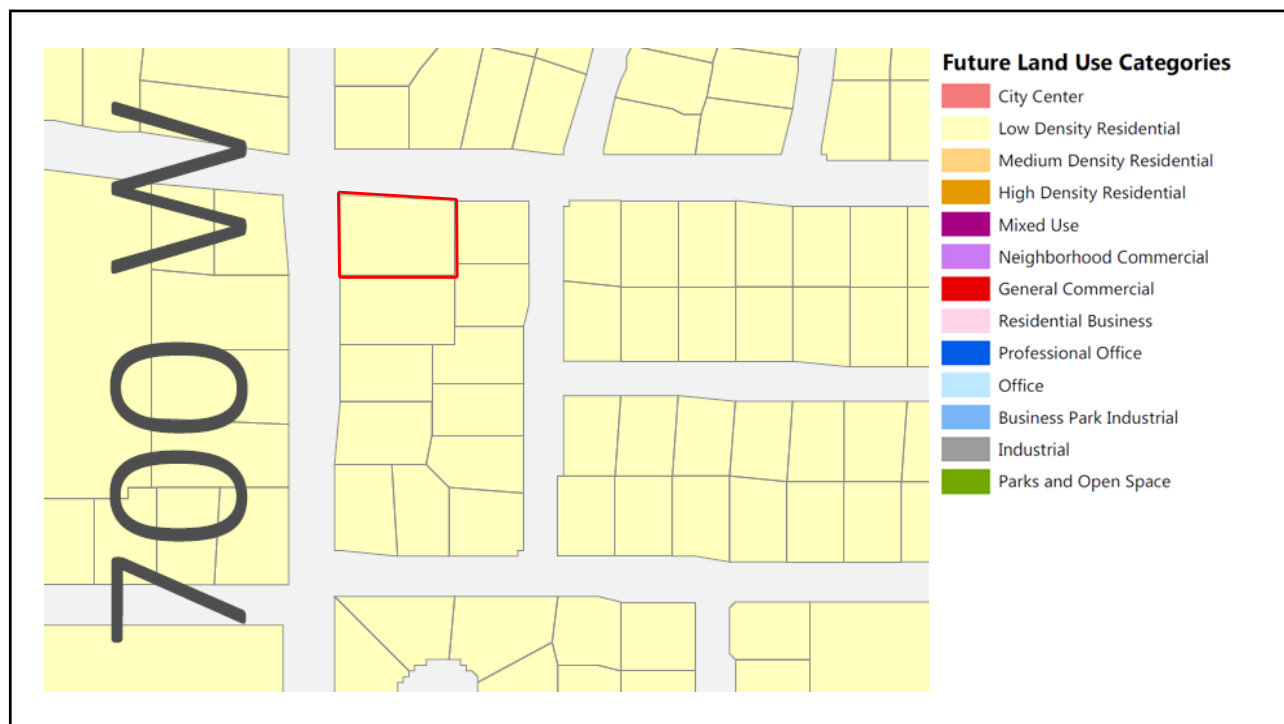
MARK SNOW, TITAN DEVELOPMENT Zone Map Amendment from R-1-8 to R-1-6

Property Address: 5729 South 700 West

Property Size: 0.36 Acres







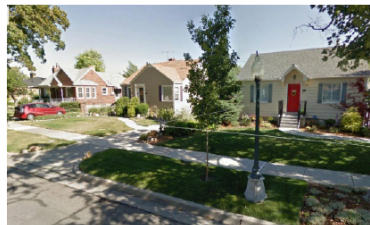
LOW DENSITY RESIDENTIAL

This designation is intended for residential uses in established/planned neighborhoods, as well as low density residential on former agricultural lands. The designation is Murray's most common pattern of single-dwelling development. It is intended for areas where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally have few or very minor development constraints (such as infrastructure or sensitive lands). Primary lands/use types include single-dwelling (detached or attached) residential.

Density range is between 1 and 8 DU/AC.

Corresponding zone(s):

- A-1, Agricultural
- R-1-12, Low density single family
- R-1-10, Low density single family
- R-1-8, Low density single family
- R-1-6, Low/Medium density single family
- R-2-10, Low density two family





Findings

1. The rezoning of the property to R-1-6 is supported by the Future Land Use Map designation of Low Density Residential. The applicant's intended purpose in seeking the change of zoning doesn't conflict with the purpose of "encouraging residential development which is single-family detached in character".
2. The requested rezoning has 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. The property would represent an isolated parcel zoned differently from all those surrounding it, but subsequent subdivision of the property would result in lots of comparable size and configuration.
3. Due to the large number of surrounding properties which do not conform to the minimum lot size of the existing R-1-8 Zone, the proposed R-1-6 Zone will support the creation of lots which are in harmony with the prevailing development pattern in the area.
4. The requested zoning designation does not detract from the General Plan's stated purpose to promote residential development that is single family and detached in nature. Resulting development will be in keeping with the development pattern for lot sizes and residential uses in the surrounding area.

PLANNING COMMISSION RECOMMENDATION

On June 6, 2019, the Planning Commission held a public hearing and forwarded a recommendation of APPROVAL to the City Council for the proposed Zoning Map Amendment for the property at 5729 South 700 West from R-1-8, Single Family Residential to R-1-6, Single Family Residential.

Staff Recommendation

APPROVAL of the requested amendment to the Zoning Map designation for the property located at 5729 South 700 West from R-1-8, Single-Family Residential to R-1-6, Single-Family Residential.

Attachment 3



MURRAY CITY

COUNCIL MEETING

August 6, 2019



TITLE 16

SUBDIVISION ORDINANCE REGULATIONS



Staff Proposal:

- Subdivision approval authority be assigned to the Planning Commission. Allowed per **Utah State Code (10-9a-604)**
- The Mayor signs final subdivision plats (*as a non-discretionary and ministerial act*) for the acceptance of lands and public improvements to be dedicated to the City.
- The addition of a Community & Economic Development Director or designee.



- Allows for Preliminary and Final subdivision review for a subdivision of ten (10) lots or less to be reviewed and approved concurrently.
- A Preliminary Plat approval may be granted a one-year extension by the Planning Commission if requested prior to expiration.
- A Final Plat approval may be granted a one-year extension by the Planning Commission if requested prior to expiration.

Planning Commission Recommendation

On June 6, 2019, the Planning Commission held a public hearing and forwarded a recommendation of Approval to the City Council for the proposed amendments to the Murray City Code, Title 16, Subdivision Ordinance Regulations.

Staff Recommendation

APPROVAL of proposed amendments to the Murray City Code, Title 16, Subdivision Ordinance Regulations.

