

# **Murray City Municipal Council**

## **Chambers**

### **Murray City, Utah**

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The Murray City Municipal Council met on Tuesday, May 19, 2020 at 6:30 p.m. for a meeting held electronically in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Gary Herbert on March 18, 2020 and Murray City Council Resolution #R20-13 adopted on March 17, 2020.

#### **Council Members in Attendance:**

Kat Martinez	District #1
Dale Cox	District #2 – Council Chair
Rosalba Dominguez	District #3 – Council Vice-Chair
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
Danny Astill	Public Works Director	Brenda Moore	Finance Director
Jared Hall	Community Development Supervisor	Melinda Greenwood	Community & Economic Development (CED) Director
Chad Pascua	Assistant Fire Chief		

#### **Opening Ceremonies**

Call to Order – Councilmember Turner called the meeting to order at 6:30 p.m.

Pledge of Allegiance – The Pledge of Allegiance was led by Councilmember Hales

#### **Approval of Minutes**

Council Meeting – May 5, 2020

MOTION: Councilmember Cox moved to approve the minutes. The motion was SECONDED by Councilmember Martinez. 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 May 17 – 23, 2020 as Emergency Medical Services Week.

Mayor Camp expressed his appreciation for the First Responders who are protecting the citizens of Murray during the COVID-19 issue that we are currently experiencing. He read the Joint Resolution.

MOTION: Councilmember Hales moved to adopt the Joint Resolution. The motion was SECONDED by Councilmember Cox.

Council roll call vote:

Ayes: Councilmember Hales, Councilmember Martinez, Councilmember Cox,

Councilmember Dominguez, Councilmember Turner

Nays: None

Abstentions: None

Motion passed 5-0

Chad Pascua, Assistant Fire Chief, thanked the Mayor and Council for the recognition. Normally, Emergency Medical Services (EMS) Week brings together local communities and medical personnel to publicize safety and honor the dedication the people who provide those day to day EMS services. However, because of COVID-19, many across the nation are not able to celebrate in normal ways. This year's theme is, "Ready Today. Preparing for Tomorrow." This theme is particularly meaningful as the EMS community continues to support those affected by the COVID-19 crisis. There will be a celebration once the COVID -19 crisis is over.

Dr. Adam Balls, Medical Director for the Murray City Fire Department, said the Murray City Fire Department and EMS team deliver emergency medical care and fire department resources and support to the members of Murray City. In the face of the COVID-19 pandemic, they responded without hesitation. Dr. Balls shared some comments that appeared on the Murray City Fire Department's Facebook page and thanked the Council for their support.

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

Jan Lopez read the following comment:

Rachel Heartley with the Utah Humane Society wrote, *"As the advocacy director for the Utah Humane Society, it is my duty to advocate on behalf of the animals of the state of Utah. Today, I am advocating on behalf of the animals in our shelter's custody as well as our staff who tirelessly care for them. I take the safety of those animals and staff members*

*to heart, which is why I am asking for help in finally ending the seemingly never-ending saga of the Fountain of Youth building on S 300 W.*

*As I am sure the entire Council is aware, there was yet another fire at the Fountain of Youth building last Friday. It was confirmed to me by your Economic Development department that this is the third fire in that building since the first of January. In addition to the massive waste of tax payer money that goes into putting out these fires, each episode at the Fountain of Youth building endangers the responding firefighters as well as the whole of our animal shelter, as we are located directly north of this fire hazard.*

*The fires are only part of the problem, however. The building attracts other unsavory and illegal activity, including intravenous drug-use. The evidence of this, used hypodermic needles capped and uncapped, lays all over the ground on the border of our property. These needles are not only unsightly --- they are a danger to our staff, volunteers, patrons, and of course, our animals. I fear the day a dog paw or, Heaven-forbid, a child's sandal-clad foot is impaled by a drug user's cast-off.*

*I understand from my discussions with various city staff and directors that there is work being done to mitigate this issue. We at the Utah Humane Society appreciate that, truly. However, we need the pace picked up. Currently the winds are roaring in the Wasatch Valley and fire season is nearly upon us. We need the Fountain of Youth building torn down as soon as possible, and until that point, we need it fully secured. It is not a question of if this nuisance of a building will cause destruction to our shelter, but rather, it is a question of when.*

*I implore you to take immediate action to prevent the destruction of our shelter and needless injury (or even death) to our staff and animals. Thank you for your time."*

### **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 properties located at 6450 and 6468 South 1300 East, Murray, Utah from R-1-8 (Single-Family Low-Density Residential District) to R-1-6 (Single Family Low/Medium Density Residential District).

Applicant: Duaine Rasmussen

Staff Presentation: Melinda Greenwood, CED Director  
(See Attachment 1 for slides used during this presentation)

Ms. Greenwood said this request is for the properties located at 6450 and 6468 South 1300 East to change from R-1-8 (Single-Family Low-Density Residential) to R-1-6 (Single-

Family Low/Medium Density Residential). The two properties combined are .46 acres and the future Land Use Map shows them remaining as low-density residential. Low density residential includes both R-1-8 and R-1-6.

The Planning Commission held a public hearing for this item on April 2, 2020. No public comments were received and they voted unanimously to forward a recommendation of approval to the City Council. Staff is also recommending the council approve this amendment.

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

MOTION: Councilmember Cox moved to adopt the ordinance. The motion was SECONDED by Councilmember Dominguez.

Council roll call vote:

Ayes: Councilmember Hales, Councilmember Martinez, Councilmember Cox, Councilmember Dominguez, Councilmember Turner

Nays: None

Abstentions: None

Motion passed 5-0

2. Consider an ordinance amending Section 17.168.050(B) of the Murray City Municipal Code related to Conditional Uses in the Transit Oriented Development (T-O-D) Zone.

Staff Presentation: Melinda Greenwood, CED Director

(See Attachment 2 for slides used during this presentation)

Ms. Greenwood said this is a text amendment for the T-O-D Zone. There is only one area in the City zoned T-O-D, which is the Fireclay area. This amendment is to allow the wholesale of lumber and building materials in the T-O-D Zone as a Conditional Use. The proposed language is to allow the wholesale of lumber and construction materials in buildings with footprints no greater than 30,000 square feet. There would be no outdoor storage and docks, delivery and staging areas must be screened from public streets.

On the corner of 4500 South and Main Street, ReStore, which is part of Habitat for Humanity, has proposed a project that includes a headquarters and retail facility for recycled and used lumber and housing products they sell in their second-hand store. This project would also incorporate an element of affordable housing.

This item was heard by the Planning Commission on April 2, 2020 where public comments were received in favor of the project. Both staff and the Planning Commission are recommending approval of this text amendment.

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

MOTION: Councilmember Martinez moved to adopt the ordinance. The motion was SECONDED by Councilmember Hales.

Council roll call vote:

Ayes: Councilmember Hales, Councilmember Martinez, Councilmember Cox, Councilmember Dominguez, Councilmember Turner

Nays: None

Abstentions: None

Motion passed 5-0

3. Consider an ordinance amending Chapter 17.24 of the Murray City Municipal Code related to home occupation businesses.

Staff Presentation: Jared Hall, Community Development Supervisor

(See Attachment 3 for slides used during this presentation)

Mr. Hall explained a couple of years ago, legislation was passed that changed the way the City dealt with, charged for, and administered home occupation business licenses.

One of the changes is to redefine and more carefully define home occupations. The city is proposing definitions for home occupations, major home occupations and minor home occupations. Another change is to define when a license is required. Major home occupations are required to have a license while minor home occupations are not required to have a license. A minor home occupation may request a business license from the City but would be subject to all regulations and fees if they do so.

Another change to define an on-site vs. and off-site employee. If you live in the home, you can work for the business. However, a home occupation may only have one employee who does not reside in the home working on-site. Off-site employees work away from the home where the business is licensed. They cannot visit the home for business purposes or park at, or along the street near the home.

A lot of home occupations that get licensed are handyman and landscapers who have trailers. One other change being proposed is related to what types of trailers are allowed and where they can be kept.

These amendments were presented during a public hearing that was held at the April 2, 2020 Planning Commission Meeting. Both staff and the Planning Commission are recommending the Council approve these amendments.

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

MOTION: Councilmember Dominguez moved to adopt the ordinance. The motion was SECONDED by Councilmember Cox.

Council roll call vote:

Ayes: Councilmember Hales, Councilmember Martinez, Councilmember Cox, Councilmember Dominguez, Councilmember Turner

Nays: None

Abstentions: None

Motion passed 5-0

4. Consider an ordinance permanently closing and vacating a portion of 4<sup>th</sup> Avenue between the proposed Hanauer Street alignment and Poplar Street, Murray City, Salt Lake County, State of Utah.

This item was postponed to the June 2, 2020 City Council Meeting.

5. Consider an ordinance permanently closing and vacating a portion of Poplar Street from 4800 South to 5<sup>th</sup> Avenue, Murray City, Salt Lake County, State of Utah.

This item was postponed to the June 2, 2020 City Council Meeting.

6. Consider an ordinance amending the City's Fiscal Year 2019 – 2020 Budget.

Staff Presentation: Brenda Moore, Finance Director

Ms. Moore said the Wastewater Fund had budgeted some money to purchase a vacuum truck in their Fiscal Year 2020-2021 budget. They now have an opportunity to purchase a vacuum truck that is on a local lot that will cost less. The cost will be \$425,000. That money could be taken out of their reserves and used to purchase the truck now. If the Council passes this, Ms. Moore will take out \$450,000 from the Wastewater Funds Fiscal Year 2020-2021 budget. The Wastewater Department needs this truck and this will allow them to purchase it and save them some money as well.

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

MOTION: Councilmember Hales moved to adopt the ordinance. The motion was SECONDED by Councilmember Martinez.

Council roll call vote:

Ayes: Councilmember Hales, Councilmember Martinez, Councilmember Cox, Councilmember Dominguez, Councilmember Turner  
Nays: None  
Abstentions: None

Motion passed 5-0

### **Business Items**

1. Consider a resolution adopting the City Council's Tentative Budget, as amended, for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021 and scheduling a hearing to receive public comment before the final budget is adopted.

#### Staff Presentation: Brenda Moore, Finance Director

Ms. Moore said she would like the public hearing date to be set for June 2, 2020. She will be removing the Wastewater Fund's vacuum truck from the budget and posting an updated copy of the budget on the City's website. She has reclassified \$15,000 from the Library's Building and Grounds Fund to their Building Capital Account because they were able to fix their parking lot this fiscal year.

Ms. Moore said revenues for the upcoming budget are budgeted 10% below last year, personnel is budgeted .2% below last year, and operations are budgeted 11% below last year.

MOTION: Councilmember Cox moved to adopt the resolution and schedule a hearing to receive public comment on June 2, 2020. The motion was SECONDED by Councilmember Dominguez.

#### Council roll call vote:

Ayes: Councilmember Hales, Councilmember Martinez, Councilmember Cox, Councilmember Dominguez, Councilmember Turner  
Nays: None  
Abstentions: None

Motion passed 5-0

2. Consider an ordinance amending Section 2.62.040 of the Murray City Municipal Code relating to severance pay for employees not within career and public safety service.

#### Staff Presentation: G.L. Critchfield, City Attorney

Mr. Critchfield said this item is related to involuntary termination of an employee. The vast majority of city employees are "for cause" employees, meaning they can only be terminated for cause. Those employees who are "at-will" can be terminated for any reason at all. Currently, the following employees are at-will by statute: Department Directors, the City Recorder, the City Treasurer, and the City Engineer. This amendment

would add the administrative staff in the Mayor's office and the administrative staff in the Council office to the list of at-will employees.

The purpose of severance is to provide a bit of a safety net to those at-will employees who are involuntary terminated as well as to prevent lawsuits. There is precedence for paying severance to both a City Council employee as well as a Mayor's office employee and Mr. Critchfield feels it would be a good idea to get this codified. The maximum severance an employee could get would be four months of salary.

Councilmember Cox asked if the at-will employees were set by state statute or city statute.

Mr. Critchfield replied they are set by state statute.

**MOTION:** Councilmember Martinez moved to adopt the ordinance. The motion was **SECONDED** by Councilmember Dominguez.

**Council roll call vote:**

Ayes: Councilmember Hales, Councilmember Martinez, Councilmember Cox, Councilmember Dominguez, Councilmember Turner

Nays: None

Abstentions: None

Motion passed 5-0

**Mayor's Report and Questions**

Mayor Camp said this morning the City received a notice of termination of agreement from Salt Lake County regarding the TRCC funds for the Murray Theater. The TRCC revenue comes from restaurants, car rentals, and transient room tax. Because of the decrease in the revenue projections, the County is unable to comply with their obligation and therefore have served the City with the notice of termination. There will be no TRCC process for 2021 because the County does not anticipate enough revenue for new projects. They will keep projects that have been cutoff on a list for potential funding in the future. This is disappointing, but not unexpected. The Murray Theater renovation will be postponed indefinitely.

Effective Saturday, May 16, 2020, most of the State went from the orange phase to the yellow phase. The City is working to determine how that impacts its operations. Most of the City Administration offices are open and are adhering to social distancing practices. The playgrounds, pickleball courts, and pavilions were open on Saturday with some restrictions having to do with social distancing. Some of the recreation programs are expected to open in June. The public is encouraged to check the City's website at the end of the week for more information as the City is working through the details of some of these openings. The Parks Center is working towards opening on June 1, 2020 with some restrictions. The Library is working towards opening with limited capacity but a date for that has not been determined.

Installation of the new playground at Germania park started today.

The City is implementing a new monthly e-newsletter that will go out in the middle of each month. Residents can sign up to receive the newsletter

The secondary art show began today at the Fashion Place Mall. It will run through Thursday, May 21, 2020.

Councilmember Dominguez asked the Mayor about the guidelines for the playgrounds.

Mayor Camp replied he believes the guidelines require sanitizing once a week, however, he encouraged parents to bring sanitizer for their children when going to the park.

Councilmember Dominguez asked if the fundraising committee for the Murray Theater was able to raise any money and where that money will go.

Mayor Camp replied the City had a group but the contract had not been signed yet and the City has not accepted any funds for the theater that would need to be redistributed or returned.

**Adjournment**

The meeting was adjourned at 7:36 p.m.

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Jennifer Kennedy, City Recorder

# Attachment 1

## Zone Map Amendment

Rezone from R-1-8, Low Density Single Family to  
R-1-6, Low/Medium Density Single Family

### Applicant

Duaine Rasmussen

### Address

6450 & 6468 South 1300 East



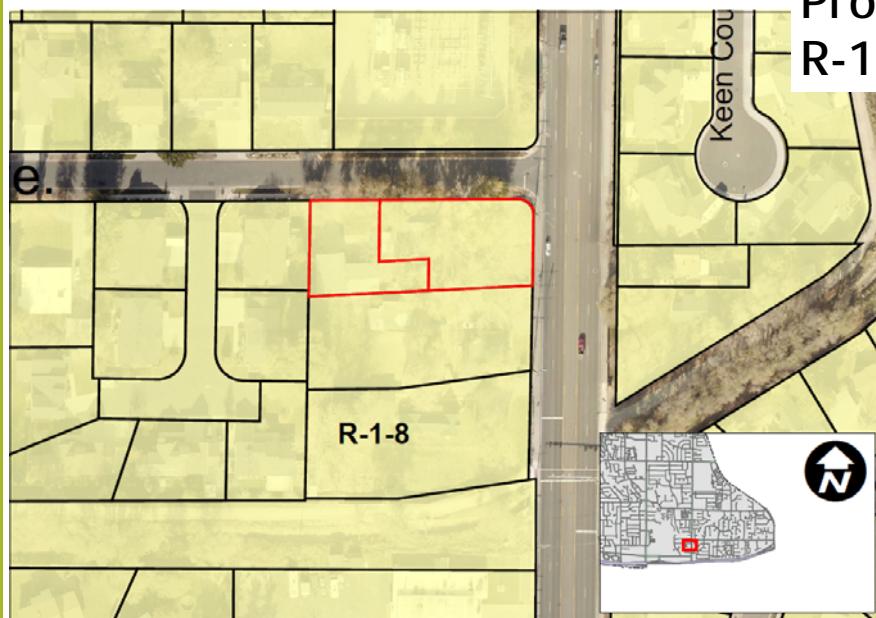
6450 & 6468 South 1300 East



### Aerial View



6450 & 6468 South 1300 East



6400

**Future Land Use Categories**

- City Center
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Neighborhood Commercial
- General Commercial
- Residential Business
- Professional Office
- Office
- Business Park Industrial
- Industrial
- Parks and Open Space

1MJKJN@?  
1QO



### 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



Photos: 6450 and  
6468 South 1300 East

# Planning Commission

Planning Commission held a public hearing on April 2, 2020

- No public comments were received
- The Planning Commission voted unanimously (7-0) to forward a recommendation of approval to the City Council.

# Staff Recommendation

Staff and the Planning Commission recommend APPROVAL of the Zoning Map designation change for the property located at 6450 & 6468 South 1300 East from R-1-8, Single-Family Low Density Residential to R-1-6, Single Family Low Density Residential.

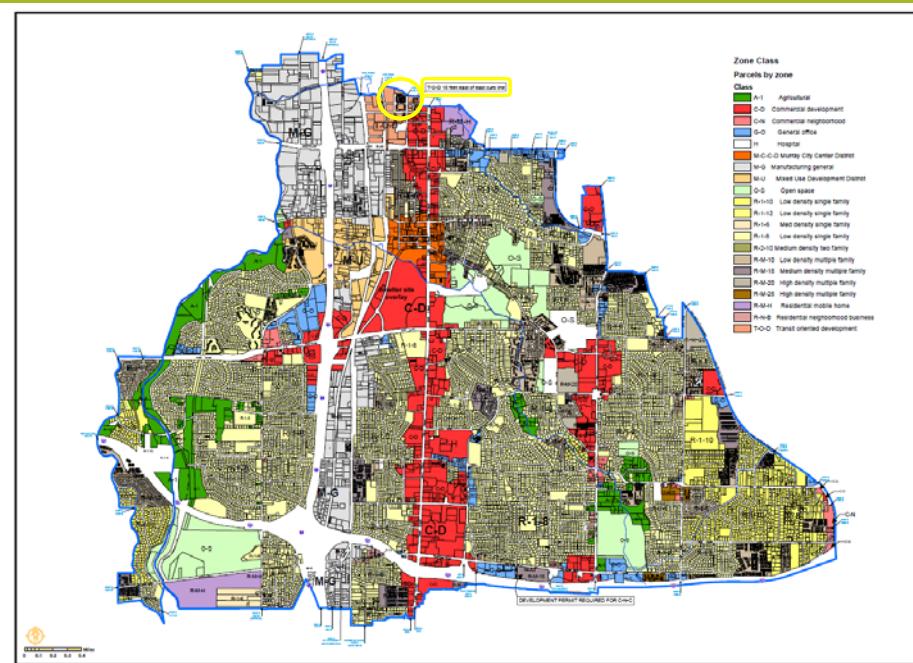


# Attachment 2

# Land Use Ordinance Text Amendment

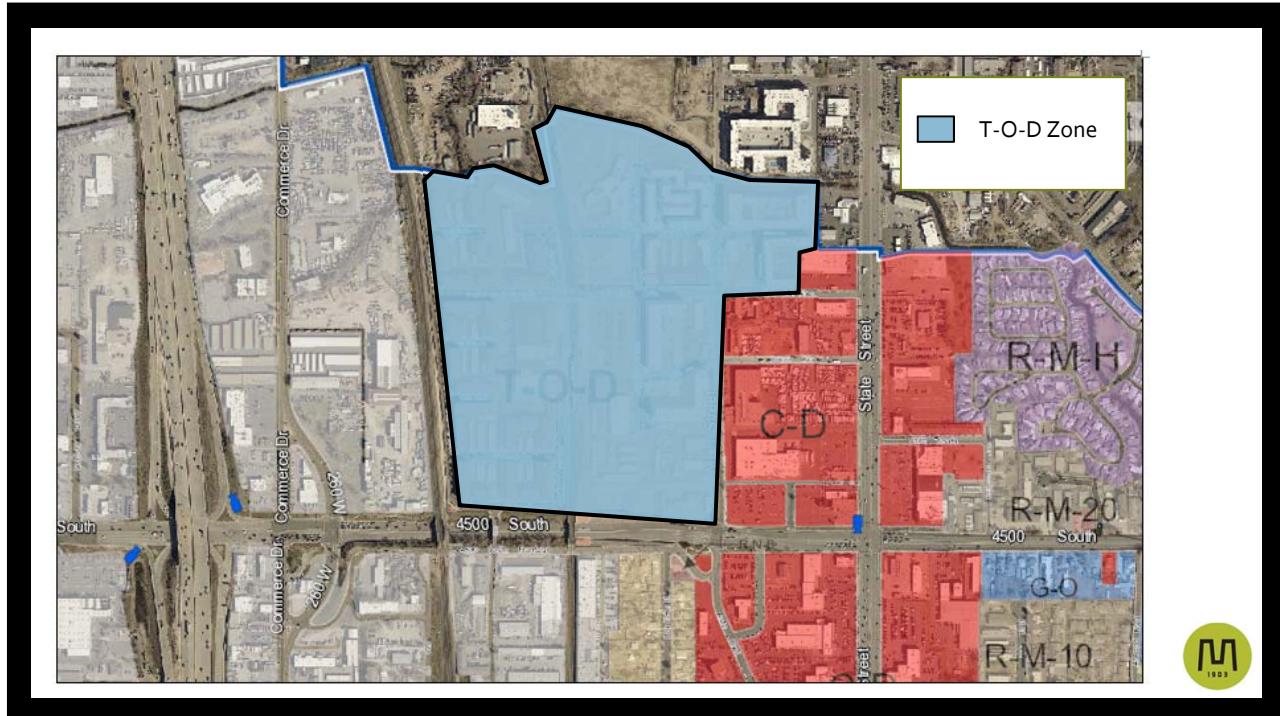
## T-O-D (Transit Oriented Development) Zone

Add Land Use #5198 (Wholesale of Lumber and Building Materials as a Conditional Use



Murray City Zoning





## Proposed Language

3900	Miscellaneous manufacturing (handwork trades only with no more than 5 employees in no more than 2,500 square feet; no loading dock; deliveries and shipping only by van or small truck during normal business hours; no odors; no outside storage).
5100	Wholesale trade (excepting 5110, 5120, 5150, 5162, 5169, 5170, 5181, 5182, 5185, 5191, 5192, 5193, <b>5198</b> , 5199 - firearms and ammunition, charcoal, livestock and poultry feed, farm supplies, hay; with no more than 5 employees in no more than 5,000 square feet; no loading dock; deliveries and shipping only by van or small truck during normal business hours; no odors; no outside storage).
5198	<b>Lumber and construction materials, wholesale and re-sale in buildings with footprints no greater than 30,000 square feet. No outdoor storage. Docks, delivery and staging areas must be screened from public streets.</b>





## Planning Commission

Planning Commission held a public hearing on April 2, 2020

- Public Comments Received:
  - ✓ Mike Brodsky, Hamlet Development, stated his support of the text amendment, adding he will be working on an upcoming project in the area.
  - ✓ Jeremy Runia, Housing Connect, stated his support of the text amendment.
- The Planning Commission voted unanimously (7-0) to forward a recommendation of approval to the City Council.

## Recommendation

Staff and the Planning Commission recommend **APPROVAL** of amending Section 17.168.050, T-O-D, Transit Oriented Development Zone to allow Land Use #5198, Wholesale of Lumber and Building Materials, as a conditional use.



# Attachment 3

# Land Use Ordinance Text Amendment

## Title 17.24 Home Occupations



### “No Impact” Home Occupations

#### **17.24.020: DEFINITIONS:**

...

**HOME OCCUPATION, GENERALLY:** A business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity is carried on as an accessory use in a residential zone by a bona fide resident of the dwelling. This definition shall not be construed to allow an employee, working in the employee's own home in the service of an employer who does not reside in the same dwelling.

**MAJOR HOME OCCUPATION:** A home occupation business where the combined offsite impact of the home occupation business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

**MINOR HOME OCCUPATION:** Any home occupation business not classified as a major home occupation.

# Fee Collection

## **17.24.030: LICENSE/ WHEN REQUIRED:**

A. A home occupation license shall be required to conduct a permitted major home occupation business in a residence located in a residential zone.

B. The City shall not require a license or charge fees to operate a minor home occupation business.

C. The owner of a minor home occupation may request a home occupation business license from the City. If the owner of a minor home occupation requests a business license, the applicant shall be subject to all regulations outlined in this chapter and Title 5 of the City code and shall pay the license fees outlined in section 5.08.010 of the code.

# On-Site vs. Off-Site Employees

- On-Site Employees – Only one (1) employee or volunteer who does not reside in the home where the business operates is allowed to work on-site at any one time unless the Planning Commission allows additional employees through review of a Major Home Occupation.
- Off-Site Employees – This proposed language clarified that home occupations may have employees and volunteers who work off-site from the home where the business is licensed. It clarifies that such employees cannot visit the home for business purposes, and may not park at the home or along the street near the home.

## Use and Storage of Trailers

1. Trailer can be open or enclosed, but not more than 20' long.
2. Materials and equipment cannot be stored outside the trailer
3. Must be kept in a side or rear yard, behind a fence OR must be garaged.
4. The trailer must be well-maintained.
5. Area for parking the trailer must be paved.
6. A site plan showing where the trailer is to be kept must be prepared and submitted with the home occupation application.

## Other Changes

1. Business vehicles that park at the location of the home occupation must park off-street (except delivery vehicle stops). (17.24.040(N))
2. Disruptions (not allowed) have been clarified to include excessive traffic, noise, or dust. (17.24.40(P))
3. Home Occupation Businesses can only be operated by those for whom the home is a primary residence. (17.24.040(B))
4. When Major Home Occupations are referred to the Planning Commission for review and approval, the purpose of the review is to consider what conditions can be reasonable imposed to mitigate the impacts of the proposed home occupation. (17.24.050(H)(1)&(2))

# Planning Commission

**Planning Commission Meeting was held on April 2, 2020**

- No public comments were received.
- The Planning Commission voted unanimously, 7-0, to send a positive recommendation for approval to the City Council.

# Recommendation

Staff and the Planning Commission recommend the City Council **APPROVE** the proposed text amendments to Chapter 17.24, Home Occupations.