

# **Murray City Municipal Council Chambers**

## **Murray City, Utah**

**Tuesday, October 18<sup>th</sup>, 2022**

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The Murray City Municipal Council met on Tuesday, October 18<sup>th</sup>, 2022, at 6:30 p.m. (or as soon as possible thereafter) for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

The public was able to view the meeting via the live stream at [www.murraycitylive.com](http://www.murraycitylive.com) or <https://www.facebook.com/Murraycityutah/>. A recording of the City Council meeting can be viewed [HERE](#).

**Council in Attendance:**

Kat Martinez	District #1
Pamela Cotter	District #2
Rosalba Dominguez	District #3
Diane Turner	District #4 - Conducting
Garry Hrechkosy	District #5
Jennifer Kennedy	Council Director
Patti Johnson	Council Office Administrator III
Crystal Brown	Officer Administrator

**Administrative Staff in Attendance:**

Brett A. Hales	Mayor
Doug Hill	Chief Administrative Officer
Tammy Kikuchi	Chief Communication Officer
G.L. Critchfield	City Attorney
Brooke Smith	City Recorder
Brenda Moore	Finance and Administration Director
Emily Barton	Controller
JoAnn Miller	Senior Accountant
Robyn Hershgold	Payroll Coordinator
Craig Burnett	Police Chief
Joey Mittelman	Fire Chief
Matt Boulden	Fire Battalion Chief
Kim Sorensen	Parks and Recreation Director
Jared Hall	Community and Economic Development Director
Zac Smallwood	Senior Planner
Russ Kakala	Public Works Director
Lynn Potter	Street and Stormwater Superintendent
Camron Kollman	IT Technician

**Others in Attendance:**

David Rodgers, Dave Carr, Cindy Hales, Ian Wade, Ginger McKenna, Charles Turner, Larry Coates, Lorin Pasalich, Cynthia Boulden, Jason McDermaid, Paul Pickett, and Clark Bullen.

**Opening Ceremonies**

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

The audience was invited to recite the Pledge of Allegiance led by Lorin Pasalich from the Murray City Chamber of Commerce.

**Approval of Minutes**

Council Meeting – September 20, 2022

**MOTION:**

Councilmember Hrechkosy moved to approve the Council Minutes on September 20, 2022. The motion was SECONDED by Councilmember Dominguez.

*Ayes: Councilmember Hrechkosy, Councilmember Martinez, Councilmember Cotter, Councilmember Dominguez, and Councilmember Turner.*

*Nays: None*

*Abstentions: None*

*Motion passed 5-0*

**Special Recognition**

**1. Murray City Council Employee of the Month, Zachary Smallwood**

Presenting: Jared Hall, Community and Economic Development Director and Councilmember Diane Turner

Councilmember Turner introduced Zachary Smallwood as October's Employee of the Month. Smallwood received a certificate and a \$50 gift card, and his name would appear on the plaque in the Council Chambers.

Mayor Hales shared his appreciation for Zachary and all his hard work.

Jared Hall, Community and Economic Director was invited to the podium and shared several examples of Smallwood's contributions to the city including updating the Moderate Income Housing Plan, and Station Area Plan, and applying for several grants.

Smallwood was invited to the podium and introduce his spouse to the audience and shared his appreciation to the staff and council for the recognition.

Councilmembers thanked Smallwood for his service over the past five years, and they appreciate him being a part of Murray City.

**2. Presentation of a Certificate of Achievement for Excellence in Financial Reporting.**

Presenting: Mayor Hales

Mayor Hales presented Brenda Moore, Director of Finance and Administration the Certificate of Achievement of Excellence in Finance. This is awarded by the Government Finance Officer's Association and is considered one of the highest awards in government financial reporting.

Brenda Moore thanked the finance staff and department directors, AP clerks, and executive assistants who continue to make sure we are doing things correctly. She shared that the City Finance Department has received this award for the past 41 years and the award means the city is adhering to program standards and is continually improving.

Councilmembers and the Mayor thanked Brenda Moore and the finance staff for their contributions to the city.

**Citizen Comments**

The meeting was open for public comment.

Lawrence Horman

*Shared information about homeless issues. He requested the City consider authorizing and maintaining a designated campground for the homeless.*

Ian Wade

*Shared his concerns about the drought and the need for Utah to conserve water. Wade requested the city look for additional water-wise landscaping in areas where there is grass, including parking strip areas.*

No additional comments were given, and the open public comment period was closed.

**Consent Agenda**

None Scheduled

**Public Hearings**

1. Consider an ordinance amending Chapter 17.16 and sections 17.08.020, 17.36.050, 17.52.150, 17.54.090, 17.54.100, 17.56.080, 17.56.090, 17.56.100, 17.56.110, 17.56.120, 17.56.130, 17.56.140, 17.60.060 AND 17.170.050 and repealing Section 17.12.110 of the Murray City Municipal Code relating to Land Use Appeals and Variance.  
Presenting: Jared Hall, Community and Economic Development Director and Zachary Smallwood, Senior Planner

Attachment A: Land Use Text Amendment pertaining to appeals and the appeal authority  
Amends Chapter 17

Jared Hall, Community and Economic Development Director, and Zachary Smallwood, Senior Planner shared an overview of the ordinance requested to amend Chapter 17.16 and sections 17.08.020, 17.36.050, 17.52.150, 17.54.090, 17.54.100, 17.56.080, 17.56.090, 17.56.100, 17.56.110, 17.56.120, 17.56.130, 17.56.140, 17.60.060 AND 17.170.050 and repealing Section 17.12.110 of the Murray City Municipal Code relating to Land Use Appeals and Variance. The update is to comply with State definitions, simplify, and easier to navigate the code.

The ordinance is requested because the Utah State Legislature updated a number of items in the Land Use and Management Act (LUDMA) in recent legislative sessions. In coordination with the Murray City Attorney's Office, Planning Staff proposed changes to the language in Chapter 17.16, Appeal Authority in the Murray City Land Use Ordinance.

The proposed changes will streamline many aspects of the Land Use Ordinance by removing differing and conflicting appeal timeframes that are listed in various chapters throughout the title. These proposed changes also reflect updated state definitions of what constitutes an "adversely affected party".

Smallwood shared the major line items that have changed from the existing code:

Definitions

Planning Division Staff will be moving most definitions from individual chapters into Chapter 17.08, Definitions. This seems the most logical place, instead of having individual chapters with their own definition sections. The most important change in the definitions section is an update to the "Adversely Affected Party". This has been changed to reflect the state code which limits who may appeal decisions.

Land Use Appeals and Variances

The most significant changes are proposed in Chapter 17.16. It has been renamed from "Appeal Authority" to "Land Use Appeals and Variances". In the review of potential changes, it was decided that the number of hearing officers is reduced from five to three. To date, there have not been more than three appointed hearing officers, and staff has not seen the volume of applications nor had conflicts of interest or scheduling problems to reflect a need for more than two or three. This change reflects the City's current practice and realistic need.

The timing for making an application for an appeal has been updated to reflect the state code, which allows for an appeal up to ten days after a written decision has been issued by the planning commission. There are exceptions for an applicant of a land use decision and reasonable accommodation requests, which are left at thirty days. This streamlines the process from multiple sections of the code where there were timelines as long as thirty days and some as short as ten days.

The current code combines the reviews for appeal and variances. City Staff proposed separating each into its own section to provide greater clarity when reviewing the standards. This also helps explain to the public when they have questions regarding a variance or an appeal.

The remaining changes are largely grammatical or remove those sections of other chapters that reference specific timeframes and refer the reader to consult the Land Use Appeals and Variance chapter of Title 17.

Based on the analysis of the proposed text amendments and review of the Murray City General Plan and Land Use Ordinance, the staff concludes the following:

1. The proposed text amendments have been carefully considered and provide greater clarity to both city staff and the public.
2. The proposed text amendment addresses conflicts that exist in the Land Use Ordinance and makes the ordinance easier to read for more people.
3. The proposed text amendment is consistent with the Goal and Mission of Murray City to "Guide growth to promote prosperity and sustain a high quality of life for those who live, work, shop, and recreate in Murray" by making updates to the Land Use Ordinance to treat every person fairly.

Councilmembers thanked staff for the presentation.

#### **CITIZEN COMMENTS**

The meeting was open for public comment.

Clark Bullen

*Bullen asked for clarification of the change "directly aggrieved person" to the "adversely affected party" definition in the appeal process.*

#### **DISCUSSION:**

Council asked staff to address Bullen's question.

Smallwood responded that each appeal would be reviewed case by case in consultation with the City Attorney's office. The change is consistent with the state code, so appeals will be reviewed under the updated code.

Murray City Attorney, G.L. Critchfield, shared additional clarification about the appeal process, and with the code change, the person appealing would need to be close to the land-use project and/or demonstrate how they are being injured.

No additional comments were given, and the open public comment period was closed.

#### **MOTION:**

Councilmember Hrechkosy moves to approve the ordinance amending Chapter 17.16 and sections 17.08.020, 17.36.050, 17.52.150, 17.54.090, 17.54.100, 17.56.080, 17.56.090,

17.56.100, 17.56.110, 17.56.120, 17.56.130, 17.56.140, 17.60.060 AND 17.170.050 and repealing Section 17.12.110 of the Murray City Municipal Code relating to Land Use Appeals and Variance. The motion was SECONDED by Councilmember Martinez.

**VOTE:**

*Ayes: Councilmember Hrechkosy, Councilmember Cotter, Councilmember Dominguez, and Councilmember Turner.*

*Nays: Councilmember Martinez*

*Abstentions: None*

*Motion passed 4-1*

**Business Item**

1. Consider a resolution approving an Interlocal Cooperation Agreement between the City and Salt Lake County for the purpose of cost sharing for the 2022-2028 UPDES Media Campaign.  
Presenting: Lynn Potter, Street and Stormwater Superintendent and Russ Kakala, Public Works Director  
Proposed Resolution #: R22-

Lynn Potter, Street and Stormwater Superintendent, and Russ Kakala, Public Works Director shared a brief overview of the resolution requesting an Interlocal Cooperation Agreement between the City and Salt Lake County for the purpose of cost sharing for the 2022-2028 UPDES Media Campaign.

This is an agreement for stormwater public education and outreach, ("WE All Live Downstream").

Since 1994, the Salt Lake County Stormwater Coalition has worked together to successfully implement a public education and outreach program for increasing the public's awareness and knowledge of the importance of keeping stormwater clean before entering our creeks and lakes.

Murray City has been a long-standing member of the Salt Lake County Stormwater Coalition. The previous contract to participate in the Coalition and its media campaign expired on June 30, 2022. The new contract for participating in the Coalition from 2022 through 2028.

The cost of participation in the Coalition is \$0.15 per resident per year. Based on the latest 2020 Census population and housing unit estimates by the US Census Bureau, Murray City has a population of 50,637. The City's estimated contribution to participate in the Coalition is \$7,700.88.

**MOTION:**

Councilmember Cotter moves to approve the resolution approving an Interlocal Cooperation Agreement between the City and Salt Lake County for the purpose of cost sharing for the 2022-2028 UPDES Media Campaign. The motion was SECONDED by Councilmember Dominguez.

**VOTE:**

Ayes: Councilmember Hrechkosy, Councilmember Martinez, Councilmember Cotter, Councilmember Dominguez, and Councilmember Turner.

Nays: None

Abstentions: None

Motion passed 5-0

**2. Consider a resolution approving and authorizing execution of an Interlocal Cooperation Agreement between Murray City Corporation and Salt Lake County for a Contribution of TRCC funds to assist in financing the restoration of the Murray Theater.**

Presenting: Kim Sorensen, Parks and Recreation Director

Proposed Resolution #: R22-

Kim Sorensen, Parks and Recreation Director, shared an overview of the resolution requesting an Interlocal Cooperation Agreement between Murray City Corporation and Salt Lake County for a Contribution of Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act (TRCC) funds to assist in financing the restoration of the Murray Theater.

By entering into the agreement, Salt Lake County (SLCo) agrees to contribute up to \$3,636,500 towards the Murray Theater remodel and funds will be paid through a reimbursement format.

Sorensen mentioned in 2019 we entered into an agreement with SLCo to receive TRCC funding for the Murray Theater however when Covid-19 hit, the agreement was canceled. (See: May 21, 2019, City Council Minutes, Business Item 1 and Resolution number R19-21)

**MOTION:**

Councilmember Martinez moves to approve a resolution approving and authorizing the execution of an Interlocal Cooperation Agreement between Murray City Corporation and Salt Lake County for a Contribution of TRCC funds to assist in financing the restoration of the Murray Theater. The motion was SECONDED by Councilmember Dominguez.

**DISCUSSION:**

Councilmember Dominguez asked if the funding would be continual or a one-time deal.

Sorensen shared that the County agrees to contribute two payments. The first payment will be one million eight hundred and seventy-nine thousand and twenty-eight dollars (\$1,879,028.00) and the second payment will be for one million seven hundred and fifty-seven thousand and four hundred and seventy-two dollars (\$1,757,472.00).

**VOTE:**

Ayes: Councilmember Hrechkosy, Councilmember Martinez, Councilmember Cotter, Councilmember Dominguez, and Councilmember Turner.

*Nays: None*  
*Abstentions: None*

*Motion passed 5-0*

#### **Mayor's Report and Questions**

Mayor Hales shared that the city is constantly applying for grants and will continue to seek additional funding sources. No questions were asked.

#### **Adjournment**

The meeting was adjourned at 7:12 p.m.



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Brooke Smith, City Recorder



# Attachment A

## Public Hearing # 1

### Murray City Council

October 20, 2022



**Applicant:** Planning Division and Attorney's Office

**Request:** Land Use Text Amendment pertaining to appeals and the appeal authority

Amends Chapters 17.08, 17.12, 17.16, 17.36, 17.52, 17.54, 17.56, 17.60, and 17.170.

**Address:** Citywide

## Definition Changes

**Previous:**

Unclear descriptions of "directly aggrieved person" throughout the code, no single location.

**New (from state statute):**

ADVERSELY AFFECTED PARTY: a person other than a land use applicant who: (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

## Clearer Text

**Previous:**

The language regarding appeals and variances were included in section 17.16.050: Standard of Review. This was confusing to people who needed to apply for an appeal or variance and what was required of them.

**New:**

Appeals have their own section (17.16.030) that streamlines the timeline, who may appeal a decision, application requirements, and hearings.

Variances have also been given their own section (17.16.060). This lays out the state mandated review for granting variances.

## Removed Conflicting Language

**Previous:**

Many sections of title 17 included individual timelines for reviewing an appeal of the Land Use Authority decision, some were 30 days, 30 calendar days, and some were 10 days. The code also had differing "shot clocks" or when the appeal timeframe was in effect.

**New:**

All appeals have been given a ten (10) calendar day shot clock from the date of the written decision by the Land Use Authority.

There is a thirty (30) calendar day exception for decisions regarding a reasonable accommodation or a historic preservation authority regarding a land use decision.

## Planning Commission

- A public hearing was held by the Planning Commission on September 1, 2022.
- 23 notices were sent to affected entities.
- The Planning Commission voted 5-0 to forward a recommendation of approval to the City Council.

## Findings

1. The proposed text amendments have been carefully considered and provide greater clarity to both city staff and the public.
2. The proposed text amendment addresses conflicts that exist in the Land Use Ordinance and makes the ordinance easier to read for more people.
3. The proposed text amendment is consistent with the Goal and Mission of Murray City to "Guide growth to promote prosperity and sustain a high quality of life for those who live, work, shop, and recreate in Murray" by making updates to the Land Use Ordinance to treat every person fairly.
4. The Planning Commission voted 5-0 to forward a recommendation of approval to the City Council on 9/1/2022.

## Staff Recommendation

The Murray City Planning Commission and Staff recommends that the City Council **APPROVE** the proposed text amendments to Sections 17.08, 17.12, 17.16, 17.36, 17.52, 17.54, 17.56, 17.60, and 17.170 as reviewed in the Staff Report.