

# Murray City Municipal Council Chambers Murray City, Utah

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 21<sup>st</sup> day of February, 2017 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Diane Turner,	Council Chair
Brett Hales,	Councilmember
Blair Camp,	Councilmember
Jim Brass,	Councilmember
Dave Nicponski,	Councilmember – Conducted

Others who attended:

Ted Eyre,	Mayor
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Janet Lopez,	Council Administrator
Janet Towers,	Executive Assistant to the Mayor
Craig Burnett,	Police Chief
Gil Rodriguez,	Fire Chief
Tim Tingey,	Administrative and Development Services Director
Vanesa Marin,	Court Clerk I
Mike Williams,	Court Administrator
Citizens	

### **3. Opening Ceremonies**

3.1 Pledge of Allegiance – Mike Williams

3.2 Approval of Minutes

3.2.1 None scheduled.

3.3 Special Recognition

3.3.1 Murray City Council Employee of the Month, Vanessa Marin, Murray Municipal Court Clerk I.

Staff Presentation: Brett Hales, Councilmember  
Mike Williams, Court Administrator

Mr. Hales said the Council started the Employee of the Month a few years ago. They felt it was important to be able to recognize the City's employees. He presented Ms. Marin with a certificate and a \$50 gift card. He told her that her name would appear on the plaque located in the Council Chambers. He expressed his appreciation to Ms. Marin for all she does for the City.

Mr. Williams spoke about Ms. Marin's time with the City.

### **4. Citizen Comments** (Comments are limited to 3 minutes unless otherwise approved by the Council.)

#### Steve Petersen – Salt Lake County Fish & Game Association

Mr. Petersen said he came to a Council meeting about a month ago because the Salt Lake County Fish & Game Association did not receive notice that there was going to be a zone change on the property right next door to them. They have now found out that the zoning was changed on that property and he is guessing their attorney would know what to do about them not receiving notice from the City. They receive their business license from Murray right to their property. They would like to see a new zoning done on the property. From what he understands, the original zoning didn't cover everything it needed to cover anyway so the property is probably going to have to be rezoned.

The property was changed from agriculture to an R-1-8 and R-1-10 which will put 83 homes next door to them. They are a wildlife non-profit association that has been in Murray since the late 80's. Their purpose of moving there was to get property that was wildlife related and could eventually be developed down the road.

Mr. Petersen stated that some of the other neighbors didn't receive notice either. They would like to work with the process, it's not a matter of stirring trouble up. They want to make sure things like set-backs from the river are handled correctly. They also have issues with traffic problems that are going to occur because of the rezone. Putting another 80

homes next to them is going to be dangerous for the other residents. There may be some kind of traffic control already in planning.

Jeff Salt – Vice President of the Salt Lake County Fish & Game Association

Mr. Salt reiterated that they did not receive proper notice of the rezone that took place on October 18, 2016. The notice to them was sent to an address in Millcreek, and they aren't sure why, because they normally get their mail at their address of 1177 West Bullion Street. They feel their due process rights were completely violated.

Another entity that was not noticed in the mailing list was the Utah Department of Natural Resources, specifically the Division of Forestry, Fire and State Lands. They own the bed of the Jordan River and they represent all of the people of Utah. The Division of Forestry, Fire and State Lands has gone through a comprehensive management plan for the Jordan River with recommendations for zoning on adjacent lands to the river. The Murray City Planning Department should have known about this because the Division of Forestry, Fire and State Lands held meetings with all the municipalities.

Murray City has been the leading city for developing and creating the parkway along the Jordan River and was the first to implement the 1971 parkway plan. This is one of the very last pieces of open space and it was not carefully thought of in terms of the parkway and the opportunities to expand the parkway.

Mr. Salt said they feel there is a lost opportunity to improve the parkway, allow for development, and allow for their property to pursue their interest, which was a learning center for kids to learn about wildlife and outdoor recreation. There are public land issues still associated or of concern on the Citadel property with respect to abandoned oxbows and that's where the Division of Forestry, Fire and State Lands would also have an interest because they would own those oxbows.

The other concern they have is with the triangle piece of land that Murray City owns; the six acres south of the Citadel property that would become isolated. It would become a de facto park for Ivory Homes because the only people who would be able to get to it would be the people in the Ivory Homes development. The Salt Lake County Fish & Game Association doesn't feel that is a good way to handle publically owned lands because there would be very little access to that parcel of land. Therefore, it becomes a playground for those people that live in that subdivision.

Mr. Salt reiterated they want the rezone revisited. They want to have more of a comprehensive, small area plan approach to this property and to the river and how it relates to their property.

Dan Potts – Salt Lake County Fish & Game Association

Mr. Potts is on the Board of Directors for the Salt Lake County Fish & Game Association. He said he has been canvassing the neighborhood to find out if there were any concerns about this particular development by Ivory Homes. The main concern, which he heard over and over in every house he visited, is increased traffic. This development will increase

traffic by about 160 cars in this small, quiet neighborhood. Murray hasn't really planned for that kind of traffic on those kinds of streets.

Their main concern with Ivory Homes is that when they were first approached by them, Ivory Home's representatives were disrespectful to them. The current plan, which went to the Utah State Stream Alteration permit process was flawed. There were storm detention ponds perched on the edge of the precipice over the river and Ivory Homes has not adhered to the County's Meander Belt restrictions which is a problem. Another concern is the immediate loss of the 26 acres of wildlife habitat.

As an active member of the Jordan River Commission's Technical Committee, Mr. Potts would like the Mayor to join the Commission because the Commission has some best practices they've created for a variety of reasons. Those practices deal with storm water and other aspects of subdivisions. He encouraged the Council and Murray City to have some meetings with them to see if they can come to an agreement.

John Van Leuwan – Salt Lake County Fish & Game Association

Mr. Van Leuwan stated he is a Board Member of the Salt Lake County Fish & Game Association. His biggest concern is the traffic on Bullion Street and Canal Road. There are no crosswalks and with more homes and traffic, this could become more of a problem. His other concern is about public access, to people other than the homeowners, to the river. He asked if everybody will be able to access that part of the river.

**5. Consent Agenda**

5.1 None scheduled.

**6. Public Hearings**

6.1 Public Hearing #1

6.1.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter:

Consider an ordinance amending Sections 17.96.020, 17.100.020, 17.104.020, 17.108.020, 17.112.020, 17.116.020, 17.120.020, 17.124.020, 17.128.020, and 17.136.030 of the Murray City Municipal Code relating to residential childcare facilities.

Staff Presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey said this item was considered at a previous Planning Commission meeting. He explained that under the City's current ordinance, childcare providers in residential zones are allowed to care for eight children in addition to their own children that reside in the dwelling. This proposal is to raise that number from eight children to 12 children, which is allowed

under State Code. Staff recommended denial primarily because of concerns of increased traffic in neighborhoods. The Planning Commission unanimously approved this proposal. This proposal applies to all of the childcare facilities in residential zones with the exception of the R-M-H zone. Residents in an R-M-H zone must obtain a conditional use permit in order to provide residential childcare.

Mr. Nicponski asked about the number of childcare facilities allowed in neighborhoods.

Mr. Tingey explained there are state licensing requirements as well as a home occupation process that applicants must go through. This ordinance is to increase the number of children allowed in a residential childcare facility to 12.

Amy Blackwell – Applicant

Ms. Blackwell said she has been providing childcare for almost 14 years. She explained how the State inspects homes to determine the amount of children they can have. Some providers can only have six or eight children; she has been approved to have up to 14.

**Public Hearing Open for Public Comment**

Melanie Sessions

Ms. Sessions said she has been providing childcare for a couple of years. She would like to see the amount of children raised to 12 because of the way the State regulates them by requiring children under age four to be included in the child count. Because of that regulation she is not able to allow her children to have friends over after school.

Ms. Sessions said as far as increased traffic, she only ever has one car at a time come and every once in a while there will be two.

Another issue with only being allowed eight children is that number has to include any children that will be in the home after school gets out. Sometimes a family will need childcare for more than one child and they may have to put their children into different residential daycares because there isn't always room once providers take into account the amount of children they will have after school gets out.

Ilse Wilson – President of the Professional Family Child Care Association of Utah

Ms. Wilson said the uniqueness of family childcare is that they serve multi-age children which means typically 2-3 children come from the same family traveling in only one car. The impact on the traffic is less because of the multiple kids in the car and also the different times parents go to work. Not everyone comes at the same time to drop off and pick up their kids.

Cynthia Austin

Ms. Austin said raising the number of kids to 12 would help her. She is in a position where she may not be able to tend all of the children from one of her families. If the number of children gets raised, she'll be able to tend all of that family's children so that family won't have to put their children in two different childcare facilities.

Kathryn Reynolds

Ms. Reynolds has been providing childcare for about three years. She stated that part of getting a home occupation business license is having to get permission from their neighbors. She feels if neighbors were concerned about things, such as traffic, they wouldn't sign off on the business in the first place.

She feels there is a lot of crime in her neighborhood. With her having her in-home daycare it makes it so that everyone in the neighborhood isn't gone at the same time and someone is always there to help keep an eye on the homes.

She recommended changing the wording in the ordinance to include the number of children that live in the home as part of the total number of children allowed in a residential childcare facility.

**Public comment closed.**

Mr. Brass said the ordinance states in multiple places, "12 children at any given time other than those residing in the home." He wanted to verify that the 12 children does not include the children that live in the home.

Mr. Nakamura replied that was correct, the 12 children does not include children who live in the home.

Mr. Camp said he didn't see anything in the minutes from the Planning Commission meeting about the fire department weighing in on this. He asked Gil Rodriguez, Fire Chief, if he had any concerns.

Chief Rodriguez said no because the home would have to be big enough to accommodate 12 children. Also, the fire department does fire inspections on residential childcare facilities all the time.

Mr. Tingey stated home occupation applications are reviewed by a number of departments, including the building department. There are standards in place under the International Building Code that have to be in place for this type of use.

6.1.2 Council consideration of the above matter.

Mr. Brass made a motion to adopt the ordinance  
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

  A   Mr. Camp  
  A   Mr. Brass  
  A   Ms. Turner  
  A   Mr. Hales  
  A   Mr. Nicponski

Motion passed 5-0

**7. Unfinished Business**

7.1 None scheduled.

**8. New Business**

8.1 Consider a resolution approving the execution of an Interlocal Cooperation Agreement between the City and Salt Lake County to provide election services for the City's 2017 Municipal Election.

Staff presentation: Jennifer Kennedy, City Recorder

Ms. Kennedy said this resolution allows the City to enter into an agreement with Salt Lake County for the County to provide election services for the City.

Ms. Turner made a motion to approve the resolution  
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

  A   Mr. Camp  
  A   Mr. Brass  
  A   Ms. Turner  
  A   Mr. Hales  
  A   Mr. Nicponski

Motion passed 5-0

8.2 Consider a resolution authorizing the execution of a Telecommunications Franchise Agreement between Veracity Networks, LLC ("Provider") and Murray City ("City")

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said the City has received an application from Veracity for a Franchise Agreement. Under Federal Law the City cannot deny a telecommunications company from using our right-of-ways, however, we can regulate and impose conditions regarding maintenance and other things.

Under the City's Ordinances, the City Council must approve these Franchise Agreements. Veracity Networks, LLC has met with the City's Engineer and they understand what is required in terms of our right-of-ways.

Mr. Brass made a motion to approve the resolution  
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

  A   Mr. Camp  
  A   Mr. Brass  
  A   Ms. Turner  
  A   Mr. Hales  
  A   Mr. Nicponski

Motion passed 5-0

**9. Mayor**

9.1 Report

Mayor Eyre said the entire Salt Lake Valley is experiencing an increase of car break-ins and mail theft. This is unusual and the police aren't sure why it is happening.

Mayor Eyre said there have been no new changes or updates on any of the bills the City is keeping an eye on, such as S.B.164.

Mayor Eyre stated the City is getting involved with the State, County, and Salt Lake City to have a conversation about what can be done about the homelessness in the valley. The City has not committed to anything, we are just having conversations.

Mayor Eyre received an email and phone call from a resident who would like him to make an official proclamation that the City is aware of the immigrant and the refugee problem that is facing our City, our State, and our Nation. Before he requests or makes an official proclamation he would like to go on record in this public meeting and state that the City is aware of the problems facing immigrants and refugees.



9.2 Questions for the Mayor

**10. Adjournment**

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Jennifer Kennedy, City Recorder