



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, October 20, 2015, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### Council Members in Attendance:

Blair Camp, Chair	District #2
Diane Turner, Vice-Chair	District #4
Dave Nicponski	District #1
Jim Brass	District #3
Brett Hales	District #5

### Others in Attendance:

Ted Eyre	Mayor	Janet Towers	Exec. Asst. to the Mayor
Janet M. Lopez	Council Administrator	Tim Tingey	ADS Director
Jennifer Kennedy	Recorder	Frank Nakamura	Attorney
Jan Wells	Chief Administrative Officer	Kellie Challburg	Council Office
Jennifer Brass	Resident	Jared Hall	CED Division Manager
Nav Dhaliwal	Resident		

Chairman Camp called the Committee of the Whole meeting to order and welcomed those in attendance.

### Business Item #1

### General Plan Community Survey- Tim Tingey

Mr. Tingey stated that it had been discussed for several months to do a scientific survey as part of the General Plan process. The ADS staff has been working on a draft survey instrument and process.

Sometimes surveys can be criticized by the amount of input received. The staff has tried to reach out to as many people as possible, but there are always people with special interests that attend most of the meetings.

The purpose of the scientific study is to get a random sample, but one that includes what the community wants to see, and not just special interests. The results should give a good general idea of the feelings of the entire community.

The survey would either be mailed or a combination of mail/phone. It would be sent to an equal number of residents per Council District, based on the population. Only the residents that randomly receive the survey would be eligible to fill it out.

It is anticipated that between 1200-1500 surveys would be sent out. Typically the return rate is 25%-30% on this type of survey. Price quotes have been received from the University of Utah Policy Institute and Dan Jones and Associates. The price range varies from \$9,000 to \$19,000. Staff has already drafted the survey and possibly would mail it out to save costs. If the City administers the survey, meaning collecting the random sample and mailing the survey, the price would be closer to \$9,000. He believes one of the two mentioned groups would assist with the process.

Mr. Brass asked how the participants would be selected. Mr. Tingey replied that the utility billing documents for residents plus the annexed area of residents would all be considered for a random sample. For example, every fourth name could be randomly selected from the list. Mr. Nicponski asked if it would be split evenly between the council districts. Mr. Tingey replied it would be based on population, but should be fairly balanced between the districts.

He mentioned that there is a limited amount budgeted in professional services, but added that staff would do a good portion of the work to reduce costs.

He added that the surveys would be color coded by council district so they could be tracked.

He noted that there would be a university survey instrument test. The survey instrument would be tested with a group, possibly a class. It would be passed out to students beforehand to make sure the questions are clear and understandable.

The surveys would most likely be mailed out in mid-November and staff hopes to have a final report in January or February.

Chairman Camp asked if the surveys were mail-in only or if there was an online option. Mr. Tingey replied that Dan Jones and Associates has an online option for returning the surveys. Mr. Brass asked how the districts could be differentiated if the surveys were done online. Mr. Tingey replied that they would need to figure out a way to do that. He noted that the surveys could have a supplemental phone option also.

The survey cover letter would state that the recipient had been randomly selected for the survey. It would state that the purpose of the survey is to allow feedback on perceptions and attitudes in the community, and provide input and valuable data related to the General Plan. It states that the answers provided would be confidential and not tracked to the individual. There would be a date that the survey needed to be returned and that the elected officials would receive the results of the survey.

Some of the questions on the survey include: Length of time lived in Murray, top three reasons for living in Murray, and to describe Murray in a word or phrase. It would ask about the quality of life issues in Murray, and would ask the resident to rank the following from one to five: Sense of security and safety, neighborhood appearance, access to City and government elected officials, employment available close to home, grocery shopping, street trees, parks and open space, transitions between residential and commercial areas, recreational programs, access to arts and cultural events, entertainment facilities and opportunities, movie theaters, exhibit halls, enforcement of property maintenance, bike lanes, information about community services, snow removal and street sweeping.

The next segment involves positive elements in a neighborhood, and the two most important features related to infrastructure, friendly neighbors, and a variety of different things.

The next question asks what could be addressed relating to quality of life.

The next several questions involve housing in the community. He would like a strong housing component in the survey to try and develop the housing plan as part of the General Plan. The questions ask about the types of available housing and if housing is sufficient and varied. It asks what the three housing types most needed are and asks for those to be ranked. It asks if the recipient if they would support small scale infill housing projects related to the types of housing uses.

The following question asks the resident to rank their support of the following items: recycling, sustainability and green initiatives, allowing chickens and/or bee keeping in residential neighborhoods, eliminating plant materials in street planter strips, smaller lot sizes, diversity of housing types, high rise or dense development in the downtown area between 4800 and 5300 and State Street, and other issues that the resident can specify.

There is a question regarding the use of the library and/or the library website. If not using the library, please indicate why. If yes, how often.

The question asks the resident to rank the following in importance: creating a downtown center and cultural district, property maintenance, connecting downtown to transit opportunities, connecting neighborhood areas to closer shopping and entertainment, creating office employment areas, linking IMC to surrounding areas, maintaining historic buildings instead of allowing new construction, and gearing the City towards bikes, trails and pedestrian connections.

Mr. Hales commented on the question regarding historical buildings versus new construction. He said that some residents may not think about earthquake protection and other aspects of new construction. Mayor Eyre proposed a wording change that said maintaining historical buildings *while* allowing new construction. Mr. Tingey replied that they would consider the wording on the question. Mr. Brass noted that often the cost to maintain a historical building far outweighs the cost of new construction. He referred to the building on Myrtle that is only seven years old but was built to look old and historical.

The residents would be asked to list the park they use most often and what improvements would they like to see in the park. Mr. Tingey said there are some funding sources available for park improvements and this survey could help to determine what residents want in their parks.

There is a question regarding solid waste pickup due to the recent RFP process for waste collection. It will ask about weekly recycling, yard waste containers, recycling in the parks, neighborhood cleanups, etc.

An open ended question is included stating, "What is the single most important thing that could be done to improve Murray City?" He noted that open ended questions are important for content analysis. The responses should support a trend in the earlier questions.

Mr. Brass asked if the feedback could include the number of people that responded to the open ended questions out of the total people surveyed. Mr. Tingey replied that could be done.

Mr. Tingey noted that content analysis can be time consuming but produces good information.

He added that statistical data/background information would also be asked, including age, sex, household size, years resided in Murray, owners or renters, marked income levels, primary means of transportation, and also provide a place for comments. He noted that statistical data is important to determine trends by age, sex and other factors.

Mr. Tingey distributed the proposed draft survey and asked the Council to review and make suggestions.

The proposed survey is included at the end of the minutes as Attachment #1.

**Business Item #2**                      **Home Occupation modifications related to Reiki - Tim Tingey**

Mr. Tingey stated there was a recent public hearing on Reiki and the Council indicated that they would like more discussion on the proposal to not allow Reiki as a home based occupation.

Reiki is currently allowed in MGC (Manufacturing General Conditional) and CDC (Commercial Development Conditional) zones as a major home occupation. A business person that does Reiki can come in and apply for a major home occupation license and if the standards are met, receive a license.

He said there had been a lot of conversation about Reiki at the State level. The State defined Reiki in the administrative code. It is defined as a spiritual healing art, and is not licensed. However, if any methods that a massage therapist uses are used, meaning, touching clothed or unclothed bodies, it would qualify as a massage therapist, which requires a license. Otherwise, there is no license requirement. He added that typically a Reiki instructor does not physically touch the person.

Currently the code prohibits the following home occupations: dental offices, medical offices, photo developing, etc. These business were prohibited because they tend to cause more problems in a residential neighborhood due to the number of clients or vehicles, or equipment and material storage.

He added that currently neither Reiki nor Massage Therapy are on the prohibited list.

Some major home occupations that are allowed are: barbers, cosmetologists, massage therapists, consultants, contractors and handymen, landscape contractors and counselors. He said that every one of these groups have to get a professional license through the State and are regulated. He said that most personal service businesses, for example, a massage therapist, are required to get professional licenses; a license for Reiki is not required. The State gave a small list of personal services that do not require a professional license such as eyebrow threading and colon cleansing.

Some cities allow Reiki, some don't and some cities allow Reiki, if regulated. South Salt Lake does not allow it commercially or as a home occupation. Salt Lake County allows Reiki commercially as a conditional use, and as a home occupation, if background checks are done. Sandy allows it commercially and as a home occupation but the police department does regular follow up checks on the business. West Jordan allows it commercially and as a home based occupation requiring background checks. Taylorsville does not allow Reiki as a home based business.

Mr. Tingey stated that the reason this issue is coming to the Council is:

- There is not a professional license required by the State for Reiki, which makes it harder to regulate. Massage therapists and other professional services are regulated by the State. The possibility of losing a license at the State level keeps businesses in compliance.
- Reiki is often associated with massage therapy. In the recent public hearing, public comments were made that indicated Reiki is nothing like massage therapy. He said that many times massage therapists come in to get a business license and bring Reiki practitioners into their facility. Often times, the two are associated together.
- The City ordinance would need to be modified to allow the City to do background checks on Reiki practitioners.
- It is difficult to do inspections in a home occupation environment when the hours of operation vary, and makes regulation more difficult.
- Clients come to the home, which is a concern when two levels of regulation do not exist.

Mr. Tingey reiterated that Reiki is not under attack as a spiritual art. Reiki as a business activity in the home is the issue.

Chairman Camp clarified that major home occupations require a DOPL (Department of Professional Licensing) license. Mr. Tingey replied that was correct. Chairman Camp asked how Reiki differed from preparing income taxes, for example. Mr. Tingey replied that the Code states that major home occupations are defined as home occupations that require a client to come to the home and may result in neighborhood impacts. He said an income tax business with clients that come to the home would be required to obtain a major home occupation license. He said if there is a tendency to impact neighborhoods, it is typically classified as a major home occupation. Mr. Nicponski asked about an office in the home without clients coming to the home. Mr. Tingey said that would not qualify as a home occupation.

Mr. Brass noted that the ordinance would need to be changed regardless, so the background check requirement could be added easily. He said hours of operation and clients coming to the home are consistent with major home occupations. Mr. Tingey said the City can restrict the hours of operation in a home based business. Mr. Brass said the problems seem consistent with someone cutting hair in the home, for example. Mr. Tingey said that was true, but the difference was cosmetologists and barbers are licensed through the State, offering two levels of regulation.

Mr. Hales asked how the Reiki discussion came about, and if there had been a lot of complaints. Mr. Tingey replied that the comments made in the public meeting were that Reiki has an unfair bad reputation. Mr. Tingey said the concern is that the City has to regulate Reiki, rather than the State. Mr. Hales asked how many people complained to the City about Reiki. Mr. Tingey replied that it was under ten people, but it made the staff think about the business activity in residential neighborhoods. Mr. Hall added that Reiki is a regular discussion in DOPL meetings. Mr. Brass noted that the State is excluding spiritual art healing as a business that needs regulation. Chairman Camp commented that if the State is opting not to regulate Reiki, should the City be regulating it.

Mr. Hales asked where the discussion goes from here. Chairman Camp said it would be on the agenda for the next meeting on November 17<sup>th</sup>. Mr. Hales asked if it needed to go back on the agenda. Mr. Nakamura said he doesn't believe it has to be back on an agenda, but also said that a decision cannot be made in this meeting. Chairman Camp asked if the Council chooses not to take action, would it have to be postponed again. Mr. Brass said the complicating factor is that the Council voted to postpone it to a later date.

**Business Item #3**

**Discuss Pending Litigation related to Electronic Billboards**

Chairman Camp introduced this discussion item and stated that he would entertain a motion to go into a closed session. Mr. Nakamura informed the Council that under the Utah Open Meetings Act, this discussion can be closed due to the fact that Murray City has existing litigation which will be discussed.

Mr. Nicponski moved to close the meeting. Ms. Turner seconded the motion.

Vote:

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

Meeting closed.

The Committee of the Whole reconvened and Chairman Camp asked for announcements.

Ms. Lopez said that council members could find the video streamed council meetings on the front page of the Murray website. It would be under the column titled "I want to ....watch streaming council meeting." It will also be available on the City Council page and following the meeting, it would be posted with a link to YouTube.

A Murray General Plan Open House was scheduled for Wednesday, October 21, 2015, at the Cottonwood High School Media Center. It begins at 6:00 p.m. This meeting was noticed so that council members could attend should they so desire.

Chairman Camp adjourned the meeting at 6:20 p.m.

Kellie Challburg  
Council Office Administrator II