



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

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The Murray City Municipal Council met on Tuesday, May 5, 2020 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 Governor Herbert on March 18, 2020 and Murray City Council Resolution #R20-13 adopted on March 17, 2020.

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

Dale Cox - Chair	District #2
Rosalba Dominguez – Vice Chair	District #3
Kat Martinez	District #1
Diane Turner	District #4
Brett Hales	District #5

### **Others in Attendance:**

Blair Camp	Mayor	Janet Lopez	City Council Director
Doug Hill	Mayor's CAO	Jennifer Kennedy	City Recorder
Jennifer Heaps	Chief Communications Officer	Pattie Johnson	City Council Office Admin.
Craig Burnett	Police Chief	Danny Astill	Public Works Director
Melinda Greenwood	CED Director	Jared Hall	CED
G.L. Critchfield	City Attorney	Bill Francis	The Imagination Company

Mr. Cox called the Committee of the Whole meeting to order at 5:00 p.m. with the following announcement:

Welcome to the Murray City Council Meetings. We are glad you are viewing our proceedings. Tonight, we have scheduled: Committee of the Whole, Redevelopment Agency (followed by a short break), and a Council Meeting.

Because of the current health pandemic, and in order to comply with the Governor's Directive to "Stay Safe, Stay Home," and the Public Health Order issued by the County Health Department and County Mayor, we have determined that an in person meeting, including attendance by the public and the Council is not practical or prudent. Therefore, this meeting will be held remotely through electronic means.

Each person is participating from a separate location. We are totally dependent upon the internet and technology to broadcast this meeting and to ensure that the public has an opportunity to view the proceedings, however, there could be a malfunction that is totally out of our control. We do not expect any issues but want you to be aware of that possibility.

If you would like to submit citizen comments or public hearing comments please email to [city.council@murray.utah.gov](mailto:city.council@murray.utah.gov) they should be less than 3 minutes, include your name and contact information and they will be read into the record.

### **Discussion Items**

#### **Coronavirus Emergency Supplemental Funding Grant – Chief Burnett**

Chief Burnett reported, due to COVID-19, the federal government is offering funding for public safety divisions. A two-year grant from the United States Department of Justice in the amount \$112,282 can be obtained. Money would be used to purchase PPE (personal protective equipment), and other related supplies for essential police, fire, and medical personnel. Training in proper safety measures would occur to minimize the spreading of the virus, including sanitation of all ambulances, fire engines and police cars.

The Chief met with Murray Fire Department officials to review items that need to be purchased for safe continuation of public service. As part of the grant process to attain financial assistance, a public hearing is required, prior to the submission of the grant application. Chief Burnett assured funding is only for COVID-19 related equipment, and not for personnel, overtime, or regular wages. Grant funding would also build a stockpile of supplies useful in the coming months.

Ms. Turner asked how long it would take to receive the funding. Chief Burnett said money would be available within about two months once paper work was complete, and after the budget opening. He said the purchase of safety supplies to address COVID-19 was already anticipated, so funding would help purchase much needed gloves, masks, and protective gowns.

Ms. Martinez asked how grant money is dispersed over two years. Chief Burnett confirmed grant funding comes all at once; money would not be spent all at once; and a quarterly account of all spending would occur over that time.

Mr. Hales stated needed funding would be well used. Chief Burnett agreed staff devised a two-year spending plan - already in place - and the amount would be adequate to meet future COVID-19 expenses.

#### **Severance Pay Code Revision – G.L. Critchfield**

A proposed amendment to the existing ordinance would include employees not within career and public safety service. Mr. Critchfield confirmed City Code already allows appointed *at-will* employees to receive severance pay- if they are involuntarily terminated. The reason being is to attract talent, and provide assurance that if *at-will* employees are terminated at some point, they will attain severance pay. He explained the proposed amendment adds to that group - two other types of *at-will* employees noted as: a member of the administrative staff in the Mayor's Office, and a member of the administrative staff of the City Council who have been employed full time by the City for at least one year. He said severance pay is based on years of employment; with a maximum payout equal to four months.

Ms. Turner asked to how many current employees the proposed amendment applied. Mr. Critchfield state six employees.

#### **Pollutant Discharge Elimination System Co-Permittees – Danny Astill**

Mr. Astill confirmed the City continues to take an active part in public outreach activities through Salt Lake County, and Jordan Valley Municipalities, with regard to the Storm Water Coalition. A proposed resolution would approve an Interlocal Agreement needed to continue the co-permittee participation. He explained

participation is based on population, therefore, Murray is required to co-permit in order to comply with the NPDES (National Pollutant Discharge Elimination System) - because Murray is considered a smaller city. He confirmed the single permit does not relax any requirements the City must adhere to; an annual audit by the State, and Salt Lake County would still occur to identify any deficiencies. The Interlocal Agreement would renew required participation.

#### **Zone Map Proposal 6450 and 6468 South 1300 East – Melinda Greenwood**

A proposed Zone Map amendment would affect properties currently classified as Low Density Residential. Ms. Greenwood explained the applicant, Mr. Rasmussen would like to see the zone change from R-1-8 Low Density, to R-1-6 Low/Medium Density, to allow for a subdivision that would create three new single-family residential building lots. A power point was shared to discuss details about parcels totaling .46 acres, or 20,037 sq. ft. (square feet). An aerial map was analyzed, as well as, the Future Land Use Map reflecting that the area should remain Low Density Residential. Photos of the properties were viewed.

Ms. Greenwood explained the GP (General Plan) was changed in 2017 to support more infill housing; therefore, a Zone Map amendment is supported by the GP, essentially because the end result would provide more housing. She said a public hearing was held on April 2, 2020 by the Murray PC (Planning Commission), where no public comments were received; and the PC voted unanimously (7-0) to forward a recommendation of approval to the City Council. Staff also recommends approval.

Ms. Greenwood discussed differences between the R-1-8 Zone, and the R-1-6 Zone; the R-1-8 requires 8,000 sq. ft. lots or more, and the R-1-6 requires 6,000 sq. ft. lots or more. She noted after analyzing the surrounding properties, it was found that most of them are much smaller than 8,000 sq. ft. Therefore, based on that observation, staff decided the Zone Map amendment would be supported, and not take from, characteristics of the neighborhood.

Mr. Cox reaffirmed there were no public comments received at the public hearing. Ms. Greenwood confirmed it was the first electronic meeting held by the PC, due to COVID-19. She said the rezone was initially scheduled and publically announced in March, however it was cancelled. The item was re-noticed for April 2, 2020, with a public invitation to send comments by email; after two public notices and two separate meeting announcements no public comments were received.

#### **Text Amendment Transit Oriented Development Zone – Melinda Greenwood**

Ms. Greenwood led a discussion about why a text amendment is necessary to the T-O-D (Transit Oriented Development) Zone. She explained Habitat for Humanity is partnering with the Salt Lake County Housing Authority to purchase property at 4474 South Main Street in the T-O-D.

The commercial space would be the headquarters office for Habitat for Humanity, and serve as the new Salt Lake Valley location of their “ReStore” facility. The business offers retail and wholesale supply of used and surplus furniture and building materials. Ms. Greenwood stated because the T-O-D does not include trade uses to meet the functional needs of ReStore, the applicant requested the text amendment, Land Use Code #5198, which is Wholesale of Lumber and Building Materials, allowing for the conditional use.

The Murray City Zoning Map was analyzed to locate the T-O-D Zone in the northern part of the City; a smaller map provided a closer view of the area near 4500 South, and Main Street; and renderings of the

facility were noted in the southeast corner of the T-O-D. Ms. Greenwood confirmed the proposed text was limited to only Land Use Code #5198 to provide protection of the T-O-D against other wholesale trades, and manufacturing not preferred in the area. Land Use Code #5198 was read: Lumber and construction materials, wholesale and re-sale in buildings with footprints no greater than 30,000 sq. ft. No outdoor storage. Docks, delivery and staging areas must be screened from public streets.

The PC held a public hearing on April 2, 2020, where public comments were heard from the applicants in support of the business, and the text amendment. There were no other public comments. The PC voted unanimously (7-0) to forward a recommendation of approval to the City Council. Staff also recommends approval.

Ms. Turner was supportive and thought ReStore was good choice for the property. Mr. Cox stated Habitat for Humanity is great organization. Ms. Greenwood said it would be tremendous upgrade to the existing area, and she was hopeful the business would succeed.

#### **Text Amendment Home Occupation Businesses - Jared Hall**

A Land Use text amendment was explained to further define what is allowed for Home Occupations in Murray. City Code, Title 17.24 – Section: Home Occupations was discussed to confirm Murray allows some types of home business activity in residential zones, known as “Home Occupations.”

Mr. Hall said modifications to the ordinance were underway for some time after State Legislation was approved in 2018. Legislation restricts a city’s ability to collect application or processing fees for home occupation businesses that have “no impact” to their neighborhoods. Based on State law, the following proposed changes were made to City Code, with intent to identify “no-impact” businesses; clean up language, and distinctly clarify the difference summarized in the following four categories:

1. “No Impact” Home Occupations: Mr. Hall explained to identify the City’s “no-impact” home occupations - two types of home businesses were created to bring clarity, by including the following proposed definitions:
  - Minor Home Occupation: Any home occupation business not classified as a major home occupation. A Minor Occupation would be the business that the State defines as “no-impact.”
  - 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.
2. Fee Collections: Mr. Hall said deciding who gets charged for having a home occupation was determined in the proposed ordinance, as follows:
  - Major Home Occupation businesses are required to attain a business license and be subject to fees, due to high impact business like; a daycare, or piano lessons.
  - Minor Home Occupations, with “no-impact” are not required to pay fees or attain a business license. For example, tax accountants that work from home three months out of the year. Mr. Hall noted if someone with a small in-home occupation would like a business license, one can be obtained for a fee, but it is not required.

3. On-Site vs. Off-Site Employees: Due to confusion in existing code about what constitutes an on-site employee, versus, off-site employees; and how many employees there can be, Mr. Hall explained proposed text to bring clarification, as follows:
  - On-Site Employees - Every home occupation can have one (1) employee working in the home, who does not live in the home. One employee working in the home is considered “no-impact.” Mr. Hall noted generally, family living in the home, can work together in the home, as part of the business. If additional employees are needed, the PC might allow more, but only in the process of reviewing a Major Home Occupation.
  - Off-Site Employees - Home occupations can have employees, and volunteers who work off-site, and must be verified. These employees do not need to come to the home on a daily basis. The proposed text clarifies that employees cannot visit the home for business purposes – if they do, they may not park at the home or along streets near the home.
  
4. Use of Storage and Trailers: Many home occupations like landscape contractors and other similar type businesses usually require trailers. Mr. Hall confirmed the City has other current ordinances restricting business vehicles from being parked at homes; however, this proposal will allow trailers kept in good condition, to be parked at homes with the following certain restrictions:
  - 1) Trailer can be open or closed, 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) Area for parking the trailer must be paved.
  - 5) A site plan showing where the trailer is to be kept must be prepared and submitted with the home occupation application.

Mr. Hall discussed other minor proposed changes related to business vehicles parking off-street, except for delivery stops; disruptions, like excessive traffic; noise, and dust. He noted proof of actual residency; and procedures for determining conditions and impact of home occupations with the PC.

A planning review meeting was held on March 2, 2020 where the proposed text amendment was considered by City staff from various departments. The PC held a public hearing on April 2, 2020, where no public comments were received. The PC voted unanimously (7-0) to forward a recommendation of approval to the City Council. Staff also recommends approval of the text amendment.

Ms. Dominguez asked in what instance a small home business owner would want to attain a business license – if it is not required. Mr. Hall said depending on the nature of a business; many do not care about attaining a business license; for example, digital photographers who work outside the home.

Ms. Greenwood noted instances related to homeowners or other insurance purposes; or, to fulfill other obligations for wanting a business license. Ms. Dominguez agreed and noted tax purposes, as well.

Mr. Hales asked how a trailer was determined to be “in good condition.” Mr. Hall said it was not further defined, other than operable, no flat tires, and licensed.

Ms. Martinez asked allowing one employee on-site, who does not live in the home. She wondered if the

intent was to allow just one paid employee to work in the residence– or – did it mean only one employee at a time could work at the home business. Mr. Hall clarified the proposed text meant only one employee may work at the house at any given moment; for example, if three employees are required to work in the home, the business owner must go to the PC for special review to attain further conditions and approval.

Ms. Greenwood said business licensing was meant to pay for itself. She noted a study was conducted in the past to determine the cost of a business licenses, based on time, research, tracking, materials and printing costs. After analyzing, staff concluded the limited benefits of licensing “no-impact” businesses was vastly outweighed by the time and resource consumption to license them.

**Vacate a Portion of Poplar Street Right-of-Way – Danny Astill**

Mr. Astill explained the Murray Public Works Department is petitioning to vacate a portion of Poplar Street, from 4800 South to 5<sup>th</sup> Avenue, where it connects to Vine Street; also known as the Day property where there are two covered parking areas. The right-of-way has been planned to be vacated, as part of the MCCD (Murray City Central District) redevelopment project required to accommodate the new city hall east parking lot. Currently, a portion of the planned road, goes directly through the Day property.

Mr. Astill explained the City would vacate a piece of property to the side of the Day building, as well as, an area where an old house stood; and a portion of the actual right of way on 4<sup>th</sup> Avenue. The vacation would ensure the city hall parking lot is made whole. A map was displayed to point out portions that need to be vacated; legal descriptions, and a parking lot layout was reviewed. He explained the vacation would expand the RDA (redevelopment agency) property, ensuring all property owners are treat fairly.

**Vacate a Portion of 4<sup>th</sup> Avenue Right-of-Way – Danny Astill**

To make room for the new Hanauer Street extension, Murray Public Works is petitioning to vacate a portion of 4<sup>th</sup> Avenue between the proposed Hanauer Street alignment, and Poplar Street. The right-of-way was planned to be vacated as part of the MCCD redevelopment project. Once vacated the south portion of 4<sup>th</sup> Avenue will be used to relocate a parking lot for adjacent property owners impacted by the street expansion.

A map was displayed to point out portions that need to be vacated; legal descriptions, and a parking lot layout was reviewed Mr. Astill noted only two property owners are affected: the Murray RDA, and Murray City. He reported utility work is still underway, to relocate various utility lines, for gas, Comcast, and Verizon.

**Announcements:** Ms. Lopez made several announcements related to coming events for the council members.

**Adjournment:** 5:47 p.m.

**Pattie Johnson  
Council Office Administrator II**