

**MURRAY MUNICIPAL COUNCIL  
COMMITTEE OF THE WHOLE**

Meeting Minutes

**Tuesday, August 22 2023**

Murray City Hall, 10 East 4800 South, Poplar Meeting Room, Murray, Utah 84107

**Attendance:**

Council Members and others:

|                                |             |
|--------------------------------|-------------|
| Garry Hrechkosy – Chair        | District #5 |
| Rosalba Dominguez – Vice Chair | District #3 |
| David Rodgers                  | District #1 |
| Pam Cotter                     | District #2 |
| Diane Turner                   | District #4 |

|                  |   |                  |                                 |
|------------------|---|------------------|---------------------------------|
| Brett Hales      | Mayor                                     | Jennifer Kennedy | City Council Executive Director |
| Doug Hill        | CAO (Chief Administrative Officer)        | Pattie Johnson   | Council Administration          |
| Tammy Kikuchi    | Chief Communications Officer              | Laura Brown      | Deputy Recorder                 |
| G.L. Critchfield | City Attorney                             | Craig Burnett    | Police Chief                    |
| Jim Peters       | AOC (Administrative Office of the Courts) | Karen Gallegos   | Murray Courts                   |
| Brenda Moore     | Finance Director                          | Zach Smallwood   | City planner                    |
| Loran Pasalich   | Murray Chamber of Commerce                | Joey Mittelman   | Fire Chief                      |
| Rob White        | IT Director                               | Phil Markham     | CED Director                    |
| Kim Sorensen     | Parks and Recreation Director             | Craig Burnett    | Police Chief                    |
| Elvon Farrell    | CED                                       | Citizens         |                                 |
| Ben Gray         | IT  |                  |                                 |

**Conducting:** Council Member Hrechkosy called the meeting to order at 5:00 p.m.

**Approval of Minutes:** Committee of the Whole, July 18, 2023 and Committee of the Whole, August 1, 2023. Council Member Cotter moved to approve, and Council Member Dominguez seconded the motion. All in favor 5-0.

**Discussion Items**

• Murray City Municipal Justice Court Update.

CAO Doug Hill explained that Murray’s presiding Judge Paul Thompson would be retiring in May of 2023, so a decision in moving forward was needed. Mayor Hales would make the decision but ultimately the City Council would consider the final choice legislatively. Mr. Hill introduced Justice Court Administrator Jim Peters as the State level contact person from the AOC, who oversees the Murray Justice Court and had met previously with the administration about the matter.

Mr. Peters discussed various options for what the City could do and would need direction for how to proceed. He said unlike other city hires, the AOC is heavily involved in the Justice Court and by statute he would be part of the recruiting process should the City decide to keep the Murray Courts and replace Judge Thompson.

He provided an overview of options that included keeping the courts and replacing the judge; dissolving the Justice Court completely and sending cases to the County Justice Court by default; or have a neighboring jurisdiction take Murray cases by implementing an Interlocal Agreement. He gave several examples of cities that handle other cities justice court cases and noted that recently Salt Lake County decided to dissolve its justice court, which would be decided legislatively in the long run. As a result, having Salt Lake County take Murray’s court cases would be somewhat

complicated at this time.

He felt the Interlocal Agreement option was better than dissolving the justice court altogether, because once dismantled it would be hard to get the court back up and operating. With an Interlocal Agreement, the City could reinstate the court easily by terminating the Interlocal Agreement, and it would be as though the court was only dormant and not dissolved. There was further discussion about why cities choose to close justice courts, if courts should be making revenue, and the process for keeping the courts open and replacing judges.

Mr. Peters discussed a time line and the process for selecting a new judge which included advertising for the vacancy, forming a nominating commission who would handle the interviews and public process; and narrowing the pool of candidates down to 3-5 people. From there Mayor Hales would review applicants and choose one person within 30 days. The final candidate would be presented to the City Council who would have final consideration within another 30 days. A certification, orientation, testing process and oath of office ceremony for the new judge would be the last steps in the process.

Mr. Peters confirmed that by the time a nominated person reaches council consideration, that individual would have been thoroughly vetted. He stressed the person selected would remain as Murray's Justice Court judge for decades to come. A conversation followed about who can apply for a judge position, various qualifications, and experience, and the number of hours many judges work per month. It was noted that Judge Thompson had a full-time case load for years.

Mayor Hales shared that he would like to keep the Murray Courts open to provide the service to citizens and replace Judge Thompson. He would include the Council in the process and keep them updated as procedures occur.

There was a review of how the nominating commission is comprised, how often they meet, and when they come together for the vetting and interview process. In conclusion there was consensus to align with Mayor Hales' decision to keep the Murray Courts open and replace Judge Thompson. Mr. Peters would prepare as instructed and communicate with Mr. Hill accordingly in the months to come.

- An ordinance amending Sections 3.14.060 and 3.14.070 of the Murray City Municipal Code relating to impact fee adjustments.

City Attorney G.L. Critchfield explained current City Code related to impact fee adjustments or requests for credit were currently submitted and reviewed legislatively by the City Council. Since that time when the Code was originally drafted, State Law now provides for an administrative review rather than a legislative review. As a result the City's current ordinance should be amended to comply.

Following previous meetings with the administration, Mr. Critchfield said their recommendation is to now authorize Murray City Finance Director Brenda Moore and the administration to review and approve impact fee adjustments or credit requests. This removes the Murray City Council from that process. He explained the purpose of the ordinance was to allow a developer who disagrees with an impact fee imposed on their development to appeal the impact fee amount.

There was conversation about why Ms. Moore would oversee the request to adjust impact fees and not the CED (Community and Economic Development) director. Mr. Critchfield said the finance director was the better choice because financial duties are aside and apart from the development process, and this would remove the CED director from a difficult spot who is engaged with many developers at one time.

There was a question about when an impact fee could be waived. A lengthy discussion followed as Mr. Critchfield said impact fees are not ever waived. An impact fee can be reduced, adjusted, or somewhat credited if certain criteria is met. He explained that the impact fee is a one-time charge to mitigate the impact of a development, which is the ongoing way that the City pays for increased capacity. If a developer constructs something they believe is an improvement to the City's system, the developer might expect the City to pay them back dollar for dollar, but this is not what the ordinance considers. It only allows the fee to be reduced but not eliminated.

Mr. Hrechkosy requested that the Council be informed when an impact fee is waived or adjusted. Ms. Kennedy pointed out the proposed amendment was only related to Ms. Moore adjusting fees and not waiving fees by any means. Mr. Critchfield reiterated impact fees are not waived. A discussion followed related to Mayor Hales evaluating the impact fee adjustment request should Ms. Moore ever have a conflict of interest.

**Adjournment:** 5:41 p.m.

**Pattie Johnson**  
**Council Office Administrator III**