

# **Murray City Municipal Council Chambers Murray City, Utah**

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The Municipal Council of Murray City, Utah, met on Tuesday, the 7<sup>th</sup> day of March, 2017 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

The meeting was conducted by Blair Camp

Council Members Present:

Dave Nicponski, Council District 1  
Blair Camp, Council District 2  
Jim Brass, Council District 3  
Diane Turner, Council District 4/Council Chair  
Brett Hales, Council District 5

City Staff Present:

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  
Joe Tarver, Deputy Police Chief  
Justin Zollinger, Finance Director  
Tim Tingey, Administrative and Development Services Director  
Jared Hall, Community and Economic Development  
Isaac Zenger, IT  
Mike Terry, Human Resources Director

## 5. **Opening Ceremonies**

### 5.1 **Pledge of Allegiance**

The Pledge of Allegiance was led by Tyson Holman, Scout.

### 5.2 **Approval of Minutes**

#### 5.2.1 **Council Meeting – February 7, 2017**

#### 5.2.2 **Council Meeting – February 21, 2017**

MOTION: Mr. Hales moved to approve both sets of minutes. The motion was SECONDED by Ms. Turner. Voice vote taken, all “ayes.”

### 5.3 **Special Recognition**

#### 5.3.1 **Consider a resolution renaming the annual “Murray Beautification Awards” to the “Jim and Jean Hendrickson Beautification Awards”.**

Staff Presentation: Mayor Ted Eyre

Mayor Eyre read the resolution in its entirety.

MOTION: Mr. Brass moved to adopt the resolution. The motion was SECONDED by Mr. Hales.

#### Council roll call vote:

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

Motion passed 5-0

Mr. Camp recognized the Hendrickson’s for all their years of service. He said Mr. Hendrickson is the face of anything that has to do with the beautification of Murray City. He congratulated the Hendrickson’s.

Mr. Hales and Ms. Turner thanked the Hendrickson’s for their service. Mr. Hendrickson thanked the city for this honor.

Mr. Camp asked the scouts in attendance to introduce themselves and state their troop number and the badge they are working on.

#### 5.3.2 **Special Presentation of Mayor Ted Eyre’s “State of the City” address for 2017.**

*Good evening, thank you for being here tonight or for watching at home on your computer. I’d like to recognize our City Council members Dave*

*Nicponski, Blair Camp, Jim Brass, Diane Turner and Brett Hales. I'd also like to acknowledge my staff, family, friends, and the residents of Murray City, thank you for being here to support me in this State of the City address.*

*The word "key" kept coming to mind in preparing this speech. In doing a little research, I found that a key is often symbolic of access, something that can give one availability to opportunities. A key is one of the oldest charms dating back to the Greeks and Romans who used it to "promote remembrance of things past and foresight for things to come." That is what I'd like to focus my address on tonight – key components of our city as we reflect on "the things of the past" that have made our city great and "the things to come" that are very exciting for our future.*

*It has been a humbling experience to be mayor of this great city for the past three-plus years. I have come to appreciate so many facets that I wasn't aware of before taking office. I also recognize the wisdom of our city founders who had the foresight to make Murray an independent city.*

*When I recently toured the McGhie Springs area where our water source comes from 18 wells and nine springs at the base of Big Cottonwood Canyon and the Power Department's hydroelectric plant, which was built in 1913, in Little Cottonwood Canyon, I marveled at the intuition and foresight of great men who knew how to capture these resources and provide a way for our water and power to come through the valley to where we stand today.*

*I know Murray City is the envy of so many other cities as we have our own departments of police, fire, power, water, sewer, storm water, senior center, streets, library, parks and recreation, golf course, Justice Court, and fitness center. I feel fortunate as a long-time resident and as an elected official to serve this city and walk in the footsteps of those who laid the groundwork for all of us.*

*It seems in past years, there were a few periods of slower times, where it wasn't as hectic. But as our city has progressed and has become more dynamic and continues to provide so many expanding services to our residents, there just aren't slow times anymore. Each department is experiencing workloads at their highest levels.*

*We have very conscientious employees who have dedicated many years to accomplishing the nearly impossible at times. The employees' dedication gives me great confidence that our city will continue to prosper and be a shining example to the entire Salt Lake Valley.*

*As an airline pilot for over 30 years, I had many friends in the industry and people that I trusted, but I never felt I was part of a family like I do here. I*

*love this job and the employees who are the family that keeps it running. I also acknowledge the leadership that each of the department heads demonstrates. I feel privileged to work side by side with them and all the other employees that make up the “Murray City Family.”*

*I think a State of the City address affords me the opportunity to brag about Murray City. As residents, our quality of life is second to none, and I want to highlight some of the reasons I feel why that is true.*

*Our employees are a major key to our city. As they give so much to this community, we, in turn, do our best to reward their efforts. In the past three years, we have been able to return to compensating our employees for their performance through merit increases. This past year, the merit increase possibility was the highest it has been for over seven years. We were also able to offer a cost-of-living adjustment as well as a redline bonus to those who have dedicated many years of service. Because of the prudent use of our medical insurance plan, the city received a rebate from our insurance carrier. This money was in turn distributed back to the employees who were part of our plan.*

*At the beginning of the year, while compiling information for our General Plan update, respondents were asked what element was most important for neighborhoods. Over 74 percent ranked safety and low crime as their number one concern. Our Police Department is terrific and provides many services to our community in addition to law enforcement. Last year, they saw many changes. Six new police officers were hired, and two sergeants were promoted within the department to fill spots vacated by retiring personnel. The K9 program was reinstated, and the canine handler was selected from within the ranks of the Patrol Division. The dog will be trained and certified in many different areas to assist our officers. The department was awarded a \$5,000 grant to continue support with the Utah Highway patrol’s “Don’t Drink and Drive” program. This grant will help pay for body and dash camera systems and new portable breath testers to be used by our first responders. Thank you to our police officers, because of your efforts, we are a safer and more secure community.*

*The other group of first responders – our Fire Department continued to see the responses for their 9-1-1 calls increase. Approximately 80 percent of these calls are for medical responses. The partnership with Gold Cross Services for ambulance billing became effective last January, and this move has resulted in significant cost savings through reduced fees for services as well as additional revenue through efficiencies in the Billing and Collections Departments. Emergency preparedness is always at the forefront, with three life-like drills being held during the year. These involved city departments, other city entities and a scenario coordinated with Intermountain Medical Center where both our police and fire*

*departments participated in an “active shooter” exercise. Training is always a key benefit to our employees.*

*Our Attorney’s office employees keep us all involved and aware of the law that could undermine the credibility of the city. The risk management program has become an integral part of the daily work schedules, and worker’s compensation and other claims have been reduced. We are fortunate to have some of the most professional staff in the state in this office. I appreciate their counsel, expertise and direction, not only to me but all of our departments.*

*Our Municipal Justice Court is now a paperless court. This process consisted of not only scanning but shredding thousands of files to comply with the State mandate to be paperless by the end of 2016. The Court was subject to a required audit by the Bureau of Criminal Identification (BCI) and passed the audit without recommendations for changes. In addition to all of this, the employees have focused on cross-training so that they can cover for each other in the event of absence or emergency.*

*Our Library continues to be one of the busiest buildings in the city. Over 1000 people walk through the doors each day. They average three activities per day. Last year when they increased their activities, hoping to lessen the number of participants per activity, their activities increased in number, but so did the participants. The concept of “build it, and they will come,” certainly was magnified here. The building continues to be used to the maximum as the auditorium is booked almost every evening and is used daily for activities. Their YouTube channel gets 1700 views daily. They engage with our public through books, activities, computers, online services and through helpful employees.*

*It is important for city leaders, residents and employees to know that our city is financially sound. The Finance Department’s primary objective is to provide accurate and timely financial information, so that decision making has one more layer of knowledge for making plans. The city has moved to a new software program throughout the year. It has had a major impact on the Finance Department, but they have transitioned well. It has required many hours of training and lots of patience. As we move to the future, it is prudent that we scrutinize every dollar, be great problem solvers and make positive decisions. Jacob Lew said, “The budget is not just a collection of numbers, but an expression of our values and aspirations.” This thought will constantly be in our minds as we move to our future endeavors.*

*The year of 2016, ended with our Power Department completely out of debt. Their bond was paid off, and all of their priority projects were completed. Their reserve cash remains positively stable. Although being financially stable is a priority, the most important focus of the department is their*

*reliability of power and customer service. The department takes a great amount of pride in being proactive to reduce issues that could cause power outages. This can involve major repairs on power lines; smaller maintenance upkeeps or the work of our arborists in keeping power lines clear of tree branches that have a potential to cause a power outage. All of these accomplishments can only be done with excellent employees that are properly trained and are willing to dedicate their time to a high level of excellence.*

*Earlier a survey was mentioned. At one point in the survey, residents were asked to describe Murray in a word or phrase. The phrase mentioned most often was "Parks and Open Space." Our parks are truly gems scattered throughout our city. Murray Park saw many projects this year, including two new restrooms, LED lights throughout the park, the start of the overlay on the asphalt trail, six new pickleball courts and free Wi-Fi to all areas in the park. Other park projects include the resurfacing of our portion of the Jordan River Parkway trail and the start of our \$2.7 million Amphitheater renovation, which hosts over 80 productions through the season. The parks and recreation programs enhance the lives of so many, young and old alike. We estimate that over 2 million people use our parks every year.*

*The Cultural Arts Program continued forward with many programs and had nearly 200 projects during the year. Their evening programs brought in over 8,000 people to Murray City. Unfortunately, Murray City lost several significant contributors to the arts this past year with the passing of Rob Wilson, Murray High band teacher; Cary Charron, performer and Master of Ceremonies for the Miss Murray Pageant for 19 years; and Sue Thompson, former Hillcrest Jr. High choir director and vocal director for many Murray Arts Council productions. Their talents, love of the arts and their willingness to share with others will be magnified in the lives of many generations to come. They will be missed, but their contributions are endless.*

*Other projects in the Public Services department include:*

- The Cemetery completing their lottery for 350 graves that became available after the removal of two roads and a GIS survey that discovered several lots not previously assigned.*
- The Heritage Center got an updated look with new flooring installed, newly painted walls, a new activity room and two new pickle ball courts. They also were able to acquire a 14-passenger van to help transport patrons to activities.*
- At the Golf Course a complete reconstruction of the irrigation system began in late summer, the early snow stopped progress, but the work will start up again soon, with completion expected this spring.*

*I don't even know where to begin in reporting the accomplishments of our Street Division. They had a very busy year. They were able to do slurry seal on over 60 different streets in Murray. They laid 5,646 tons of overlay on seven streets and the Murray Park trail. They rebuilt roads at Ann Dell Lane and Fairhaven Drive. Plus they provided street maintenance by filling potholes, painting marking lines, placed or repaired street signs and provided traffic control for projects. We can still remember the recent snow storms that required our snow plow operators to be out on every major holiday. It was an extraordinary year as we were very able to secure funds from many sources for these projects.*

*Did you know we have the distinction of having the best tasting unfiltered ground water? We were awarded that distinction by the Intermountain Section of American Water Works Association. Our Water Department also partners with the National Energy Foundation (NEF) and the Murray School District to educate the public and students about our water and ways to conserve this great resource. The McGhie Springs project of a new well was completed, and as part of this project, the chlorine disinfection system was changed from chlorine gas to a calcium chloride which makes it safer for city personnel and the community. As I mentioned earlier in this address, our unique water supply, of underground springs and wells, results in the first time most of our water sees the light of day is when it comes out of our faucets.*

*We are always proud of the business community and the new additions in our city. Fashion Place Mall continues its expansion on the north end. Macy's will offer a new anchor store and the additional expansion offers over 53,000 square feet of further retail space for new businesses. Other major projects for our city are:*

- Cottonwood Clinic at the TOSH campus*
- Security National (with a 250,000 square feet of Class A office space)*
- TNT Gun Range*
- Intermountain Medical Center – build-out on the 6th floor*
- Murray Crossings*
- Advocates Law Office*
- Intermountain Gardner Transformation Center*

*Behind the scenes of these developments and the majority of our other services are talented employees who provide plan reviews, permits, inspections, network services, code enforcement, GIS mapping projects, licensing, computer programming, purchasing and procurement adherence. Although these services aren't as visible as others, they are the ones that keep our buildings to code, provide systems to make the jobs of others more concise and effective. They are truly a vital key to keeping the city running at its best.*

*We are very fortunate to have over 3,000 successful businesses that add to our economic base and provide a myriad of opportunities and services for our residents. This fact contributes significantly that our property taxes have not increased for a decade.*

*This leads right into the “foresight of things to come.” It is overwhelming to feel that we are in a position of moving our city in a direction that will be meaningful for many future generations. The building we are standing in tonight was built in the 1930s and has served public purposes for more than 80 years. Keeping that in mind, we are looking at establishing future buildings and infrastructure in our downtown area, including where we are standing tonight, that will serve our city residents for the next 80 years or more. The redevelopment of the Murray City Center District, including preparations for a New City Hall continues to be a top priority. This is a huge project and has required countless hours in meetings which have included the City Council members, the RDA Board, Planning and Zoning Committee members, along with the Executive Branch coordinating efforts between the City and the master developer in planning the scope and future of things to come.*

*A major key to all of this is to provide the best we can for our residents. I think I can speak for our staff and elected officials that we want an updated downtown area that is walkable, bikeable, and a social gathering area that will be vibrant and one that can be enjoyed by all. An area where Murray residents will look at and be proud. A place to live, work and play – a place that will bring more life and energy to the Downtown area. A place where heritage, character, history and charm of the past, with a vision and direction of the future, will link together. We want this Murray City Center District (MCCD) to become a showcase what Murray has to offer. Murray is a great place to live, and our goal is to take a vision and turn it into a reality.*

*As I’ve stated throughout the evening – the keys to Murray City’s strong presence are great employees, providing services and enhancing the quality of life for our residents. In summary, the State of Murray City is strong. I am proud of the accomplishments that make up our past and those accomplishments that allow us to be very optimistic and excited about the shape of things to come in the future. I look forward to working with City Council members, Murray City residents, department heads, senior staff and city employees to make the year of 2017 as the year where decisions were made and plans were put into action that improves and elevates this City for decades to come.*

Mayor Eyre thanked Love Communications and his staff who helped him put together the State of the City Address. He thanked everyone for their



support and patience with him and allowing him the opportunity to serve as the Mayor of Murray City.

### **5.3.3 Swearing-In new Murray City Police Officer Peter Gosselin.**

Staff Presentation: Craig Burnett, Police Chief

Chief Burnett introduced Mr. Gosselin and spoke a little bit about his background. The Swearing-In Ceremony was performed by Jennifer Kennedy.

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

### DeLynn Barney – Murray City, Utah

Mr. Barney said he has lived in Murray for many years. He gave some background on other homes he and his family have lived in throughout the years, his schooling, and his career.

Mr. Barney said he chooses to live in Murray; his home is here. To him, there is more to a home or business than the fair market value of the structure and property. His home has not been threatened with condemnation and eminent domain....yet. However, there are those in his neighborhood that have been. With the future building of a new fire station, he may be threatened with it in the future.

An injustice to one is an injustice to all; that is why he cares. Why condemnation and eminent domain? Because Murray City wants to build a New City Hall, a large and spacious building, and a new fire station. He is asking the city to put it to the people. Bountiful City wanted to build a New City Hall and it took the threat of a lawsuit and referendum for them to change their minds – Ogden Standard Examiner, March 1<sup>st</sup>.

Mr. Barney saw the devastation effects of condemnation and eminent domain when Vine Street was put in. There was bitterness and hurt feelings for many years. Change is hard. He has a dear friend that reminds him there is nothing as constant as change.

### Carol Smith – Holladay City, Utah

Ms. Smith said her family owns a large block of properties on Winchester Street. Their property is unique because of its large aggregate size and there is an opportunity to use the land in an extraordinary manner. Small individual parcels do not have sufficient area to allow buffering's on the parcel itself. In contrast, the Smith's land offers the unique opportunity to include buffering's as part of the property.

The Smiths have been interested in facilitating an assisted living residence for parents of Murray residents and other seniors wanting residences offering support for independent living. This is a neglected need for long-term residents of the city.

In contrast, the Smiths feel a need to respond to an unfounded rumor that there is a proposal

to have a homeless shelter on their land. That assertion is baseless; it has never been true. Their discussions with Murray City have always pertained solely to assisted living. Accordingly, they have proposed that the General Plan and zoning ordinances be modified to accommodate that purpose. Their application includes support from residents bordering their land and their neighbors who have had the greatest stake in the land use. It is a community favored land use.

Because their rezoning application is scheduled to be heard later this month, they are requesting that either the General Plan would allow an assisted living use or action on adoption be postponed until their application is heard. It would be an arbitrary action to designate all land along Winchester Street to have the identical limitations when there are real and substantial differences related to the sizes of lots. A ¼ acre lot is vastly different from the Smith's land. A small lot, or even two or three small lots, do not have the depth to allow any buffering's between the permitted use and the neighboring residents.

However, the Smiths four acre land is large enough and has sufficient depth for a permitted use to be separated by a buffer of parking and landscaping from residences. A Residential Neighborhood Business (R-N-B) zone is compatible with an office zone and both zones can be applied along Winchester Street. Small lots could receive the R-N-B zoning and any large parcel with depth could receive the additional flexibility of being an office zone. The difference would be the ability to provide a meaningful buffer on a large parcel such as their land. It could also be reasonable to limit office use on small lots with shallow depth while omitting that restriction for a large parcel that has sufficient depth.

The Smith's feel there are factual errors in the proposed General Plan that should be corrected before the final proposal for adoption. On pages eight through twelve, it states that Murray has two assisted living facilities for a total of 143 units. The General Plan then goes onto state on pages eight through thirteen that these facilities are Legacy Retirement Inn and Olympus Ranch.

Robert Spencer – Murray City, Utah

Mr. Spencer said he and his mother occasionally take walks. When they were walking by McMillan Elementary, they noticed that one of the poles on the fence has fallen over partially and is being held up by caution tape. He is concerned that someone that is riding their bike and not watching the fence might run into the fallen pole and get hurt.

William Nelsen – Murray City, Utah

Mr. Nelsen said in light of the open house for the Canal Trail that is being held tomorrow night he and his wife would like to express their support for the Murray Canal Trail. They think it's an excellent idea and that such a trail would be a great asset to the city. The Southeast end of Murray has little open green space. The only options for people to run and walk are in the neighborhoods or on busy streets with intermittent sidewalks. People are required at times to walk or run along the edge of the road. The Canal Trail would allow pedestrians a safe place to walk, run and bike in a safe, peaceful, green environment.

Walking trails encourage exercise which leads to healthy lifestyles. This trail would also

be a place where dog owners could walk their pets away from traffic. Wheeler Farm, Murray Park, the Jordan River Parkway, and the Bonneville Shoreline Trails might not exist if the adjacent residents were able to prohibit their development, or close them down, because their property lines shared boundaries.

Mr. Nelson sent a letter to the Mayor and City Council they cited numerous studies and presented letters from law enforcement officials that indicate an increase in pedestrian activity will be more eyes on the trail and act as a deterrent to crime. His letter also cited studies that show single-family residential property values are positively impacted by the existence of trails in the neighborhood.

In the past week, Mr. Nelsen collected 250 signatures from Murray City residents petitioning the City Council to have the trail approved. Response to the petition was extremely positive. In the process of gathering signatures, only eight individuals, out of 258, declined to sign the petition. Those who didn't sign are not opposed to the trail, but they wanted time to think about it.

Mr. Nelsen believes if he had more time and the resources to survey the population as a whole there would be overwhelming support for the Murray Canal Trail. He encouraged the City Council to consider the greatest good for the greatest number of citizens and approve the construction of the community trail.

7. **Consent Agenda**

7.1 None scheduled.

8. **Public Hearings**

8.1 **Public Hearing #1**

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

**Consider an ordinance related to land use; comprehensively amends the General Plan and provides that the General Plan is an advisory guide; and amends the Zoning Map.**

Staff Presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey said the General Plan process was started in the later part of 2014. The General Plan is governed by state law. Utah Code 10-9a-401 states each municipality must adopt a General Plan which outlines areas related to present and future needs of the municipality as well as growth and development on all, and any part, of land within the municipality.

Mr. Tingey said he and his staff tried to engage and get as many residents and business owners involved in this process as possible. Over the last two years they have held four public open houses where hundreds of people attended. There was a steering committee composed of citizens, members

of the Planning Commission, staff, administration, and council members that held five meetings. There were eleven different focus groups composed of residents and business representatives related to community and culture; downtown and transit oriented development; economic development; neighborhood; and bikes, trails and transit. They also conducted a scientific community survey.

Mr. Tingey commended the Planning Commission for their efforts in this process as they have been involved since the beginning. Mr. Tingey and his staff have had five meetings regarding the General Plan with the Planning Commission to obtain their input. Mr. Tingey also commended his staff as well: Jared Hall, Susan Nixon, Brad McIlrath, Mark Boren and Ray Christensen.

The General Plan is a document that sets the city's long-term vision, and helps promote consistency and decision making. It also involves public outreach and it helps in aligning efforts for the city.

Jared Hall, Community and Economic Development Division Manager  
(Attachment 1 – Slides form the Presentation)

Mr. Hall said the Planning Commission forwarded a recommendation of approval for this plan to the City Council. Since that time, a couple of suggested changes were made and he wanted to mention those before the Council approves the plan.

The Planning Commission made a recommendation to reference small area plans, which are more focused plans for specific neighborhoods based on certain aspects of those neighborhoods, in the General Plan.

Mr. Hall said a neighborhood meeting was held regarding the properties along Woodrow Street. The proposed General Plan designates those properties as low density residential. The general consensus of the residents in that area was they would like to see both sides of Woodrow Street be designated as general office on the proposed General Plan rather than low density residential. Staff is comfortable with this and is recommending this change.

Royalton Drive, Crown Pointe Drive, and Adaley Avenue are currently zoned R-M-10 which resulted in a future land use designation of medium density residential. Those lots are built out and the majority of the homes there are single-family detached houses which are more in line with low density residential. Staff is recommending amending the Future Land Use Map for those two areas to low density residential.

Mr. Hall stated the Council has received comments from some citizens

about different areas of the city where staff is recommending a certain land use designation but the citizens would like to see something else. The current zoning on Winchester Street is R-N-B and staff is recommending no change from the old General Plan to the new General Plan for a couple of reasons. The R-N-B zone was specifically written to buffer residential uses from arterial streets, which is the exact situation in this area. General office shares some of the same characteristics with the R-N-B zone, but it was specifically written to develop offices in response to market demands and development pressure. It wasn't written to buffer residential uses from an arterial street.

Mr. Hall explained that along 4800 South there are some properties that have a current land use designation of mixed use and others are designated as office. Staff is recommending this area stay designated as mixed use.

Mr. Hall stated one of the big changes with this General Plan update is that in the past the city has had a general office zone, but not a lot of people took advantage of it. This General Plan directs the city to look for a way to create office and employment centers. He also spoke about neighborhood and community nodes which are areas in the city where different kinds of development could happen. Nodes consist of mixes of neighborhood oriented commercial and retail that could serve different areas, communities and neighborhoods.

Mr. Hall stated Professional Office is a new designation the city did not have before. This zone will allow the city to create intense offices and have office areas that will capitalize on parts of the city that are starting to grow. It will also allow those areas to mix in retail which is not easy to do in the general office zone. Another new designation is business park industrial. This zone was created to try to incentivize industrial owners to do better with their land by bringing their properties together and provide better buffers to the areas around them. Mr. Hall noted the thing that is different with this plan as opposed to the current General Plan is the mixed use areas have been scaled back significantly and have been replaced with business park industrial or professional office.

Suzie Petheram – CRSA

Ms. Petheram spoke about the format of the General Plan and how it evolved. She explained how CRSA and the city held open houses, had a steering committee, and worked with the Planning Commission to create an updated General Plan. She said part one of the General Plan is the citizen's guide. It is graphic heavy and is supposed to be user friendly. It captures the big ideas and general initiatives of the General Plan without needing to read through a lot of text. Part two is more of a standard General Plan where each element has its own chapter with the goals, objectives, and policies that city

staff work with as they try to implement the General Plan.

The public hearing was opened for public comment.

Curtis Vlam – Murray City, Utah

Mr. Vlam said he owns a business at 257 West 4800 South where he does car and satellite sales. A few years ago the zoning on his property was changed from manufacturing general (M-G) to mixed use (M-U). His property is unique because it's out on a bluff. The people that are west and south of him are 40-50 feet below him plus there is a powerline easement to the west and north of him. Mr. Vlam has developed this piece of land that nobody wanted, into a business.

Mr. Vlam recently went to the city to apply for some things and was told if he wanted to do those things, he would need to shut his business down in order to open that related business at his location. If his property is changed to the M-G zoning, which it was originally, the property to the west and the storage units that are there will not erode. Mr. Vlam will continue to operate in his location as both a business and landlord. He is fine with the area staying as an M-U zone, but he would like his property put back to the M-G zone.

Mr. Camp asked Mr. Tingey how these comments come into play since the council is not going to be rezoning anything with the adoption of this plan.

Mr. Tingey replied Mr. Vlam would have to go through a process to amend the General Plan and also do a rezone. He said the Council could consider Mr. Vlam's issue by modifying this General Plan to exclude his property from having a future land use designation of M-U. That is the only thing that could be considered tonight.

DeLynn Barney – Murray City, Utah

Mr. Barney said after seeing some of the assisted living centers his mother lived in before she passed away, he sees the need for places like that. People should have a comfortable place to live and stay towards the end of their lives. It would be nice if Murray had some assisted living facilities within its boundaries.

Mr. Camp closed the public hearing.

Mr. Brass said he agrees that Mr. Lamb's property is unique and that the erosion is mitigated by the fact that there is a severe drop off all around the edge of the property. That drop off actually serves as a physical barrier from his property to anything else that would be mixed use. Changing the zoning of his property to match the zoning of the properties around him makes since.

Mr. Camp asked Mr. Tingey about low income housing. On the low income housing units that were identified in the plan, it says that the Utah Affordable Housing Database listed four apartment complexes. Mr. Camp stated he knows there are several others, such as Villas on Vine and the Iris Apartments, which are not listed. Mr. Camp asked what the criteria was to determine the inventory of low income housing.

Mr. Tingey said it is required by state law to evaluate housing; especially addressing issues related to low to moderate income housing. He said sometimes areas of complexes may be designated as low to moderate income and others may be market so there are mixed elements. It really depends on what mix the complex has and if the full complex or just portions of the complex have been designated as low to moderate income.

Mr. Camp said his biggest concern is the fact that the R-1-6 zone seems to be listed as both low density and medium density. He is not opposed to an R-1-6 zone, but he wants to know if it is considered low density in all areas throughout the city.

Mr. Tingey explained there are multiple designations that are applicable to multiple districts. There are elements of those areas that fit into both medium and low density. The difference with this plan is that the R-1-6 zone, which are 6,000 square foot lots, has been put in the low density category; the city's existing plan does not have that. There have been national studies that show the size and types of lots for single-family homes are different than before. The demands are for people wanting smaller lots with less maintenance.

Mr. Camp asked if an applicant came into change a zone to R-1-6 that was R-1-10 or R-1-8, could that just be approved by the Planning and Zoning Commission or would it still have to come before the City Council.

Mr. Tingey replied if it is a zone change it would still have to go before both the Planning Commission and City Council, however, it wouldn't require a change in the General Plan.

Mr. Brass said he would like to recommend that Mr. Vlam's property, One Stop Auto, and the properties next to it be zoned as M-G.

### **8.1.2 Council consideration of the above matter**

MOTION: Mr. Brass moved to adopt the ordinance with modifications for the Woodrow Street area to be changed to general office, the Royalton/Crown Pointe area to go to low density, and the properties on 4800 South where One Stop Auto is and the larger development to go to

industrial. The motion was SECONDED by Mr. Nicponski.

Council roll call vote:

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

Motion passed 5-0

**9. Unfinished Business**

**9.1 Continued from February 7, 2017**

**Consider a resolution authorizing and approving proceedings in eminent domain as necessary.**

Staff Presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey explained eminent domain and that it is a difficult issue. He said the city is considering public projects in the area where these properties are located. Those projects include a New City Hall and a parking structure. This item was originally brought before the Council on February 7, 2017. At that time, the Council requested to delay their decision for 30 days to allow time for more negotiations to take place between the city and the property owners.

Mr. Tingey said staff has been negotiating with the property owners. If this resolution is passed tonight, it doesn't mean that negotiations will end. Staff will still continue to negotiate and work with the property owners.

Staff has had very limited conversations with the Fraternal Order of Eagles (FOE) primarily because after the last meeting, their attorney requested that everything flow through the attorneys. Staff provided land use maps to the FOE as well as location maps showing areas where alcohol licenses would be allowed. The FOE requested the property appraiser go inside their property. That has been done however the city has not received that appraisal information back.

Staff has been able to communicate with Verizon's and U.S. West's legal counsel about their properties and have provided them with maps that show possible locations they could move to. Staff has had multiple conversations with the owners of the Strasser and Chow properties and have been reviewing appraisals they have submitted. There have also been multiple conversations with Emina Cejvan and Danny Johnson, who owns the appliance business, about their properties.

Mr. Tingey said staff is recommending approval of this resolution tonight. They will continue to actively negotiate and work towards addressing the issue of just compensation and relocation.



Mr. Camp reminded everyone that this is not a public hearing, however property owners whose property is to be acquired may provide public comment to the Council at this time.

Terry Carlson – Fraternal Order of Eagles (FOE)

Mr. Carlson is representing the FOE. He said since the last meeting, they have had some communication with the city. He feels the communication has been open but slow at times. Since the last meeting, Mr. Tingey and the appraisal team were able to view the interior of the FOE's building. The FOE is a special entity, they are not just another restaurant or coffee shop. They are different and they have to be treated differently. The FOE put up \$3,500 for an appraisal of their own. They have also put over \$7,000 into legal counsel.

Mr. Carlson stated the FOE were given a map of the city that showed areas where they could take their liquor license. He said that there are not that many buildings for sale in Murray. They did view a couple of properties that were for sale in the city that would not fit their needs because they weren't big enough. One property they looked at was selling for \$1.8 million and it had a small parking lot and was not even half as big as the building they have now. Mr. Carlson noted that the city has offered the FOE \$500,000 for their building.

Mr. Carlson mentioned some other properties they have looked at and the reasons they would not work for the FOE. He said that today, he was given an address for a property and when he drove by it, it looked like it might work for them. However, there was no for sale sign and he didn't want to ask the tenant what they knew about the building being for sale. Mr. Carlson does not know how much that property costs because he was not given that information by Mr. Tingey. The FOE has looked at dozens of properties and the majority of them have not been within Murray City limits. They did find one that would fit all their needs outside of the city, but it also costs \$1.8 million. The FOE has been in Murray for over a hundred years and they feel like they are being forced out of the community because there isn't anything for them to buy.

Mr. Carlson reiterated there have been open discussions between them and the city. The FOE wants to stay in Murray City, but they need help to do that. They cannot go into debt because the city wants to build a new city office. Like property for like value is all they are asking for. He doesn't understand why the city is looking at eminent domain, or starting the proceedings, if negotiations are still continuing. The FOE is recommending the city take eminent domain completely away and focus on the communications that are happening. Mr. Carlson said the FOE's legal counsel has told them that the city has to provide them with assistance to relocate and to transfer their liquor license. They have not seen those numbers from the city and no discussion on those items has taken place.

The FOE is a non-profit organization. Their sole purpose is to raise money for

charities that find cures for medical diseases. It is not to go in debt because the city feels it's time for a new fire station and city office. They don't care how much the city gives them for their building and they don't care how much they pay for a new building. All they want to do is remain debt free and be able to move into a building that suits their needs.

Mr. Carlson said he has personally been contacted by some media outlets and his comment to them has been "no comment" because this is between the FOE and Murray City. The FOE has submitted an application to the property ombudsman's office, but they have nothing to go to them with because the ombudsman's office is just a mediator and they will only mediate what the FOE and city are in disagreement of. The only thing the FOE is in disagreement of is eminent domain, period.

Blaine Walker – Walker and Company Real Estate

Mr. Walker is representing Walker and Company Real Estate and Danny Johnson. Mr. Walker thanked Mr. Tingey and his staff for their continued negotiations. He said the only concern Mr. Johnson has is that his business has increased by 300% since he has been in Murray; it has been a great experience for him. Mr. Johnson has made a lot of improvements to his building. He is going to have to purchase a piece of property to build a new building on because he couldn't find something already built that would meet his needs. Mr. Johnson is concerned about two things: value and use, and timing. If the timing issues and final value can be worked out, everyone would be happy.

Fidel Crespin – Strasser Organization

Mr. Crespin said the Strasser Organization currently owns the property at 18 West 5<sup>th</sup> Avenue. They have also acquired the Norman Chow property which is located at 20 West 5<sup>th</sup> Avenue. In the last two weeks, the Strasser Organization has had more negotiations with the city than in prior months. Another delay or postponement of eminent domain to give them more time to negotiate would be beneficial. Mr. Crespin stated he feels if the eminent domain resolution is passed, it would give a lot of leverage and removes fair negotiations from both sides because one party would be negotiating under duress. He is confident that if they were given more time, they would be able to come to an agreement that would be beneficial to both Murray City and the Strasser Organization. They do not want to stand in the way of Murray City, but they don't want to be treated unfairly either.

Mayor Eyre said the city is sympathetic to the concerns that were voiced by the individuals here tonight. This is a very important, complex deal for the city and a lot of thought has been given to it. The city wants to give consideration to the owners of these properties and continue good and rigorous dialogue with them. He thinks staff needs to revisit the idea of eminent domain and look at it seriously. He is not making a commitment to move away from eminent domain, but he thinks it needs to be looked at further.

Mr. Camp asked Mayor Eyre if he was withdrawing this request or if he would like the Council to act on it.

Frank Nakamura, City Attorney, stated the Council has an item before them; they can act on it however they choose, regardless of what the Mayor says. However, the Mayor is important to this process and the Council should take his input, which is what the Mayor is providing to them. He's not telling the Council what to do, he is providing input.

Mr. Hales said he appreciates everyone. His mind is not made up and the Council has been going back and forth on this issue. He asked Mayor Eyre to clarify his statement.

Mayor Eyre said there is more thought that needs to go into this even though the city has already given it a lot of thought over the past 18 months. When it comes right down to it, eminent domain is difficult to initiate. He reiterated it is important for the city to take another look at this process. He said he's not withdrawing anything, just asking for a little bit more time to consider it.

Mr. Brass stated he is always for more time. In the 14 years he has been on the Council, eminent domain has never been used and he's very happy about that because the city has done a lot of projects. He said the city needs a New City Hall and he spoke about some of the problems the current City Hall has. He said he has great hope for the downtown project but he is concerned that using eminent domain to start it is a bad start.

Mr. Tingey suggested not specifying a date for this item to come back before the Council if there is consensus from the Council to not consider this resolution tonight. If a reconsideration of this resolution is needed, staff would bring it forward. That will allow time to work on the negotiations.

**MOTION:** Mr. Nicponski moved to adopt the resolution. The motion was **SECONDED** by Ms. Turner.

Mr. Hales stated he has never been involved with anything like eminent domain before, but he is impressed with how everyone is handling it considering what they are going through.

Mr. Camp said he appreciates all the comments that have been received as well. He recognized the work of staff noting they have kept the Council up to date on everything. As long as progress is being made, he doesn't feel a need to pass this resolution at this time.

Mr. Nakamura stated an amendment could be made to the motion to delay making a decision on this resolution rather than voting now on whether to approve it or not. He said he doesn't know which way the Council is going to vote, but if they want

to delay the decision, he thinks a substitute motion would be better than acting upon the current motion to approve or deny the resolution.

SUBSTITUTE MOTION: Mr. Brass moved to delay action on the resolution for an indefinite period of time. The motion was SECONDED by Mr. Hales. Mr. Nicponski and Ms. Turner accepted the substitute motion and the substitute motion was voted on.

Council roll call vote:

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

Motion passed 5-0

**10. New Business**

**10.1 None scheduled.**

**11. Mayor**

**11.1 Report**

Mayor Eyre said on March 8, 2017 from 5:30 – 7:30 pm an open house will be held to receive public input for the possibility of creating a Murray Canal Trail that would run from Fontaine Bleu Drive to Wheeler Farm. The open house will be held at Cottonwood High School in the media center.

Mayor Eyre mentioned that there will be a ribbon cutting at the new Macys store at Fashion Place Mall on March 10, 2017 at 9:30 am.

Mayor Eyre noted Thursday will be the last day of the Legislature. He thanked the Murray representatives for their service and support.

**11.2 Questions for the Mayor**

**12. Adjournment**

# Attachment 1











