

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

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The Municipal Council of Murray City, Utah, met on Tuesday, the 14<sup>th</sup> day of November, 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 Diane Turner

Council Members Present:

Dave Nicponski, Council District 1  
Pamela Cotter, Council District 2  
Jim Brass, Council District 3  
Diane Turner, Council District 4  
Brett Hales, Council District 5

City Staff Present:

Blair Camp, Mayor  
Jennifer Kennedy, City Recorder  
Frank Nakamura, City Attorney  
Janet Lopez, Council Administrator  
Janet Towers, Executive Assistant to the Mayor  
Gil Rodriguez, Fire Chief  
Jon Harris, Deputy Fire Chief  
Chad Pascua, Battalion Chief  
John Petersen, Fire Captain  
John Tani, Paramedic/Firefighter  
Patrick Best, Paramedic/Firefighter  
James Oyler, Paramedic/Firefighter  
Steve Roberson, Paramedic/Firefighter  
Jake Christensen, Paramedic/Firefighter  
Danyce Steck, Finance Director  
Tim Tingey, Administrative and Development Services Director  
Kim Fong, Library Director

Other's in Attendance:

Scouts  
Citizens

Ms. Turner called the meeting to order at 6:30 p.m.

**5. Opening Ceremonies**

**5.1 Pledge of Allegiance**

The Pledge of Allegiance was led by Dale Cox.

**5.2 Approval of Minutes**

**5.2.1 Special Meeting – October 17, 2017**

**5.2.2 Council Meeting – October 17, 2017**

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

**5.3 Special Recognition**

Ms. Turner asked the scouts in attendance to introduce themselves.

**5.3.1 Recognition of Captain John Jordan Peterson for completion of the “Executive Fire Officer” program through the National Fire Academy.**

Staff Presentation: Gil Rodriguez, Fire Chief

Chief Rodriguez congratulated Mr. Peterson for completing the Executive Fire Officer program and explained the process for attending and graduating from the National Fire Academy. Chief Rodriguez thanked the Council and Mayor Camp for their support of higher education. He presented Mr. Peterson with a certificate and had him introduce his family.

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

David Sundwall – Murray City, Utah

See Attachment 1 for Mr. Sundwall’s comments.

Janice Strobell – Murray City, Utah

See Attachment 2 for Ms. Strobell’s comments and the slides she presented to the Council.

David Amott – Preservation Utah

Mr. Amott said, as a preservationist himself, he has watched a lot of historical buildings come and go here in the valley and in the State of Utah. Any building of interest goes through a cycle. First, it gets built and is loved by the community. Then the members of the community disappear, they move away or pass on, and the community that replaces it inherits the buildings that were built by their forbearers. Often these inheritors lose track of what made those buildings significant and don’t see value in the efforts of the generation before them. This is the point where, in many cases, buildings get torn down. Mr. Amott feels this is where the Murray First Ward is now.

When these buildings are rehabilitated and made to work for the community again, they become much loved touch zones of that community's past, present and future. This is especially possible in the case of the First Ward, which Preserve Murray has shown can be rehabilitated to work on behalf of Murray's community. Mr. Amott urged the Council to do everything in their power to make sure the rehabilitation of the Murray First Ward building happens.

Ky Lovell – Murray City, Utah

Mr. Lovell said when his scout troop walked into the meeting tonight, they had a conversation about buildings and things that are no longer here. Mr. Lovell said his elementary, middle and high school are all gone. None of the things he remembers as a kid still exist. If there is a chance to maintain and hold onto some history, it's a value to the generations coming behind us. They don't get to know what we knew as kids; they don't get to see the things that made us who we are. Too many things are going away from our past.

Fred Allen – Murray City, Utah

Mr. Allen said he is in favor of preservation. He asked what the function of this building would be if it was preserved.

Susan Carroll – Murray City, Utah

Ms. Carroll said her family has used the Murray First Ward Chapel since it was built. She would love to see the chapel preserved and used as a part of the older citizen housing that is supposed to replace it. It would be a lovely place to hold concerts, programs and church services rather than holding them in the cafeteria where the sound bounces and echoes. Having a genuine chapel would be a selling feature for families looking for a place for their loved ones. It could easily be a nondenominational spot, there is nothing there that would scream any religion.

Damian Dayton – Murray City, Utah

Mr. Dayton said his family drives by the Murray First Ward Chapel every day and they love it. There is very little left in this community that connects it to its history. It means a lot to them as citizens to be able to feel like this community is something more than a place that you drive through. He also hates the idea of telling someone what to do with their own property.

**7. Consent Agenda**

**7.1 Consider confirmation of the Mayor's appointment of Brent Gardner to the Murray Library Board of Trustees in a District 4 position to complete the remainder of a term to expire June 30, 2019.**

MOTION: Mr. Brass moved to approve the Consent Agenda. The motion was SECONDED by Mr. Hales.

Council roll call vote:

Mr. Hales        Aye  
Mr. Nicponski   Aye  
Mrs. Cotter     Aye  
Mr. Brass        Aye  
Ms. Turner      Aye

Motion passed 5-0

**8.    Public Hearings**

**8.1    None scheduled.**

**9.    Unfinished Business**

**9.1    None scheduled.**

**10.   New Business**

**10.1   Consider an ordinance adopting the Project Area Plan and Project Area Budget for the Ore Sampling Mill Community Reinvestment Area.**

Staff presentation: Tim Tingey, ADS Director  
(See Attachment 3 for slide used during the presentation)

Mr. Tingey said this proposal was addressed at a Redevelopment Agency meeting that was held earlier this evening. During that meeting a public hearing was held regarding the adoption of a resolution for the plan and budget for the Ore Sampling Mill Community Reinvestment Area. State law requires that the City Council also evaluates and passes an ordinance adopting the plan. Mr. Tingey showed the Council a map of the reinvestment area.

The Council is required to identify the project area plan and the budget which must satisfy several items including: providing a public benefit, being economically sound and feasible, conforming to the city's general plan, and promoting the public's health, safety, and welfare of this area. There was a blight study conducted in this area and it was determined that the area has blight elements. Because of that, there is a need for reinvestment in the area. With this plan in place, any tax collections that occur due to new investments in the area can be reinvested back into the area. The plan also identifies what the city would use those funds for which include: enhancing pedestrian walkways with possible pedestrian overpasses over rail areas and cleaning up environmental conditions that are in the area.

MOTION: Mr. Nicponski moved to adopt the ordinance. The motion was SECONDED by Mr. Brass.

Council roll call vote:

Mr. Hales        Aye  
Mr. Nicponski   Aye

Mrs. Cotter     Aye  
Mr. Brass       Aye  
Ms. Turner     Aye

Motion passed 5-0

**10.2 Consider a resolution authorizing the execution of a Telecommunications Franchise Agreement between MCImetro Access Transmission Services D/B/A Verizon Access Transmission Services and Murray City.**

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said under the Federal Telecommunications Act, the city cannot close its right-of-way's to usage by any telecommunications company, however, we can regulate how they use it to protect our right-of-way's and other companies that use our right-of-way's. There is no fee involved in this because there is a municipal telecommunications tax that is imposed. This is a renewal of an agreement with MCI Access Transmission Services that has expired.

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

Council roll call vote:

Mr. Hales       Aye  
Mr. Nicponski   Aye  
Mrs. Cotter     Aye  
Mr. Brass       Aye  
Ms. Turner     Aye

Motion passed 5-0

**10.3 Consider a resolution authorizing the execution of a Telecommunications Franchise Agreement between Mobilitie, LLC and Murray City.**

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said this agreement is to authorize the use of the city's right-of-way's subject to conditions that will protect our right-of-way's and other users. This is a little different because it is a small cell franchise agreement and is not subject to the municipal telecommunications tax. Because of that, there is a fee to cover some of the costs of the use.

MOTION: Mr. Nicponski 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

**10.4 Consider an ordinance amending Sections 2.06.010 and 2.06.030 of the City Code related to City Officer Bonds.**

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said his office noticed this section of the city's code is obsolete compared to what state law requires. Since the city has an umbrella policy on officers, they would like to amend this ordinance eliminating the bond requirement for certain officers. He noted that based on state law, they also updated the bond requirements for the City Treasurer.

MOTION: Mrs. Cotter moved to adopt the resolution. 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

**10.5 Consider a resolution adopting the Regular Meeting Schedule of the Murray City Municipal Council for calendar year 2018.**

MOTION: Mr. Hales moved to adopt the resolution. 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

**11. Mayor**

**11.1 Report**

Mr. Camp mentioned the following items:

- Murray residents may dump their leaves in the dumpsters located in the parking lot west of the Parks and Recreation office. These dumpsters will be available through the end of November.
- The Park Center will close at 6:00 p.m. on the day before Thanksgiving. They will be open on Thanksgiving Day from 8:00 a.m. to noon and on the day after Thanksgiving from 8:00 a.m. to 10:00 p.m.
- Tomorrow afternoon and evening at the Murray Theater, the city will be holding two meetings, one at 4:00 p.m. and one at 7:00 p.m. to receive input from arts groups on the repurposing of the Murray Theater.

Mayor Camp said it has been a couple of years since the Council voted to change to vote by mail. He said the number of people who voted in this election compared to previous elections before the city went to vote by mail is impressive.

**11.2 Questions for the Mayor**

Mr. Brass said he loves the service of dumping leaves in the park but the dumpsters fill up rapidly and are very tall. If you're not tall and strong, getting bags of leaves into the dumpsters is difficult. There are piles of leaves everywhere and he wanted to know if something could be done to alleviate that.

Mayor Camp said he would address that with the parks department to see what can be done about that.

**12. Adjournment**

The meeting was adjourned at 7:19 p.m.

# Attachment 1



Murray City Council Meeting – Tuesday, November 14, 2017

Personal Statement – David N. Sundwall

Thank you for the opportunity to speak briefly to the Council this evening. And thank you for your service to our city.

I was born and raised in Murray, attended Arlington Grade School, and Murray Junior and High Schools, but lived much of my adult life away, returning “home” in 2005. I have lived in great cities: Boston, San Francisco, and for 24 years in the Washington D.C. area. However, none of these places had the quality of life, nor in my opinion the quality of people, that Murray has. I am here tonight to make a simple request, and that is for you to do what you can to preserve the old Murray First Ward (the Vernon Academy) building. In my opinion this iconic building is an important symbol of our past, our heritage, and a standing tribute to the dedication, faith, and industry of our forbearers. It represents to me what makes Murray a special place to live – a place where we welcome progress, growth, diversity, and inclusion of all newcomers while retaining our appreciation of our traditions. My affection for this building is personal, in that I attended church there as a child and loved it when classes were held in the “tower” (I fantasized about being in a medieval castle while I should have been listening to lessons), and I loved the large beautiful stained glass window (which fortunately has been preserved in the LDS chapel a few blocks east on Vine Street). I recognize that my interest in preserving this old church is personal, is emotional, and not based on consideration of economic opportunities, nor legal rights. However, I respectfully request that you will do all you can to preserve this building, or at least part of it. As we embrace the future and improve our city, let’s not erase our past in the process. Thank you.

David N. Sundwall

November 9, 2017

Mormon Historic Sites Foundation  
299 S. Main, Suite 1300  
Salt Lake City, Utah 84111

Dear Mr. Wilson and Mormon Historic Sites Board Members,

Preserve Murray is a grassroots organization which advocates for Murray City's historic landmarks, many of which are currently threatened by Murray's rapid growth and redevelopment. As an introduction to Preservation Murray, this letter includes profiles of Preservation Murray's board members, a summary of the group's efforts to establish non-profit status, and a history of the 1907 First Ward building, the endangered Murray landmark Preserve Murray is actively working to save. This letter also details Preserve Murray's hopes for a partnership with Mormon Historic Sites Foundation. Such a partnership would greatly enhance Preserve Murray's ability to advocate for preserving the Murray First Ward.

#### **Preserve Murray Board**

Janice Stobell, Preserve Murray President: Janice and her family have lived in Murray for twenty-five years. During these two-and-a-half decades, Janice has been a constant advocate for her historic neighborhood and enjoys a good working relationship with Murray City. Janice and her husband have run their own building material supply business for over thirty years. This experience has granted Janice expertise in a wide range of construction-related issues.

Scott Bainbridge, Preserve Murray Vice President: Scott is a graduate of the University of Utah and has spent much of his career as a manager of the Davis Restoration Company of Utah. Two years ago, Scott founded 4 Corners Reconstruction and Remodeling which offers flood and fire disaster recovery services to home and business owners.

Josh Yost, Preserve Murray Historian: Josh worked for Murray City as an economic development specialist from 2004-08 while earning an urban planning degree at the University of Utah. Josh furthered his studies at Cornell University where, in 2011, he received his M.A. in urban planning and historic preservation. Josh now works for the Provo Department of Community Development and is the Provo's Historic Commission city manager.

Mitzi Remy, Preserve Murray Board Member: Mitzi grew up and raised her family in Murray. Mitzi has spent most of her career in the insurance industry, working as a claims processor for Union Pacific. For several years, Mitzi also worked a member of the railroad's Salt Lake City based board of trustees.

#### **Preserve Murray – Non-profit status**

Preserve Murray is actively working on completing its 501(c)3 filing. We have partnered with Preservation Utah and will soon be able to receive non-profit donations under their umbrella. In this partnership, Preservation Utah will:

- Receive, record, and deposit all Preserve Murray donations

- Issue recognition letters to donors stating that their donation is tax deductible and will be held by Preservation Utah.
- Issue monthly and year-end accounting to reconcile the bank account to ensure all funds are properly accounted for.
- Issue withdrawals from the account by written request to accomplish the qualified project
- Issue fund balance statements upon request.
- Transfer the balance and closing of the account upon Preserve Murray's receipt of 501c3 status from the IRS.

### **History of Murray First Ward Building**

The Murray First Ward building was built in 1907 according to designs created by noted Utah architect Niels Edward Liljenberg. This church is now the last public building left in Murray that dates to the city's founding period, and is also one of the last survivors of the dozens of LDS Craftsman Gothic Churches construed throughout the Salt Lake Valley at the turn of the twentieth century. For decades, the Murray First Ward served as Murray's spiritual and social hub, but in the 1970's the LDS church deemed the church too small to accommodate Murray's growing congregations. Consequently, the church sold the Murray First Ward to a family who for decades used the building to house a private school named Mount Vernon Academy.

In 2015, the Mount Vernon Academy moved to a new locale and the Murray First Ward was sold to Dakota Pacific, a development company based in Salt Lake City. In late 2016, Dakota Pacific submitted a proposal to Murray City to build an assisted living center on the site of the Murray First Ward. This facility's architecture would acknowledge the Murray First Ward, but preserve none of the original building. Along with the Murray First Ward, three additional historic buildings would be demolished to make way for the assisted living center.

### **History of Current Effort – Murray First Ward**

Earlier this year, a handful of Murray residents listened to a Dakota Pacific presentation about the proposed assisted living center. The presentation proved initially convincing, but quickly the community recognized much of the developer's arguments were inaccurate. Members of the Murray City History Advisory Board sent their concerns and recommendations to the city staff urging that the proposed project not approved. Despite these efforts, the Murray City Planning Commission issued a certificate of appropriateness to the developer which permitted the demolition of the Murray First Ward once the Murray City Council signed the developer's agreement. Many citizens spoke out against the issuing of this certificate on the basis that no independent assessment of the site was undertaken and the developer offered few details for what would replace these historic buildings. The certificate's issue also demonstrated a lack of regard on the part of Murray officials for the city's own preservation policies.

A Murray community member filed an appeal to the Murray City Hearing Officer, protesting the Certificate of Appropriateness. This appeal was ultimately denied. The appellate has now filed suit in the Utah Third District Court, effectively stalling the development's progress. Preserve Murray is not part of the lawsuit, but does agree with the arguments the appellate has raised. Both the appellate and Preserve Murray perceive that Murray City has not done proper due diligence in relation to Murray City's downtown ordinance adopted in 2011.

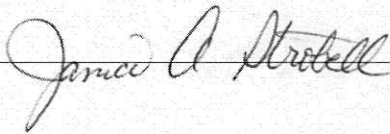
On Monday, November 13th at 10:00 am across from the church, Preserve Murray will hold a press conference to unveil floorplans and images that show how the developer, Dakota Pacific, can integrate the Murray First Ward into the new development without compromising their goals and objectives.

**Preserve Murray / Mormon Historic Sites Foundation Partnership**

Preserve Murray appreciates the work Mormon Historic Sites Foundation does to preserve important landmarks associated with LDS history. We ask that this Foundation support Preservation Murray efforts to save the Murray First Ward building. More specifically, Preserve Murray asks foundation members to publicly address the value of the Murray First Ward building, to offer financial support to our advocacy efforts through the Preservation Utah non-profit arrangement, and to encourage Murray civic leaders and Dakota Pacific to implement the preservation and adaptive reuse solutions Preservation Murray has created.

We appreciate in advance the time and attention you give our organization and our efforts to save the Murray First Ward.

Sincerely,

A handwritten signature in cursive script that reads "Janice A. Strobell". The signature is written in dark ink on a light-colored, slightly textured background.

Janice A. Strobell  
President, Preserve Murray

4912 Wasatch Street  
Murray, Utah 84107

# Attachment 2

Good evening

Question – What is the last public building we have remaining from Murray’s founding period?

The answer is why I’m here. I am speaking for Preserve Murray to share solutions that allow this last public building to move into Murray’s vibrant future, rather than losing such rich history we can never bring back. This last public building remaining is the Murray First Ward Church, now known as Mount Vernon Academy.

When the demolition of this building was approved by the planning commission, the commission was told the alternative to integrate this building into the assisted living center development was not possible for a couple reasons: unable to draw up a feasible plan that integrates the church, and even if a feasible plan were drawn it was claimed that restoring the church would be way too costly.

Tonight, we will show alternatives do exist. Preserve Murray has received drawings and cost analyses from Allen Roberts, an experienced and highly regarded preservation architect. Here we have two alternatives to complete demolition of the church. These alternatives reconfigure the proposed building program and enable the preservation of the original 1907 portion of the 1<sup>st</sup> Ward Chapel.

Alternative One

Alternative Two

Cost Analysis is also here for your review. We invite you to look further into this analysis when time permits

This cost analysis shows the project will cost less with the renovated church because there is less new construction. New construction is more expensive per square foot than renovating a lesser amount of church space which is less expensive per square foot because the church is already there and paid for, with just remodeling and seismic upgrade being done to the existing building.

While Preserve Murray believes that the preservation of as many of the buildings as possible is the most desirable outcome, we believe that these alternatives present pragmatic and acceptable options and prove that preservation is a viable component of new development.

These alternatives shown here are no risk options for the developer because they allow for the development of the same building program as initially proposed with no additional capital cost. With what we have outlined here there is no practical reason to not preserve the chapel. We urge the city to consider these alternatives and exert all possible pressure on the developer to rethink their proposal and accommodate preservation. The city has nothing to lose and so much to gain. What a remarkable contribution this preserved building will give to our downtown redevelopment.

And now I finish with another question - Why Not?

Thank you

# Attachment 3



## Ore Sampling Community Reinvestment Project Area



MURRAY  
COMMUNITY REINVESTMENT &  
DEVELOPMENT SERVICES