



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday March 20, 2018 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### Council Members in Attendance:

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

### Others in Attendance:

Blair Camp	Mayor	Jan Lopez	Council Director
Doug Hill	Chief Administrative Officer	Jennifer Kennedy	City Recorder
Danny Astill	Public Works Director	Susan Nixon	Associate Planner
Jennifer Heaps	Comm. & Public Relations Director	Pattie Johnson	Council Office
G.L. Critchfield	City Attorney	Jon Harris	Deputy Fire Chief
Jim McNulty	Development Services Mgr.	Brent Barnett	Resident
Kathleen Stanford	Resident		

Chair Turner called the Committee of the Whole meeting to order at 5:45 p.m. and welcomed those in attendance.

1. **Approval of Minutes** – None scheduled

2. **Discussion Items**

**2.1 Future Brownfields Application – Tim Tingey**

Mr. Tingey introduced City Planner, Ms. Nixon and commended her on the special project of researching brownfields, in addition to her great efforts related to several daily responsibilities.

Mr. Tingey and Ms. Nixon attended meetings with representatives from the Department of Environmental Quality, who specialized in brownfields, as well as, with the Federal Environmental Protection Agency,

(EPA) Office of Colorado, to discuss opportunities for brownfields funding. As a result, there is a prospect for Murray to receive assistance related to facilitating future environmental issues and cleanup in the city.

In order to discuss a future brownfields application, Ms. Nixon shared a power point to explain the meaning of brownfields.

#### Brownfields Are:

- Defined by the EPA as abandoned properties difficult to redevelop or reuse because of the presence or potential presence of hazardous substance, pollutants, or contaminants.
- Regulated by the EPA.
- Areas that vary in all shapes and sizes; from old mining sites, to vacant single family homes, to mechanic's shops, dry-cleaners, and large industrial sites, such as, old stockyards.

#### Brownfields Site in Murray

Historic photos were viewed of the ore facility in operation, smoke stacks, and smelter site located at the corner of 5300 South and State Street, to describe the area prior to development. Two aerial maps were compared - one noted as a brownfields site, prior to cleanup in 1995, and another dated 2014, reflecting cleanup, and development of IMC and Costco. Major improvements occurred after IMC opened in 2007, employing over 4,400 individuals that literally put Murray City on the map - nationwide.

Mr. Tingey explained brownfields are a blight to any city, which is why the federal government was interested in assisting with funding to provide cleanup of environmental contamination. The purpose was to encourage change, by enhancing communities and neighborhoods, and creating economic opportunities.

#### Brownfields Facts

- There are more than 450,000 brownfields sites in the U.S.
- Health and environmental risks are associated with brownfields sites.
- Environmental risks can be an economic drain, i.e., loss of property value, tax revenue, and sales tax.
- Sites create an environment for vandalism and criminal activity.
- Many low-income and minority neighborhoods are brownfields.
- Brownfields sites often occupy prime real estate locations.

#### Why Address Brownfields Sites in Murray

- To promote community and individual welfare, by creating equitable, healthy, and attractive environments.
- Traditional planning processes often fail to address brownfields.
- Brownfields can be an economic barrier to future reinvestment.
- City officials have an obligation to support collaborative planning, where neighborhoods are the building block of community development.
- When city officials work with residents, property can be transformed from contaminated sites into revitalized community assets.

### Implications for Murray City

- Staff identified existing brownfields properties that require collaborative planning and remediation.
- Staff is evaluating options to apply for federal, state and/or county grants to assist with the redevelopment of these sites.
- Unless Murray City participates in brownfields remediation of these sites, the properties will likely remain undeveloped, and the loss of property and sales revenue will continue.

### Two Identified Target Sites

- Fire station - 4800 South and Box Elder Street – A new fire station, approximately 17,000 square feet and 28 feet tall would be constructed after cleanup.
- Ore Sampling Mill - 5400 South 300 West – The Jess Knight Entrepreneurial Center involves renovations of the existing building and expansion of the structure. The facility would provide 84,000 square feet, consisting of office space, conference and training rooms and open common areas.

Ms. Nixon reported both proposed projects were on hold due to contamination.

Mr. Hales felt the entrepreneurial center would be a positive addition to the area. He wondered if conference and training rooms would be available for outside rental, or tenant use only. Mr. Tingey said the center would be bringing in corporate training opportunities.

Mr. Nicponski said it was exciting to see portions of the old structure included in renderings of the new building. Ms. Nixon agreed developers wanted to incorporate the look of the old mill into the new facility.

Mr. McNulty stated the purpose of retaining part of the structure was to maintain historic preservation.

### Potential Key Players in Brownfields

Murray City Corporation  
State Department of Environmental Quality  
Property Owners  
Citizens and public involvement  
Health Department  
Salt Lake County  
Environmental Protection Agency  
Department of Housing & Urban Development  
Army Corp of Engineers

Ms. Nixon confirmed meetings with representatives at the federal, state and county levels involved, selection sites, assessment options (Phase 1, 2, and remediation), and grant opportunities - versus low interest loans. She noted other than staff time, costs would be minimal to the city.

### Brownfields Funding Opportunities

- The county offers a Community-Wide Assessment grant through Salt Lake County's EPA Region 8 Brownfields Program. Currently, Salt Lake County has up to \$150,000 of available funding to be spent prior to September of 2018 for Phase 1 and Phase 2 assessments, and cleanup planning.
- The Federal EPA program offers a Targeted Brownfields Assessment grant (TAB). The grant would help with environmental assessment programs for specific areas.

### Recommendations

Ms. Nixon said attaining council support was important, and reported the grant application process was underway, therefore, ADS staff recommended the following:

- Apply for a Community-Wide Assessment grant through Salt Lake County's EPA Region 8 Brownfields Program for various properties in urban renewal areas.
- Work with local property owners in urban renewal areas for a Targeted Brownfields Assessment grant (TAB) through the Federal EPA program.

Mr. Tingey explained the Community Assessment grant would be beneficial due to the number of property owners, whose properties were considered brownfields sites in the MCCD. For example, a specific property known to have petroleum issues was creating challenges for siting the new fire station. The grant would provide a good opportunity to work with property owners in completing all phases of environmental assessments. In addition, the TAB grant would be a helpful funding source for completing the procurement process.

He confirmed applications were underway for preliminary review, and funding was not likely until next year, however, he wanted the council to be knowledgeable of brownfields, and grant opportunities prior to submission. Once the application process was completed, and if grants are obtained, in order to receive the funding contract approvals, and a budget opening would be presented to the council for consideration. There was a consensus from the city council to move forward with finalizing the application process.

### **2.2 Vacation of the Second Avenue Right-of-Way – Danny Astill**

In working with IHC and the Transformation Center, consultants and engineers discovered that additional parcels of land were needed to create one solid property - to complete their project. As a result, an area of 0.11 acres, north of the project, at 5000 South State Street, (the old 2<sup>nd</sup> Avenue) was found to be a right-of-way owned by the city. Mr. Astill said the right-of-way belonged to the city for a many years, but it was unclear how or when the city acquired it.

As part of IHC's request and overall plan, the city would need to vacate the right-of-way. Because utility, water and sewer lines existed within the right-of-way, lines had to be relocated prior to the vacating process. Dominion Gas Company and Century Link were also involved to relocate, or provide different easements for their existing utility lines.

Mr. Astill explained instead of the sewer system running west on 2<sup>nd</sup> Avenue, it was relayed from Lost Creek Apartments, eastward to State Street, then southward connecting to a new trunk line; the work was completed according to city specifications. A map of the Transformation Center subdivision was shared to pinpoint affected city sewer and water lines, in addition to, water lines IHC would eventually own - already in place. Sewer lines used to run behind the IHC property, off of 2<sup>nd</sup> Avenue connecting to trunk lines. Sewer lines running adjacent to Cottonwood Creek, west of the liquor store, connecting to trunk lines have been in place for many years.

Technical drawings were noted, as to what IHC would like their final project to look like and include plans to acquire additional RDA property. Mr. Astill explained IHC wants to keep the project moving forward, but cannot attain occupancy until the plat is complete. Since the city does not want to slow their progress, vacating the right-of-way, as soon as possible, would be necessary. However, existing easements must be dedicated to the city, and city attorneys were currently working on easements to include both power and sewer. Before asking the council to consider vacating the right-of-way, he wanted to ensure easement agreements were properly in place. He noted right-of-way vacations are a legislative matter by nature, and easements are not, so he asked City Attorney, G.L. Critchfield to discuss the importance of a proper process.

Mr. Critchfield explained when a public right-of-way is vacated, it removes a city's interest in having a right-of-way, but it does not remove underlying easements - if there are any. Since public utilities are allowed to be placed in a right-of-way, as of right, easements do not need to be recorded at the time underground utilities are installed. As a result, when a public right-of-way is lifted, existing easements are still valid, although, not on record. Consequently, for an existing easement, the city would only need to attain a recorded document validating the existing easement, which would be given to the city.

Mr. Critchfield said the process was ultimately a cleanup process for IHC because easements not recorded anywhere, would be released by the city in agreement with IHC to vacate the right-of-way, and followed by vacation documents brought to the council for consideration. He stressed timing was significant, because the city would not want to give up the right-of-way, until easements were recorded. The overall process would aid in getting the Transformation Center completed.

There was a consensus to move forward with documenting existing easements and vacating the right-of-way.

**3. Announcements:** Ms. Lopez made the following announcement:

- U Workshop, April 25, 2018, located in St. George from 12:00 pm - 4:00pm

**4. Adjournment:** 6:19 p.m.

**Pattie Johnson**  
**Council Office Administrator II**