



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

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The Murray City Municipal Council met as a Committee of the Whole on Tuesday April 17, 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
G.L. Critchfield	City Attorney	Doug Hill	Chief Administrative Officer
Jennifer Heaps	Comm. & Public Relations Director	Pattie Johnson	Council Office
Kim Sorensen	Parks and Recreation Director	Tim Tingey	ADS Director
Jared Hall	Development Division Supervisor	Brad McIlrath	Associate Planner
Brenda Moore	Finance Dept. - Controller	Kory Holdaway	Lobbyist
Madison Mahon	Intern	Dave Stewart	Lobbyist
Janice Strobell	Resident	Brent Barnett	Resident
Kathleen Stanford	Resident	Jennifer Brass	Resident

Ms. Turner called the Committee of the Whole meeting to order at 4:45 p.m. and welcomed those in attendance.

### **1. Approval of Minutes**

Ms. Turner asked for comments or a motion on the minutes from March 6, 2018. Mr. Brass moved approval. Mr. Hales seconded the motion. All were in favor.

### **2. Discussion Items**

**2.1 2018 Legislative Session Report** – G.L. Critchfield, Kory Holdaway, Dave Stewart, and Madison Mahon.

Mr. Critchfield thanked Mr. Holdaway, Mr. Stewart, and Ms. Mahon for their work on the following summary of the 2018 Legislative Session.

Ms. Mahon noted a few house bills that failed - most applicable to the city.

- HB 111 - Community Reinvestment Agency Modifications. The bill would have affected Community Reinvestment Areas (CRA) and force the creation of a moderate income housing plan.
- HB 209 - Mental Health Protection for First Responders. The city ultimately would have seen an increase in Worker's Compensation claims to pay for mental health related issues.
- HB 242 - Local Animal Control Regulation Amendments. The regulation was far too vague to be acceptable, and would have created a burden on the city to create standards for what is acceptable, and what is not, in terms of noise ordinances.
- HB 256 - Electric Service District. The bill would have set an unfavorable precedent for the city.
- SB 218 - Container Regulation Act. Prevented cities from imposing a fee on any type of auxiliary container.

Mr. Holdaway felt it was a tough year legislatively for the League of Cities and Towns, (ULCT), due to a number of challenging issues, however, the session ended better than anticipated. He stated several bills that failed were concerning, specifically a bill related to potential sale tax changes, although, as the session progressed, the bill became less concerning. He also reviewed the following with concern:

- HB 175 - Legislative Oversight Amendments, proposed by Representative Stratton. The bill would have created a joint committee on governmental oversight to review the actions of any governmental entity or action. Fortunately, the bill did not gain necessary support, which was a big win for cities and the ULCT.
- HB 255 - Extra Jurisdictional Municipal Property - A utility focused bill that could have had a dramatic impact on Murray. Cities would have been able to tax other cities owning land, power and water sources, within their jurisdiction.
- HB 135 - Extra Territorial Jurisdiction Amendments - indirectly related to HB 255.

Mr. Holdaway distributed a 2018 Potential Interim Study Item list, which described proposed legislation expected to be introduced or reintroduced in the future. The following items were highlighted:

- Business and Labor - Retail Bag impact Reduction Program.
- Government Operations - Social Media and Public Officials. A study to balance the need for government transparency and the personal privacy rights of elected officials.
- Judiciary – Study amending a provision in the Utah Constitution relating to unreasonable searches and seizures.
- Law Enforcement and Criminal Justice –Extreme Risk Restraining Order, and a study of definitions and degrees of felony offenses.
- Natural Resources, Agriculture, and Environment – A study of various issues related to water quality, water rights, and water supply in the state.
- Revenue and Taxation – Net operating loss and alignment with federal tax revision; sales tax reform; and freezing property taxes for those 65 years and older.

- Transportation – Autonomous cars, consider testing self-driving cars in Utah.
- Political Subdivisions – Statewide Trampoline Park Safety
- Public Utilities, Energy, and Technology – Various studies related to renewable energy municipalities; intermittent resources and reliability; energy infrastructure development; and an investigative study to improve the transmission of state agency data, messages, and information to ensure security.

Ms. Turner asked Mr. Holdaway what it was specifically that made the 2018 Legislative Session end better than he anticipated. Mr. Holdaway said the power of local governments working closely with the ULCT, and local legislators who were interested in what cities were seeing as problematic. Therefore, legislators largely responded in ways the city hoped for, particularly on big issues. He noted the number of times Representative Cutler communicated with him regularly about the city's position on particular issues, which resulted in excellent communication throughout.

There was much discussion on state overreach as it related to legislative oversight, point of the mountain development, the prison relocation, and the northwest quadrant.

Mr. Stewart said the ULCT is only as strong as its membership. To gain support for major city concerns, he encouraged the council to cultivate relationships with Senator Zehnder and Jaren Davis, who would be running for office in the upcoming primary elections.

Mr. Stewart discussed SB 136 - Transportation Governance amendments, which is a transportation and transit bill authorizing new taxes. The county would be soliciting support from cities, with the concept that if imposed early, revenue could pay down debt associated with the quarter of the quarter and open up more capacity. The new bill would create a committee at the county level to decide how funding would be released for specific projects. He encouraged council members to reach out to the county council to petition for nominating Mayor Camp as future committee member.

Mr. Holdaway agreed it would be important for Mayor Camp to pursue a seat on the committee.

Mr. Critchfield thanked Mr. Holdaway and Mr. Stewart for their work and asked what the city might do to prepare for next year. Mr. Holdaway said it would be more apparent after November elections. Mr. Stewart agreed and added that with two presiding officers, and others retiring, many new faces in leadership were expected in both the House and Senate. Leadership elections are expected one week after elections in November. Mr. Holdaway noted the retirement of Senator Howard Stephenson, who was an expert in tax related issues, and said a void would certainly be felt.

Mr. Stewart noted the challenging issue of funding homelessness was definitely not going away. In House Bill 462 the state provided the necessary six million dollars in funding from the Utah State General Fund.

Mayor Camp noted that funding would come from municipal sales tax revenue based on the passage of SB 235. Cities that don't provide homeless shelters would lose a portion of their sales tax revenue, with an overall cap of 1.5% or \$200,000, to those cities with 200 bed shelters for public

safety requirement. For example, Murray's sales taxes would supplement Midvale and South Salt Lake. Mr. Critchfield added that the city's Redevelopment Agency could contribute to the funding.

Mr. Cox felt Murray had already experienced public safety response issues in those areas, with Murray's close proximity to Midvale and South Salt Lake, and therefore, funding could be drained quickly.

Mr. Stewart responded as new shelter developments unfold, the city would be able to make a strong case about existing spillover response that Murray currently provides to neighboring cities. He noted Murray was not the only city providing public services across city boundaries. Therefore, he stressed the importance to begin tracking calls in those crossover areas in order to address the situation in future years.

Mr. Critchfield agreed if Murray one day provided a homeless shelter, hosting 200 beds, the city would have to justify why it should no longer pay the required funding of \$200,000 - by showing the impact of providing a facility. Therefore, he said it was important to compare the current public safety costs for spillover areas, and the cost of providing a homeless shelter.

Mr. Brass said since Operation Rio Grande began, an increase to the existing impact on public safety was more evident, especially with three TRAX stops located in Murray and vagrants who campout in buildings and parks.

Mr. Holdaway commended Mr. Critchfield for a very thorough 2018 Legislative report and felt it provided a new level of communicating information.

Mr. Critchfield gave an overview of his 2018 Legislative report and said many people were generous with their time answering questions, and providing helpful information. The report was a huge ongoing effort involving city employees, attorneys, department heads and the mayor's office, who all collaborated. Councilmember Cox was also instrumental in helping everyone understand the overall context of a bill.

The report was designed to provide detailed information related to bills that passed this year. It provided bill numbers, titles and sponsors, a descriptive summary of each bill, as well as, positions taken by the ULCT and city legislators. This would allow the council to see how Murray legislators supported the city.

Four sections of the report were reviewed:

Section One: Understanding the Summary – An overview to understand the report.

Section Two: The Big Three – The major bills impactful to the city, related to homelessness – SB 235, small wireless facilities – SB 189, and transportation – SB 136.

Section Three: Important Bills Murray Opposed – A total of eight, mostly due to restrictions placed on cities.

Section Four: All of the Rest – Other important bills approved this year.

Mr. Critchfield explained many bills were revised throughout the session before ultimately passing. He reviewed four of those opposed by the city:

- HB 310 – Professional Licensing Amendments
- HB 361 – Billboard Amendments
- SB 158 – Municipal Business Licensing
- SB 167 – Food Truck Regulations Amendments

## **2.2 Murray Theater Renovation – Kim Sorensen**

Mr. Sorensen introduced Rob Pett, with MJSA Architects, who provided conceptual designs, and Cultural Arts Director, Lori Edmunds.

### Theater Background Information

- Open on October 28, 1938. The featured film was the classic Rag Time Band, the Hawaiian Holiday, starring Donald Duck, and a news reel.
- The theater was placed on the National Register of Historic Places in 2001.
- Murray City purchased the theater in 2015.
- Public meetings held in 2018.

Mr. Sorensen explained two public meetings held last fall determined the best plan for the theater. Citizens attended, as well as, arts and cultural groups, who utilized the Murray Amphitheater, and groups throughout Salt Lake County, who might share an interest in using the space. Comments and suggestions were heard, from providing removable seating, to holding rock concerts. As a result, the decision was made to create a theatrical venue, offering a performing stage, with the potential to show movies. Plans included fixed seating of 350, with each row situated five inches lower than the row behind it. The choice to restore the facility to its natural condition was made as it was discovered residents hold a strong tie to the historic relevance of the theater.

### Renderings, Photos and Conceptual Drawings

Original facades were shared to illustrate only slight modifications occurred since 1938. The sidewalk ticket counter was removed and placed inside the doors, but was later repositioned out front. Original 1938 photos were noted, when seating was 700, and a smaller stage existed. Seating was reduced in the mid 70's when the facility changed from a movie house, to a performance theater with the stage extending further out.

Original commercial space to the north was a Hammond Ice Cream shop, and to the south, a Farmers Insurance office. The city currently owns the two spaces which connect to the inside theater lobby. Both areas would be utilized for additional lobby space if needed during performances, as well as, multipurpose rental space for the public or art exhibits, which would attract patrons to the theater when not in use generating revenue for operational maintenance.

Conceptual drawings portrayed original color schemes of green and white on the outside, with red floor tile inside, and walls decorated with gold leaf designs, which would all be replicated. Existing stainless steel doors will remain and be restored, but windows and door handles would be replaced.

The concession counter would remain in the original location to provide refreshments, such as, candy and drinks.

Photos of the theater's current layout and condition and were discussed. Two important architectural features that will remain are the large columns, which were painted black, and air diffusers.

### Proposal

The proposal to restore the theater includes keeping the main level the same, and creating a larger stage with additional space below. He explained the additional level below, would allow adequate space for a green room, two dressing rooms, two restrooms, a mechanical room, and a hydraulic lift for the stage that provide an orchestra pit if needed. The option to expand above the stage was found to be more costly, due to existing high ceilings; and creating a second floor would require elevators, which would drastically change the overall historical appearance. In addition, the city does not own properties next to the structure, so the area is relatively small to work with.

A stage elevator was considered for performers with disabilities who need stage access, however, due to high costs, the theater would provide an American Disabilities Act (ADA) chairlift. It will allow a person to move from the lobby, to the lower level, and up to the stage level. In addition, corridors and restrooms would provide wide doorways and stalls to meet ADA requirements.

Construction costs for the proposed design are estimated at \$6.6 million; architectural fees, estimated at 8% for a total of \$7,001,000. A TRCC grant for cultural facilities would be submitted to Salt Lake County by April 20, 2018, where the city can request 50% of the cost. Citizens are enthused and as the project gains support, the hope is to receive private donations as well.

Mr. Hales felt the size of the Murray Theater would be cost effective, after recently attending the Egyptian Theater, where the lobby is much smaller, seating is 266, tickets were \$43, and the venue was packed. Mr. Sorensen agreed and reported the last owner of the Murray Theater typically rented out the facility at least twice a week.

Mr. Sorensen believes the project will be a great addition to the city, therefore, he wanted to seek council approval prior to grant submission. The council was excited about the possibility of restoring the theater and there was a consensus for grant submission.

### **2.3 Proposed Small Cell Tower Ordinance** – Tim Tingey and Jared Hall

The proposed small cell tower ordinance was recommended by the Planning Commission at their meeting on April 5, 2018.

Mr. Tingey said the city typically did not allow for small wireless facilities in the right-of-way, however, with the passing of SB 189, the city is mandated to comply. He said applications had been received in the past for small cell wireless facilities (SWFs), and currently applications are pending as the ordinance is moving through the process. The ordinance would require SWFs to be located only in rights-of-way, which are city streets, as well as, state streets. He noted the right-of-way

component was most important to the new ordinance, because the city already has code in place for on-sight wireless facilities.

Details of the new code were reviewed and Mr. Tingey explained SWFs are required to fit within an enclosure of six cubic feet, with all related equipment, such as, the pole, within 28 cubic feet – which is what defined a small cell facility.

Facility types are prohibited in the public right-of-way if they interfere with safe operation of traffic control equipment, ADA accessible right-of-way areas, block clear views for traffic and pedestrian safety, or create public health or safety hazards.

The ordinance encourages co-location, where SWFs would blend in harmony on top of utility and street light poles by matching colors to appear less obvious. Height standards of 30 feet on local streets, and 40 feet on arterial and collector streets would be implemented. Wood poles are not allowed, and equipment must be attached eight feet or higher on poles. The ordinance also outlines the application process and required fees.

Mr. Hall provided a brief overview and explained SWFs are smaller than traditional monopoles. He shared pictures to explain the following facility types allowed for SWF applications in the public right-of-way:

- Directional Antennas
- Omni-Directional Antennas
- Radio-units
- UE Relays
- Power Distribution Modules

Existing lattice towers will remain, and the SWF is not meant to replace the traditional monopole, meaning roof and wall mounted antennas. The SWF is related to improving data, due to increased usage, which is expected to increase 600% by the year 2022.

Mr. Hall reviewed code Section 17.82.050 - Siting and Design Standards, and shared slides of various poles to explain how SWFs might appear, for example, near dormitories with excess use of data, and on top of poles. He noted wires would not be exposed on the outside of poles, but would run up through the inside of poles.

In addition, due to new state code, SWFs are considered permitted uses. Therefore, Mr. Hall reviewed Section 17.82.060 – Technical Necessity Exceptions.

- The city cannot mandate applicants go through the planning commission program and require conditional use permits for SWFs – except in prohibited areas.
- Before new monopoles can be erected, it must be proven that there is no other location available for SWFs – and the preferred location would be on existing monopoles.
- Symbols would be placed on poles where facilities are not allowed in residential areas, and poles adjacent to right-of-ways less than 60 feet wide, for example, along parts of Vine Street.

Provo city is the only city that has allowed co-location on Utah Power poles, as well as, Rocky Mountain Power. Mr. Hall explained if co-located and blended correctly, SWFs are not noticeable. The possibility, of deploying 70,000 SWFs throughout the United States was noted, due to companies like Sprint, who hired Mobility to install SWFs, which means once all four carriers request SWFS use, Murray could see hundreds of SWFs.

Mr. Tingey thanked his staff and the city attorney's office for working in such a timely manner to meet the required deadline. The city has until May 11, 2018 to have the mandated ordinance in place, which would come to the council during a public hearing on May 1, 2018 for consideration.

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

- City School Coordinating Council, Wednesday, April 18, School Distrust Office, 5:00 p.m.
- Budget Review Meeting, Monday, 9:00 am, April 23, City Hall Conference Room, 9:00 a.m.

**4. Adjournment:** 6:09 p.m.

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