



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, November 6, 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	Jennifer Kennedy	City Recorder
Jennifer Heaps	Comm. & Public Relations Director	Pattie Johnson	Council Office
Jon Harris	Fire Chief	Doug Hill	Chief Admin Officer
Kory Holdaway	Lobbyist	Ben Bowers	Terracon
Stan Lockhart	Utah Ranked Choice Voting	Danny Astill	Public Works Director
Susan Nixon	Associate Planner	Jim McNulty	Dev. Services Mgr.
Mike Dykman	Assistant Fire Chief	Janice Strobell	Resident
Jennifer Brass	Resident	Brent Barnett	Resident

Ms. Turner called the Committee of the Whole meeting to order at 5:15 p.m.

**Approval of Minutes** - Ms. Turner asked for comments or a motion on the minutes from:

- Committee of the Whole – September 18, 2018
- Committee of the Whole – October 2, 2018
- Committee of the Whole – October 16, 2018

Mr. Brass moved approval on all three sets of minutes. Mr. Cox seconded the motion. (Approved 5-0)

### Discussion Items

1. Brownfields Coalition Discussion – Mayor Camp, Jim McNulty, Benjamin Bowers and Susan Nixon.

Murray is invited to participate in a Brownfields Coalition next year with Salt Lake County and Salt Lake

City Corporation. The proposed coalition would work to obtain Environmental Protection Agency (EPA) Brownfield Grant Funds for each of the entity.

Mr. McNulty introduced Mr. Bowers from Terracon Environmental Services, who was selected to prepare the grant and assist the city in becoming part of the Brownfields Coalition. Funding could be as high as \$600,000, which would be shared as needed, between the three entities.

Mr. Bowers explained, in order to move potential property redevelopment forward, grant funding would provide various phase assessments of Brownfield sites in the city - to be completed at no cost to the Murray or property owners. Tests include asbestos surveys and investigations of contaminants in soil and ground water, where developers and municipalities have concern about contaminated property needed for development. If the federal grant is awarded, the coalition would send a request for proposal (RFP), which would give Terracon the opportunity to bid the assessment work.

Ms. Nixon began her research in March of this year to identify potential Brownfield sites around the city. The following four areas were determined to be preliminary Brownfield locations that could be submitted to the EPA for consideration:

- 48 East 4800 South – To complete redevelopment in the downtown area.
- 12 East 4800 South – Location of a cell tower, to complete redevelopment in the downtown area.
- 29 West (Box Elder) and 4800 South – Location of a mechanic shop, which is suspect of underground contamination. The city does not own the property but could acquire it in the future.
- Ore sampling smelter site – With the coalition, the site could have additional testing conducted.

Mr. Bowers noted other property owners not involved yet could also be included for testing with grant funding and a definite project list was not necessary at the time of EPA submission. Part of the process includes outreach, so communities know funding is available for concerned assessments.

Ms. Turner wondered considering the size of the other entities, what criteria would determine whether funding would be utilized in Murray.

Mr. Bowers explained each entity receives \$200,000 and any unused money could be transferred to the other municipalities for their use. However, as part of the coalition a committee would discuss and agree exactly how funding would be dispersed and spent.

Mr. Hales inquired who from the city would be on the committee. Ms. Nixon said she and Mr. McNulty would represent Murray City as committee members to oversee allocation decisions.

Mr. Bowers said the process was still underway to determine a schedule, as to when properties would be submitted to the EPA for final decision, and Salt Lake County volunteered to gather information from each entity to be submitted for consideration.

Mr. McNulty said there were determining factors, as to which city properties would be evaluated, and final choices were not based on population totals. He thought Salt Lake County and Salt Lake City representatives, or anyone who has ever ridden Front Runner would visibly agree, the ore sampling site located in Murray needs a tremendous amount of environmental cleanup and developmental attention.

Ms. Turner affirmed motivation was not politically driven. Mr. McNulty confirmed.

Ms. Nixon thought the coalition was a great opportunity for the city to see improvements happen. She said prior to Mayor McAdam's invitation to join the coalition, and in order to prepare for future redevelopment, the city already had cleanup plans in place regarding contamination. However, the city was not staffed for such an undertaking at the time.

The council would review the Memorandum of Agreement between the entities and consider joining the coalition at an upcoming council meeting.

## 2. Ranked Choice Voting (RCV) Presentation – Kory Holdaway

This year the Utah State Legislature passed House Bill (HB) 35 that would establish a pilot program, as a new way of voting in which cities can use instant runoff voting. If the proposal is adopted by a municipality or county, a savings is expected, due to the elimination of a primary and November elections. There may be some initial expenditures necessary, but the bi-partisan bill had overwhelming support in both the house and the senate.

A brief history about the Declaration of Independence and the creation of the United States Republic was reviewed, as related to citizen participation. Mr. Holdaway thought the nation was at a critical juncture when it comes to voter participation, particularly in Utah, which was once a leader in the nation. In recent years, Utah dropped to number 38 in the country, with a continued decline over the last few years. As a result, the idea for RCV came about by the legislature to stimulate voters. A brief run down of who sponsored the bill, who voted for and against the bill occurred. Mr. Holdaway led a lengthy discussion and shared a power point to explain the following:

### About the bill

- Beginning 1/1/2019 the pilot program would permit a municipality to conduct nonpartisan races using instant runoff voting.
- Establishes opt-in process.
- Establishes requirements and procedures, including counting votes, recounts of ties, and canvassing.
- Provides a sunset date of 1/1/2026

### Three important benefits of the bill

- Greater voter engagement.
- More civil campaigns – because votes are focused on issues, based on preference not personalities.
- Cost savings to citizens because primary elections would be eliminated.

### How RCV works and ballot examples

- Voters rank the candidates in order of preference.
- If a candidate receives more than 50% of the first-choice votes, the candidate is elected.
- If not, lowest vote getter is eliminated, and their voters' ballots are counted for their next choice.
- Single-winner or multi-winner contests are presented in the same ballot format.

- Visual and written instructions on the ballot provide better understanding.

Mr. Holdaway met with Salt Lake County Clerk, Sherrie Swenson, who does not believe her current voting equipment can accommodate RCV. He said just because the county does not have adequate equipment. It does not mean Murray would not be able to use legacy equipment. Indication has been given that counties favoring RCV, such as, Utah County, would be willing to work with a city to contract for their elections. Currently, 21 out of 29 counties in the state have adequate equipment for utilizing RCV. Salt Lake County is one of eight counties that does not. Dialog continued about accommodating RCV equipment and the process for tabulating election results, as well as, how RCV compliments the current vote by mail process, which is implemented statewide.

Mr. Cox asked since Salt Lake County machines do not work with the new procedure, how would Utah County accommodate Murray and who would cover the cost.

Mr. Holdaway explained the city currently contracts with the county to run the city's elections, where the county charges \$2 per registered voter for each election, whether primary or general election. However, by using RCV, there would be no primary election process, saving the city money. For example, if there are 25,000 registered voters in Murray, vote by mail ballots would be tabulated by an independent group or Utah County, saving the city approximately \$50,000.

Voter education is important to inform voters of a new way of electing city leaders. This could be accomplished a variety of ways, for instance, by postcard prior to receiving vote by mail ballots, or enclosing informative inserts with water bills prior to election day.

Ms. Turner affirmed Maine, Minneapolis and Santa Fe, were currently utilizing RCV. Mr. Holdaway confirmed, there were other northwestern cities including San Francisco and interest around the nation continues to grow each year.

#### Next Steps

Mr. Holdaway encouraged the council to complete the following steps if the city is interested in moving forward with RCV: first, send a letter of interest to the Utah Association of Counties, and second, approve a resolution indicating Murray's interest in proceeding forward with RCV for the next municipal election. The deadline for each step is January 1, 2019.

Mr. Nicponski affirmed RCV eliminates a primary election. Mr. Holdaway confirmed – there would only be one general election.

Ms. Turner noted RCV would save a candidate money, which is necessary to finish out a political race after the primary election; some candidates don't have adequate funding. Mr. Holdaway confirmed RCV reduces the window of two campaigning seasons – down to one.

Ms. Turner asked council members if they were interested in changing to RCV.

Mr. Hales, Mr. Nicponski and Mr. Brass agreed more thought and understanding was necessary before they could fully support RCV.

Mr. Cox would consider sending a letter of interest to the Utah Association of Counties.

For more information about where RCV is utilized in the United States, implementation and benefits of RCV, see Attachment #1 and visit [rankedchoicevoting.org](http://rankedchoicevoting.org) or [info@rankedchoicevoting.org](mailto:info@rankedchoicevoting.org). Mr. Holdaway would send the council more information via email should they consider RCV for the upcoming election year in 2019.

3. Proposed Zone Map Amendment 6230 and 6256 South 900 East by Valley Behavioral Health – Jim McNulty

Valley Behavioral Health requested a Zoning Map amendment to change the Agricultural, A-1 zone to Residential Neighborhood Business, R-N-B for two properties - the combined acreage is 1.14 acres. The applicant intends to remove existing structures at the location and construct a medical office building if the rezone is granted. The proposed rezone is consistent with the General Plan Future Land Use Map, which identifies Residential Business uses for properties along this section of 900 East.

Mr. McNulty shared a power point that included aerial maps of the two properties, pictures of current structures on each parcel and noted new existing businesses nearby that compliment future development.

The planning commission forwarded a recommendation for approval on September 20, 2018 to the city council, as per the city staff recommendation. The council would consider the amendment during the November 20, 2018 council meeting.

4. Abatement of Dangerous Buildings – Mayor Camp, G.L. Critchfield

Mayor Camp shared concerns about a dangerous building located on 300 West 4500 South next to the Humane Society, which has become a draw for teenagers and the homeless population. Efforts to communicate with property owners have been fruitless, therefore, a discussion was needed to review the process regarding abatement.

Mr. Critchfield said the important question about what the city would do to address dangerous buildings was recurring. He said buildings or structures, which endanger safety or welfare of the general public or their occupants should be secured, repaired or demolished. The question also brings into focus one of governments' most impressive and controversial powers – the power to demolish private property, whether a residential home or other building. All parties with any financial interest in the property must be properly notified and given meaningful opportunity to participate in the process including challenging any decision made by the city.

In this type of process, often a city council, steps in to appropriate money when voluntary compliance is not attained. Money that goes into a fund, would allow the city to conduct cleanup work and then a lien would be placed on the property. Because of the power the council would be exercising, the following process must be followed, which can be burdensome and time consuming. Mr. Critchfield outlined the following steps for abatement:

Inspection – The building official conducts an inspection of the building and prepares an inspection report, thoroughly documenting all dangerous conditions and defects.

Title Search – A title search is done to identify the owner of record, as well as, all parties-in-interest.

Notice and Order – A Notice and Order would be issued by personal service or certified mail. The Notice and Order contain the building official's determination that the building is a dangerous building, a statement of the work to be done (repaired, vacate, or demolished), and a statement of the right to appeal.

Board of Appeals – Any party-in-interest may appeal the building official's Notice and Order to the City's Board of Appeals. A hearing date must be set.

Record Notice and Order – If work is not commenced in compliance with the building official's Notice and Order, the building official files a certificate against the property with the Salt Lake County Recorder that describes the property and certifies that the building is a dangerous building.

Compliance – If the necessary corrective work is not done by the owner, the building official has the authority to abate the property. The city has sought a court order (in the past) confirming the building official's authority to abate a building.

Performance of Work – The building official issues an order to the public works director to cause the work to be done, by either city personnel or private contract – the cost of the work is paid for by the city.

Recovering Expenses – The public works director itemizes all costs, files a report with the recorder specifying work done and costs incurred, and a hearing date is set. During the hearing, the council hears and passes upon the public works director's report and the charge with any objections or protests. The council confirms or rejects the report and charge. The council assuming a charge is confirmed, orders that the charge be made a personal obligation of the property owner or an assessment against the property.

Mr. Nicponski affirmed the city would declare all intentions for the property during the public hearing. For example, the decision to demolish the building. Mr. Critchfield confirmed, but regardless of the city's desires, based on the building official's reported findings, a judge could deny demolition and rule the building remain boarded up instead.

Mr. Hales thought more than not, property owners don't show up for public hearings – which default to abatement. Mr. Critchfield agreed and noted there was always a reason why a building was in disrepair.

Mr. Nicponski supposed the reason property owners did not show up for a hearing was because it was understood the city could pay for clean-up or demolition. Mr. Critchfield said the ideal outcome is always voluntary compliance. However, whether a property owner would be charged with personal responsibility would be decided by the city council, after work was completed by the city. At that point, the council would either approve or reject the detailed work report provided by the public service director.

Ms. Turner wondered if the Salt Lake County Health Department could be involved to expedite the abatement process since the property was found to be a community health concern. Mr. Critchfield confirmed the health department would only help by providing property information - but could not move the process along faster.

Mr. Cox asked once demolition costs were covered by the city and a lien was in place, how much time did property owners have to respond; and if property owners were still unresponsive would the city eventually end up owning the property. Resulting ownership is uncertain. Mr. Critchfield said the process could take at least six months and the process would ensure all parties were notified.

Mayor Camp reported the estimated demolition costs was \$135,000, and because budgeted funds of \$30,000 are available for this type of abatement, a financial commitment would be necessary.

Mr. Critchfield stated the city ordered the facility boarded up effectively numerous times, however, transients continue to tear down boards to inhabit the building.

Mayor Camp added additional fencing was installed around the parking lot as well, however, it was also ineffective.

Mr. Brass said the city's police force responds multiple times per week to the property, which is a significant cost to provide public safety services to the area. He thought the cost for tearing the building down might cover the expense of ongoing police visits that address homelessness.

Mr. Nicponski reported the Humane Society calls Murray police on many occasions, as well, to address horrendous trespassing issues, because transients cross over fencing to defecate on their grass.

Mr. Hales thought the situation was overwhelming and the property was unsafe.

Mr. Cox shared concerns about the number of young people being injured on the property – due to hazardous obstacles and darkness inside the facility.

Mr. Brass added many injuries occur, due to an old empty swimming pool that remains inside the facility.

Mayor Camp said his greatest fear was eventually someone would get killed on the property.

Ms. Turner concluded the property was major health issue and abatement proceedings were needed.

**Announcements:** Ms. Lopez made several announcements related to coming events for the council members.

**Adjournment:** 6:18 p.m.

**Pattie Johnson  
Council Office Administrator II**