



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, January 22, 2019 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

**Council Members in Attendance:**

Dave Nicponski - Chair	District #1
Dale Cox – Vice Chair	District #2
Jim Brass	District #3
Diane Turner	District #4

**Excused:**

Brett Hales	District #5
Janet Lopez	Council Director

**Others in Attendance:**

Blair Camp	Mayor	Jennifer Kennedy	City Recorder
Craig Burnett	Police Chief	Pattie Johnson	Council Office
Jennifer Heaps	Comm & PR Director	Jon Harris	Fire Chief
Kim Sorensen	Parks and Rec. Director	Greg Bellon	Asst. Gen. Mgr Power Dept.
Danyce Steck	Finance Director	Rob White	IT Director
Melinda Greenwood	CED Director	Danny Astill	Public Works Director
Bruce Turner	Operations Mgr. Power Dept.	Mark Hendrickson	Resident
Jennifer Brass	Resident		

Mr. Nicponski called the Committee of the Whole meeting to order at 5:45 p.m.

**Approval of Minutes** – Mr. Nicponski asked for comments or a motion on the minutes from:

- Committee of the Whole – November 20, 2018

Mr. Brass moved for approval. Ms. Turner seconded the motion. (Approved 4-0)

**Discussion Items**

**Power Department Navajo Tribal Utility Project** – Mayor Camp and Bruce Turner

Mayor Camp met with Mr. Turner several weeks ago to learn about the project he highly favored.

Mr. Turner discussed the group project with the Assistant Director for the Navajo Tribal Utility Company, although, nothing has been finalized at this time with APPA (American Public Power Association). A conference call is scheduled on February 1, 2019 to review the final details.

The Murray Power Department would like to send 1 Lineman Supervisor, 2 Journey Lineworkers, and 1 Apprentice Lineman to work on a project to bring power to the Navajo Nation in and around the four corners region. The city's phase of work requires the crew to leave on May 11, 2019 and work for seven days. One Murray City powerline truck, and one bucket-truck would be taken to the area, where hotel costs would be paid for by APPA. The following cost estimates were discussed:

• Four-man crew 40 hours	\$ 11,400
• Four-man crew 20 hours overtime	\$ 8,400
• Line Truck 60 Hours	\$ 2,760
• Bucket Truck 60 Hours	\$ 2,280
• Four-man crew per diem:	<u>\$ 1,430</u>
<u>Total:</u>	<u>\$ 26,070</u>

Mr. Turner explained per diem would cover daily food costs, because there are no services available near the project and workers will purchase food ahead of driving to the remote area each day.

Some materials will be transported daily, however, power poles and transformers will already be in place. The crew will attend a safety meeting on the first day to receive assignments and determine what other materials are needed for each day of work.

Mr. Brass thought the project was great thing to be part of.

Mr. Cox noted the very wet and rainy time of year, and requested updates be sent by email about how the project was going. Mr. Turner confirmed workers had sufficient rain gear and he would send email as he received more information to update the council regarding final details and progress.

Ms. Turner thought it was good for Murray to be part of the project and asked if staff was initially interested in going. Mr. Turner said absolutely.

Mr. Nicponski was glad the city was participating, commended the mayor for supporting the project, and asked what other power companies were involved.

Mr. Turner said statewide, St. George and Murray were the only participants, and other out-of-state workers would be flown in. Each power company would be assigned different sections of the project to accomplish power to homes in the area. A tentative project list was shared and a map of mostly Arizona, was provided for the council's review. Mr. Turner appreciated funding to participate and said the project would help many people.

Mayor Camp said the proposal would come to the council for their consideration in two weeks.

**Proposed Annexations by Millcreek City – G.L. Critchfield, Doug Hill and Marv Hendrickson.**

Millcreek City sent Murray a ‘Notice of Intent to File an Annexation Petition’ that included maps and boundaries of an unincorporated island in Salt Lake County that abuts Murray City. Flyers of the proposal were distributed to the neighborhoods seeking resident support.

Mr. Hill noted the “Future Land Use Map” to point out the areas south of the Van Winkle expressway; slightly north of Van Winkle on 900 East; and an area northeast of Murray Holladay Road.

He said a meeting occurred several months ago with the mayor of Millcreek, Mayor Camp, some of the administration, and him - the only discussion they have had so far - when Millcreek indicated their interest in boundary adjustments with Murray City, particularly the K-Mart property. Boundary adjustment issues were reviewed in a previous Committee of the Whole, and it was decided to respond to Millcreek in writing that the Murray Council was not interested in the boundary adjustment, however, the unincorporated areas were not addressed at that time.

Mr. Hendrickson lives in the unincorporated area and recently visited Mayor Camp to ask why Murray did not want to annex this area. The answer given him was that the city did not know anything about the situation. As a result, Mr. Hendrickson shared a flyer with Mayor Camp that was circulated to all the residents in the unincorporated area. Essentially, it encouraged residents to sign the petition to be annexed into Millcreek (see Attachment #1), and it stated Murray City and Holladay did not want to annex the area, however, Millcreek would be glad to. The situation caused Murray to question and discuss whether a protest of the annexation petition was necessary, in the event residents would rather come to Murray City.

Mr. Hill recognized this was a legislative function, as all boundary adjustments and annexations are, and therefore, sought council direction about the matter.

Murray staff researched property tax values in the area to understand how much money the city might receive - should the area become part of Murray City. City staff also considered maintenance and infrastructure, to determine the condition of roads and storm drains related to cost requirements, including additional staff for services. The Murray police and fire chief were asked to evaluate call volume and other information related to impact on public safety for the area.

Ms. Turner asked if the city could protest and what the city’s recourse would be.

Mr. Nicponski requested background information regarding the annexation process.

Mr. Critchfield explained when a city wants to annex any property, it begins by creating an annexation plan. A ‘Notice of Intent to Annex’ can only be filed after that plan is approved by a city council and a planning commission. Next the ‘Notice of Intent to Annex’ goes to the city recorder of the city conducting the annexation, then to the effected entities, which in this case is Murray City, because it is located within a half-mile radius. In addition, property owners in the area are notified about the annexation, as well as, every real property owner within 300 feet.

In this situation, Millcreek, who initiated the annexation petition, received signatures, provided a map and sent a copy of the notice to the effected entities. (See Attachment #2) Millcreek then designated sponsors, to explain why Millcreek wanted to annex, who delivered the petition to the city, and the county clerk.

Millcreek could deny the petition outright or waive it, to see if it could be taken into consideration. The Millcreek city recorder and attorney would ensure the petition meets all legal requirements, then certify the petition, which next goes to the Millcreek City Council. The notice is published and mailed to effected entities with a deadline for protesting, which is 30 days after the notice is received.

At that point Murray could file a notice of protest with the Boundary Commission, who then hires a consultant to do a feasibility study. If determined feasible, the Boundary Commission would hold a public hearing on the study, followed by a public hearing for any protests. A decision is made at that time, which could then go to district court.

Ms. Turner asked if it was often that a city-initiated an annexation. Mr. Critchfield noted in the past, Murray had never initiated an annexation, but citizens requested it.

Mr. Hill confirmed Millcreek did not initiate this petition; it was residents living north of Van Winkle that circulated the petition, however, Millcreek City leaders recruited them to run the petition drive.

Ms. Turner noted the annexation flyer depicted the logo of Millcreek City.

Mr. Hendrickson explained in order to petition an annexation, there is a legal requirement that the city must already be providing at least one service to the area. On this particular parcel, Three Fountains East was the first property to file for annexation east of 900 East, followed by others. He thought the petition was put together and filed by five petitioners, three of which were in his neighborhood. He reported a conversation with Millcreek's economic development director, who told him he was wrong about the requirement about providing services, to initiate a petition. Mr. Hendrickson reviewed his property tax bill with the director, who then admitted Millcreek did not provide any service to the unincorporated area.

Mr. Nicponski noted Unified Police and Fire Departments provide service to that area. Mr. Hendrickson confirmed, therefore, Millcreek is in equal position with Murray to annex the property.

Ms. Turner sensed it was not appropriate for a city to be pushing this kind of action, and thought the situation was odd. She affirmed any protest should be taken to the Boundary Commission. Mr. Critchfield confirmed.

Mr. Hill informed Millcreek that the Murray Council would review the options during a Committee of the Whole meeting. Millcreek responded by requesting Murray not file a protest, because they did not want the local media to report that one city was protesting against another city's annexation. Millcreek said if Murray has an interest in the area, Murray should let them know soon, and residents would have to file another petition to come to Murray. As a result, they would ask petitioners to withdraw their petition and resubmit a new one for only the area north of Van Winkle Expressway.

Mr. Hendrickson explained another annexation petition could not be filed - unless the current one failed. Therefore, he sent 244 letters to every annexation property Millcreek notified, to inform property owners that what the Millcreek administration was telling them - was not true. He encouraged them to consider natural boundaries and suggested residents reevaluate property values by comparing tax levies; for example, Salt Lake County, was the highest; Millcreek coming in next highest, followed by Holladay, and lastly Murray, which was almost \$1,000 less, based on the example of a \$300,00 property value. After his letters went out, he received several calls from residents wanting to know what would happen next. He

explained the meeting with Murray Council, and would report back once he knew if a new petition was needed.

Mr. Hendrickson thought the situation was a land grab similar to when Millcreek first incorporated. He said Millcreek gained properties located from Wasatch Boulevard, west to the Jordan River that are located between Murray and South Salt Lake. He stressed how far removed from the Millcreek area some properties were.

Mr. Critchfield instructed the council to consider cost benefits should Murray annex the area, because if Murray wanted the area, Murray should take it. However, only after considering financial information that would help formulate their opinion moving forward.

Ms. Steck noted the following:

- The area is 52.3 acres. Mostly residential with one office building.
- If the total area was incorporated into Murray, at current rates, property tax revenue would be \$45,030.
- Total property value - \$18.9 million (includes 45% residential discount) - \$30.1 million without discount.

Mr. Brass wondered if the cost to provide police and fire service was analyzed. Chief Burnett did not have exact totals but thought it would not have significant impact.

Mr. Brass thought the mobile park home might see more ambulance/paramedic calls than anything. Chief Harris could not say but would look at EMT information. He did not think the park was for 55 years and older. It appeared to be well kept, with no fire prevention issues, and easy access.

Mr. Astill reported minor storm drain issues and thought maintenance would be necessary, but not costly. There are some parking issues related to the entrance, which Murray City code would help solve. Over time, roads, and most rolled gutters would have to be rebuilt, overlays would be needed, although, he thought most water lines were in good working order. He did see not any big problems and reported cost calculations for overlays and curb replacements would be approximately \$250,000, to improve overall drainage. Snow removal and street sweeping would be minimal.

Mr. Brass thought it was unacceptable that Millcreek sent letters to residents – printed on Millcreek letterhead - stating that Murray was not interested in the property. He said it was not the right approach, as if they made the decision for Murray. He wondered if pending legislation was the reason for annexation.

Ms. Turner agreed Millcreek went about it wrong. She wondered if residents even wanted to be affiliated with any city. Mr. Hendrickson thought no, it was Millcreek that wanted to obtain the property.

Mr. Cox wondered what Millcreek would gain by annexing the area. Mr. Hendrickson said more people - to increase their population.

Mr. Hill confirmed 330 units were inside the mobile home park, and 32 homes in single family residential, would provide approximately 1,200 more people. He confirmed Representative Winder works for Millcreek City and has a representative who filed a bill related to boundary adjustments. Millcreek was dealing with the same situation with Salt Lake City regarding their Brickyard Plaza area.

Mr. Brass expressed concern and confirmed Millcreek also wanted the K-Mart parcel, therefore, he thought if annexing the area would stall that effort, the city should pursue the property; but if there was not much impact, more discussion was necessary. He said it would cost the city more money to service the proposed annexation area - than the amount of revenue generated by property taxes, but he did not want to lose commercial property in the greater land grab.

Mayor Camp thought if legislative boundary adjustments were passed, it made sense to bring the area into Murray.

Ms. Turner agreed if residents wanted to be part of Murray.

Mr. Cox agreed, as long as police and fire departments did not see significant impact.

Mr. Nicponski asked what the next step was should the city decide to annex. He encouraged the council to give direction to Mayor Camp and his staff.

Mr. Critchfield said the city should first communicate interest in the property to Millcreek, He said the city would not go out and contact residents, because Millcreek was waiting to see if Murray was interested. After that, the city would wait for their process to be withdrawn and then residents in that area would file another Notice of Intent to be annexed into Murray. He noted Millcreek still had to jump through the legal process, but the overall question was whether Murray had interest in the property.

Mr. Hill agreed Mayor Camp would notify Millcreek and indicate the council expressed interest in the area south of Van Winkle only. The petition is not withdrawn, Murray would file a protest and pursue the process, with the Boundary Commission or the County who would uphold the protest. If Murray does nothing, and gives Millcreek the chance to take the property, the opportunity to annex into Murray is lost; and if the area did not become part of Millcreek, it could remain unincorporated.

Mr. Brass addressed the big picture and thought it would be problematic, by squaring up boundaries to the north of Van Winkle where commercial property was located.

Mr. Cox agreed the annexation could be a stepping stone to something much bigger and much harder to stop. There was a consensus to allow the Mayor to move forward with contacting Millcreek and express the city council's interest in the property south of Van Winkle.

### **Announcements**

Mr. Nicponski read several announcements related to coming events for the council members.

**Adjournment:** 6:28 p.m.

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