



**MURRAY CITY MUNICIPAL COUNCIL
COMMITTEE OF THE WHOLE**

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, August 17, 2010, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

Jeff Dredge	Council Chairman
Darren V. Stam	Council Vice Chairman
Jim Brass	Council Member
Jared A. Shaver	Council Member

Member Excused:

Krista Dunn

Others in Attendance:

Jan Wells	Mayor's Chief of Staff
Frank Nakamura	City Attorney
Michael D. Wagstaff	Council Executive Director
Janet M. Lopez	Council Office
David A. Adams	Historical Preservation Board
Tim Tingey	Community & Econ Dev Director
Keri Williams	Historic Preservation Consultant
Jay Bollwinkel	Historic Preservation Board,
Mary Ann Kirk	Murray Cultural Arts
Doug Hill	Public Services Director
Don Hartley	State History
Barbara Murphy	State History
Kirk Huffaker	Utah Heritage Foundation
Lee Brinton	Citizen

Chairman Dredge called the meeting to order at 5:32 p.m. and welcomed those in attendance. Mr. Dredge excused Ms. Dunn for her absence due to out of town travel.

Historic Preservation Discussion - Doug Hill

Mr. Hill explained that with the rewriting of the Murray City Center District there have been numerous discussions with the Mayor's office, Community and Economic Development, and the Historic Preservation Board to determine what should be done with historic preservation in that area. Both good and bad comments have been relayed to his department regarding historic preservation over the last three to four years. Some

people claim that nothing is happening in the downtown area because of the historic preservation ordinance. Because buildings cannot be demolished, or must be restored to a certain level of historic significance there have been complaints that it is too expensive or burdensome to utilize the area. Differing comments praise the city for the great downtown, the history in Murray that is older than most cities, and the good things about historic preservation. These two viewpoints often collide with each other. Ms. Kirk has insisted that the City become involved in historic preservation due to the ordinance. It is more than just telling the property owners that they are responsible for upgrading and saving the building. There are funding sources available. Other communities have incentive programs, and Murray needs to take advantage of these resources. It is also important to promote historic preservation at the City level, other than just Ms. Kirk, who is a great promoter for historic preservation.

Mr. Hill pointed out that the City is now an owner of a historic property. The Hoffman building is on the National Register of Historic Buildings owned by the Redevelopment Agency (RDA). Now the question exists regarding what Murray is planning to do as an owner of a historic property. Ms. Kirk has received a grant from the State of Utah, and other grants are available.

Before Murray begins to put a huge investment of time, money, and effort into historic preservation as a City, the staff felt it was important to have a discussion with the policy makers. This was the purpose for the discussion that evening, which was part one of a two-part discussion. Ms. Kirk would introduce the experts who were present to talk about historic preservation, the benefits, and what other communities are doing.

In a few weeks there would be a follow-up internal discussion about where the City would like to go with historic preservation. Mr. Hill stressed his hope that it would be a frank discussion, knowing that everyone would not agree on the issues. The Public Service department needs this guidance as to the direction of historic preservation, along with Community and Economic Development. Whatever may be decided, it is important for all parties to understand the strategic plan related to historic preservation.

Ms. Kirk introduced David Adams and Jay Bollwinkel from the Murray City Historic Preservation Board. Ms. Kirk distributed a packet of information which shows where the City has been with historic preservation. The Murray Historic Preservation Advisory Board was organized by City ordinance in 1996 as part of the Certified Local Government (CLG) program. This program offers professional help at the state level, including funding, and training. It is an outgrowth of the Arts Advisory Board.

A non regulatory local historic registry was formed by ordinance, and every building built before 1920 was identified. The owners were notified, and informed of the opportunity to go on the City registry. It is basically for recognition, and allows for some potential funding, particularly if the property is in a National Registry District.

Ms. Kirk noted some of the things the Advisory Board has done, including Vintage Days, books, curriculum for elementary students, and walking brochures. The curriculum for the schools was written by Ms. Kirk with a teacher, and is tied in with the Murray Museum. Documentary films have been done, one on the Smelter Site, which

was paid for through the CLG funding.

Ms. Kirk has some information from six other communities giving examples of funding sources and how various projects have been paid for.

In 2006 the ordinance was amended, and the name was changed to the History Advisory Board. This was due to the broader scope of the board. At that time, the registry was changed, as well.

Ms. Kirk mentioned how the CLG money has been spent. There was funding for a reconnaissance level survey. A professional walks down the street, identifies the age of properties, and takes pictures. The downtown area was done first, then the newly annexed area, and then everything around it, except one small section left to be done. New subdivisions were omitted. This has been the process to identify and verify Murray's historic assets and properties. Two National Registry Districts were created, the residential in District 3, and the business district. These records are also kept at the state level.

The History Board has determined that they would like to have the registry on the Murray website for people to view the properties. This is one of the goals for this year. Homes built in the 1930s and 1940s are currently being added to the registry.

The registry is non regulatory, therefore, exterior changes require communication with the history office but the final decision is up to the owner. Of the original 400 buildings on the registry, 66 have been demolished, about 16%.

Ms. Kirk introduced the people she works with at the state level: Barbara Murphy, who is the head of the State Historic Preservation office; Don Hartley, historic architect; and Kirk Huffaker, with the Utah Heritage Foundation.

Ms. Murphy stated that her office is part of state history, although, they are funded through a grant from the federal Department of the Interior. She manages the National Register, CLG program, tax credits, and some environmental review programs.

The CLG program serves 94 cities and counties in Utah. By adopting a preservation ordinance, and establishing a preservation commission, of at least five members, a community may become a CLG. The meetings must meet open and public meeting laws, and if National Register nominations come up in the community, then the commission is asked to review it. The community decides what level of regulatory authority the commission might have. In Murray it is an advisory capacity, and in Salt Lake City, it is equal to the planning commission.

A CLG community is eligible to receive grants. The State Historic Preservation office is required to pass through 10% of its federal funding in grants to CLG communities. In Utah, the average is closer to 15%, which amounts to about \$100,000. The CLG community is eligible to apply for this money every other year. It is noncompetitive. Murray has received about \$43,000 since 2003 in matching grants.

The funding can be used for reconnaissance level surveys, and to add properties to the National Register. Properties on the National Register are honorific, however, they are eligible to receive tax credits for improvements. The grants average \$5,000 to \$8,000 each. There have been some additional supplemental grant funds for the last two years, which are competitive. Those have amounted to an additional \$100,000 and to the CLG have been about \$10,000 each.

Training is also available for the CLG, Ms. Murphy explained. For the last three years this has been in partnership with the Utah Heritage Foundation, and has been a multi day conference in the spring.

Data bases, walking tour brochures, web sites, and building development are other areas for use of CLG grant funds.

CLG communities have priority access to time with the State Historic Preservation architect, Don Hartley.

Mr. Shaver asked about the funding source for the State Historic Preservation office. Ms. Murphy confirmed that they are housed as part of state government, however, the majority of funding comes from a federal grant from the Department of the Interior. Grants to Murray are awarded through the CLG program from her office.

Ms. Murphy described tax credit programs that are available. State tax credits and federal tax credits are accessible for buildings that are listed on the National Register of Historic Places. The state tax credit is for residential use buildings. It requires a \$10,000 minimum expenditure over 36 months. The credit is 20% of what was spent against state income tax. The work would be reviewed, and must meet Department of Interior standards for rehabilitation.

The federal tax credit applies to income producing properties, and the minimum expenditure is figured on an adjusted basis, which is the value of the property, minus the value of the land, minus depreciation that has already been taken. This is also a 20% credit against federal income tax, and the only time one can get both is if the property is used for residential rental. The Warenski Duvall Building, rehabilitated by Mike Todd, did receive both credits. The federal credits, although assisted by the State Historic Preservation office, are actually approved by the National Park Service.

Another program administered by the state office is an environmental review program, Section 106 of the National Historic Preservation Act, along with a similar state law. This takes into account if any historic or archeological resources will be impacted by improvements when an agency is spending government money. If there will be a negative impact on these resources, her office would help in finding ways to avoid that, or mitigate, and give something back to the community for the loss of the resources taken. For example, if UDOT happens to widen a road and remove several historic buildings along the route, they would have to give something back to the community. Being a CLG gives the privilege of helping to decide what would be given back to the community. National Register districts have been put in, buildings documented, rehab on another building in the area, and education are some of the

ways communities have benefitted from the negative impacts.

Mr. Shaver asked about the Murray downtown renovations. For example, if an owner were going to remove a building to construct something different could they be asked to invest in another building to bring it up to standard, Mr. Shaver asked. Ms. Murphy confirmed that the building to benefit should be eligible for the National Register. Additionally, she said it only applied if the funding used is from state or national sources. If the funding is by the city or personal, these laws do not apply.

Don Hartley, architect, addressed building codes, and how they relate to historic buildings. Prior to the year 2000, the state used the Uniform Building Code (UBC). This was used, generally, for new construction, however, there was one chapter on existing buildings. A companion document to that was written to provide more information on existing buildings. When the state shifted to the International Building Code (IBC), there was no companion code to deal with existing, and historic buildings. In 2009, the chapter that addresses existing and historic buildings was expanded, and for the first time it has a direct link to the IBC for existing structures. For historic buildings there is some leeway, meaning the judgement is left up to the building officials to determine life safety hazards. The value in the existing code is that many definitions and categories of work may have reduced requirements for historic buildings. If it is the intent to help maintain historic character and defined features there is flexibility that is available to the building officials.

Questions relating to accessibility according to the American Disabilities Act (ADA) frequently come up, Mr. Hartley explained. Portions of the ADA have been added into the IBC for historic properties, therefore, the building officials must administer federal civil rights legislation. For example, an ADA change would not have to be made to a building if it "were not technically feasible," or "readily achievable." Mr. Hartley described a library with a very tall flight of stairs, with no way to transport a wheelchair into the building. He said that it is perfectly acceptable, under ADA standards, in this case to bring the books to the person. Many libraries have on line catalogs, and orders can be taken for delivery. These are the type of questions that Mr. Hartley can work with building officials to determine the best method to handle some matters.

Kirk Huffaker, with the Utah Heritage Foundation, described the mission of his organization as a non profit whose purpose is to preserve, protect and promote Utah's historic environment. Helping to raise awareness about the benefits of historic preservation, doing active preservation through a low interest loan program, protecting buildings through easements, and advocating through public policy are some of the activities of the Utah Heritage Foundation. The group has a property called Memorial House in Memory Grove Park where many weddings are held, as well as other special events. Efforts there are to demonstrate preservation through stewardship.

The funding of preservation can be one of the most challenging aspects of historic preservation. It does require time and patience in Mr. Huffaker's opinion. A CLG and favorable building officials do help.

Usually five to ten funding sources come together for successful preservation.

Murray City becomes a pathway to funds, through the RDA, or CDBG program. Rehab tax credits are very popular funds, and the Utah Heritage Foundation's loan program can be used. Emerging programs, such as affordable housing tax credits, and Hope VI grants that encourage people to live in second and third stories in downtown buildings. FEMA grants may be used for major structural upgrades. Sustainability, and preservation dovetail in promoting conservation. Grants may be available for solar panels, and wind generation. These are options that may help a project bottom line.

Federal funding has always been a partner in heritage conservation across the state. To point out a couple of those projects, Mr. Huffaker mentioned the area around 25th Street in Ogden. This is a historic commercial area that has been on the revitalization path for about 20 years. In 2004, Congress designated that area as the Crossroads of the West National Heritage Area, which recognized Ogden's railroad history, and provided funding for ten years in business marketing, building rehabilitation, and community education about history in the area. This designation brings about \$5 million into Ogden.

In West Jordan, the old rock Pioneer Hall, built in 1867, received a direct appropriation of \$260,000, thanks to Senator Bennett. That is a community reception center now, following the renovations.

In Salt Lake City, the Fisher Mansion, built in 1894, was purchased by the city for access to the Jordan River. It was decided to determine a public use for the structure, and not to release it back into private ownership. A steering committee, Salt Lake Solutions, is raising money for a feasibility study, and they have received \$150,000 from a program called Save America's Treasures. Mr. Huffaker commented that this is a National Parks Service process that is programmatically funded, and takes some lobbying to the congressional delegation to get a project in the pipeline.

Spring City has an elementary school built in 1899 by prominent architect Richard C. Watkins. The Friends of Spring City have been raising funds for more than 20 years to slowly rehabilitate this historic building in their community. This is one of only two places in Utah where the entire town is listed on the National Register. They have also received a \$100,000 grant from the Save America's Treasures program. During this time the Friends group has held multiple events to raise funds, and awareness for the building. A group like this plays an important, and powerful role in historic preservation in engaging the community, and raising funds.

Historic renovation is an economic investment in the city which creates jobs, and is good for local business, which drives the economy, and is good for surrounding neighborhoods, as people have a walkable community close by. These structures also provide some of the best locations for business, as they have recognizable features, and architecture at an affordable price, in comparison with new construction.

Mr. Huffaker stressed that historic preservation is about conservation where adaptive use can be an important strategy for a city. Reusing an old structure for a new purpose, other than its original intent is adaptive use. This is a smart concept to lessen

the burden for growth on the outer edges of a city, and when a building is reconstructed the exterior of the building, many interior walls, and character defining detail is conserved keeping the debris out of the landfill, and saving on demolition costs. Historic preservation makes a city greener and more environmentally sustainable.

A recently established RDA area in Salt Lake City demonstrates this in the Hub District. It is a two-block area adjacent to Salt Lake Central Station. The UTA inter-modal hub will be transformed from a vacant space around warehouses into a vibrant, new mixed use sector west of downtown. Part of the plan to do this is to retain the unique buildings that define the character, the warehouses. The RDA will take four steps to do this. The first is to demolish non historic additions around the warehouses that have obscured original buildings. Second, the RDA is seeking users and developers looking for unique space, and marketing it with available incentives that have been discussed. Additional land is being used as incentive, as well. Mr. Huffaker continued, describing the third step, to negotiate currently leased property where historic buildings exist so that those can be preserved by future developers of that land. Lastly, to make funds go as far as possible, no buildings will be moved or tenants relocated. This district will be a vibrant, unique, and sustainable area to benefit the city and state.

Mr. Huffaker explained that historic preservation is a balance that provides incentive for property owners who want to do historic preservation, with a little legislation that helps keep what is unique about a city around long enough so that when people are ready to rehabilitate, the structures are still there.

Ms. Kirk distributed a list of six local cities' projects, and how they have been funded. She pointed out who coordinated particular projects, and where the funding was obtained. She commented that Draper is driven by a separate group that works with the city on one project at a time. In Gunnison, the mayor coordinated with the CLG board, and Mt. Pleasant has very similar structures to Murray. Several cities have mechanisms to give people funding for re roofing. This gives ideas on how historic preservation can be approached.

Mr. Shaver noted that a combination of funding seems common. He asked Mr. Hill to give some explanation on the second part of the historic discussion, and the overall form.

Mr. Hill clarified that much of the decision will have to do with the Murray City Center District ordinance. He feels it is important to decide, as a City, where leaders want to be with historic preservation. Should there be regulation or should preservation be driven by the market, is the first part. Second, if historic preservation is important to the City, is there interest in providing incentives, and applying for the funds and grants to accomplish it. Currently, the City drives 100% of the historic preservation that happens in Murray. There is the advisory board, but no ancillary groups supporting the City or raising funds. There have been some hopes for investment, and examples of completed projects include: Day Murray Music, the Desert Star Theater, and some Mike

Todd properties. There is a constant battle in that some perceive the historic preservation as a hindrance to economic development. The direction policy makers want to move in historic preservation is the question. Is it of value? Should there be incentives? If it is not of value, would we like some older buildings gone and newer development in their place?

Mr. Shaver stated that part of the problem is the perception that the City administration and Council are driving the historic preservation, forcing owners to make certain improvements. He asked how we go to those individuals who have an interest in Murray, and bring them on board to show them the best way for preservation. There may be a community group, City administration, a separate government entity, an individual, such as Eccles, or Sorenson, and, he asked how to bring everyone to the table to make something happen. Maybe a third part is how to engender that into the community as a whole, and become a part of that discussion. It seems that the City is adversarial, and what needs to happen is to work together.

There being no more questions or comments, Mr. Dredge thanked all the participants for their enlightening information, and adjourned the meeting at 6:29 p.m.

Janet M. Lopez
Council Office Administrator