

Murray City Municipal Council

Chambers

Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 20th day of June, 2017 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

The meeting was conducted by Brett Hales

Council Members Present:

Dave Nicponski, Council District 1
Blair Camp, Council District 2
Jim Brass, Council District 3
Diane Turner, Council District 4/Council Chair – Excused
Brett Hales, Council District 5

City Staff Present:

Tim Tingey, Mayor Pro-Tem/Administrative and Development Services Director
Jennifer Kennedy, City Recorder
Frank Nakamura, City Attorney
Janet Lopez, Council Administrator
Janet Towers, Executive Assistant to the Mayor
Janie Richardson, GIS Supervisor
Susan Nixon, Associate Planner
Isaac Zenger, IT Technician
Craig Burnett, Police Chief
Jon Harris, Deputy Fire chief
Doug Hill, Public Services Director
Danyce Steck, Finance Director

Mr. Hales called the meeting to order at 6:30 P.M.

5. Opening Ceremonies

5.1 Pledge of Allegiance

The Pledge of Allegiance was led by Darrell Pehrson.

5.2 Approval of Minutes

5.2.1 Council Meeting – June 6, 2017

MOTION: Mr. Brass moved to approve the minutes. The motion was SECONDED by Mr. Camp. Voice vote taken, all “ayes.”

5.3 Special Recognition

5.3.1 Murray City Council Employee of the Month, Janie Richardson, GIS Administrator.

Staff Presentation: Brett Hales, Councilmember

Tim Tingey, Administrative and Development Services Director

Mr. Hales said the Council started the Employee of the Month a few years ago because they felt it was important to recognize the City’s employees. He presented Ms. Richardson with a certificate, a \$50 gift card and told her that her name would appear on the plaque located in the Council Chambers. He expressed his appreciation to Ms. Richardson for all she does for the City.

Mr. Tingey spoke about the work Ms. Richardson has done during her 22 years with the city. Ms. Richardson thanked the administration and Council for their support.

5.3.2 Presentation of the Cycle Wasatch Bike Friendly City Award to Murray City.

Staff Presentation: Keith Bateman, Cycle Wasatch

Mr. Bateman said in 2003 Murray City did a Master Plan that included bike paths and pedestrian lanes but nothing was ever really done with it until Mayor Eyre came into office. Biking has become a major business with tens of thousands of people bike commuting, biking for sport and biking for fun.

About four years ago, an organization called Cycle Murray and a bike task force were started. Cycle Murray has evolved into Cycle Wasatch and they look for areas throughout the valley to promote biking and enhance biking safety. Cycle Wasatch has decided to give a yearly Bike Friendly City Award and Murray City is receiving the first award. Mr. Bateman presented the first annual Bike Friendly City Award to Doug Hill, Public Services

Director.

Mr. Hill said Mr. Bateman's efforts have brought awareness of the need for more cycling areas within the city. Over the past four years, the city has installed bicycle lanes and bike routes on many arterial roads throughout the city. There are additional plans to do more over the years as funding becomes available.

6. Citizen Comments (Comments are limited to 3 minutes unless otherwise approved by the Council.)

Suzette Lawson – Murray City, Utah

Ms. Lawson spoke about the concrete median strip that was installed over a year ago on 700 West just south of 5300 South. She understands this was a Utah Department of Transportation (UDOT) design to control traffic that Murray City signed off on. This UDOT design is flawed and an engineering mistake. She lives in the Hidden Village neighborhood next to this intersection and UDOT's decision to put in the median strip has had a negative impact on the quality of life for families in that area and the safety of the community.

Personal driveways and immediate connecting intersections are being used as U-turn and turnabout spots. The community in that area formed a committee to get a real and accurate count of cars that use their driveways and intersections close to their homes for turning around. The number of homes affected is small, but the impact is huge. The total number of cars that use their driveways, counted in a 12 hour period, was 191. A breakdown of their neighborhood study was given to the Council Administrator (Attachment 1). Because of lack of resources, the study does not contain the number of cars using their neighborhood as a thoroughfare to get to the other side of the Smith's shopping center.

Ms. Lawson stated several complaints have been expressed from her and her neighbors. Over a year's time has passed and the community has not become accustomed to the design as expected. That is because the design is flawed. Ms. Lawson and her neighbors are requesting that the median be torn out because new road signs are not the answer. There are already signs posted stating: dead end, no outlet and no U-turn; they are all ignored. Ms. Lawson put large cones in the center of her driveway but they had no effect. People would drive right over them, backup, and drag the cones down the street.

Ms. Lawson said she doesn't feel safe in her home anymore because she knows strangers are peering into and around her house at all hours. She respectfully requested that the Council take this concern with serious consideration and do the right thing by having the median removed.

Dorene Jones – Murray City, Utah

Ms. Jones encouraged the City Council to work with the state historical people and evaluate what it would take to restore the Murray First Ward Chapel on Vine Street. While it is being evaluated, she would like the city to take a look at the building to the west which is one of the few Carnegie Libraries left that has not been destroyed. The library was opened

on December 15, 2015. The Carnegie Foundation gave \$10,000 to the community and Murray City contributed \$11,129 for the library. Both the Murray First Ward Chapel and Carnegie Library have served this community for many years.

Ms. Jones thinks these two buildings are constructed well enough that some purpose could be found for them such as a setting for Murray's historical archives that have been collected over the years, an art gallery, or offices. There are people that are knowledgeable about these things and available to offer their assistance. She knows this because her neighborhood was just designated as a historical site.

DeeAnn Lee – Murray City, Utah

Ms. Lee said she is concerned with the intersection at 5300 South and 700 West. She has lived in Murray for over 50 years and when this intersection was rebuilt, she called the city to let them know about the high number of people using her driveway to turn around. The city told her that it would calm down and to give it some time. However, it has not calmed down.

One day when she was doing some yard work Ms. Lee counted six cars, in 20 seconds, turning around in her driveway. Lots of people come west on 5300 South and unless they know to turn left by the church and gas station to get to the shopping center, the only other choice they have to get there is to turn left at the light and enter it off of 700 West. But they can't, that intersection is blocked off by the median, forcing people into Ms. Lee's neighborhood to either make a U-turn or use driveways to turn around. There is no other way for them to get to the shopping center.

Ms. Lee said if people are heading south on 700 West and don't turn left to get into the shopping center, it creates the same problem. They use Ms. Lee's neighborhood to turn around to get there. Rarely does Ms. Lee go out of her house where she doesn't see someone turning around. On her way home tonight, she was following two cars into her neighborhood. Both of those cars turned around right in front of her. It is constant. People also go through Ms. Lee's neighborhood to avoid the 5300 South and 700 West early morning and late night traffic. She reiterated the median is not working very well.

Rex Morrey – Murray City, Utah

Mr. Morrey said he is concerned about the island on 5300 South and 700 West that has created so much traffic in his neighborhood. Over the last few years he paid nearly \$2,000 to get new concrete in his driveway. A car using his driveway to turn around left a puddle of oil that has stained and ruined his new driveway. There are children playing in the neighborhood as cars wheel into driveways hoping to make a fast turnaround; they are not paying attention to the children that are playing.

Mr. Morrey presented a letter to the Council from his neighbor who could not be here tonight (Attachment 2).

Michael Sheranian – Salt Lake City, Utah

Mr. Sheranian said he is here in support of the preservation and possible repurposing of the

Murray First Ward and the buildings that surround it. He lived in Murray during high school and represents four generations that attended the Murray First Ward. His great-grandfather came to the United States in 1902 from western Armenia and settled his family in Murray. His family were very prominent figures in the community and members of that Ward.

Mr. Sheranian said the other side of his family comes from the Wanship-Coalville area. At one time there was a beautiful pioneer structure called the “Coalville Tabernacle” in Coalville. It was torn down and that community has never been the same. It tore the community apart and it still remains a big source of controversy.

He doesn't know of a time when people were against preserving a building, but a lot of people seem to be divided when wonderful, historical structures, such as the Murray First Ward and the library, are not taken seriously for the place they have assumed in the community. A community's identity is based on history. If that history is not taken seriously then an identity and sense of unity is very hard to perpetuate. He is a very strong advocate for whatever it takes to make this work and to keep those buildings as part of the community.

Kathleen Stanford – Murray City, Utah

Ms. Stanford said Preserve Murray has a petition they would like to share with the Council. She read from the petition (Attachment 3):

We urge the Murray City Council to restore the most historically significant building still surviving in Murray, the LDS church on Vine Street, built in 1907. Murray City should:

- *Explore all options for restoring the building, allowing for ongoing public input;*
- *Obtain independent evaluations of these options by qualified preservation professionals;*
- *Apply for funding through preservation grants, tax credits, and private donors; and*
- *Consider housing city services in the restored building.*

At the Planning Commission meeting held on May 4, 2017, they were told that from the time the Planning Commission granted the Certificate of Appropriateness it would take several months before it would get to a developer's agreement. That was a month and a half ago. Ms. Stanford said they would prefer to have a continuance of this issue so they could have more time to bring in some of their expert witnesses and people who could not attend tonight so they can have a say on this matter as well.

Susan Carroll – Murray City, Utah

Ms. Carroll said her family has lived in Murray City for many years. The Murray First Ward was the chapel for her grandparents, her parents, and her. It was a beautiful building. At one point, the decorative plasterwork was repainted to help it stand out. There was stained glass on the front of the building and there was stained glass on all the classroom doors. This was the first LDS Stake Center in the mid-valley. It was a landmark that was built in 1907.

Ms. Carroll read a comment from Doctor David Sundwall, who was born and raised in Murray City:

I'm very sorry I have an important commitment and can't make it to your meeting. Please tell the Council that our whole family is behind you and losing that church building would be a travesty.

Both buildings (the library and the chapel) are wonderful, historical things. Murray is always progressing and has always done its best to hold onto new ideas. But Murray also loves the traditional things, and we need those. Murray First Ward was the first LDS congregation that stopped using the one communal sacrament cup and started using individual ones. They paid \$1,500 to buy the cups because one of the members of the Ward was a scientist who tested the water left in the cup after it had been passed and found five deadly diseases in it. Those are the types of people that are in Murray. Murray does not destroy its history.

Janice Strobell – Murray City, Utah

Ms. Strobell said she goes by the Vine Street Development several times a day. It is sad to see the condition the building is currently in. This building, the Murray First Ward, will provide a legacy that honors Murray's amazing past and the sacrifices our forefathers made for what we are able to enjoy today. By honoring Murray's past through the preservation of this building, we are magnifying our future; we are looking ahead by honoring our past.

This future will be far brighter than if we destroy our past by demolishing this building. Historical buildings are essential elements in urban environments. When such a building is taken down, it is irreplaceable; it is gone. As a church, this building has a special heightened meaning for the community. Churches are the heart and soul of a community and they can continue to be the heart and soul of our community. Our actions now will be a part of Murray history.

Ms. Strobel said in a future Murray history book, let's not have only a picture of this building that states, "This was one of Murray's greatest historical and architectural losses." Rather let it be said, "This is one of Murray's greatest historical and architectural assets. This building that was built in 1907 was a source of pride to the community and 110 years later we can determine to restore it as a lasting source of pride to our community. We can make a difference by creating this legacy for our community."

Ms. Strobel asked the City Council to vote no on this proposed development agreement as it currently stands and give everyone space and time to explore the preservation of this valuable building and its assets.

Lori Haglund – Murray City, Utah

Ms. Haglund said the eastern most area of Murray City needs a park. Today, she is representing hundreds of Murray City residents who are asking for the Council to follow the advice from the Murray City General Plan to ensure that the provision and maintenance

of parks and open space facilities are a priority as Murray grows and changes in the future. They are asking the city to approach the Leonard Di Sera family with a fair market value proposal to purchase their land and create the Leonard and Mary Di Sera Memorial Park.

The Fontaine Bleu to Vine Street section of the proposed Murray Canal Trail is a little known natural green space along the canal. The area is treasured by residents who walk along the canal and enjoy wildlife, majestic mountain views and a sense of serenity not found in a Murray City neighborhood. Murray City is spending close to a million dollars to develop the trail with Wheeler Farm as a destination location at the southwest end, leaving the Vine Street to Fontaine Bleu end of the trail without a destination.

The 725 acre, easternmost area of Murray, bounded by Van Winkle, 1300 East and I-215, was annexed into Murray City in 2001 and 2002 from unincorporated Salt Lake County and is the largest, and one of only a couple areas in the city not served by a park. Murray City takes great pride in the availability of parks and providing a high quality of life for those who live in the city.

The recent deaths of longtime Murray residents Leonard and Mary Di Sera, and the impending availability of their acreage at approximately 1600 East Vine Street, have prompted neighbors to petition the city for a park in that location. For decades, Leonard Di Sera farmed the land by himself, providing organic heirloom produce to local grocery stores and for his neighbors. In addition, his beautifully planted and tended farm provided a beauty and greenspace in the area that was treasured by neighbors almost as much as by the Di Sera family.

Eric Stanley, a resident of the neighborhood is also a talented landscape architect working for GSBS Architects, one of the state's most noteworthy firms. Mr. Stanley and GSBS have offered concept design and concept budgeting services at no charge to the city. Beautiful concept drawings, prepared by Mr. Stanley and GSBS, will be helpful to the city as the city approaches the Di Sera family.

The residents of this east side neighborhood would like to petition the city to purchase the Di Sera's property from their children to establish the Leonard and Mary Di Sera Memorial Park. A park in their east Murray neighborhood would also provide value to the City and its residents as an east side destination for the trail. The Di Sera's immigrant story is an incredible one and the kindness, love and work ethic they displayed is an example to all who knew them. A park on their property would honor their legacy and would provide convenient park access for Murray's tax base and residents.

Ms. Haglund provided the Council with the first 250 signatures of the petition for a park. She stated that Diane Turner and Brett Hales represent them and the residents will be contacting them to schedule a meeting and deliver more signatures.

Roger Haglund – Murray City, Utah

Mr. Haglund said he and Ms. Haglund are here tonight to ask the Council to pursue a project they believe would enhance the city. A park at the east end of the trail would give

a destination to each end of the trail, making the trail more meaningful. The biggest problem in a city like Murray, which is largely built out already, is they are not making any more land. The chance to buy raw land is rare, and particularly rare in his neighborhood.

Mr. Haglund stated he knows there are many demands on city funds. However, there is no way the city could afford to knock over part of a neighborhood to create a park where they live and he feels they have found a public and private means to fund the trail. He spoke with Jim Palmer, who used to sit on the Holladay City Council, and he said this is a chance to petition for Zoo, Arts and Parks (ZAP) funding. Perhaps the residents and the city could find a public and private way to finance this park to make an open space at the east end of Murray and add more meaning to the trail. Mr. Haglund feels such a partnership would enhance the idea of the trail. Since the trail is being built, it should be made into something meaningful for the citizens of Murray.

Clark Barnett – Salt Lake City, Utah

Mr. Barnett said when they asked the community services department some questions, they were told: 1) there was no documentation for any structural analysis done on the building; 2) There was no documentation for any cost of restoring the building; and 3) The only way the city can protect the building is to buy it.

Laura Anthony – Provo City, Utah

Ms. Anthony said during the Planning Commission meeting held on May 4, 2017, the public was informed there could be no further public input on this matter. This was further reiterated when in meetings with Murray City staff they were told when the Planning Commission has spoken, it is a done deal and there is nothing that can be done. However, this was not true. No one informed the public of the appeal option.

Sterling Herd – Orem, Utah

Mr. Herd said the city has been slow in recognizing how significant the Vine Street Church is for the citizens of Murray. It was treated as an issue that would only affect the residents of the immediate neighborhood and the intended plans were shown only to a small group of residents. While city regulations do not require that input be taken from citizens throughout the city on such a development, the tremendous significance of the Vine Street Church and simple principles should dictate a citywide discussion about the property. Just as the historic downtown is an asset shared by the entire city, the Vine Street Church is a historic landmark in which all citizens hold stake. The willingness of the city to allow demolition of this shared heritage is an affront to the people of Murray.

Bobbi Henry – Murray City, Utah

Ms. Henry said she has had the opportunity to serve on the Historic Preservation Board. Murray belongs to the residents. It doesn't belong to the developers who come in with an idea, it belongs to the residents, and this is our city. Her children own homes here in Murray and bit by bit the history is disappearing through fires or the development of other buildings. Murray used to be so distinctive and the downtown area is still distinctive. She asked the Council to let the residents have time to get people together so they can voice their opinions. She thinks the residents opinions should be the only ones that count. She

doesn't understand why a developer's idea would be better than the residents.

Ms. Henry asked some questions. Who benefits the most, private businesses or residents, when the city moves forward on a development proposed by a developer? Who wins? Who benefits, the business or the residents? Will the project better the daily lives of the residents or will it create even more traffic? Are Costco and the hospital Murray's new identity so we can look like every municipality in the valley? Will the project make Murray a better place to live now and for future residents?

Ms. Henry stated the Council cannot see every unintended consequence from their actions; they cannot. She asked them to move slowly, with thought, answering these questions. Who benefits the most? Does the project help or hurt Murray's economy? Do we bring in corporate businesses or help the mom and pop businesses? A project should only benefit the Murray residents.

Dwight Rimmash, Murray City, Utah

Mr. Rimmash said he is here to discuss a potential flaw in the Planning Commission's reasoning regarding the Vine Street Senior Living Development. On page 3 of the May 4, 2017 Planning Commission meeting minutes, it states, "*The site plan proposed by the applicant shows the Carnegie Library will remain, and the Senior Living Facility will wrap around the corner of Vine Street and Jones Court and onto Arlington Avenue. The other buildings in the area will be demolished as part of this project going forward.*" He guesses that is based on the assumption that the other buildings cannot be repurposed.

On page 4 of the same Planning Commission meeting it says, "*The city will allow the exemption for the demolition of buildings that are historically significant in this zone if the criteria can be met. First, the applicants have had to demonstrate that the condition of the buildings cannot support relocation or be repurposed in any meaningful way for the project at hand.*" Going back to page 3 of those minutes, it states, "*The main floor houses some of the common uses such as a restaurant, dining room, bistro, salon, physical therapy, and lobby. The lobby will feature large murals and historical photographs that will recall the past buildings that will be demolished. The chapel on the main floor will house a recreation of the stained glass window that was previously in the front of the Murray 1st Ward.*" It seems to Mr. Rimmash that the city is destroying a chapel to build a chapel. When you superimpose the drawings that were supplied, it appears as though the demolition of the Murray Chapel makes way for a roundabout and some parking.

His question is, based on the logic of the Planning Commission, it seems to him as though there can be repurposing because the purposes stated in the request are purposes that are currently existing. As it relates to cost, he thinks everyone remembers December 17, 2010 that helped all citizens understand that historic buildings can be restored. That was the night the Provo Tabernacle was destroyed. According to reports, the only thing that was left of the Provo Tabernacle was not structural. It was a brick veneer.

Mr. Rimmash said with a little bit of careful consideration maybe not all of the Vine Street Chapel could be preserved, but he thinks with some creative architecture and some creative

will from the Council, significant architectural portions of the Vine Street Chapel can be preserved and incorporated in the new design per the guidelines of the Planning Commission.

Delynn Barney – Murray City, Utah

Mr. Barney said he attended church at the Murray First Ward. It is a grand old building of the gothic revival style. He feels Murray should save its history. The Murray First Ward was originally commenced in 1907 at a cost of \$25,000 and was later remodeled in 1928 and 1929 at an additional expense of \$75,000. The building became one of the finest and most convenient houses of worship in the Cottonwood Stake of Zion.

Mr. Barney stated a lot of time has gone into plans for an assisted living center. As technically correct as the plans are and how well they follows the letter of the law, it does not fit the fabric of the community nor does it save Murray's history that has existed for over 100 years. The center being proposed is four stories high, much higher than the surrounding apartments and houses. Mr. Barney stated a quick internet search showed quite a few assisted living centers around Murray and a few of them were within Murray City boundaries. However, one assisted living center in downtown is not a good fit, especially if its intent is to draw people. As much as these centers are needed, how many young people would want to have lunch or dinner at a senior's center.

He feels Murray should save its history and repurpose the Vine Street Church as part of a community performing arts complex to also include the Desert Star, Day Center, and Murray Theater. Murray's history should be around for later generations to enjoy. There was an article published in the Salt Lake Tribune on May 7, 2017 that states in part, *“Allowing things to grow and change is necessary. However, we can choose to do this while still keeping the things of our past. The Murray First Ward is a beautiful building that is a beautiful part of Murray’s legacy and tearing it down may not be a path we should choose.”* Mr. Barney encouraged everyone to read the entire article.

Alan Barnett – Salt Lake City, Utah

Mr. Barnett said he is trained as a historic preservationist and has worked for several cities throughout the state evaluating their historic buildings. At one point, he sat on the Murray History Advisory Board and the Design Review Committee for Murray City.

It seems to him that the city doesn't have anybody with the expertise to evaluate historic buildings on its staff which he feels have led to some real problems in this particular case. The city does have a History Advisory Board and they are the body that has some expertise to give advice on issues of history in the city. Unfortunately, Murray City has ignored the advice of its own History Advisory Board. In a memo dated January 30, 2017 that was addressed to the Mayor, the City Council and the Planning Commission the History Advisory Board pointed out that the city may grant an exception to allow demolition, but is not required to do so. Furthermore, the Board emphasized the need for balancing the legal requirements to preserve historic buildings and the allowance for exceptions in certain cases. The city has shown no effort to find a balance between the two demands of the ordinance.

The memo also calls for an evaluation of the condition of the building from an independent expert. Again the city ignored the advice of its own History Advisory Board. Well considered suggestions that could have made for a better process and a better end result to the people of Murray were passed over. He urged the Council to reject the development agreement because it is based on a flawed process and because it is not in the best interest of the people of Murray.

Mr. Barnett stated that Alan Roberts, one of the most prominent preservation architects in the state, has looked at this property. Mr. Roberts has talked about the viability of the building and that it can be restored. There is nothing inherently wrong with the building. Both Mr. Barnett and Mr. Roberts agree, from a preservation standpoint, that this is the most historically significant building in Murray and to lose it would be to lose something that can never be replaced.

Shannon Smith – Murray City, Utah

Ms. Smith said she is concerned about the median at the intersection of 5300 South and 700 West. This median has caused people to speed down her street, 5465 South, at speeds of almost 40 miles per hour; it's like a freeway. There are little kids and elderly people who live on this street. People are turning around in driveways all hours of the day and night. The residents who live on this street can hear driver's radios blaring and their tires screeching; it's uncomfortable and scary.

A neighborhood watch program was started four or five years ago when there were issues of people speeding down 5465 South and the same issue still exists today. Something needs to be done to take care of the median so that people will not be using driveways to turn around. Ms. Smith's house was tapped and a brick was broken by a driver that was speeding and using her driveway as a turn around. This is a safety issue.

Brent Barnett – Provo City, Utah

Mr. Barnett said concerning the property on Vine Street, they have followed the process and have been quite concerned about it. They feel that essentially the city has not accurately followed the process that is outlined in the ordinance. This failure essentially undermines the legality of the process. The Murray City Code states, "*The following properties are deemed historically significant and will be preserved: 186, 190 and 192 East Vine Street as well as 5000, 5002, 5004 and 5006 South Jones Court.*" Aside from this protection the ordinance also provides an imperative to preserve.

The ordinance also allows for exceptions. An exception, Mr. Barnett feels is by definition, a deviation from the norm. This should, in any legal standard, presumably be granted only under exceptional circumstances. There is absolutely no evidence available to the public to indicate that any such exceptional circumstances exist in this particular case. If this process were to be applied in the same way to every development proposal in the future, not a single one of the buildings mandated for preservation in the code would survive.

This cannot possibly be construed as meeting the letter, or the spirit, of the mandate in the

ordinance. Even if the circumstances in this case of the Vine Street property were exceptional, the code also specifies that an exception may be granted only if certain criteria are met. Among this criteria is the requirement that, *“The applicant has demonstrated to the Planning Commission that incorporation of the significant historic building in the proposed development is impractical based on the condition of the existing building, structural incompatibility or other similar constraints.”* A GRAMA Request to this city has revealed that the applicant has provided no such demonstration in this case.

Mr. Barnett said these are just some of the legal discrepancies that have been evident in the process but they feel they are sufficient to compromise the legality of the process and the validity of this certificate of appropriateness issued by the Planning Commission.

Scott Bainbridge – Murray City, Utah

Mr. Bainbridge said the challenge comes when master plans are proposed and things, such as families making Murray great, are forgotten. As development continues, the city needs to take its time. Mr. Bainbridge is in the construction industry and fully understands that sometimes the cost of preserving a building or saving something may exceed what that money could be used for.

There are many places an assisted living center can be built, does it really need to be on the site of one of the most historical buildings there are in the valley. An assisted living area is nice, but he wants to make sure his kids feel like Murray is there city and not a city of assisted living and high-rise buildings that don't support their needs. He sees more and more houses being rented out in his neighborhood and not monitored by landlords that don't care and probably don't even live here. He sees more and more businesses going in that don't support families. If we really cared about what Murray was and what Murray can be, we would find some encouragement for families like his to move in and to ignore the five, six and seven thousand square foot homes that are so enticing on the west side.

Katie Hurd- Orem City, Utah

Ms. Hurd said her great-grandmother was born in 1913 in a home just across the street from the Vine Street Church and lived on Vine Street her entire life. Her great-grandmother graduated from Arlington School and Murray High where she was in the Booster Club and on the girls' basketball team. She worked at Murray Power and would shop at the Murray Superette store on Glen Street.

Murray is the greatest town in the entire state, but it got this way because of the people who built it. The founders of this city left the remnants of their work and they can be saved. Ms. Hurd stated if there was any building that her great-grandmother would have saved, it would be the Vine Street church. Anything Ms. Hurd can do towards preserving this church is her tribute to her great-grandmother and to all the people who built this city.

Brett Hales stated the Council received an email from Josh Yost (Attachment 4) that is in favor of protecting the historical building.

Mr. Camp addressed the comments made by Ms. Lawson regarding the median issue at the

intersection of 5300 South and 700 West. He said he had met with Ms. Lawson earlier this week and looked at the issue there. He also stood in front of Mr. Morrey's driveway and looked at all the rubber marks that were on it from people turning around. He wants the residents to know that he believes there is an issue and he as spoke with Doug Hill, Public Services Director, about looking at what the city can do to improve it.

7. Consent Agenda

7.1 None scheduled.

8. Public Hearings

8.1 Public Hearing #1 – Continued from June 6, 2017

8.1.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter:

Consider an ordinance adopting the transfer of monies from enterprise funds to other City funds.

Mr. Hales said this public hearing is being continued from the June 6, 2017 City Council meeting. During that meeting presentations were made and public comments were taken. The public comment period was closed during that meeting and no further presentations will be made.

8.1.2 Council consideration of the above matter.

MOTION: Mr. Brass moved to adopt the ordinance. The motion was SECONDED by Mr. Nicponski.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Camp	Aye
Mr. Brass	Aye
Mr. Hales	Aye

Motion passed 4-0

8.2 Public Hearing #2 – Continued from June 6, 2017

8.2.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter:

Consider an ordinance adopting the Final 2017-2018 Fiscal Year Budgets for Murray City, including the Library Fund Budget.

Mr. Hales said this public hearing is being continued from the June 6, 2017 City Council meeting. During that meeting presentations were made and public comments were taken. The public comment period was closed during that meeting and no further presentations will be made.

Danyce Steck, Finance Director added the city has received its certified tax rate and has an increase of property tax revenue to the General Fund in the amount of \$92,477 in excess of what was presented in the budget. The city also has an increase to the Library Fund of \$25,638 in excess of what was presented in the budget.

Mr. Camp said the last item on the intent document is regarding the funding for retaining and directing city lobbyists. He doesn't think that wording was updated this year because last year that money was transferred to the Mayor's office.

8.2.2 Council consideration of the above matter.

MOTION: Mr. Brass moved to adopt the ordinance striking the last section of the intent document on lobbyists. The motion was SECONDED by Mr. Camp.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Camp	Aye
Mr. Brass	Aye
Mr. Hales	Aye

Motion passed 4-0

9. Unfinished Business

9.1 None scheduled.

10. New Business

10.1 Consider a resolution approving the Mayor's appointment of Danyce Steck as the City's Representative to the Utah Infrastructure Agency (UIA) Board.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura explained the old Finance Director, Justin Zollinger, represented the city on the UIA Board. The new Finance Director, Danyce Steck has been appointed by the Mayor to succeed Mr. Zollinger to the UIA Board subject to approval from the City Council. Diane Turner will remain as the alternate representative.

MOTION: Mr. Camp moved to adopt the resolution. The motion was SECONDED by Mr. Brass.

Council roll call vote:

Mr. Nicponski	Aye
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Mr. Camp	Aye
Mr. Brass	Aye
Mr. Hales	Aye

Motion passed 4-0

10.2 Consider an ordinance adopting the rate of tax levies for the Fiscal Year commencing July 1, 2017 and ending June 30, 2018.

Staff presentation: Danyce Steck, Finance Director

Ms. Steck explained the steps that are gone through to assess the certified tax rate. The Salt Lake County Assessor's office values the property in the city boundaries every year. Following that, the Assessor records the property as being either existing or new growth. After that, the State Tax Commission calculates a property tax rate that will yield the exact same amount of revenue as the previous year for all existing taxable properties. This is called the certified tax rate. The rates are then applied to all new growth and additional revenue is added. If the city determines the tax rate is insufficient for its needs, the city is required to go through the truth in taxation process. However, this year the city has determined the tax rate will be sufficient for its needs and the budget assumes the adoption of the certified tax rate. Murray City's certified tax rate is 0.001415, which is the lowest tax rate the city has received in the last 12 years.

Ms. Steck explained that the city does not receive the bulk of property tax money. The school district receives almost 50% of your property tax bill and the county receives about 25%.

Mr. Nicponski asked if the residential property tax obligation goes down as the tax rate goes down.

Ms. Steck replied it depends on the assessed value of the property. If a properties assessed value goes up, the rate goes down. If a properties assessed value goes down, the rate goes up. No matter what, the amount that is paid to the city will remain the same.

MOTION: Mr. Nicponski moved to adopt the ordinance. The motion was SECONDED by Mr. Brass.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Camp	Aye
Mr. Brass	Aye
Mr. Hales	Aye

Motion passed 4-0

10.3 Consider an ordinance imposing a temporary ban on the discharge of fireworks and other ignition sources in specified fire risk areas.

Staff presentation: Jon Harris, Deputy Fire Chief

Mr. Harris said these same areas have been outlined for the last five years or so. This ban is very similar to what other cities do. History has showed that areas around the Jordan River, Wheeler Farm and Murray Park are very likely to burn.

Mr. Brass reminded everyone about a fire on the parkway that happened a couple of years ago and the current fire in Brian Head, Utah. A lot of things have grown this year and now they are drying out. He thinks this ban is a good idea.

MOTION: Mr. Brass moved to adopt the ordinance. The motion was SECONDED by Mr. Nicponski.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Camp	Aye
Mr. Brass	Aye
Mr. Hales	Aye

Motion passed 4-0

10.4 Consider a resolution approving an Interlocal Agreement between the City and the State of Utah – Utah Division of Forestry, Fire and State Lands relating to services provided by the City to the State to assist in fighting wild land fires.

Staff presentation: Jon Harris, Deputy Fire Chief

Mr. Harris said if the Utah Division of Forestry requests resources and personnel from Murray, if we are able to, we can send those resources and personnel and this agreement allows the city to be reimbursed for the costs associated with that. The Fire Department has done this for that past couple of years and it has been a successful program. They would like to do it this year as well.

MOTION: Mr. Camp moved to adopt the resolution. The motion was SECONDED by Mr. Brass.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Camp	Aye
Mr. Brass	Aye
Mr. Hales	Aye

Motion passed 4-0

10.5 Consider a development agreement between the City and Parkview Properties, LLC an affiliate of Dakota Pacific Real Estate Partners, for the Vine Street Senior Living Project in the Murray City Center District.

Staff presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey said this was a land use application that came into the city in December of 2016. The proposal that was submitted was for a certificate of appropriateness to allow for an assisted living facility that could have up to 126 bedrooms. Part of that application included a demolition request for four historic buildings. Those buildings included the First Ward building, the two duplexes on Jones Court and building on the corner of Jones Court and Vine Street.

Mr. Tingey spoke about the Murray City Center District (MCCD) ordinance which governs this application that was considered by the Planning Commission on May 4, 2017. The MCCD ordinance was adopted in March of 2011. Prior to that, there was the Downtown Historic Overlay District (DHOD) ordinance in place. That ordinance primarily restricted demolition of designated historic buildings in the downtown area with two exceptions. One was if the owner suffered a hardship and was permanently deprived of economic return and the other was if the building was an eminent hazard to public safety and repairs are impractical. That was the criteria that had to be met for demolition of a building prior to the MCCD ordinance being approved in 2011.

In 2008 and 2009 the city had some property owners who owned historic buildings in downtown come to the Mayor and Council and request that the city reevaluate the DHOD and relook at this area to add for some flexibility for demolition of historic structures. The process for the changes to the DHOD ordinance included input from the City Council, Planning Commission, History Advisory Board and other groups as well as 13 public input meetings. The entire process took about two years to complete and the new ordinance was adopted in 2011. The adoption of the new ordinance allowed for an exception process where historic buildings could be demolished. An exception process that, per this application, is being requested. This is the first time the city has had this request in the downtown area since the ordinance was adopted.

Mr. Tingey stated the DHOD was different than the MCCD. The MCCD allows for an exception process for demolition. That exception process is determined by the Planning Commission. This application went to the Planning Commission on May 4, 2017 where it was considered through a public input process, application materials, and recommendations from the History Advisory Board. The Murray City Center District Design Review Committee, which includes professionals in the architectural and planning industry, also evaluated this proposal.

The Planning Commission held a public hearing and voted to approve the certificate of appropriateness. That approval was based on things such as the condition of the building, adherence to the MCCD standards, goals and objectives, complying with the ordinance and design standards of the community, having a monument inscription if demolition is granted – including a narrative of the buildings that are to be demolished, input from the Arts and History Advisory Boards, and a development agreement has to be reviewed by the City Council.

Tonight's agenda item is to have the development agreement reviewed by the City Council. It is not to talk about all the standards related to the certificate of appropriateness; that was already considered and deliberated by the Planning Commission. They have made the determination that the demolition of these buildings was appropriate with the proposal that has come forward.

At this point, the Council has to determine whether the development agreement ensures the viability of the project moving forward and that buildings won't be demolished and the empty property just sits there. The development agreement really keys on the viability of the project and how it is going to, and making sure that it does, move forward.

Mr. Tingey went over the conditions of the development agreement that must be adhered to. There must be immediacy of the project and a development timeline must be submitted with a 24 month project completion period. That has been submitted as an attachment as part of this agreement and includes a timeline and detailed elements of how the project will move forward.

If demolition is approved the applicant must provide a performance, security and financial guarantee equal to 125% of the estimated cost of the project to ensure the project is completed. The estimated cost of this project is around 26 million dollars and the developer has provided equity and construction loan details as well as a completion guarantee for the project. Demolition will not be approved until a building permit is issued for the proposed development and evidence of adequate financing has been submitted. All of the detailed construction drawings for the project and the proposal have to be submitted as well for demolition to be granted by the city administration.

Another condition of the development agreement is that the projected value of the project must be at least five times the current assessed valuation; that has been provided as well. The existing value of the property is two million dollars and the finished project is estimated to be valued at around 26 million dollars. Mr. Tingey said staff is recommending approval of the development agreement which is what the City Council has to do per the code related to this. He feels the process that went through the Planning Commission was appropriate.

Mr. Camp asked Mr. Nakamura about the comments made tonight about legal flaws

with the process. He wanted to be clear that the Council is bound to look at the agreement, not the other issues.

Mr. Nakamura said the certificate of appropriateness was issued. That process was handled by the Planning Commission on May 4, 2017 and has been completed. The Planning Commission had to look at all the elements and they had the discretion to make decisions pursuant to those standards. That process is completed, and there has been no appeal and that time has elapsed. The Council is looking at the final element which is the development agreement. As Mr. Tingey said that includes financial viability and security issues.

Mr. Brass said this is in his district and it is difficult. It is also a private property issue. This property was for sale for quite a long time and a development group is under contract to purchase it. It's hard for government, and he doesn't think people would want the government deeply involved, in property issues. The documentation was provided and there is no assisted living center in Murray. Mr. Brass said he loves old churches, but the decision on whether to save this particular one or not was with Planning and Zoning. The development agreement is like a super conditional use permit and state law does not allow the city to deny conditional use permits. We can apply conditions that are appropriate and that's it.

MOTION: Mr. Brass moved to approve the development agreement. The motion was SECONDED by Mr. Camp.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Camp	Aye
Mr. Brass	Aye
Mr. Hales	Aye

Motion passed 4-0

10.6 Consider an ordinance enacting Chapter 10.20 of the Murray City Municipal Code relating to impeding or blocking traffic.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said this is in reaction to H.B. 161 that was passed during the 2017 Legislature and is sometimes referred to a panhandling ordinance. The City has always had provisions in the law to deal with panhandling if it impedes traffic or impairs public safety. However, the difference between this and what the city would normally enforce is that if someone is driving a vehicle on certain specified roadways, it could result in a citation to the driver. State law requires that there is a permit process and it will be handled under the city's special event permits.

MOTION: Mr. Nicponski moved to adopt the ordinance. The motion was

SECONDED by Mr. Camp.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Camp	Aye
Mr. Brass	Aye
Mr. Hales	Aye

Motion passed 4-0

10.7 Consider a resolution authorizing the execution of a Telecommunications Franchise Agreement between Qwest Corporation D/B/A Centurylink QC and Murray City.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said the city has franchise agreements with many of the telecommunication companies that use the city's right-of-ways. Centurylink has been using the city's right-of-ways for quite some time, but the city cannot locate a franchise agreement with them. There are no fees involved with a franchise agreement but there are rules as far as using and maintaining the city's right-of-ways.

MOTION: Mr. Brass moved to adopt the resolution. The motion was SECONDED by Mr. Nicponski.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Camp	Aye
Mr. Brass	Aye
Mr. Hales	Aye

Motion passed 4-0

10.8 Consider an ordinance amending section 12.34.100 of the Murray City Municipal Code relating to the appeal procedures for special event permits.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said the special event ordinance has an appeal process that would go through the business license administrator. That should not be the case. An appeal or denial for a special events permit should go to the Mayor. That has been corrected in this ordinance.

MOTION: Mr. Camp moved to adopt the ordinance. The motion was SECONDED by Mr. Nicponski.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Camp	Aye
Mr. Brass	Aye
Mr. Hales	Aye

Motion passed 4-0

11. Mayor

11.1 Report

Mr. Tingey said on Thursday June 27, 2017 between 4:00 and 6:00 P.M. there will be an open house related to the State Street pedestrian bridge proposal. The funding the city is receiving for this project is through the federal government through a grant called The TIGER Grant (Transportation Investment Generating Economic Recovery Act).

The Fun Days celebration will start with a breakfast at 6:30 A.M. and end with fireworks in Murray Park at 10:00 P.M. All the details for Fun Days can be found on the city's website.

On Friday the movie in the park at Ken Price Ballpark will be the Jungle Book. It will start at 9:00 P.M.

11.2 Questions for the Mayor

12. Adjournment

The meeting was adjourned at 8:18 P.M.

Jennifer Kennedy, City Recorder

Attachment 1

On Saturday June 10, 2017, a car count was conducted in our neighborhood to get an accurate number of vehicles that used our driveways, neighborhood intersections as turn arounds. Those that conducted the survey were Annie Hendrickson, Emma Thompson, Travis Norton, Chandler Thompson and myself Suzette Lawson

The survey was conducted in a very small area of Hidden Village Specifically the homes on 5465 south & 689 W, 684 W, 676 W, 681 W, 665 W, the intersections of 5465 S & 670 W, the home of 5455 S & 700 W and the homes on 670 W and 5483 S, 5493 S, 5503 S, 5513 S, 5523 S, the total came to **191 cars** effecting 12 homes and 2 inner neighborhood intersections in a 12-hour period.

The counts as they happened during specific times of the days.

7:00-8:00 am = 7 Vehicles

8:00-9:00 am = 8 Vehicles

9:00-10:00 am = 9 Vehicles

10:00-11:00 am = 6 Vehicles

11:00-12:00 pm = 9 Vehicles

12:00-1:00 pm = 14 Vehicles

1:00-2:00 pm = 12 Vehicles

2:00 – 3:00 pm = 16 Vehicles

3:00 – 4:00 pm = 30 Vehicles

(31 vehicles in that 12 hours period at home of 5455 S 700 W specific times not kept).

Specific addresses effected in the 12 hour period with the total number of vehicles using there driveway as a turn around.

5455 South 700 West #31 / Mr. & Mrs. Salisbury

5465 South 689 West #12 / Mrs Barbara Ivie

5465 South 681 West # 0 /

5465 South 684 West #22 / Mr. & Mr. Morrey

5465 South 676 West # 3 / Mrs. Lee

5465 South 668 West # 4 /

5465 South 665 West # 1 /Mr. Nordin

670 West 5483 South # 0

670 West 5493 South # 0

670 West 5503 South # 0

670 West 5513 South # 9 / Mr. & Mrs. Lawson

670 West 5523 South # 1 / Mr. Hall

670 West 5520 South #1 /

Intersection 700 West & 5465 South # 75

Intersection 5465 South 670 West # 32

Allendale Dr

Allendale Dr

Allendale Dr

Allendale Dr

Allendale Dr

King Aspen Dr

S Quaking Aspen Dr

Aspen Heights Dr

S 700 W

Google

 June 10, 2017 7AM-7PM
 191 Cars Counted

S 700 W

 75 → X
 cars made u-turn

 W 5465 S
 12 cars
 $\frac{689}{681}$

M 007 S

 1 car
 $\frac{5520}{5520}$

 31 cars
 $\frac{5455}{5455}$
 cars
 $\frac{\#22}{684}$
 $\frac{\#3}{676}$
 cars
 $\frac{\#4}{668}$

 ← 32 cars made u-turn
 X W 5465 S
 W 5465 S

 W 5465 S
 S 640 W
 1 car
 $\frac{665}{665}$

 S 640 W
 5183
 5493

 S 640 W
 5503
 9 cars
 $\frac{5513}{5513}$

 S 640 W
 1 car
 $\frac{5523}{5523}$

Attachment 2

Keith & Verlee Salisbury
5455 So.700 West
Murray, Ut 84123

June 14, 2017

To: Murray City Council Members

Re: DANGEROUS TRAFFIC FLOW ON 700 WEST, 5300 SOUTH TO 5455 SOUTH AND 5465 SO. AND ADJOINING NEIGHBORHOODS.

Driveways, intersections, even dead-end streets are being used for turnarounds illegally. Cars by the dozens daily go up over curbs, hit landscaping, safety rocks, & telephone poles. They are SCARING OUR DRIVEWAYS, CHIPPING OUT CONCRETE ON THE DRIVEWAY CONNECTORS AND GREATLY ENDANGERING PEDESTRIANS. Our driveways are not freeways.

We have enjoyed our home and raised a big family in "our town" Murray. It's been a good life in relative safety.

UDOT forgot us on this road project!!!!

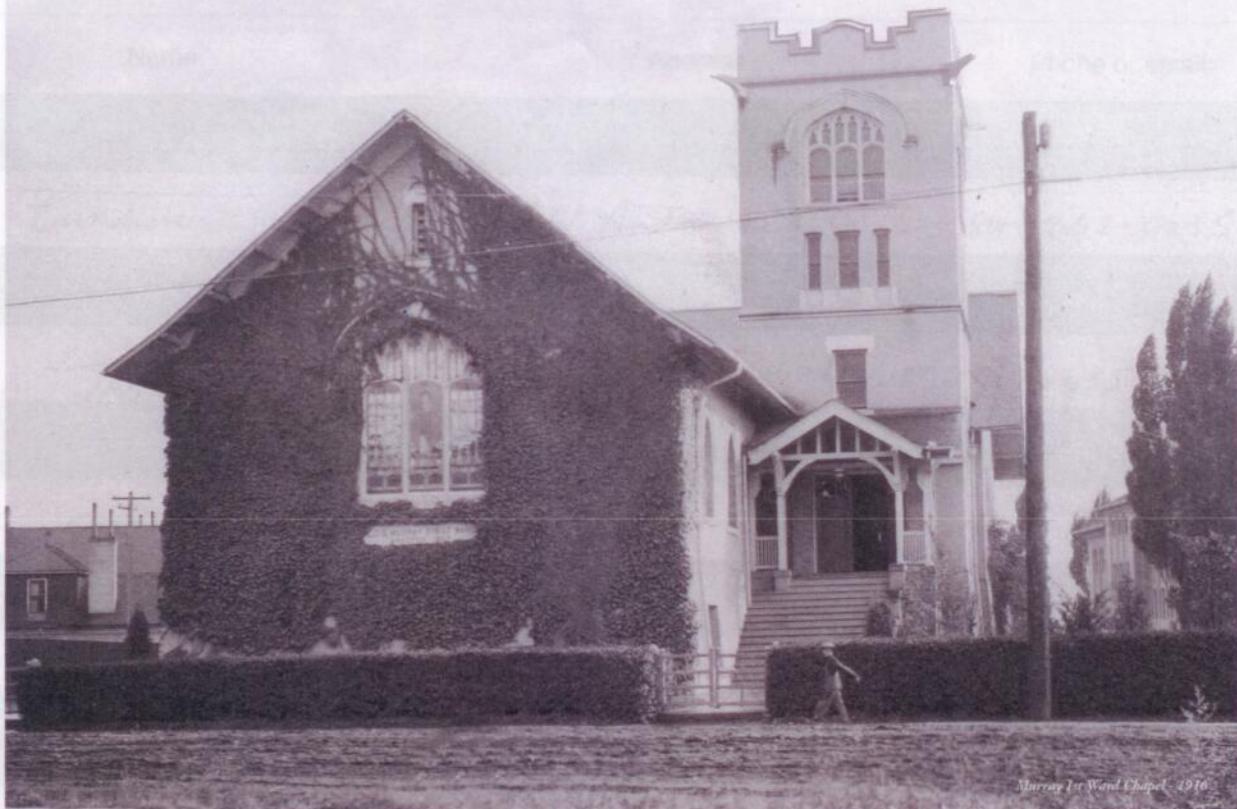
Please know we appreciate all the service you each give to our city and our families.

Most Sincerely,

Verlee Salisbury
Verlee Salisbury and family

Attachment 3

We urge the Murray City Council to restore the most historically significant building still surviving in Murray, the LDS church on Vine Street, built in 1907.



Murray 1st Ward Chapel, 1910

PETITION FOR MURRAY RESIDENTS!

We urge the Murray City Council to restore the most historically significant building still surviving in Murray, the LDS church on Vine Street, built in 1907.

Murray City should:

- Explore all options for restoring the building, allowing for ongoing public input
- Obtain independent evaluations of these options by qualified preservation professionals
- Apply for funding through preservation grants, tax credits, and private donors
- Consider housing city services in the restored building

Attachment 4

Joshua Yost



A statement to the Murray City Council regarding the consideration of a development agreement between the City and Parkview Properties, Item 10.5, June 20, 2017

To introduce myself, I am a native and former employee of Murray City, and current Historic Preservation Planner at Provo City, where our downtown would be nothing without its historic buildings.

I am saddened by the necessity of writing this statement, saddened by the realization that the leaders and administrators of my home town have decided that there are no buildings worthy of real protection. You may think to yourself, “No we didn’t make that decision,” or you may say “we have to move forward” or you may even believe that you are making a binary decision between this new development and “old” buildings. All three of these statements are false.

First by adopting the Murray City Center District ordinance and providing a clear administrative path to demolition for any building, the City has removed all meaningful protection. Second, I agree that we have to move forward, Murray always has done so, but moving forward also entails looking forward, acknowledging where we’re moving forward to. By permitting for the removal of the tangible, physical record of our past, we’re moving toward a future unmoored from where we’ve been. A future where the evidence of what came before us is relegated to a plaque in a garden behind a nursing home. Third, this is not an unavoidable choice between new development and preservation, but a choice that has been constructed and facilitated by your city administration. This is not the only site on which a “senior living” facility can be constructed in the downtown area. In fact, the majority of the Murray City Center District is unencumbered by historic buildings and is underutilized, vacant or otherwise prime for redevelopment. Why can’t we can both preserve our history and welcome new development, there’s room for both. Even if we aren’t committed to preservation, can we not facilitate the redevelopment of the low hanging fruit first and come back to this special corner once the downtown is booming and it’s the last piece left?

By removing these historic buildings and dooming the fifth to a sad demise, we are actually decreasing the value of development in the rest of downtown. We are removing the limited uniqueness and character we have left. Of course some may think the buildings are derelict, that they are an eyesore, that they have no use. But remember that the same things were said about the Duvall and Warenski Buildings that now comprise the Desert Star Theater, whose condition was no better than those buildings under consideration tonight. Yet by facilitating and encouraging their preservation and committing over \$500,000 of government funds, we now have a vibrant and profitable destination. This is a strong reminder that there are other alternate futures.

I would like to analyze the approval process that has been undertaken for this project and examine its compliance with the requirements for a certificate of appropriateness. I hope this will show what I and others believe to be the projects tenuous compliance with adopted ordinances and the irregularities in its approval.

First, this proposed development did not result from the random and unfettered operation of the private market. The project is being developed by the same entity with which the city has partnered in the development of the area west of State Street. City administration has encouraged and facilitated this development from the beginning. The MMCD ordinance states in 17.170.070 D. "An application for a certificate of appropriateness authorizing the relocation, demolition or destruction of a designated significant historic building shall be discouraged." Consider this contradiction. Not only has city administration continually asserted that it is not feasible to save these buildings, they have actively encouraged their demolition by facilitating this development. I have seen no statement or other evidence that any of the mandated discouragement has been offered. Obviously, there is little if any legal force in such a statement in ordinance, but I want you to consider as a council whether you support the contradiction between the policies of the city as expressed in ordinance and as conveyed in practice. If the administration took the same pains to encourage and facilitate preservation, perhaps we would not be here today. In practice, minutes of the Planning Commission meeting reveal city staff making assertions about the condition and historicity of the building far beyond their professional qualifications. Such as the following referencing the First Ward Chapel.

"Mr. Hall stated the historic fabric has been altered as the building has been altered with the removal of the windows, doors with stained glass, original wood, and painting over the original stone brick."

In fact, the church building retains almost all its original windows except for the large window in the rear of the chapel. Glass has been removed, but most woodwork, including the unique front porch, remains. Even so these changes do little to impact the "historic integrity" of the building, a term of art used by preservationists to describe if the building maintains its historic character. None of these changes would be considered detrimental by the State Historic Preservation Office in determining the buildings historicity. Staff's misrepresentation of the buildings condition and integrity provided inaccurate information to the planning commission. And staff failed to correct inaccurate statements from the commission such as "that the buildings are nowhere near the original historic condition as they used to be with the exception of the duplexes." And that "if the changes were made by a famous architect such as Frank Lloyd Wright, then there may be a case for historicity, but that does not appear to be the case." This is entirely incorrect. All of the additions to the First Ward chapel were completed within the historic period and contribute to its historic integrity. In fact this building is one of very few to have a dedicated stake office building, which actually increases its historic interest.

Later in the hearing Mr. Markham, who I love and respect and has been a great mentor, made a statement asking "the Planning Commission to consider the fact that the Design Review Committee is made up of professionals in the building and architectural fields. They have reviewed this proposal at two separate meetings and have approved the application and the efforts made by the applicant in order to mitigate the impact of demolishing the buildings to build new." It is indeed interesting that there are no professional on that design review committee who are experts in historic architecture or historic preservation. Would you go to a panel of neurologists to get a determination on your heart condition? You wouldn't and I find it sad that a committee who is tasked with reviewing alterations to historic architecture and the impact of new construction on it does not have anyone specifically trained in this field, nor is there expertise on staff to provide such information to the committee.

Continuing in section 17.170.070, the exception process for demolition is established.

Criteria 2 states that “A new proposal is presented that demonstrates adherence to the goals and objectives of the MCCD”

These goals and objective are as follows with my commentary.

A. Enhance the integrity of Murray City;

Maintain the historic fabric;

Create a true downtown/civic center;

Create synergy with the hospital and transportation opportunities.

The proposed development obviously does not maintain the historic fabric and diminishes the variety of building ages and forms that are characteristic of the best “true downtowns” Real downtowns are diverse and eclectic.

B. Create a vibrant neighborhood;

Create a place to live, work and play;

Provide a mix of quality housing;

Provide neighborhood services and entertainment including smaller local restaurants, coffee shops and destination oriented entertainment.

The proposed development creates a place to live and work, but will destroy buildings that could become a significant destination for “play” and an entertainment destination. The services provided by this facility are only token “neighborhood services.” No one is going to come here for these purposes. Although the applicant and administration believe that the ground floor of this building is “commercial” it will generate little of activity at the sidewalk and on the street that is the intent of commercial ground floors. Instead it is a highly insular care facility that has located its common resident services on the ground floor. Instead imagine this area as a center of cultural and artistic activity in the core of the city, bringing patrons from throughout the valley to be entertained and then shop and dine, while this same facility could still exist on another site in the downtown.

C. Provide attractive and compatible architecture and streetscape;

Focus on the pedestrian experience;

Buffer the parking;

Enhance green corridors and trail connections.

The project fails to provide compatible architecture as it looms over the Carnegie Library, completely compromising the historic integrity of its setting. The project also parrots architectural elements of the historic buildings, not only is this discouraged in the MCCD design standards, it is an insult to both the new buildings and the old. Setting a superfluous tower on the building is the worst kind of faux historicity. If we truly value the old buildings, should we not encourage their preservation? Conversely if we desire new development shouldn't we allow it to project the best architecture of today just as the historic buildings projected the high style of their time? The answer is yes.

D. Capitalize on transit opportunities;

Promote alternate modes of transportation including rail, bicycle, and walking;

Provide access and connections including TRAX, Frontrunner, Interstate 15, Interstate 215.

I can hope that employees of this facility will utilize transit for their commute to work.

E. Increase opportunities for growth;

Evolve over time;

Make the city center self-sufficient;

Keep people in Murray.

The proposed project does not increase opportunities for growth beyond its own boundaries. What other development will be attracted to the area as a result of this facility? Yet if this area was developed as a cultural and performing arts center, it would catalyze development of additional residential, retail and dining to keep people in Murray for these activities. And again, remember that the senior living facility and its benefits could still be part of the equation on a different site. Also, its ability to evolve over time is severely limited. While the historic chapel, library and residential buildings have and could continue to evolve in use and function, the specificity of design inherent to a residential care facility such as proposed renders it extremely unadaptable to other uses in the future.

F. Set a standard for sustainability;

Adopt standards that promote sustainability while maintaining affordability.

It is often stated that the most sustainable building is the one that already exists. Not only do restoration and redevelopment consume less energy than demolition and new construction, but preservation also recovers the worth of past energy investment. Demolition and new construction not only consumes present-day energy, but negates and wastes the past energy investment made in a building. Preservation is a remarkably effective method of sustainability.

As you can hopefully see, the proposed development falls far from adhering to and advancing these goals and objectives. Are we selling out some of our most important historic buildings for an average at best new development?

The fifth criterion for an exemption is the execution of the development agreement that is at issue tonight. Criteria E of the development agreement is that the “Project must include all commercial or a mix of residential and commercial equal to square footage amounts of one hundred percent (100%) ground floor commercial and an additional twenty five percent (25%) commercial in upper level floors;” Staff has asserted that they consider assisted living as commercial. Was this really your intent as a council when you adopted this ordinance, or was it, as an average person would assume, that commercial means leasable space, open to the public for offices, restaurants, stores and entertainment venues, not the generally private tenant amenities of a nursing home. I feel that staff’s interpretation is another example of their active facilitation of this project by creating the necessary wiggle room to make the project fit.

Continuing my analysis of the compliance of the proposed development is difficult as I would like to have the opportunity to further analyze the proposed developments conformance with the design guidelines adopted in the MCCD. Unfortunately due to my late awareness of this project I have not been able to receive a copy of the development plans. Contributing to this difficulty is the lack of published minutes from the MCCD design review board meetings considering this project. Without these minutes it is difficult to understand the determination of the board that the Planning Commission so heavily relied upon in their approval of the Certificate of Appropriateness. Related to this issue, an appeal has been filed of the Planning Commission’s decision to grant a certificate of appropriateness. As a result I believe it is inappropriate for the Council to take action of this item tonight in the face of a pending appeal of the Planning Commission’s decision.

A few administrative questions remain. Staff has assigned this project the land use code 6516.1, assisted living facilities or as stated in the adopted land use code table “Sanitariums, convalescent, and rest home services. This use is listed in the MCCD ordinance as a conditional use, requiring application for and issuance of a conditional use permit. Staff indicated that this action was taken at the Planning Commission meeting of May 4th. No such action item is on the agenda for the meeting and no notice of the application for conditional use were provided to the surrounding property owners as required by city code. This is concerning and reveals a lack of rigor in this process.

Another administrative question is the appropriateness of the land use designation. Is this really a skilled nursing facility that only requires 1 parking space for each 5 residents plus employees, or it is, as been represented in public meetings, a retirement facility that requires .6 parking stalls per living unit?

As you can see, there appear to be remaining questions regarding the completeness and appropriateness of the administrative approval process. Please take these concerns seriously, and at least continue the consideration of this item.

To conclude, do we really want to consign these buildings to the same fate as the original City Hall, Grant Ward Chapel, the Walker Bank Building, Madsen’s Furniture, The Fraternal Hall and others, which were all demolished by the city or redevelopment agency, or do we want to preserve a legacy for the future like the Murray Jordan Parkway, the Murray Amphitheater, the Park Center and many other forward thinking project

the city has undertaken. Please consider the alternatives for this site. It could be a unique cultural destination following the pattern of many churches and libraries that have been repurposed for such use here in Utah and across the country. Remember, regret goes only one way. The preservation of historic buildings is a one-way street. There is no chance to renovate or to save a historic site once it's gone. And we can never be certain what will be valued in the future. This reality brings to light the importance of locating and saving buildings of historic significance—because once a piece of history is destroyed, it is lost forever.