

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 15th day of February, 2011 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Jim Brass,	Council Chair - Conducted
Krista Dunn,	Council Member
Darren Stam,	Council Member
Jared Shaver,	Council Member
Jeff Dredge,	Council Member

Others who attended:

Dan Snarr,	Mayor
Jan Wells,	Chief of Staff
Carol Heales,	City Recorder
Frank Nakamura,	City Attorney
Gil Rodriguez,	Fire Chief
Pete Fondaco,	Police Chief
Tim Tingey,	Community & Economic Development Director
Doug Hill,	Public Services Director
Danny Astill,	Water Superintendent
George Hamer,	Fleet Maintenance Superintendent
Mary Ann Kirk,	Cultural Arts
Jim Hendrickson,	Shade Tree Commission
Elaine Judd,	Arts Advisory Board
Shauna Hart,	Arts Advisory Board
Sharon Whitney,	Arts Advisory Board
Scott Mooy,	Arts Advisory Board
Scouts	
Citizens	

A. OPENING CEREMONIES

1. Pledge of Allegiance - Danny Astill, Water Superintendent
2. Mr. Brass stated that there is a tradition in Murray to have the Scouts in attendance stand and introduce themselves, the badges they are working on, and their troop leaders.

The Scouts introduced themselves and their leaders.

B. CITIZEN COMMENTS (Comments are limited to 3 minutes unless otherwise approved by the Council.)

Elaine Judd, Arts Advisory Board; 6355 Mount Vernon Drive, Murray, Utah

Ms. Judd stated that she is a 40 year resident of Murray and is here to commend everyone for supportive of the arts, because those who are in front of and behind the footlights are all blessed by the great things that are done with music and theater and art. It uplifts our community, as you know, because you have supported the arts phenomenally for many years. She just wants to encourage you to go forward with this process that we are in to move ahead with the application for the grant from the County to support a beautiful anchor for State Street and the great things that will occur there because City and private investment. We know that there are people waiting for the City to act, so that others can put in their private funds. We are grateful for all that you have done, and hope that you will continue to support the arts for the benefit for all those who participate and observe.

Rod N. Andreason, 901 W Potomac Drive, Murray, Utah

Mr. Andreason stated that he is an attorney at the law firm of Kirton and McKonkie in Salt Lake City, but lives and works here in Murray; he was not raised here, he grew up in Montana, but came here later in life and has come to love this city. There are a lot of opportunities here in Murray City that he didn't have in Montana, and in particular, what he has grown to enjoy most is being able to participate with his family in the arts programs here. They have had both symphony and ballet that they have attended, and a couple of years ago, when they had the play "The Sound of Music" as well as "Beauty and the Beast" he had his children, his wife and himself participate in the shows. It is a wonderful opportunity for the members of the community that are not professionals, to engage in many different arts activities and enjoy other things that they wouldn't otherwise be able to.

This is something that you know well, and they appreciate the support that they have received today; he is also president of The Friends for the Murray Center for Performing Arts, and they are excited at the possibilities that this new arts building presents. They believe that it will not

only bring together the many different groups that are within the Murray arts community, but many members of the community who have seen, and will yet see, our amateur performers, as well as the businesses that will be created and fostered around this new center. They believe, and have gathered on numerous occasions over the past several years, groups that they believe can now join together to raise money for this. In their internal workings-and they will have their main quarterly board meeting tomorrow- they anticipate that they can raise \$3 -\$5 million to assist in this. They have a lot of contacts and sources that they have been working with over the past several months, and some for years; they are anxiously awaiting the City's commitment as is before you today, and are encouraged and excited about the County's commitment, and urge you to adopt this.

Ernest Bourne, 5492 White Springs Drive, Murray, Utah

Mr. Bourne said that he and his wife are residents of Murray, and between them have nine children; two of their daughters attend Murray High School and their family loves all that the City has to offer. Recently, on State Street, a tobacco store-or as they are better known as 'head shops'- opened up right next door to Murray High School and right across the street from Hillcrest Jr. High. The name of the store is 'Hause of Hukas Smoke Shop'; while every business has the right to sell its product to individuals who want them, there are some situations where the City needs to step in and implement higher community standards.

He believes that parents are ultimately responsible for teaching their children the dangers of tobacco and drugs, but what he sees here though is a deliberate effort to advertise the enticement of tobacco products to Jr. High and High School age children. Every business owner knows that success depends upon good location, and by locating themselves next to the High School and Jr. High, the Hause of Hukas is attempting to ensure future customers. With recent media exposure to the danger of drugs disguised as bath salts and incense, such as Ivory Wave and Spice, smoke shops are appealing to our youth's curiosity more than ever. More and more of these dangerous types of 'legal' items are making their way into these shops faster than laws can ban them.

He is not against business selling their products, it is clear that the City benefits from sales tax, but the City also has an obligation to prevent potential harm to its citizens of all ages. What needs to be implemented in this case is a zoning ordinance that prohibits stores that specialize in tobacco related products from setting up shop within a mile radius of any school. This would still allow the tobacco product business to operate within the city, yet protect the children from unneeded advertising and promotional products that have been proven to adversely affect people's health. A study by the Stanford Prevention Research Center shows higher rates of smoking at schools with tobacco outlets within walking distance; "A concentration of tobacco stores in a community makes smoking seem more common and safer than it really is;" says Lisa Hendrickson, a senior research scientist at the center. Several cities and communities throughout the US have created bans on tobacco related stores altogether-Imperial Beach in the San Diego area has blocked operations of tobacco stores around their city and city piers. The city of Vallejo, California has been working on a tobacco sales ordinance that would require tobacco shops to relocate to different zoning districts.

We can work together, as a city, to lead the way in helping to protect the health of our youth by implementing such an ordinance.

Public comment closed

C. CONSENT AGENDA

1. Consider approval of the Mayor's appointment of Geneal Nelson to the Murray Shade Tree and Beautification Commission to complete the remainder of a three-year term, which expires June 30, 2012.

Mr. Dredge made a motion to approve the appointment.
Ms. Dunn 2nd the motion.

Call vote recorded by Carol Heales.

 A Mr. Shaver
 A Mr. Dredge
 A Ms. Dunn
 A Mr. Stam
 A Mr. Brass

Motion passed 5-0

Mayor Snarr stated that Ms. Nelson will be a great addition to the Commission.

D. PUBLIC HEARINGS

Staff and sponsor presentations, and public comment prior to Council action on the following matter:

1. **Consider a resolution declaring the property located at approximately 4880 South 360 West, and 4850 South 360 West, Murray City, Salt Lake County, State of Utah, as surplus.**

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated that the City owns property, on which a well for our culinary drinking water is located, at this address; Mr. Astill has been working with an adjacent property owner who is interested in doing a property exchange that would benefit them, and in turn, would also benefit the City. The property exchange would allow the City to have a more regularly shaped piece of property that would allow us, in the future if needed, to drill an additional well or a well adjacent to the one

that we have right now-in the event that we have a failure or need to enlarge our water shares for whatever reason.

By exchanging the property, the Woods who own the adjacent property, would have better frontage onto the road which right now they are having to drive across the City property in order to access their primary residence. In realty, this is a win-win situation for both parties. An appraisal has been done on the property, so the exchange that is being proposed would be an equal value for equal value trade, so there would be no exchange of money, only equal values in property.

Mr. Hill continued: Before we can execute this agreement with them and do the exchange, the City Council will need to surplus the property that the City owns, and that is why it is before you tonight. One thing that he wanted to point out is that in the agreement that is before the Council, it includes a legal description of the property, and one of those legal descriptions has a slight error that was found and they are in the process of getting that corrected so that it can be recorded with the County, but be aware that it is really inconsequential and that it is almost a typographical type of an error that will get fixed. In talking with Mr. Nakamura, it is his opinion that the Council can go ahead and approve the surplus of the property, contingent on the correction when the property gets sold and put into escrow.

Mr. Nakamura stated that the title company, before closing, will fix that description.

Public Hearing opened for public comment

None given

Public comment closed

Council consideration of the above matter to follow Public Hearing.

Mr. Shaver made a motion to adopt the Resolution, contingent upon the correction in the description.

Mr. Stam 2nd the motion.

Call vote recorded by Carol Heales.

 A Mr. Shaver

 A Mr. Dredge

 A Ms. Dunn

 A Mr. Stam

 A Mr. Brass

Motion passed 5-0

E. NEW BUSINESS

1. Consider a Joint Resolution of Support for the City's application for funding assistance for a Performing Arts Center to the Salt Lake County Cultural Facilities Support Program.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated the City has a well known, established arts program in the community, and have numerous artists, performers and citizens that participate in this program and over the years, Ms. Kirk and others have done a fabulous job creating such interest in the community. For this reason, we have been challenged with finding spaces to house all of these organizations and performances and events. By way of historical perspective, the City, in 1992, created a Parks and Recreation Master Plan, surveyed the citizens of the community, and at that time one of the desires of the citizens was to have a performing arts center-a place that they could call their own. The city subsequently did some conceptual planning, and at the time the thinking was that should the city ever come up with the money to build one, that they would build one down in Murray Park.

Many of you were on the Council when the funds were approved to put together some architectural drawings for a performing arts center in Murray Park; since that time, you as a Council and the Mayor have shown renewed interest in the historic downtown area of our city, and decided that a performing arts center would be better located in that historic downtown area. With the recent planning efforts for that area, you approved funds last year to put together an artist architectural rendering of a performing arts center located in the downtown area, which we have done. At the same time that we were doing this, Salt Lake County was updating their Cultural Facilities Master Plan and they recognized, through that master plan, that there was a need for regional performing arts centers located throughout Salt Lake County outside of downtown Salt Lake City. They specifically indicated that there were as many as three regional performing arts centers that would be needed to meet the demands of the citizens in Salt Lake County; they established a process whereby communities or non-profit groups that wanted to build these types of facilities and other cultural art facilities could apply for funds through Salt Lake County, and so what they have done is put together an application for a performing arts center to be located in the historic downtown area of Murray. They have done all of the necessary research and paperwork to complete that application and apply for these funds to Salt Lake County. Tonight they are asking the Council to consider passing a Resolution of Support to go along with this application to be submitted to the County.

Salt Lake County currently does not have money to fund these projects, but they want to start the process of getting a list of facilities prioritized, and that is why they are asking for applications. Murray City, in submitting this application, is asking for...the total cost of the performing arts center is about \$24 million, which includes the building itself, a portion of the parking structure which has been planned in the downtown area, and all other hard and soft costs that would be associated with that facility. We are asking the

County to fund 50% of those costs, so approximately \$12 million. What happens after that, he guesses the City waits and sees; the County will have to prioritize the projects, figure out how they are going to provide the funding source, and how much of the funding source they can afford to give to Murray City. At that point we would be notified by the County what our priority would be and how much funding they would give us. At that point it would be up to Murray City to have to figure out how we would fund the remaining \$12 million, which would be our matching portion of the costs. Of course, you have heard from some of the groups that are already working on trying to raise some private dollars for this project as well. Tonight, the Joint Resolution of Support is just to support the application, not committing the City to have to provide funds, there is no contractual agreement that we even have to move forward on this project, it only indicates that we are interested and would like to see it prioritized and that we would like to have the County consider giving us some money.

Mr. Shaver made a motion to adopt the Resolution.
Ms. Dunn 2nd the motion.

Call vote recorded by Carol Heales.

 A Mr. Shaver
 A Mr. Dredge
 A Ms. Dunn
 A Mr. Stam
 A Mr. Brass

Motion passed 5-0

Mr. Shaver complimented the Friends of the Performing Arts Center, those who have taken extra time to work towards this, and offered his support.

2. **Consider a resolution approving an Interlocal Cooperation Agreement between the City and the State of Utah Department of Transportation (“UDOT”) regarding the installation and maintenance of an overpass within the right-of-way of State Route 266 at 160 West 4500 South (SR266).**

Staff presentation: Doug Hill, Public Services Director

Mr. Hill said that the city has approved a development near 4500 South and Main Street, known as the Fireclay Area, which is also located between the Union Pacific tracks and the UTA line. Currently, there is only one road of access that goes in and out of that area from Main Street, and the development is such that it could potentially, as proposed, have as many as 800 apartment units located between the tracks and public safety and public services require that a second access be required in and out of that area.

The developers have, through an agreement with the Redevelopment Agency, has agreed to design and construct a bridge across 4500 South that would provide a secondary access in and out of this area. Because this bridge goes over 4500 South, and is a state road, then UDOT is requiring that city sign an agreement that says that Murray City will own and maintain this bridge once it has been installed.

So the agreement before you is an agreement with the Utah Department of Transportation that says that the City will assume responsibility for this bridge. In an earlier meeting today, you approved an agreement with the developer that says that the developer will be responsible for constructing it properly, according to City specifications and standards, so we have the assurance that the developer is going to build us a bridge that we are comfortable with and that we can accept, and then once the bridge is built, the City will then own it and then we have this agreement with UDOT that says that we will take care of it in the future.

Ms. Dunn made a motion to adopt the Resolution.
Mr. Dredge 2nd the motion.

Call vote recorded by Carol Heales.

 A Mr. Shaver
 A Mr. Dredge
 A Ms. Dunn
 A Mr. Stam
 A Mr. Brass

Motion passed 5-0

3. Consider a Resolution approving an Interlocal Cooperation Agreement between the City, the Utah Transit Authority, the Wasatch Front Regional Council, Taylorsville City, Salt Lake County and the Utah Department of Transportation for the development of the Taylorsville-Murray Transit Corridor environmental assessment.

Staff presentation: Tim Tingey, Community Economic Development Director

Mr. Tingey stated that in 2008 the City participated in a Transit Corridor Study that would look at an east-west connection from Taylorsville to the east, with Murray participating in that. At that time, the Council adopted a locally preferred alternative route which would basically connect this Transit Corridor from Salt Lake Community College over to the hospital and TRAX and Front Runner stops, and then connect in to our downtown. Since that time, UTA visited with staff and indicated that this project has been moved up significantly to a higher level, and is one of the top five projects for funding in the UTA system.

This is the beginning of the environmental assessment; they have prepared a resolution and are recommending approval and think this will be a really good opportunity, especially for economic development purposes in our downtown area if this occurs.

Mr. Brass added, for the benefit of those who may not be familiar with this that this would be like a bus rapid transit, with a dedicated lane similar to the light rail except with a bus. It is a pretty neat way of doing things-*and*, if we build a performing arts center, it is another way to get there!

Mr. Stam made a motion to adopt the Ordinance.
Mr. Shaver 2nd the motion.

Call vote recorded by Carol Heales.

 A Mr. Shaver
 A Mr. Dredge
 A Ms. Dunn
 A Mr. Stam
 A Mr. Brass

Motion passed 5-0

F. UNFINISHED BUSINESS

None scheduled

G. MAYOR'S REPORT

Mayor Snarr, addressing the gentleman who commented on the Huka shop: It is a concern for all of us, knowing the location, but he will say that he drives up and down State Street on a regular basis and most places that have located there have not lasted more than six months; it is not a very attractive building. The Miller Group is trying actively to buy the rest of the property down there, and it makes sense for them to expand their automobile dealership along State Street there; they have purchased the Polished Image and took that down, trying to expose the rest of the buildings back there that have significant aesthetic challenges as well as structural challenges.

Our Police, in cooperation with the Cadets, go out on a regular basis and do stings to see if they are selling to underage teenagers that are not capable of buying cigarettes or beer. Legally, they have the right to be there, and the City does try to craft some ordinances, but you will get some resistance and push back, and it is tough because the ones that are already there, you cannot create things to exclude them from continuing to operate. But it is one of those sensitive things, and as he said, it is not a very attractive place and they are hopeful that, like the other businesses

that have been located there, that they don't last. We would like to see them, if they were reasonable- he has been offered a very reasonable amount of money for that property- sell that property, but he thinks he can hold out and exact an amount of flesh on it, which is unfortunate.

Mayor Snarr stated that he met with Cal Nelson today, and they have a long history with Nelson's Fish Food plant; it is a historic site which was developed in the 1890's and that site will be abandoned on April 1st, 2011. They have had a bigger facility in Tooele County for several years. There is not a lot we can do- the property will go up for sale; they sold out several years ago to a Norwegian fish food manufacturer, but finally completed their expansion out in Tooele County and they plan on locating all of their facilities out there. Mayor Snarr feels that the reason is simple: it is a transportation issue with trying to get vehicles in and out and having that light rail station there now is really a conflict for them to have to wait or block the traffic.

Mayor Snarr and Ms. Wells have been spending time, and have already met with the Cottonwood Heights Mayor, but will be meeting with the Mayors of Cottonwood Heights, Midvale and Holiday as well, to try and garner support from them for the brand new cultural arts facility. To have them participate with us; if this is a regional facility, and that is what the County is looking at, we are going to try and sell them on this. Of course, every time he sees them in meetings, they say that Murray already has everything, and they wish they were just like Murray now. With that said, even Mayor Wall said that they would send a letter of support, and we will see what the others say, but we are making that effort. He and Ms. Wells are pretty soft-sell people and go in and talk, letting them know that if they are going to invest the money, it would be nice if it were in a good central location, where a city has already stepped up and made an effort to invest in the future success of that project.

Mayor Snarr said that he did meet with Larry Miller people last night, and received an update on the Toyota dealership; they are gearing for the end of March to complete that sight and have it open up. They are gearing up to get the building enclosed and weather permitting, it should be the end of this week or next. The city is very excited about that; the idea is to move the Toyota dealership over during the month of April, and then they are working on their plans for a brand new, state of the art, Honda dealership to replace the existing Toyota dealership. The Miller Group is making a very significant investment in the future of our city and the aesthetics of State Street and are trying to clean up those old, dilapidated buildings and houses along there, to make this their real, significant showpiece for the car dealerships and empire. It is approximately a \$60 million investment that they are making in our community when it is completed.

Mayor Snarr stated that he attends meetings, and gets up and faithfully goes up to the Capitol every week, and usually stays quiet, but if anyone has any questions, or would like anything addressed, Mr. Fountain is doing an excellent job up there working on the City's behalf and is working cooperatively with the legislators trying to see if we can have some legislation enacted that will be beneficial to Murray City. The Mayor appreciates him, and all those who have spent time attending these sessions, and if anyone has anything they would like them to address, please let them know.

H. QUESTIONS OF THE MAYOR

None

ADJOURNMENT