



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, January 17, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

Jim Brass	Council Chair
Jared A. Shaver	Council Vice Chair
Dave Nicponski	Council Member
Darren V. Stam	Council Member
Brett A. Hales	Council Member

Others in Attendance:

Michael D. Wagstaff	Council Executive Director
Dan Snarr	Mayor
Jan Wells	Mayor's Chief of Staff
Frank Nakamura	City Attorney
Janet M. Lopez	Council Office
Peri Kinder	Valley Journals
Phyllis Hockett	Pathway Associates LLC
Dorothy Klc	Friends of Murray Performing Arts (FMCPA)
Lynn Chatterton	FMCPA
Jennifer Kennedy	City Recorder
Sauna Hart	Cultural Arts Advisory Board
Mary Ann Kirk	Cultural Arts
Eileen Nielsen	Citizen
James Neilsen	Interested Observer
Ray Black	Murray Planning Commission
Bill Finch	Citizen
Doug Hill	Public Service Director
Jim Towers	Citizen
Lincoln Shurtz	Utah League of Cities & Towns (ULCT)
Jennifer Brass	Citizen
Tim Tingey	ADS Director
Zackery Fountain	Mayor's Office
David Stewart	Legislative Lobbyist

Chairman Brass called the Committee of the Whole meeting to order at 5:05 p.m. and welcomed those in attendance.

Business Item #4: **Rezone Take 5 Site**

It was requested to take this item first to accommodate a Council member on behalf of interested citizens. With no objections noted the meeting proceeded.

Mr. Tingey explained that this item is a proposal that will come before the Council on February 7, 2012 as a public hearing matter. It is a rezone for property adjacent to the old Take 5 site requested by Kimball Investments. They have been working for over a year to locate a hotel development on this property. As part of that proposal they have been in negotiations with Salt Lake County for additional property for part of the parking lot area. (Mr. Tingey pointed this out on a slide.) The County has agreed on the potential of this if the rezone occurs. It is all contingent upon that. If it is approved and this proceeds, it would allow for the additional parking that is needed. It is zoned CDC (Commercial Development Conditional) and hotel is an approved use. The County property is zoned open space and does not allow retail or parking. Another strip of land will go with that if it is approved. That area has not been maintained by the County so the new owners would take care of that.

Mr. Shaver asked where the entrance to the additional parking area would be and if that is where people would enter the hotel. That access would be on the north side, although the hotel will have another access on 5300 South, which already exists, Mr. Tingey responded.

Mr. Tingey said that it went to the Planning Commission. Staff recommends approval of this development. He detailed that it involves a General Plan and Zoning Ordinance modification. The wording includes flexibility to look at sites and circumstances related to particular sites. Based on that, changes have been made since the General Plan was adopted. The Intermountain Medical Center (IMC) was developed. Some unique circumstances do exist with adjacent properties and how they will integrate with this project. The adjacent properties are commercial sites and the future changes to the junior high school across the street. This proposal has no single family residences adjacent to it and approval was recommended by staff because of these reasons.

The Planning Commission had some reservations and recommended approval of one portion and not the other.

Mr. Shaver asked why this recommendation and not the other. Mr. Tingey said there was a lot of public input at the meeting with citizen concerns having the hotel in close proximity to other residences. The retaining wall will stay in place.

Mayor Snarr pointed out that people were concerned about height and traffic. He likes to listen to residents. The base elevation of the hotel will be sitting much lower than the Ice Center on the north. There are traffic increases due to the Costco and IMC and will be more when the area by the junior high school becomes commercial. He continued, stating that he received no calls during the holiday season when, some days, there were between 250 to 300 vehicles parked on that lot. A shuttle made an average of 30 trips to Costco each day. This was an agreement made several years ago for Costco employees to park on that lot. It did not seem to cause any traffic problems and no one called about issues. This is significant traffic; much more than will be generated by a hotel. It is anticipated that the majority of hotel traffic will be between the hospital and the hotel, staying west of the residential area.

Mr. Nicponski confirmed that the school district had purchased the residents on the south side of 5300 South on Hillside. Mayor Snarr said that 22 of the 23 homes are under contract and they are in negotiations on the last one. If everything goes according to the bond that will come before the voters in June or September, then those houses will be taken down. It

will be an impact on some of the neighbors to the east, but he doesn't know what other resolution could be found for the school district to build a new junior high.

Mr. Stam pointed out that the land use really won't change; it will just be owned and used by the hotel instead of the County. Mr. Tingey replied that it was a rezone and plans could change, although, there is really not enough space there for a building and parking if the hotel did not work out. Mr. Stam said that he had heard of some exchange taking place. Mayor Snarr said that he did not know of any exchange, except that the hotel has agreed to make significant improvements to their property. They will provide security for the County property along with the camera system that is required for a Marriott franchise. The County will take the money to create a buffer with a line of trees, have a nice parking strip where the grandstands are, build new restrooms and take the grandstands down.

Business Item #1

New City Hall Committee

Mr. Shaver said that the idea is to form a committee to review the information from former commissions and committees that have looked at City Hall and properties dealing with the City Hall. The new committee would look at plans, ideas for presentations and conduct a cost analysis. That committee would only make recommendations to the City Council and the administration. Then we would move forward with whatever steps are possible based on City Council recommendations. What ideas do you have to form the committee and who should serve on it?

Mr. Stam feels it is a good idea, brought up in other meetings, and the Council needs to move forward on it.

Mr. Shaver suggested that the Mayor be part of the committee. Mayor Snarr would like some of the department heads who would be utilizing the building be on the committee as well. He likes the idea of looking at a strategic location and then at some point an architectural design.

Mr. Brass stated that it must first be determined who goes into the building and that will determine what the building looks like.

Mr. Nicponski asked what demographics are needed on the committee. He said we have the Mayor and department heads and Council members.

Mayor Snarr would like to have Jan Wells because there are lots of meetings and sometimes he may not be able to be there. She can be back up.

Two Council members will prevent it from being an open meeting with notice given.

Mr. Nakamura confirmed that this will be a City Council committee and not the Municipal Building Authority. Mr. Shaver agreed with that.

Mr. Brass would like to serve on it, but he can step aside for others. Mr. Shaver and Mr. Stam would both also like to serve on the committee. They could work out a rotation. Mr. Shaver suggested that Mr. Stam be the alternate. There will be times it would be beneficial to have the RDA chair (Mr. Stam) be on the committee. Therefore, Mr. Shaver agreed to be the alternate.

Mr. Shaver stated that this committee will make recommendations only. Mayor Snarr indicated that there may be some costs associated with having experts look at certain layouts to get the best and highest utilization of land resources. Mr. Shaver said this committee could not

obligate funds. They are to look at plans and opportunity for land and do an assessment of costs. Then it will come back to the Council.

Mr. Brass said one question is whether or not public safety is included in the building, which is safer in the event of a disaster. That determines building design. Should an EOC (emergency operations center) be in this building? We do have one in Station #83; although we cannot be certain whether the bridges stay up in a major event. We may need a back-up here. These are the discussions that need to take place internally with the department heads. Then we will know how many floors are needed and what type of footprint and what type of ground is available. Then you would get into areas that require expenditures of money.

Mr. Shaver said that because of that the committee should include Mr. Hill, Chief Rodriguez, Chief Fondaco, Mr. Tingey, and Mr. Nakamura. The Mayor said we should think about the court and the City does own that building. Police and court together makes sense, Mr. Brass added.

Council members participating would be Mr. Brass and Mr. Stam with Mr. Shaver as alternate. There was no objection.

Business Item #2

Performing Arts Center Feasibility Study

Mr. Hill introduced Lynn Chatterton who serves as Chair for the Friends of the Murray Centre for Performing Arts.

Mr. Chatterton explained that over 20 years ago he saw the first architectural mock up of a performing arts center that Murray was planning and hoping to build. It fell by the wayside. Since then there have been several different thoughts and plans and there is still nothing. Four years ago in April, Mr. Chatterton started a 501(c)(3) foundation called the Friends of the Murray Centre for the Performing Arts (FMCPA) in hopes of creating a partnership with the City to build the performing arts center. He commented that he had spent thousands of hours and hundreds of dollars trying to make this work. A few months ago in a meeting in the Mayor's office, he was told by the City and representatives of the Council that the City is committed to building this facility. Because of that the FMCPA involved themselves with Pathways Associates and raised the funds for the feasibility study. To date not all of the funds have been raised and now he has heard rumblings that the City questions whether or not it still considers building it. He stated a feeling of awkwardness in asking anyone to help pay for the study if this is not going to be the case. It was the consensus of the FMCPA Board that it must have something in writing from the City Council by the end of January or they plan to dissolve the organization.

Phyllis Hockett is one of the owners of Pathway Associates who has done an extensive fundraising feasibility study and will present that interesting information. Ms. Hockett stated that she would present an abbreviated synopsis of the study that was done. Her company with partner Dave Jones has done over 40 capital campaigns over the past 10 years. Many of those have been public – private partnerships in the state of Utah including a more than \$40 million campaign for Hogle Zoo and the Leonardo in collaboration with Salt Lake City. This is her area of expertise and she walked through four primary areas in her presentation. Her study was based on confidential interviews with people in the community. In this case, she personally conducted 47 interviews with people who are prospects for fundraising purposes. It includes individuals, businesses and private foundations.

Project Appeal

- 61% positive response;

- Need exists in larger community to have a collaborative arrangement and provide a center that includes theater, dance, orchestra and a broad swath of various kinds of arts performances;
- Other 39% desire more definition to the project before committing a response. They want more definition to the relationship among the City, county and the Friends organization. They wanted more information on Murray City and their commitment. They wondered if the organization was looking for \$25 million in private funds or a public private partnership. She answered affirmatively to the partnership plan. They wanted something in writing for more definition.

Strengths of the Project

- Interviewees perceive a clear need for the performing arts center.
- They feel the very preliminary plans and location for the building are clearly demonstrated. The State Street location is great.
- They believe that the City, with its past performance in providing arts related activities, has well proven that it is an arts oriented community that really supports the arts.
- People felt that this is a hands-on, multi-city problem solving project. The problem is the need for performance space, as demonstrated in Salt Lake County's planning study done about a year ago. The perception is that surrounding cities will benefit with Murray City acting as the catalyst to provide a performing arts center.
- The public/private collaboration is seen as a real strength because it would prove difficult to find \$25 million in private dollars.
- The preliminary operational plan that was developed was a sound starting place.

Weaknesses

- Lack of a commitment from Murray City and Salt Lake County in terms of a bond or some other financing for the project.
- There was a question as to the real owner of the facility, the FMCPA or Murray City. She did respond that the owner would be Murray City.
- A number of people and businesses felt that this was an outstanding redevelopment opportunity; however, that redevelopment commitment has not really been defined at this point. It would need clarification. (Mr. Brass confirmed that the part that is unclear is the performing arts center, because, he pointed out that the overall project plan is on the City website.)
- For this project to move forward the Friends and City in collaboration need to develop some sort of return on investment (ROI) materials specifically focused on that business community. The feasibility study did not focus on this due to going to private donors. The business community wants to see the ROI.
- When there is talk of a capital campaign, whether for an art facility or other kind of project, people want to know what competition exists. There are new arts projects in Salt Lake City, Ballet West and a new Broadway theater that could be perceived as competition for this project. However, when Ms. Hockett talked with the foundation community, including Emma Eccles Jones and George S. and Delores Eccles Foundation, because this facility is in Murray they did not see the Salt Lake projects as direct competition. (Ms. Hockett has a full list of all the capital campaigns currently in process that she would provide to the Council if they are interested. They number 14.)
- When the original case for support was put together for this project, she spoke only in general terms about establishing an endowment or operating reserve as part of the financial planning. The interviewees said that the operating reserve

must be included in the financial planning to move forward in the capital campaign. Some of the foundations will not consider contributions unless that reserve is part of the fundraising. It is just good practice.

- The lack of a track record in major gift fund raising is perceived as a weakness of the project. The Friends group is a relatively new organization with no staff. A capital campaign is a big project. They asked if the Friends organization could really be successful. She responded that with a positive response from the Murray City Council she would advise them to bring very experienced people on board to guide them through the campaign.

Ms. Hockett asked the 47 people that she interviewed if they would be willing to give to this project should it move forward and she asked if they would be willing to give within certain ranges. Based on the responses, she believes between \$3 to \$4 million in private dollars could be raised. She feels it would take about two years to raise these funds. She related that 72% of the interviewees indicated that they were willing to donate at some level. Ms. Hockett commented that this is a very high level of commitment to the project. Usually about 55% is a threshold, below that there is concern about the project being viable.

Ms. Hockett feels the Friends group could conduct a provisional campaign, very quiet, to work with the City and the County to identify where the opportunities might be. Once a formalized agreement between these groups was initiated then they could move forward into a more traditional fundraising campaign. Formalizing the relationship must be accomplished before any kind of fundraising could ensue.

Based on comments from interviewees, Ms. Hockett recommended the following type of *messaging* when moving forward with the project:

- Broad community need based on the results of a formal Salt Lake County planning study.
- This is a smart arts performance option that works for multiple cities, multiple neighborhoods and sits almost in the middle of the valley and could be a draw from many different communities.
- It is a venue that would exist in an already established and thriving community performing arts center. It adds to what Murray has already done with its strong history of arts support.
- This could be perceived as an essential redevelopment project for State Street.
- This is a public/private driven solution to solve community needs. This collaboration sends a powerful message to the community.

Dorothy Klc, Vice President and President Elect of the FMCPA, commented that a City is all about its citizens, which translates to people. She addressed the Council as a mother. She and her husband moved to Murray about 28 years prior. They brought five children with them and then added five more. The sons have played soccer and football in Murray Park and they all graduated from Murray High School. They are truly Murrayites. They have enjoyed Arts in the Park and some of the children performed in those productions. They love Murray, which they describe as a community with the feel of a small city; however, with many of the amenities of a big city. She indicated that they would love to have more cultural arts in Murray. They believe in making their children well-rounded. They encourage sports, and Ms. Klc has directed arts productions in Murray. She wants to take the children to see arts. Four of her children are married with children of their own who live in Murray. She wants to see that the grand children have those same opportunities. Murray is a great city and this is a great opportunity to do something to impact the lives of the people of the city. Her hope is that the Council will truly consider the crossroads it is at now. They can either walk away from the 20 year project or stand up to make a difference in the lives of the citizens of this great city.

Mr. Nicponski asked who the participants are that make up the \$3 to \$4 million in donations. Ms. Hockett stated that about half of it was from foundations; another 35% was from individuals and the remainder from businesses. Businesses are specifically looking for naming opportunities, as are some of the larger foundations. Are the individuals from outside of Murray City, Mr. Nicponski inquired? Ms. Hockett went to people in the state of Utah who are really invested in the arts.

What is the capacity of the facility, Mr. Nicponski asked. It would be 500 seats in the main theater and a black box for 250. Rose Wagner is also a 500 seat facility. The parking would be in a structure, Mr. Chatterton responded. It would be a multifaceted parking structure with daytime use, as well, not built by the performing arts. Mr. Brass added that it would be within a block of the bus rapid transit terminus.

Mr. Nicponski asked if this facility could compete. Ms. Hockett stressed that she believed it would be very competitive. She added that she had brought lots of bad news to organizations regarding projects over the years.

Mr. Chatterton informed the Council that his group had an open house with various performing arts groups about this venue. They all confirmed that there is a huge need for this and all said that they would support it in terms of using the facility. There was no group negative about it.

Mayor Snarr addressed Mr. Chatterton regarding the issue of a lack of City support for this project. He said that the City is going down two parallel paths because it is a timing issue. The County is a big player and their support is needed.

Mr. Chatterton said that he had heard rumblings about doing a theater with the school district instead. He understands that that may be an option for the City; however, his position is that after working on this for four years, he is tired. He is done, either it is going to be done or not and his Board has had a unanimous decision that they need something from the City in writing that commits it to doing this, or they are done.

Mr. Brass said that their group is pushing the Council into a corner. He explained that a Council cannot indebt a future Council. To write a letter like that is very difficult. He can say that from day one in the downtown redevelopment, which he had been involved in for six years, it has always had a performing arts center. It's always been thought of as a draw. It is a \$25 million project and probably realistically will be \$30 million. The FMCPA is looking at raising \$3 to \$4 million of that. The County is looking at giving half about \$11 million, leaving \$11 million for Murray City. The City General Fund budget is \$34 million; this is one third of the General Fund budget. We obviously will have to bond for that. The discussion the Council has been having is where there is room for bonding for that, still build a city hall, fix the \$13 million in failing roads and those are the issues we must decide. To write a letter guaranteeing to do that is more than the Council may be able to do. We all recognize the need and he personally believes a performing arts center downtown will bring people into the Murray downtown into a walkable community. It does not do any good to have a business downtown that closes at 5:00 p.m. and then have the streets dark. Events are needed to attract people downtown after 5:00 p.m. That is you. It attracts restaurants, people and other businesses. It is our public responsibility to look at the options for obtaining \$11 million. If the County says, "Here is the money," Murray will need to commit immediately. That is the discussion we are having.

Mr. Chatterton expressed that the truth of the matter is he has been working toward this for three years and nine months and they are no closer than at the beginning. Mr. Brass said

that they have worked toward downtown for six years and Fireclay for eleven years and, yes, it is tiring. Additionally, the City is just coming out of three years of negative revenue. Mr. Nicponski stated that the Utah Theater was on the market for seven years and these things take time.

Mr. Shaver noted that he and Mr. Hill met with two County Council members regarding this facility. Mr. Hill made a statement about Murray's commitment during that meeting. He asked him to repeat that statement. Mr. Hill said that the City has committed all of the land, which is about \$2 million in value. Mr. Brass indicated that the City has the land for the parking structure. Mr. Shaver commented that Mr. Chatterton is asking the City to commit and then hope that the County will too.

Mr. Chatterton related an analogy about an old girlfriend being contacted. He feels the City is doing this by entertaining the school district regarding this matter. He expressed that there is not a spot for the FMCPA with the school district and he feels a little disingenuous by trying to continue raising funds if the City is thinking about options that excludes his group. He is tired, has a lot of things going on in his life, lots of things he could be doing besides spinning wheels, which is how he feels right now.

Ms. Kirk clarified that part of the \$25 million figure is already spent. Actually, this is a \$17 million facility. Two million is the potential for construction cost overruns to \$19 million. The \$25 million includes the land and \$2 million toward the parking structure. If the County contributes half then it comes down to about a \$9 million facility. With \$3 to \$4 million in fundraising, then the City is down to about a \$4 to \$5 million obligation.

Mr. Brass added that it must be understood that if the theater is built, then the City must construct the entire parking structure, which is a huge commitment. Ms. Kirk does understand that commitment.

Mr. Shaver noted that donors will require an operating capital fund, which is not included in the \$25 million. He conveyed to Mr. Chatterton that he understands his frustration; however, when the City Council is given an ultimatum they are in a very uncomfortable position. Mr. Shaver stressed that Mr. Chatterton had said either pass it or I quit. Mr. Chatterton feels that he needs some kind of commitment to move forward. He said that his integrity precludes him from continuing to raise money for a feasibility study if the Council is not planning to have the project built. He needs to have some kind of agreement so that the FMCPA knows this will move forward.

Mr. Brass said that if the feasibility study shows that the City will not be sitting with another building that it will have to pay \$2 million a year in upkeep that does not generate the revenue to at least break even, then he has no problem with it. The Council needs to see that and he thought that was what he would see in this presentation. An operating model was done.

Ms. Kirk understands Mr. Chatterton's position and she believes that the City is at a crossroads with the school district. The Arts Advisory Board would be meeting that evening to give the City some recommendations on things to consider. It is a critical point. Are we going to move this forward or sit down with the school district, Ms. Kirk asked? Her fear is that arts will be left with nothing.

Mr. Nicponski asked how the school district became involved. Ms. Kirk responded that the school district has been involved for some time and it was an option years ago. She had met with Mr. Trantor regarding this matter in the past. The City will be meeting with the school

district and it is a key issue. If the Council has a preference for going that direction, then they need to know that, Ms. Kirk added.

Mr. Brass brought up the importance of due diligence. Another matter that has gone on for eight years involves land bought by the City previously owned by Quality Oil. After purchasing, it was discovered that the soil was contaminated and we have continually paid to clean it up, Mr. Brass related. If the due diligence is not done, the City can be paying for it forever. We will be talking to the school board, as they are building, and the discussion must take place at this time not later when it is too late. Is this going to be the best thing, we do not know, but we must talk to them, Mr. Brass stressed. The key for cultural arts is the availability of the facility and that is still unknown.

Monica DeSilva, in the audience, mentioned that she was invited to attend by Mary Ann Kirk. She stated that she is involved in programs going on in the area. She said that the City has a gold mine here and it needs this performing arts center because it can help all the schools and communities around Murray. It is centrally located and the money would come, she related. She informed the group that Warner Brothers is currently negotiating a \$45 million contract creating 150 jobs. These people need someplace to go besides the academy of performing arts. During the day that facility will be filled and the money will come in.

Mr. Brass said that the school board involvement has been discussed in other meetings too.

Business Item #3

Private Streets Standards Discussion

Mr. Tingey stated that it was communicated to his department to go back and take a look at this issue and bring forward a potential ordinance that would address some of the issues the Nielsen family had in their proposed development for allowing a private street in their subdivision that would be more than just a flag lot.

Currently, private streets are not allowed in single family subdivisions beyond a flag lot, which is one additional lot. That came about in 2006 when the Council directed and put together a citizen's advisory committee to look at this issue, as well as, other issues related to planned unit developments (PUD), because the City has had a lot of issues with private streets, even in the last six months. The City has had individuals in PUDs come and ask the City to take over those streets. This started the process.

The Nielsen's had an interest in developing with a private street. They had two options that were communicated by staff, one either develop with a public street or modify the ordinance. It went to the Planning Commission who recommended denial, and then came to the Council on December 6, 2011. Since that time, staff has worked with a number of departments to develop some standards to allow for a private street. Doug Hill and Trae Stokes of Public Services, Frank Nakamura and G.L. Critchfield from Attorney's, the Power Department, Police Chief and Fire Chief have all been involved in that process. The Council requested this matter to be expedited and Mr. Wilkinson with his staff has done a wonderful job to put together some standards for us to discuss. He reiterated that the process will include going back to the Planning Commission, there will be public input and it will come again to the Council. The Nielsen's have hired an attorney and they will have some conversations with them related to this, as well.

Mr. Wilkinson met as a group with these departments and got input from them on how to address the concerns.

Along with other issues, these are the concerns from the original task force that was formed in 2006 to discuss this issue of private and public streets:

- Using private streets as part of lot area thereby increasing density;
- Long term maintenance;
- Equity for residents paying taxes but not receiving city services;
- Front setback issues;
- Code interpretation issue.

No particular properties were looked at, Mr. Wilkinson stated, they looked at the broader impacts of changing the ordinance based on these concerns from the task force.

He stated that the staff considered a sampling of what some of the other cities' ordinances contain. They talked with some cities personally and took some information from their websites. There are different minimum widths, different sidewalk and curb and gutter requirements and some are required to be separate and distinct from the lots, rather than within the easements.

The standards are the result of that research and meetings with the departments. The staff felt comfortable with these standards if private streets are going to be allowed.

Proposed Ordinance

- Private streets allowed for residential infill subdivisions (2 acres or less);
- Minimum paved width of 20 feet, 8 inches road base, with 3 inches of asphalt;
- Curb and gutter required, design as approved by the City Engineer for flexibility;
- Private streets to be located on separate lot or parcel and not counted toward lot square footage;
- Setbacks measured from lot line of private street;
- Sidewalks and park strips required unless omitted through residential infill approval process.

Mr. Wilkinson showed some examples of properties with the street as part of the lot and some with the street separate from the lot. Some of the examples were approved under a different standard and do not meet current standards. You could get seven to eight homes on a two acre lot, depending on the design.

Staff concerns related to private streets located within easements:

- Property line issues – If an owner decides to put up a property line fence on an easement with a private street, it can be a bit of a problem. (Mr. Wilkinson showed a photograph of one such case.)
- Setback interpretation – Where is the setback measured from? There can be some remainder parcels and concerns about maintenance.
- Density – Including the private street within the lot increases the density.
- Maintenance of street
- Long term stability of HOA – No one can say that the HOA will exist long term, however, staff feels that making a separate parcel for the street makes the HOA a party to that subdivision.
- Public safety/code enforcement access – Could someone prevent access if the street is part of their private property?

The Planning Commission comments:

- Need to address requests for gates;
- Long term maintenance of private street;
- Felt that park strips and sidewalks are important elements that need to be included in some form with flexibility on details;
- Curb and gutter should be required;
- Clarification on where to measure setbacks;
- Supported streets on separate lot or parcel;
- Still concerned with allowing private streets.

No decision has been made by the Planning Commission; however, we anticipate going back to them to address some of these concerns with a proposal for their consideration probably the second meeting in February. Following that, it will come before the City Council as soon as they can get on the agenda, Mr. Wilkinson stated.

Mr. Tingey commented that this proposal allowing private streets with standards will be taken forward through the process.

Mr. Brass asked for clarification of the 20 foot street width with curb and gutter. Is it measured from curb to curb or 20 feet plus the curb? Mr. Wilkinson responded that it is 20 feet plus the curb. Mr. Hill stated that traditional high back curb and gutter would add five feet to that street width. It could be less than that because the ordinance is written to work with the developer on that design.

Mr. Stam asked for a copy of his presentation and the arts study, as well.

Mr. Nakamura informed the Council that he will be meeting with the Nielsen's and their attorney because there are still some issues for the property owner in this case.

Business Item #4

State Legislative Update

Zach Fountain commented that his role in the Mayor's office is to spend the year focusing on what happens during the Legislative Session. He tracks bills, runs down rumors, and studies how bills would potentially impact Murray. It could range from gas power conversion for one of our power entities to dealing with a local zoning issue. He does this by working through a number of different committees. One is the ULCT Legislative Policy Committee, another is a land use task force, and specific issue based task forces, such as billboards currently. The Future of Salt Lake County Committee has been mentioned in some updates and what might happen to Millcreek. These avenues help to find out about the bills and then he discusses the issues with different department heads. He likes the content experts to make comments on the issues and often nothing comes out of it. Sometimes he discovers some dramatic impacts to City services. By the final week of the session, the bills get pared down to about 20 to 25 issues.

House Bill #337 was passed last year dealing with pawn shops. The pawn shops changed the code to be allowed to maintain possession of property through the adjudication of the case. That makes it hard for victims of theft where stolen property was pawned and they may miss business opportunities because of that. For example, construction tools that are pawned and held may prevent a person from building during the building season. He has worked with Chief Fondaco to determine how that affects law enforcement. After meeting with

other law enforcement groups in the county and state, another bill is being crafted and negotiated and he hopes to have a quick avenue to get people's property back that also protects the pawn shops. The pawn shops should be able to get their theft by deception conviction so that they are not out the money for the stolen property. He would like to be able to enforce measures, like business licensing, to make sure the shops are compliant with the City. The industry has been great to work with and he is hoping for some legislation that satisfies both sides.

Another issue is Reiki massage establishments. It is not pertinent for many jurisdictions but over the year he has brought up questions as to how to deal with prostitution that is occurring in these businesses. His goal is to have the administrative ability to deal with this issue. He is trying to determine if legislation gives the City authority to pull the business licenses if the businesses are not complying with the Massage Therapy Act. It would heighten the threshold where police officers are not put into difficult situation. This would be preferred rather than active investigation methods.

An issue that routinely comes up and impacts land use in municipalities is that of billboards. During the last session a billboard company insisted that upgrading a billboard to a television type, full functioning electronic billboard was part of ongoing maintenance instead of an upgrade. A number of issues are associated with that including lighting for residents nearby and flashing. Mr. Fountain indicated that he is working with the ULCT to mitigate that issue.

The sales tax redistribution is a matter that Mr. Fountain routinely brings up. A number of legislators expressed interest in trying to deal with capturing job growth as part of the distribution. It is a revenue stream specifically for municipalities and he desires to make sure Murray can maintain current revenue and talk about new growth to determine how it will be distributed. He feels it is important to follow that subject to make sure the City will not be disproportionately impacted as it was before.

Mr. Lincoln Shurtz is the Government Affairs Director, Lobbyist, for the League of Cities and Towns, an association of the cities and towns in the state of Utah and is dues based. One key service offered is the lobby service with a focus on issues that affect all local government. The issues that Mr. Fountain mentioned: sales tax distribution, billboard regulation, general land use policies, water issues, and electrical power issues (for cities with their own power departments) are the sorts of things he helps the cities with during the session. ULCT is a resource for the City at the Capital, along with Ms. Wells, Mr. Fountain, Council members and the Mayor who sits on some of the committees and provides details to the City. The website and legislative log with daily postings are on line to try to keep everyone informed. Everyone is invited to participate in the meetings and let the League know how certain bills affect the City. The general flavor of the session: about 1200 bills will be filed, 45 day session, 33 working days, each bill gets about six minutes of consideration when taken on the whole. You can see, things move very fast and it is important to have the League and a contract Lobbyist to help manage that process and make sure that you get full representation on the process, Mr. Shurtz advised.

Mr. David Stewart expressed that he was hired a couple of years prior to help the City maintain some transportation dollars that were in jeopardy and he was able to help keep that for Murray specifically. His role is to target on specific projects for Murray that may be somewhat unique or critical for the City. That is something he may be tasked with. He commented that the City administration and elected officials do have a great relationship with city legislators that have been nurtured and fostered through the years. He was hired to go outside of Murray representatives to bring other legislators into an understanding of what Murray cares about. He

works to bring key members of leadership into an awareness of the issues that are important to the City to advance the agenda set forward by the City.

Mr. Shurtz was asked how many cities the ULCT represents. That number is 245, therefore, supporting the need for Mr. Fountain, Ms. Wells, and Mr. Stewart.

Mr. Nicponski stated that Murray has a great formula in its people on the Hill and the contract lobbyist is the only way to obtain money for Murray. Otherwise it does not happen.

Mr. Brass stated that the education from the ULCT is huge and advised the Council members to avail themselves of it during their twice yearly meetings.

Mr. Nakamura stated that Mr. Fountain is working on the Intermountain Power Project (IPP) conversion, which is a major concern.

Mr. Nicponski mentioned that Zach is part of the equation and there was a time when the League did not have the influence that it has today. He thinks that cities are now hard pressed to get things accomplished without the support from the ULCT. Mr. Shurtz added that they largely rely on the City staff for the resources and information to represent the City well. Mr. Stewart also relies on the City staff.

Mr. Shaver apologized to those present for the loss of his temper earlier during a previous presentation.

Mr. Brass thanked everyone for their attendance and adjourned the meeting at 6:34 p.m.

Janet M. Lopez
Council Office Administrator