

# **Murray City Municipal Council**

## **Chambers**

## **Murray City, Utah**

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**T**he Municipal Council of Murray City, Utah, met on Wednesday, the 18<sup>th</sup> day of June, 2014 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:

Brett Hales,	Council Chair
Jim Brass,	Council Member – Excused
Blair Camp,	Council Member
Diane Turner,	Council Member – Conducted
Dave Nicponski,	Council Member

Others who attended:

Ted Eyre,	Mayor
Jan Wells,	Chief Administrative Officer
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Janet Lopez,	Council Administrator
Janet Towers,	Executive Assistant to the Mayor
Craig Burnett,	Police Chief
Mike Dykman,	Battalion Chief
Steve Roberson,	Paramedic/Firefighter
Doug Hill,	Public Services Director
Justin Zollinger,	Finance Director
Tim Tingey,	Administrative and Development Services Director
Cari Barrios,	Treasurer Clerk
Jennifer Heaps,	Office Administrator ADS
Susan Dewey,	Associate Planner
Bob Dunn,	Boys and Girls Clubs of South Valley
Dustin Matsumori,	Intermountain Health Care
Citizens	

## **6. Opening Ceremonies**

### **6.1 Pledge of Allegiance – Steve Roberson**

Mr. Nakamura noted a change to the agenda. Under New Business, item 11.2 the Resolution approving an Interlocal Agreement regarding the issuance of bonds by Utah County will be moved to a Public Hearing. The Public hearing has been noticed. It will also be called a TEFRA Hearing. That will be held under the Public Hearing part of the agenda rather than under the New Business.

Ms. Turner asked the other members of the Council if they had any objections to the adjustment. No objections were noted and the item was moved to the Public Hearing section of the agenda.

### **6.2 Approval of Minutes**

#### **6.2.1 Utah Infrastructure Agency Special Council Meeting – May 1, 2014**

#### **6.2.2 Council Meeting – May 20, 2014**

Mr. Camp made a motion to approve the minutes with corrections.

Mr. Hales seconded the motion

Voice vote taken, all “ayes.”

### **6.3 Special Recognition**

#### **6.3.1 Murray City Council Employee of the Month, Jennifer Heaps, Office Administrator III, Administrative & Development Services.**

Staff presentation: Tim Tingey, Administrative and Development Services Director

Mr. Hales said the Council is excited to present this award to Ms. Heaps; she is wonderful. He presented her with a certificate, gift card, and told her her name would be added to the plaque in the Council Chambers. He added the Council is grateful for all that Ms. Heaps does for the City. She is fun and a phenomenal employee. He turned the time over to Mr. Tingey.

Mr. Tingey said that Ms. Heaps does a great job. She is a great team player for the City. She works with people well and helps out when she doesn't need to, but she does anyway. She has abilities and productivity that go above and beyond what he would ever expect.

Mr. Tingey continued saying Ms. Heaps is thorough, conscience, proactive, diligent, and talented. All of these things optimize what she does as an employee for the City. One of the most important things she

does is works really well with the public and with people within departments. Because of that interaction it is positive for all of us that work in and are associated with the City. Ms. Heaps makes everyone look good because she is so positive in her public relation skills with the public.

Mr. Tingey gave an example of the work that Ms. Heaps does daily by sharing a story regarding her customer service skills. He said she is to be commended for her efforts. There are not many that do as great of work as she does for the City.

Ms. Heaps said that when she started with Murray it was part-time in Community Development. It was an afternoon job while her boys were in school. She was able to work with Mr. Tingey in Community Development for a few years and then the City went through the reorganization that took place. Ms. Heaps stated she is grateful that Mr. Tingey had faith in her abilities and offered her the opportunity to increase her hours and come to work for him over here in City Hall.

Ms. Heaps stated that it has blessed her family to be able to have the City benefits which she appreciates so much. She said there have been many positive things that have happened in her life due to her employment with the City.

Ms. Heaps added that she would compare working with Mr. Tingey to a rodeo. For instance, today was barrel racing. They also have calf roping and bull riding sometimes; it gets crazy over in their office and it is never the same thing. That is why she likes it so much. They are always moving and it is great.

Ms. Heaps introduced her family and friends who were with her.

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

No comments given.

**8. Consent Agenda**

Ms. Turner asked that all items be taken together; no objections were given.

- 8.1 Consider confirmation of the Mayor's reappointment of Traci Black to the Murray City Library Board in an At-Large position for a three-year term to expire June 30, 2017.
- 8.2 Consider confirmation of the Mayor's reappointment of Pat Griffiths to the Murray City Library Board representing District 4 for a three-year term to expire

June 30, 2017.

- 8.3 Consider confirmation of the Mayor's reappointment of Valerie Harsh to the Murray City Library Board representing District 3 for a three-year term to expire June 30, 2017.
- 8.4 Consider confirmation of the Mayor's reappointment of Lois Holt to the Murray City Library Board representing District 5 for a three-year term to expire June 30, 2017.

Mr. Hales made a motion to adopt the Consent Agenda  
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

<u>A</u>	Mr. Hales
<u>A</u>	Mr. Nicponski
<u>A</u>	Mr. Camp
<u>A</u>	Ms. Turner

Motion passed 4-0

## **9. Public Hearings**

- 9.1 Public Hearing #1

- 9.1.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter that was continued from June 3, 2014:

Consider an Ordinance adopting the Final 2014 – 2015 Fiscal Year Budgets for Murray City including the Library Fund Budget.

Staff Presentation: Justin Zollinger, Finance Director

Mr. Zollinger said the City's final property tax numbers came in and he was disappointed because he thought the City would have a little bit of new growth but the property taxes went down just less than \$11,000 for the General Fund and \$3,700 for the Library Fund. He said he has called the county and asked them why they are going down because the whole idea of our current tax system is that they are supposed to stay the same.

Mr. Zollinger added he knows they went down only a small number, but he still wants them to be the same. He said if he received additional information he will forward it to the Council. As of right now, the numbers are a little less so they had to squeeze a couple of other revenue

numbers which just means those are a little less conservative each time that happens.

**Public Hearing Open for Public Comment**

No comments given.

**Public comment closed**

**9.1.2 Council consideration of the above matter.**

Mr. Camp made a motion to adopt the Ordinance  
Mr. Nicponski seconded the motion

Mr. Nicponski made the observation that this budget will contain a raise for the employees.

Mr. Zollinger added the raise will be a 1% COLA and 1% to 2% merit for those who qualify.

Mr. Nicponski added this will be in addition to the previous two raises the employees have been given over the last couple of years. He said he thinks it is good they are able to do that.

Mr. Camp stated he had the opportunity to work on the Budget Committee with Councilmember Brass and he appreciates all the work that went into this from the Mayor, the Mayor's staff, the Council, and Mr. Zollinger and his staff. He thinks this is a good product.

Call vote recorded by Jennifer Kennedy

<u>A</u>	Mr. Hales
<u>A</u>	Mr. Nicponski
<u>A</u>	Mr. Camp
<u>A</u>	Ms. Turner

Motion passed 4-0

**9.2 Public Hearing #2**

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

Consider an Ordinance amending the City's Fiscal Year 2013 – 2014 Budget.

Staff Presentation: Justin Zollinger, Finance Director

Mr. Zollinger said there were a couple small adjustments for the year end budget. That is the benefit of doing them throughout the year and addressing things as we need to.

The first adjustment is for the Library as they have been in the process for the last month of purchasing new software and getting it installed. They were asking to use a little bit of their reserves to make sure that they stay under budget in case there are additional expenses that may come up as they are installing the new software. That amount is for \$20,000 and the Library does have the reserves to do that.

The next adjustment is for the Fire Department. They have been awarded money from the Department of Public Safety in the amount of \$14,857 for emergency response equipment. This is an example of the Fire Department going out and looking for grant money that they can use to help fund equipment replacement. This is being funded as a pass-through grant.

Mr. Hales asked Mr. Zollinger where the City is at with the General Fund reserves as far as the percentage we are at.

Mr. Zollinger replied he did not have the percentage off the top of his head but he knows the City has a total of 11 million dollars in the General Fund right now.

Mr. Hales asked if that was above 20%.

Mr. Zollinger said we are above 20%. The current way the City functions right now is throughout the year, the departments operate and hopefully revenues come in a little high and expenses come in a little low. That money is then taken and put into the City's Capital Projects Fund. That one time savings is then taken and used for the CIP.

Mr. Zollinger continued saying every year in June; the City should be a little bit above and if we are not above 25% that is really bad news. That means our fund balance has started to go into a negative position. We take steps so that does not happen.

Mr. Hales stated the City is required to have a minimum of 5% and he thinks we are close to about 25%.

Mr. Zollinger said that we are close to 25%.

Mr. Hales verified that the City is about 20% higher than what we are

required to be.

Mr. Zollinger said we are and the one thing the City has thought of is putting money aside for potentially a new City Hall.

Mr. Nicponski asked if this reserve money was from the General Fund.

Mr. Zollinger replied it was.

Mr. Nicponski asked if the budget was closer to 40 million rather than 30 million.

Mr. Zollinger said the budget is 39 million.

Mr. Nicponski verified this was not including the Enterprise Fund.

Mr. Zollinger said it does not include the Enterprise Fund. He added that the City's 25% reserve policy for the Enterprise Funds is the same so the City is consistent with this.

Mr. Nicponski asked Mr. Zollinger to explain the CIP process again.

Mr. Zollinger stated that throughout the year, the City has revenues come in. Because we strive to have conservative budgets the revenue comes in a little bit higher which produces some one time savings. On the expenditure side, the departments are excellent at managing their budget and they come in a little bit below. Because revenues come in high and expenditures come in a little low that excess that takes us above the 25% is moved over to our Capital Projects Fund for one-time expenses such as a City Hall, police cars, ambulances and all those things that are one-time purchases.

Mr. Camp asked if the \$20,000 from the Library reserves was a contingency as they are doing the software. He asked if that would go to the CIP if it was not used.

Mr. Zollinger said they are separate funds. The City has the General Fund that has a savings program. If this money is not used, it goes back into the Library reserves so they could use it for something else.

Mr. Camp verified that it would go back into the Library reserves instead of the CIP process.

Mr. Zollinger said that was correct.

Mr. Camp said his second question is related to the Fire Department

grant. He asked who was responsible for doing the NIMS requirement reports for those.

Mike Dykman, Battalion Chief, replied the Fire Department has an annual requirement for NIMS compliance reporting. He said that Battalion Chief Harris who is over Emergency Management does that NIMS report annually. He added it is part of the grant process.

**Public Hearing Open for Public Comment**

**Beverly Crangle – 1628 East Vine Street, Murray, Utah**

Ms. Crangle said her question is when the property taxes come in lower and in reviewing the minutes of the last meeting, where the storm drain fees that were assessed were 12% but they only need 4% and the 8% goes back into the General Fund, does that get used for the shortage of the property taxes or is it set aside separate for future storm drain problems that might occur. She said she was curious why they would assess 12% when they just need 4% and the 8% goes back into the General Fund is what she understood. She asked if that was correct.

Mr. Zollinger stated for the storm drain transfer from the storm water to the General Fund; that money is used to help the City provide fire services, police services, roads, and all the General Fund services that are provided. That money helps pay for that.

**Bob Dunn – 714 Erekson View Circle, Murray, Utah**

Mr. Dunn said he is the Executive Director of the Boys and Girls Clubs of South Valley. He was here a couple of weeks ago and what he would like to do now is thank the Council for their support the past year and the support they are giving the Boys and Girls Club next year as well.

He said he wanted to let the Council know what a positive difference that has made to the community. The Boys and Girls Club is open 12 hours a day and 70 days more than the schools are open. When the schools are not open, the club is open 12 hours a day and they serve the kids that need them the most in the community.

Mr. Dunn stated that Murray has a population of 9% below the poverty level and 85% of their kids are from low-income families. He feels they are hitting those kids that need them the most. Forty-six percent of their kids come from ethnic backgrounds and Murray City in general is 16%.

Mr. Dunn said that kids that come from low-income and minority families have so many more risk factors and the Boys and Girls Club is turning that around. The Boys and Girls Club served 53,000 meals to kids last year. He has been there 36 years and he gets a tear in his eye every day seeing the difference they make with these kids and the community. It is because of

the Council's support.

Because of the support, next year they are going to be able to open up schools at Woodstock and Twin Peaks which are in the annexed area of Murray that they have not been able to serve before. They are excited about that.

Mr. Dunn added that during the school year, the kids do Power Hour. During the summer, kids loose up to 2 months of math work and low-income kids also lose 2 months worth of reading. Every day during the summer the Boys and Girls Club does something called Summer Brain Gain, which is an educational program. So when the kids start school at the end of August they are going to be on track to learn.

Mr. Dunn reiterated he appreciates the Council's support and said anything additional they can do he would appreciate. They have had some cash flow issues because they are unable to get a loan with their current situation. He invited the Councilmembers to come and have a tour of the club.

**Public comment closed**

9.2.2 Council consideration of the above matter.

Mr. Nicponski made a motion to adopt the Ordinance  
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

<u>A</u>	Mr. Hales
<u>A</u>	Mr. Nicponski
<u>A</u>	Mr. Camp
<u>A</u>	Ms. Turner

Motion passed 4-0

9.3 Public Hearing # 3 – Moved from item 11.2 under New Business

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

Consider a Resolution approving and authorizing the execution by the City as a participant in the Interlocal Cooperation Agreement originally dated as of October 1, 2012 among Utah County, Utah, Cache County, Utah, Summit County, Utah and Weber County, Utah; and related matters.

Staff presentation: Dustin Matsumori, Intermountain Health Care

Mr. Nakamura stated this is a Public Hearing that was noticed on June 5, 2014 and is with respect to a proposed issuance by Utah County that is for hospital revenue bonds in one or more series in an aggregate principle amount of not to accede \$35,000,000.

Mr. Nakamura said that with regards to the facilities here in Murray, specifically the Cottonwood Hospital facilities located in Murray City, for the purpose of financing, refinancing and providing reimbursement for the acquisition of improvement and equipping of such health care facilities in considering for adoption a Resolution approving the issuance of the bonds for the purpose of Section 147 of the Internal Revenue Code.

Mr. Nakamura said at the same time, the Council is going to consider a Resolution adopting and Interlocal Agreement authorizing Utah County to issue a portion of bonds on behalf of Murray City and other public agencies located in the State of Utah. Mr. Nakamura turned the time over to Mr. Matsumori.

Mr. Matsumori said he is here representing Intermountain Health Care. He said he met with the Council two weeks ago in the Committee of the Whole to discuss this.

The process by which Intermountain Health Care invests in the communities in which they want to build, modernize, or renovate different facilities, be it hospitals or clinics, is that they issue revenue bonds. They typically do that through a governmental agency who works as their partner. IHC is the sole obligor and payer and are held liable for those bonds.

In this case, they are issuing bonds with Utah County. He said the question is, of course, why is Murray City taking action on anything that Utah County is doing. The process is that Utah County issues the bonds for and on behalf of Intermountain Health Care, but in order for Intermountain Health Care to use some of those bond proceeds to invest in different facilities in other parts of the State outside of Utah County, tax law requires they hold Public Hearings in each of those jurisdictions.

Because they have identified the Orthopedic Specialty Hospital, or the Cottonwood Hospital site, to build a new clinic, in order for them to use proceeds there, they need to hold this Public Hearing. It is called a Tax Equity and Fiscal Responsibility Act Hearing (TEFRA Hearing) as Mr. Nakamura mentioned.

The purpose of this hearing is to receive public comment or any questions

the public has regarding the issuance of bonds by Utah County for Intermountain Health Care.

Mr. Matsumori continued saying the sole purpose of the Interlocal Agreement is to allow Utah County to issue the bonds and Intermountain Health Care to spend some of the proceeds within Murray City's jurisdictional boundaries. There is no obligation, liability, responsibility, or duty associated with any of these Resolutions. It is simply according to tax law; that is why they adopt both Resolutions.

Subsequent to this Public Hearing at the City's regularly scheduled meeting on July 1, 2014 the Council will also adopt one further Resolution and that is related to this Public Hearing. It basically validates the fact that the City held a Public Hearing and approves the issuance of that \$35,000,000 worth of bonds with respect to facilities here within Murray City.

Mr. Matsumori said he knows this is a little convoluted but again it is basically Intermountain Health Care issuing some debt and they would like to invest in Murray City but in order to do so, the need to hold this Public Hearing.

**Public Hearing Open for Public Comment**

No Comments given.

**Public comment closed**

**9.3.2 Council consideration of the above matter.**

Mr. Nakamura stated the motion is only in regards to the Resolution on the Interlocal Agreement and based on this Public Hearing there will be a Resolution on the July 1, 2014 agenda regarding the issuance of the \$35,000,000. This motion will be on the Resolution adopting the Interlocal Agreement.

Mr. Hales made a motion to approve the Resolution  
Mr. Nicponski seconded the motion

Mr. Camp asked Mr. Nakamura if the motion was for the execution of the agreement.

Mr. Nakamura said it was.

Call vote recorded by Jennifer Kennedy

A Mr. Hales  
A Mr. Nicponski  
A Mr. Camp  
A Ms. Turner

Motion passed 4-0

**10. Unfinished Business**

10.1 None scheduled.

**11. New Business**

11.1 Consider an Ordinance adopting the rate of tax levies for the Fiscal Year commencing July 1, 2014 and ending June 30, 2015.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger said the City is not doing a tax increase this year which is always good news if we can do that. The tax levy came in a little low; lower than the previous year. He said he did not have anything else to share on this topic unless anyone had questions.

Mr. Hales said how much the Council appreciates Mr. Zollinger as the City's Finance Director.

Mr. Nicponski made a motion to approve the Ordinance  
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

A Mr. Hales  
A Mr. Nicponski  
A Mr. Camp  
A Ms. Turner

Motion passed 4-0

11.2 Moved to 9.3 under Public Hearings

Consider a Resolution approving and authorizing the execution by the City as a participant in the Interlocal Cooperation Agreement originally dated as of October 1, 2012 among Utah County, Utah, Cache County, Utah, Summit County, Utah and Weber County, Utah; and related matters.

11.3 Consider a Resolution approving an Interlocal Cooperation Agreement between

the City and Salt Lake County to conduct a study of the North Jordan Canal embankment stability adjacent to the Murray Bluffs Subdivision south of Winchester Street in the City, as well as other locales along the canal.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill showed the Council a map of the Murray Bluffs II subdivision (Attachment 1). He said in April of 2013 the canal banks separated, breeched and flooded the neighborhood. Subsequently the North Jordan Irrigation Canal Company made repairs to the canal. They re-stabilized the banks, put a liner inside the canal, and installed a SCADA system which is a remote monitoring device that will warn the canal company in the future of any saturation of water into the banks as well as any water that rises faster than it normally would so that they can release gates remotely.

Mr. Hill said there have been concerns expressed to the City about the safety of this canal even after these repairs. He added that he passed around, at the request of the canal company, a booklet summarizing the repairs they have made for the Council to review.

Mr. Hill continued saying there still remains a concern about how stable this canal is in this area as well as all the way through Salt Lake County as it travels through most of Murray City. Staff felt like they should do an independent study and find out if any of the property owners have any concerns or whether any of them have damaged the canal banks through landscaping, planting of trees, putting in rock walls or any of those kinds of things.

The City has asked AGEC, who is a geotechnical company, to give us a proposal as to what they would do to determine how stable the banks are, specifically in this area. AGEC has given the City a proposal to go in and do a geologic review. They would do an observation of rock walls, subsurface investigations, and some additional engineering work in this area and provide the City with a final report that, hopefully, will assist the City in determining how stable the banks are in this very specific area of Murray Bluffs II.

Mr. Hill said the City has met with Salt Lake County and they also have interest in doing this as a test site because as Mr. Hill mentioned earlier, the canal goes through many other communities outside of Murray City. Therefore, the County has great interest in wanting to know themselves whether or not the canal is stable.

Mr. Hill added that the North Jordan Irrigation Canal Company is also doing their own independent investigation. The City's study will be independent of theirs.

Mr. Nicponski asked if the North Jordan Irrigation Canal Company will cooperate with us.

Mr. Hill replied he does not think the City will have any problems. He said we would have to get permission from them and the property owners to go on their property and do this work. AGEC has included all of that in their scope of work and report.

Mr. Hill stated the total cost will be \$76,000 to do this work. The City and County will share equally in the cost. \$38,000 has been included in the budget the Council just adopted for next year. If the Council approved this agreement, the City will take the lead on the project and will work with AGEC to do the work starting July 1, 2014 when the new budget year goes into effect. We should have this report, and depending on the outcome of the information, it will tell us on how to proceed. If the report says everything is safe and stable then it gives us a great deal of comfort. If the report says there are problems and issues, we will have to decide as a City and along with the County, how we are going to deal with those.

Mr. Hill said the agreement before the Council tonight will formalize this process with the County so we can get started.

Mr. Nicponski stated this canal runs through his Council District so he had a few things he wanted to clarify. He asked if it was about a year ago that the canal broke.

Mr. Hill said it was in April of 2013.

Mr. Nicponski said that besides the Murray Bluffs area is the City going to look any further north such as from Bullion north where the canal is up top of those homes west of Walden Glen. Are they going to take a look at that?

Mr. Hill said they are not. This particular study is limited to the area south of Winchester Street. That does not mean that they will not look at other areas, but again, the cost can be almost somewhat prohibitive to do it all at once and look at the whole area through Murray City. Right now, they believe that if there is a risk, it is probably the greatest risk out there because of the amount of development and landscaping adjacent to the canal. Not to say that there is not development in other areas, but they tend to be farther away and there is not as much landscaping on the banks as there is in this area.

Mr. Nicponski said that Mr. Hill was right. That stuff north of Bullion is pretty well packed in there. There are not any homes abutting the right-of-way like there is in Murray Bluffs. He said he is still going to ask the canal company's executive director if he will take a look at that when they do their study.

Mr. Nicponski asked if the SCADA has been completed.

Mr. Hill replied it was complete and operational. He said there is some

information in the report he gave to the Council regarding that.

Ms. Turner said the study was to begin July 1, 2014. She asked if there was a timeline and did Mr. Hill know how long it was going to take to conduct it.

Mr. Hill stated it is probably in the report and he does not recall it off the top of his head. He said he does not think it will take more than about 90 days. He added he was just speculating without looking at the report and reiterated he did not recall the exact time.

Ms. Turner verified that it would not take too long.

Mr. Hill replied he would imagine it would be done by early fall.

Mr. Nicponski said there have been some adjustments made over there and he does not think they have been done for the better but for the worse. That resident, whomever it may be, feels like they are being picked on but the fact of the matter is that if it is weak in their area, you will fix a whole bunch of homes. That is why we need to have a study of this and, for lack of a better phrase, get after those that do not feel the responsibility to protect the right-of-way.

Mr. Camp asked if the \$76,000 was a firm number as he noticed the half from the County was.

Mr. Hill replied it is a not to exceed number by AGEC so they will not expend more than \$76,000. They could spend less and if that is the case then it would cost both the City and County less money.

Mr. Nicponski made a motion to approve the Resolution  
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

<u>A</u>	Mr. Hales
<u>A</u>	Mr. Nicponski
<u>A</u>	Mr. Camp
<u>A</u>	Ms. Turner

Motion passed 4-0

11.4 Consider a Resolution approving an Interlocal Cooperation Agreement between the City and Salt Lake County for Phase I Jordan River waterway improvements.

Staff presentation: Doug Hill, Public Services Director (map)

Mr. Hill said the Jordan River as it travels through Murray City has two hazards on it. He showed the first one on a map that he showed to the Council

(Attachment 2). He said you can see on Winchester Street, the white water. There have been accidents at this location in the past and he thinks most everybody recognizes that this drop structure, referred to as many other things, the water level drops about 4-5 feet at this location so people that are on the river can get caught in this back water that exists at this location.

There is also a second location in Murray that is located at approximately 4600 South. It is adjacent to the Public Services property. There is an irrigation take out point and another drop structure at that location that goes all the way across the Jordan River. It is a similar hazard as the one on Winchester Street.

Mr. Hill said we have two hazards in Murray City. He believes there are additional ones in Salt Lake County as well.

Mr. Hill stated that Salt Lake County has come to Murray City and said they would like to build portages and provide signage around these structures. They have estimated the cost to do this for the two structures in Murray City is \$84,000. They are asking Murray City to share equally in the cost of building these portages.

Mr. Hill added that he did not know exactly what the portages are going to look like because they have to design them and do a study to come up with a design. Essentially they would be to allow people to get out of the river so they would not have to go over these hazards.

Mr. Hill said the agreement the Council has before them essentially formalizes that with Salt Lake County. In this case, the County would take the lead; they have the design staff and most of the responsibility for this on the river. The City would deposit the money and the County would be doing the design the construction, and the future maintenance of these portages. The money would be transferred to the County after the new budget year starts on July 1, 2014, should this agreement be approved. The City will make sure the County works with us to approve the plans and put them into place. The money has been included in the budget for next year that was just adopted.

Mr. Hales verified the upkeep would be by the County.

Mr. Hill replied in this case the upkeep is by the County.

Mr. Nicponski asked Mr. Nakamura if the City was in a lawsuit over an incident at the Winchester hazard.

Mr. Nakamura stated we are no longer in a lawsuit.

Mr. Nicponski said that was good to know. He said that spending money on this is not a bad idea; this is a good direction the City is going in.

Mr. Hill said the idea is to avoid any future lawsuits or costs the City may incur if an accident was to happen.

Mr. Camp asked how the County came up with a budget number without a design.

Mr. Hill replied they have some ideas of what the design would look like so they do have an estimate. It is not a final design but the ones that Mr. Hill has seen are basically a ramp that would go down into the river that would access a trail system or a way you could get your canoe out of the water safely and be able to get up on the bank then take your canoe or raft to a point where you can get out of the river area.

Mr. Nicponski asked if there was one north of 5300 South.

Mr. Hill replied the City has a couple of them that the City has built. They do not work as well because the ones the City built are contingent upon the water being at the right level and the water is often not at the right level so they are not really functional. The County is thinking more of a ramp type of process that would go down into the river so regardless of the water level you would be able to get out.

Ms. Turner asked if it costs more is the County willing to absorb it.

Mr. Hill said that under this agreement it says that Murray City will pay half of the costs so there is some risk that the City takes on this. He asked Mr. Nakamura if this agreement has a not to exceed amount. He does not recall that there is a not to exceed in this agreement. However, the County would have to come back to the City and we would have to appropriate more money if they went above the amount.

Mr. Hill stated it could cost more than \$85,000 but if that were the case, the Council would have to appropriate more money because the City has only budgeted \$42,000 for this.

Mr. Hales made a motion to approve the Resolution  
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

<u>A</u>	Mr. Hales
<u>A</u>	Mr. Nicponski
<u>A</u>	Mr. Camp
<u>A</u>	Ms. Turner

Motion passed 4-0

- 11.5 Consider a Resolution approving an Interlocal Cooperation Agreement between the City, Salt Lake County and the State of Utah, Division of Forestry, Fire and State Lands to work cooperatively to mitigate a hazard on the Jordan River near the location of the Winchester Street Bridge.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill said this is similar to what they have been discussing although it is specific only to Winchester Street. A lot of people have been working on this for many months. The idea is that the City would work with the County and the State of Utah to mitigate the hazard. This is different than a portage. This would be to allow people using the river to be able to navigate the river safely. Rather than having a four foot drop structure, there are some preliminary plans to put in an additional three drop structures at this location so instead of dropping 4-5 feet, you may drop 1-2 feet and would do that until you dropped all the way down to the river.

The County has hired consultants to look at this along with other places on the river; that is where this idea came from. They have done it in many other communities and rivers. It is actually more like a water park for canoers and recreational users of the river so they can actually play on this structure because you do not have the hydraulic action taking place where the water is backing up. They can drop down on them and most people would be able to go across this once it is completed safely.

Mr. Hill said the County Consultant estimated the cost to do this is \$665,000. With the help of the Mayor and his staff as well as the City's Consultant and frankly most people that have an interest in the river, a lot of river user groups and the Jordan River Commission, the City was able to get the State Legislature to allocate \$350,000 which is a little bit more than half of this project. That is how the State of Utah is involved. Salt Lake County has agreed to share half the cost with Murray City so our portion is about \$163,000 to complete this project.

Mr. Hill said the County would take the lead. They would design and construct it. We would spend the State of Utah's money first, so the first \$350,000 would be spent by invoicing the State. The City and County would share equally in the remaining cost, up to the amount of money that is appropriated. If it does go over that amount, they would go back to the Council for additional funds. The County has done a fairly good job of looking at cost estimates for this and feels fairly confident that \$665,000 will build this.

Mr. Hill continued saying that in this case there is a shared maintenance responsibility between the County and Murray City. We would both own and be required to maintain this facility in the future. If there was maintenance that needed to be done on the walls that are being constructed we would, in the future, have to share those costs with the County.

Mr. Hales said he was impressed with all the people up on the Hill fighting for that \$350,000. That was huge. He thanked the administration.

Ms. Turner allowed a citizen, Richard Crangle to ask a question.

Richard Crangle – 1628 East Vine Street, Murray, Utah

Mr. Crangle asked a question (inaudible).

Mr. Hill replied what has precipitated this and the reason it is getting so much attention right now is because in 2010 there was a drowning that occurred at this structure and there was a lawsuit that was filed against anybody who had any ownership of the Jordan River including the State of Utah, Salt Lake County, Murray City, West Jordan, and many other entities.

Mr. Hill said that in Murray City's case, we were able to settle this issue but everybody is concerned it could happen again and that the costs to settle or to take it to court could exceed the cost of building the structure. That is why everybody wants to cooperate to build something safer at this location.

Beverly Crangle – 1628 East Vine Street, Murray, Utah

Beverly Crangle asked a question from the audience (inaudible).

Mr. Hill replied if you are going to build a safer structure, why do you need to build a portage at this location. He said that regardless of how safe you try to make the river, it is never entirely safe for everybody. The County and the City felt like there still needed to be a way to get out of it; you may just not feel comfortable going over these smaller structures. The portage would allow you to get out of the river. They felt like the portage is still necessary, even though this location has been made safer.

Mr. Nicponski made a motion to approve the Resolution

Mr. Camp seconded the motion

Ms. Turner commended Mayor Eyre and Jan Wells for the work they did on this. She said they met with the Legislature in a committee and provided a compelling reason that they should provide some money. Ms. Turner stated the Legislature came up with more money than was anticipated. She thanked them for that.

Mr. Hales added the Legislature came up with double the amount.

Call vote recorded by Jennifer Kennedy

A Mr. Hales  
A Mr. Nicponski  
A Mr. Camp

A Ms. Turner

Motion passed 4-0

**12. Mayor**

12.1 Report

Mayor Eyre said in an earlier meeting Mr. Tingey gave some hotel updates and he would like to expand on that. There are three hotels currently under construction right now. The Hilton Hotel will most likely be completed the first week of July. The Marriott and the Holiday Inn hotels both hope to be completed by August of this year.

Mayor Eyre stated that construction on the Dillard's building at Fashion Place mall will begin in about two weeks. The City has not received any word on what they will be doing with the existing Dillard's building once it is vacated.

Mayor Eyre said the City's Police Chief, Craig Burnett's father passed away today. As of right now, they are not sure of the funeral arrangements, but they will be forthcoming.

Mayor Eyre stated he has signed an Executive Order for fireworks. This prohibits the lighting of fireworks by individuals in the City's parks, at Wheeler Farm and along the Jordan River Parkway. This is due to the high fire danger in those places.

Mayor Eyre said there is a Committee and they have sent out an RFP for a New City Hall. There were six major architectural firms that submitted proposals for that. The Committee met and has narrowed it down to three. The Committee was able to meet with the final three for about 45 minutes each. The Selection Committee will now make recommendations to the full committee on what they heard during those presentations and from there they will select which firm will be successful in going forth if and when we proceed with a new City Hall.

Mayor Eyre said it was educational for him and for Councilmembers Hales and Camp to go to Denver and attend the APPA Convention. They learned about the delivery of power to our community. He got a great appreciation for the amount of people that it takes for us to receive the services that we receive. In the previous meeting, there was an explanation regarding some of the water resources here in the valley and how the water is cleaned and reused.

He said it was amazing to him and he did not realize there are countless dozens, if not hundreds of people that are involved in the water quality as well as the quality of our power and our public parks. Things happen and we do not realize the amount of resources, people and talent that are behind those things happening.

Mayor Eyre added things were so organized for that convention; it was unbelievable. It went like clockwork. But, it was because somebody put in countless hours of work into making that happen.

Mayor Eyre said he wanted to recognize the people that put in so much time behind the scenes to make things work so smoothly in this City, whether it is water or power or any of our meetings or anything else. There is just so much that goes on behind the scenes and he wanted to recognize that.

#### 12.2 Questions for the Mayor

Mr. Camp expressed his condolences to Chief Burnett for the passing of his father. He knows he will be missed.

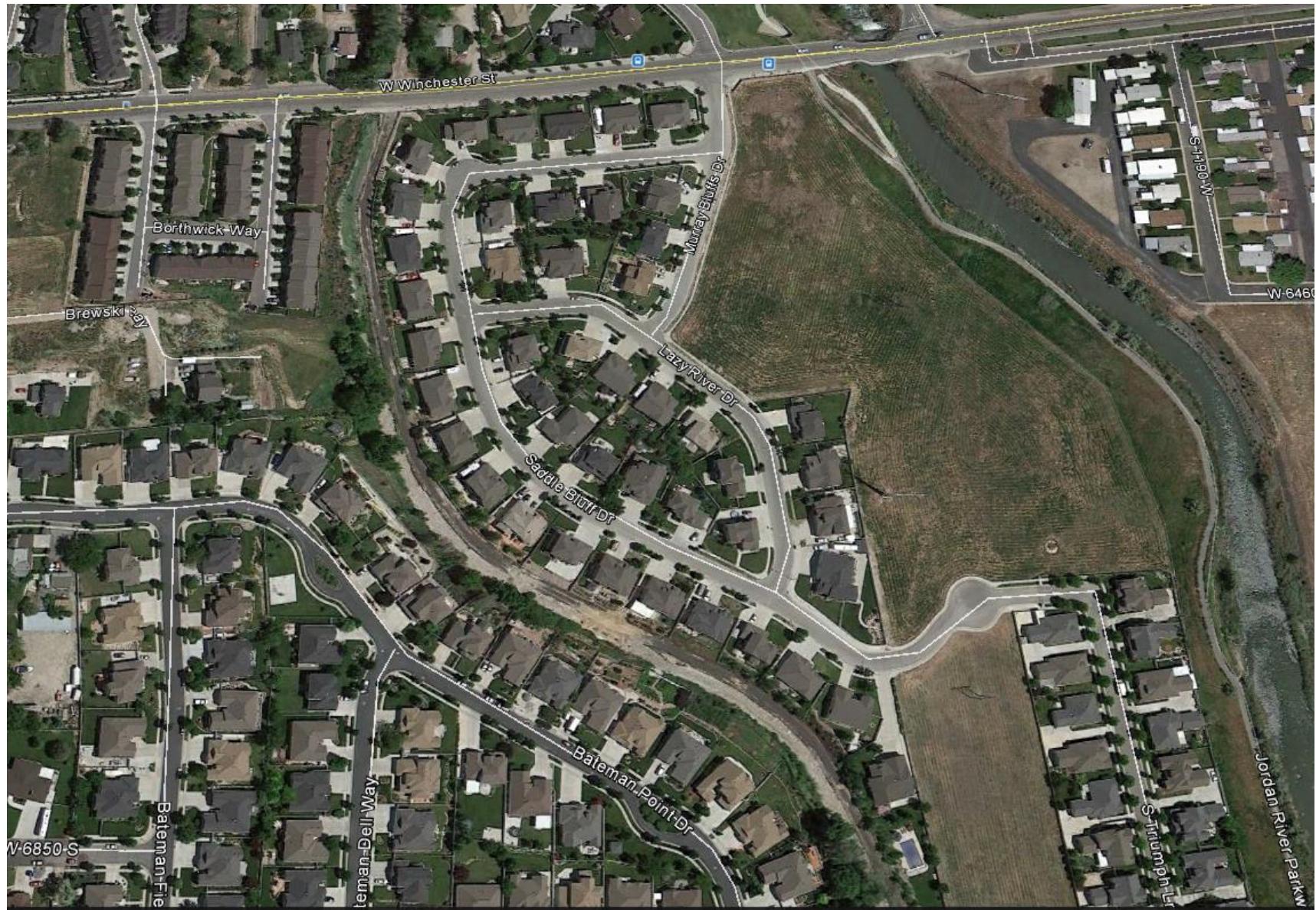
Mr. Nicponski thanked the Mayor for the job he is doing. They appreciate the sacrifice he is making for the City. It seems like it has been nonstop for him since he got elected.

#### 13. Adjournment

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Jennifer Kennedy, City Recorder

# Attachment 1



# Attachment 2

