

Murray City Municipal Council

Chambers

Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 7th day of September, 2010 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:

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

Others who attended:

Dan Snarr,	Mayor
Jan Wells,	Chief of Staff
Janet Lopez,	City Council Office
Carol Heales,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Craig Burnett,	Assistant Police Chief
Gil Rodriguez,	Fire Chief
Doug Hill,	Public Services Director
Blaine Haacke,	General Manager
Patricia Wilson,	Finance Director
Jeff Maglish,	Detective/Cadet Advisor
Scouts	
Citizens	

A. OPENING CEREMONIES

1. Pledge of Allegiance - Doug Hill, Public Works Director

2. Approval of minutes of August 17, 2010.

Mr. Stam made a motion to approve the minutes.
Mr. Shaver 2nd the motion.

Call vote recorded by Carol Heales.

All Ayes

3. Mr. Brass stated that there is a tradition in Murray City to have the Boy Scouts in attendance stand and introduce themselves, their troop leaders, and which Merit Badges they are working on.

The Scouts introduced themselves and their leaders.

4. Special Recognitions

1. Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah, declaring September 12-18, 2010 as Public Power Week.

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

Call vote recorded by Carol Heales.

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

Motion passed 5-0

Mr. Brass read the Resolution in its entirety.

Mayor Snarr presented the Resolution to Mr. Haacke, saying that the City is proud of the fact that we have our own power department and are the only municipality in the County that does, and it is one of our richest and greatest and profitable assets as a city. We appreciate the Power Departments contribution to the welfare of our community in making sure that the lights stay on, and the cash register drawers keep pulling in and out. For all of that, we are grateful for his leadership and for what the Power Department does for Murray City, along with the 2000 plus other municipal power departments throughout the United States.

The Mayor stated that we are thrilled that we are able to participate as the only community in Salt Lake County, in Public Power Week.

Mr. Haacke said that he is unsure as to how many years the city has celebrated this, at least 15 he would think; this is a nationwide celebration, and there will be a hot dog cookout on Thursday for all of the citizens and all are invited. It will be from 4:00 p.m. through 6:30 p.m., with a drawing at 6:00 for 'Power Bucks'. As usual, \$1,500 of Power Bucks will be randomly given to those who come. We always have a good turnout by the citizens, and we keep on doing that.

Mr. Haacke thanked the City again for doing this-it takes a group effort; the Power Department now has 51 full time employees who are involved with this who make this possible.

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

None given

Public comment closed

C. CONSENT AGENDA

None scheduled

D. PUBLIC HEARINGS

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

1. Consider an Ordinance amending the budgets of the General Fund for Fiscal Year 2010-2011.

Staff presentation: Patricia Wilson, Finance Director

Ms. Wilson stated that various departments have asked the Council to approve various budget revisions for the Fiscal Year 2010-2011. We have seven different revisions that they are to consider:

1. 2010 Legislature approved \$1.5 million for road improvements to 4800 South; this will be reimbursed after the project is accepted. Ms. Wilson suggests that the City use the Capital Project fund for this, as it will be a multi-year project.
2. This project is another road project from the General Fund, involving Class C roads, and is a match of \$53,000 for Big Cottonwood Bridge at Main Street, and is in connection with UDOT.
3. A new grant will be received for analysis of the Hoffman Building at 4832 South State Street. This is an amendment to the General Fund Cultural Arts budget for \$9,900.

4. Sidewalk improvements; UDOT will provide \$52,000 of the \$140,000 project; this would be done through the General Fund road construction budget.
5. Police Department request for replacement of a canine truck; \$28,401 would be needed to fund this from the General Fund reserves.
6. The Courts and the Police are requesting \$15,308 for a finger printing station and printer for the Municipal Justice Court.
7. The MIS Department is requesting \$10,000 to increase expenditures associated with changes resulting from the State Court system.

In summary, Capital Project amendments would total \$1.5 million, and these costs would be reimbursed; all other changes to departments are within the General Fund. New revenues would cover \$61,900, new fund balance reserves would cover \$194,709, and the total budget revision amendments would equal \$1,756,609.

Mr. Hill addressed the sidewalk funds, saying that this is something that has not been discussed in the past; about a year and a half ago, there was a resident who lives in the Brittany Apartments who is in a wheelchair; she and her advocate approached the City, asking that we provide a better route from the Brittany Apartments to the corner of 4500 South and Van Winkle for her to catch the bus. She can get there another way, going through the neighborhood to the west, but it is a longer route. The right-of-way belongs to UDOT, but UDOT's policy is that they do not build sidewalks, but do provide matching funds that you can apply for. In working with the advocate for this individual, we recognized that there is a need for this, but we did not have any budgeted funds at the time to do it, and went ahead and applied through the Safer Sidewalk program that UDOT has for this, and were awarded \$52,000 to go towards this project. The project is quite a bit more than that amount.

What he really wants to say is that this is a project that they have had a request for from these two individuals, and recognize that there is a need, but in the priority of all of the things that they could spend money on, they are not sure that this is something that best serves the city as a whole, but there certainly is this need from this disabled person to get there. If that is something that the Council chooses to do, it will be a benefit for this individual, but the city will need to come up with the additional \$80,000 for this project to become a reality, due to the grading that has to occur, and the retaining walls that may have to go in, it may be quite expensive.

Mr. Shaver asked Mr. Hill if there is someone who is building between the Brittany Apartments and 4500 South; he thought he saw a new concrete pour for a driveway in the area.

Mr. Hill stated that the development would not affect the city's ability to put in the sidewalk. The sidewalk would go along the west side of Van Winkle up to the corner of 4500 South, which is within the UDOT right-of-way. They would be meeting a portion of the existing sidewalk.

Public Hearing opened for public comment

None given

Public comment closed

Council consideration of the above matter to follow Public Hearing.

Ms. Dunn, said that she has a real concern: she doesn't have a problem with the grants that come in, and opening the budget for those, but as a council, back in the budget process, they all went through a painful process and cut a lot things, and they did say if we cut too deeply and there is an emergency, they could come back to the Council. Recognizing that, we are still facing a huge, huge budget deficit for next year and we are in worse shape than in the past two years because we have cut so deeply. As Department Heads, you should have studied it well and prioritized it highly, and she is concerned because the city is two months into the budget and already have requests-what is going to happen in the next ten months? No doubt there are emergencies and requests, but she would say that the likelihood of the Council doing this more than once for any department is going to be doubtful. We are already facing a huge deficit and all we can do is go to our reserves; she is really concerned about seeing requests in the first two months.

Ms. Dunn feels that as Department Heads, they really need to look at, for example the truck: She knows that they absolutely have to have a canine truck, there's not a person here that would disagree with the fact that we need it; her question is, is there any other way they can do it? The reasons that the question came up earlier on the other item earlier, wasn't questioning the amount of money, or the fact that it needed to be done, but a budget is in place and as a council, they were told that they have absolutely zero that they can cut, they can't do anymore, and yet there is still more. It wasn't at the end of the year, it is fairly early in the year. Her question is: Can we look at the budget a little closer, and find ways to do this, whether we move a vehicle from somewhere else, purchase a less expensive one, or find a way to adapt our equipment and put it on the truck we need to buy? Does it need to be that much, does it need to be at all? Those are the questions that she has, and she has spoken to the other Council members on this as well.

Chief Fondaco stated that everything that Ms. Dunn said, they have tried to do. This vehicle was actually scheduled two years ago to be replaced, and again this year. What they did is bid out all of the two wheel drive, full size vehicles that they could get, and this was the lowest in price. The problem that you have is the one that is being replaced is a Dodge; and the dog is being contained in the second seat section-it is a built in cage. Rather than buy a new one of those, they decided to put a cage in the back of the bed like they did years ago, with an electronic door so that the dog is actually outside the vehicle. They actually save the money by not buying that; they looked at everything they could, and the vehicle is out on the road, the maintenance has been done on it, they are just having these new electrical problems with it and it has over 100,000 miles on it and by the end of the year the maintenance cost to keep nursing this vehicle along will be high. They know that next year is going to be just as difficult so they will be coming to the Council next year with vehicles that are going to be cut because they don't foresee the money being there. He is open to suggestions, is willing to do anything that he can, but the problem is that the Council needs to understand that the vehicle maintenance account was not increased and as they nurse these vehicles along, the maintenance costs are going to go up and he really doesn't know what the answer is. All he can say is that when he had Assistant Chief Burnett and Mr. Hamer look at this, they were told do this as cheaply as possible, and tried to transfer as much equipment as they could, but they are going from make vehicle to another. If the Council wants to try to go longer they can, but this truck died and to get it on the road, they have had to spend a lot of money in maintenance, and if we have to keep nursing this one along, what are we actually going to lose in our maintenance account, compared to what it would be to buy one.

Ms. Dunn asked if we have other vehicles in fleet that we could use.

Chief Fondaco stated that the City does not have any pick-up trucks.

Mr. Brass asked if the Code Enforcement vehicle in the parking lot, running or if it is being used?

Assistant Chief Burnett answered that there is an old, old Code Enforcement truck that has over 100,000 miles on it. They have a new, smaller Dakota that is being used. They had a canine truck that was totaled about six months ago; the insurance payout was not enough to replace the canine truck, so they bought a Dodge Dakota and moved Code Enforcement into that and took the bigger truck and are using that as one of the canine vehicle.

Ms. Dunn asked if there are other trucks in fleet that the Police Department could use?

Mr. Hill could not answer that at this time.

Ms. Dunn reiterated that she would hope that we all take the attitude of these are dire times and we will either need to get creative or do without, or find a way to make things work; if we keep going to the well, we are in trouble.

Mr. Hill added that this is what they are trying to do with the sidewalk issue from before. It is not a high priority project for their department. There may be some legal issues that need to be taken into consideration about this, but it is on there because of the grant that they received. To take the money out of reserves is your choice, and he wanted to make it clear that this was not a high priority project.

Mr. Brass stated that this could be an ADA issue, he feels that UDOT should take a bigger stand on this; he appreciates the accessibility issue-when you are in the street and down low, you are not in a traditional sight-line that people in vehicles pay attention to-but it is a lot of money to spend for one person.

Mr. Hill agreed, saying that he is all for creating accessibility everywhere too, and under ideal circumstances where you have the funds, he would have no objections to doing this; where you don't have the money, and coming up with an additional \$80-\$90,000 for projects, he can think of a lot of other projects out there that could benefit more people in the areas of accessibility as well.

Mr. Nakamura stated that he does not find this an ADA issue as much as it is a combination of access to bus stops, and there is a shared responsibility in that; as you know, Van Winkle is very dangerous and there are a lot of issues as to why they never put one in there to begin with. We understand the need to access bus stops and he thinks the issue is not just Murray City, there also needs to be Utah Transit Authority as well. He believes in the accessibility, Van Winkle is not really conducive to people going along that sidewalk, and he thinks that plays a part of it-there is a safety issue. He thinks it's not so much as mandated, but he thinks there needs to be efforts made-joint efforts.

Ms. Dunn asked if, before they put this money forward, can't they negotiate with UTA a little bit more, asking them to put in a share of it, or move the bus stop.

Mr. Shaver said that he feels that part of the issue is time; based on what Mr. Hill is saying, she actually has access in a different direction, it just takes longer to get there. It isn't that we are taking access away, or not allowing her access to the bus stop, just the one that is there on 4500 is a lot closer to where she is; The grant is there, maybe we say: what can we do, how can we get someone else to participate with us while we do that, and work it in that direction rather than doing it right now.

Mr. Nakamura said that to the question of whether it is mandated by ADA, and he would say that there are a lot of factors in there that have to be considered. It does not mean it is public policy, we are all of the opinion that we need to provide, to the best we can, provide the access if we can, but it is goes to priority; it is a dangerous route. It is not ADA mandated, but it may be very good public policy and

then it becomes your issue in resources and funds, as to how you are going to address these various policy issues that we need to take care of.

Ms. Dunn said that she doesn't mind addressing it, or putting money forward, but she thinks we need more help than we are getting.

Mr. Brass added that if we could solve the problem by talking to UTA and having them adjust the bus stop, that it would be the least expensive route for any of us.

Mr. Stam asked if there is a time limit to when we have to use these funds?

Mr. Hill said that generally, these funds are good during the Federal Governments Fiscal Year, basically October through September is when they need to be expended. If the project is still under construction and earmarked, you can carry those funds over; at some point in time those funds can get reallocated, much like the City does with the CDBG funds. If they are unspent after a year or two, they can get reallocated to another project.

Ms. Dunn said that maybe we can move a little further into the budget process too, and see if we can negotiate a little further. Maybe we can get this individual and the community involved to help UTA understand.

Mr. Shaver noted a point of order: Can we take all of these seven items at once, or can we decide each one singularly? He moved that the Council take each one individually.

Mr. Dredge asked about the mandated change to the program change in the Attorney's Office. Is there a time frame on that?

Mr. Nakamura said that yes, they are coming in November; his understanding is that the State Court Administrator's Office is coming in November but he isn't sure if they will stay with that time line; they will take each justice court individually-all justice courts in the state will have to be converted over by the Spring, and we are one of the first up. They are anticipating November.

Ms. Dunn said that concerning grants, they always love to accept grants, especially when they are full funding; but they need to look very closely at those requiring matches particularly big matches. They need to start determining where that money is going to come from and how the City will make that work. As she stated earlier, there are not a lot of places to dip into to find matches right now.

Mr. Brass answered Mr. Shaver's previous question about taking these items individually; he said that they could take a group-like the ones that don't ultimately cost the city additional funds-and handle it any way they want.

Mr. Shaver made a motion to adopt the Ordinance on the items regarding the 4800 South road improvements, the Hoffman Building, and the Cottonwood Bridge (items 1,2,& 3).
Mr. Stam 2nd the motion.

Call vote recorded by Carol Heales.

A Mr. Shaver
A Ms. Dunn
A Mr. Dredge

A Mr. Stam
A Mr. Brass

Motion passed 5-0

Mr. Dredge made a motion to deny the Ordinance on the items regarding the safe sidewalk, computer services, finger printing and canine vehicle (items: 4,5,6,&7), but to accept the funds.

Mr. Stam 2nd the motion.

Mr. Hill noted that the City cannot accept the funds unless we come up with the matching portion. If you don't want to do the project, which he is fine with, then we need to notify UDOT that we do not accept the grant.

Ms. Dunn asked if we can postpone our decision while they find out more information, or do we have to accept the money tonight?

Mr. Hill said that no the decision does not have to be made tonight, but UDOT is waiting on the City's decision as those monies can be reallocated to other projects, and he doesn't know how much time they will give them-maybe a week or two.

Ms. Dunn said that the most important question would be: Do you believe that UTA is beyond us reasoning with them any further for a different outcome?

Mr. Hill stated that he doesn't believe that UTA is going to come up with any money to put in a sidewalk to get to a bus stop. Whether there is other room for negotiations in working out another bus stop that might work better for this individual, there may be some possible to work with UTA on that.

Mr. Shaver asked: If we say we are going to take the money, and don't spend it, they will take it back away from us?

Mr. Hill said that basically, if we don't sign the cooperative agreement...the steps would be that if we reopen the budget, we would come back with an Interlocal agreement with UDOT to do this project.

Mr. Dredge withdrew his motion.

Mr. Dredge made a motion to deny the Ordinance on the item regarding the safe sidewalk. (Item: 4).

Mr. Shaver 2nd the motion.

Call vote recorded by Carol Heales.

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

Motion passed 5-0

Mr. Dredge asked if item 6, the finger printing station, is being mandated through the review?

Chief Fondaco stated that no, it is not being mandated. The Judge, upon conviction, is ordering the defendants, giving them two weeks, to have their fingerprints taken at our police station, and they are not coming in to do that. Which means the judge issues a warrant; now they have people serving the warrants just to get the fingerprints, and then the judge dismisses the warrant. There is also a delay when you send in fingerprint cards to BCI; it is taking them six to eight months to get those charges on the record. This fingerprint station would allow the judge to order the defendants, upon plea, to have their fingerprints taken and electronically transferred to BCI from our Municipal Court. They would immediately go on the record, eliminating any delay.

Mr. Dredge asked for an estimate on how much time, effort and money might be saved by not having to chase somebody down, etc.?

Chief Fondaco said that it is hard to say because we are actually serving the warrant-we have two officers serving warrants full time- and that is why you saw the revenue in the courts going up, because they are actually making an impact on the outstanding monies that are due to the court. What this is doing though, we are finding that the judge is ordering a \$2000 warrant, because everything else was taken care of except the fingerprints. Once the fingerprints are taken, the warrant is dismissed, but we are spending man hours tracking down these people. Can this wait? You can continue doing what you're doing and not spend the \$15,000- he will not say that this is definitely something he has to have this second-but they are saying that this will certainly streamline the way the court is operating, and would prevent them from having to go to a different building to get fingerprinted, which is what is causing the problem. They are pleading or being found guilty, paying their fine, then the judge orders the fingerprints to be taken; so everything else is being complied with except the fingerprints, and they aren't doing it.

Mr. Nakamura added that their experience on the prosecution side is since it is that because it is taking place in another area, you get a lot of defendants coming in who have now been called back to court because they didn't get their fingerprints, and they are saying that they gave it to the Police Department and something got lost in the transfer; it isn't true, but because they're not getting the fingerprints, he has to deal with that and they spend a lot of time dealing with the defendants to get their fingerprints, which they need for BCI. If they could get them right there on the spot, it would be good. They've been operating for a long time without it, and they can deal with it.

Mr. Dredge asked if there are better uses of the officers time than doing that? Because if there is, it doesn't take much time savings to pay for \$15,000. Could they be better served doing something else?

Chief Fondaco said that the problem comes when the warrant is issued, the warrant doesn't read "failure to get fingerprints" the warrant reads on the original charge. So you may serving a theft warrant, but really the theft warrant is the lack of fingerprints.

There is no way for the officers to know, when they are serving the warrant, that the judge only wanted the fingerprints, or they could just go out and fingerprint them. Until eight months ago, you had no one serving warrants, and so the warrant list for Murray City is \$5 million plus. By putting officers there and trying to serve that money, it was a way to increase the payment to the court-the money that was already due-these people were already found guilty, they just didn't comply. He understands that the Council does not want to take more money out of reserves, but this would stream-line the court procedure and would be a benefit. Since they were opening the budget, the only opportunity to bring it to the Council was to ask for it; they are saying that this is something that is needed.

Mr. Brass said that as stated, time is money; it would ultimately pay for itself in very short order, and it is hopefully a piece of equipment that would last a few years.

Mr. Shaver made a motion to approve the Ordinance on the computer services to be in compliance with State mandate. (Item: 7)

Ms. Dunn 2nd the motion.

Call vote recorded by Carol Heales.

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

Mr. Stam said that this finger printing machine is something that has been going on for a while now, and it affects more than one department. It is the Police Departments equipment, but theoretically, there would be cost savings in the Attorney's Office, the Court, and the Police Department. If it has been going on for a while, and we will have cost savings, couldn't that money come from all three departments to purchase it, instead of coming up with new money? We will be saving something out of all three departments.

Ms. Dunn stated that we are not going to realize dollars, we will realize time.

Mr. Brass added that this is a non-budgeted item, so regardless how it is allocated, it would come out of the General Fund.

Mr. Dredge made a motion to approve the Ordinance on the fingerprinting machine. (item: 6)

Ms. Stam 2nd the motion.

Call vote recorded by Carol Heales.

A Mr. Shaver
A Ms. Dunn
A Mr. Dredge

A Mr. Stam
A Mr. Brass

Mr. Shaver said that he is torn over this, and would have liked to have seen the information on the canine truck earlier, to have time to discuss before being called to a vote. He would like to see the City dig a little deeper to see if they can come up with another alternative.

Mr. Shaver made a motion to postpone the Ordinance on the canine vehicle, to a future date. (Item: 5)

Ms. Dunn 2nd the motion.

Call vote recorded by Carol Heales.

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

E. UNFINISHED BUSINESS

None scheduled

F. NEW BUSINESS

None scheduled

G. MAYOR'S REPORT

Mayor Snarr stated that Winchester Street has been closed at Fashion Place Light-Rail crossing; it will be under closed while under construction from September 03 – September 17, 2010. At that time, they will open it back up, and hopefully by the first week of October the new Park-and Ride and the new lights that we've been looking forward to, will be in place and operational.

You'll see that they have widened Cottonwood Street across from where the old TRAX line used to be located, to allow the vehicles to come out of the maintenance shops in Midvale. If you go look at it, it is really intriguing how they have engineered that. He has spent considerable time down there watching it, and some of the drainage issues they have had to deal with it; it is an exciting project and he is glad the City invested in it. It made sense-the City put a lot of money into that project-at the end of the day, it is going to be much better for our businesses and for the Mid-Jordan Spur line.

If you go down to the Fashion Place Mall, they have located all of the heavy construction equipment down there to start the demo of the old Nordstrom's. Reynolds Brothers has the contract it looks like, which is exciting.

Mayor Snarr, in his discussions with Mr. Tingey and the Miller Group, they have reached a settlement with the individual at 5530 S State Street on the property there. They are also in negotiations to acquire most of the lands, all the way down to the Wendy's, with the exception of the Sandman Motel. They have indicated at what time they feel comfortable in moving on, and at that time will consider an offer on the property. This will clean up most of that area along State Street.

Mayor Snarr said that although he cannot give any definitive information, but it would be nice if it happened, with the completion of the project that Gary Howland has ownership in; he is really close to an agreement with the Freeze's, and he hopes that happens-it would finish off the entire project, and would be nice with what they are going to put in there.

Mr. Tingey received notice from HUD, that they approved the financing for the project at Fireclay.

H. QUESTIONS OF THE MAYOR

None

ADJOURNMENT