

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 4th day of February, 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
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
Pete Fondaco,	Police Chief
Gil Rodriguez,	Fire Chief
Doug Hill,	Public Services Director
Justin Zollinger,	Finance Director
Tim Tingey,	Administrative and Development Services Director
Scouts	
Citizens	

5. Opening Ceremonies

5.1 Pledge of Allegiance – Max Murdoch

Ms. Turner asked the scouts in attendance to stand up to introduce themselves, tell their troop number and what badge they are working on.

5.2 Approval of Minutes

5.2.1 None Scheduled

5.3 Special Recognition

5.3.1 None Scheduled

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

No comments given.

7. Consent Agenda

7.1 Consider confirmation of Mayor Eyre's new appointment of Wendy Richhart to the Murray Arts Advisory Board in an At-Large position for a three –year term to expire January 15, 2017.

7.2 Consider confirmation of Mayor Eyre's reappointment of Donnetta Mitchell to the Murray City Ethics Commission in an At-Large position for a three –year term to expire February 19, 2017.

7.3 Consider confirmation of Mayor Eyre's reappointment of Erich Mille to the Murray Heritage Center Advisory Board in an At-Large position for a three –year term to expire February 1, 2017.

7.4 Consider confirmation of Mayor Eyre's new appointment of Jeff Beal to the Murray Parks and Recreation Advisory Board in an At-Large position to complete the remainder of a three –year term, which expires January 17, 2016.

7.5 Consider confirmation of Mayor Eyre's new appointment of Buck Swaney to the Murray Planning and Zoning Commission representing District 5 for a three-year term to expire January 15, 2017.

Mayor Eyre said that Buck Swaney asked to be excused as he had a previous engagement and was unable to make it here tonight.

Mayor Eyre stated he has had the opportunity to interview Ms. Richhart who is going to be on the Arts Advisory Board. Ms. Richhart was born and raised in Murray and has raised her children here also. She went to Riverview Jr. High and Murray High School. She participated in most of the plays and performances in high school. She went on to BYU on a performance arts scholarship then transferred to the University of Utah. Ms. Richhart has performed at Hale Center Theater. Her daughters are also involved in a lot of performances and arts. Mayor Eyre said that Ms. Richhart is going to be a real asset to that Board if the Council approves this appointee.

Mayor Eyre said he has also had the pleasure of knowing Mr. Beal for a number of years; he is a special and dear friend. Mayor Eyre stated he knows of Mr. Beal's integrity and his willingness to work hard and to do a great job at anything he does. Mr. Beal has had several positions in the last few years that have been of incredible responsibility. He was Vice President of Marketing and also did new market research for different health organizations. Mr. Beal is being asked to serve on the Parks and Recreation Board; taking over the position that Mayor Eyre used to hold. Mayor Eyre said he could not think of anybody in the community that he would more highly recommend to take this position on the Parks and Recreation Board than Mr. Beal.

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

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

8. Public Hearings

8.1 Public Hearing #1

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

Consider a Resolution approving the sale of real property for less than appraised value based on findings pursuant to Section 10-8- 2 of the Utah Code.

Staff Presentation: Doug Hill, Public Services Director.

Mr. Hill showed a map (Attachment 1). He said the map illustrates some property that is owned by Murray City. It is on the corner of 5900 south and 700 west. It is a very small piece of property; less than 1/10 of an acre in size. It is on the southwest corner of that intersection.

Mr. Hill said that adjacent to that property is some additional land owned by Mr. Jones. Mr. Jones approached the City approximately six to eight months ago and indicated he was interested in developing homes on this property. Mr. Jones wanted to know if the City would be willing to sell the small piece that we own to him so that he could incorporate it into his development.

The City indicated, at that time, we would be willing to sell that property to Mr. Jones at fair market value. The City has been maintaining that property for a number of years. It is an entrance, or a gateway, into that neighborhood on Greenoaks Drive. Several of the neighbors that drive past that property have asked the City to improve it over the years. The City has not really improved it, although we do maintain and spray for weeds and spread bark across that property annually to keep it from looking really bad, but it does not look really great either.

Mr. Hill stated the City asked Mr. Jones to do an appraisal on the property. Mr. Jones paid for and conducted an appraisal. The appraisal came back indicating if that property were to be incorporated into a single-family residential development the value of that property would be approximately \$25,000.00.

Mr. Hill said that when Mr. Jones found this information out, he indicated to the City that was more than he was willing to pay for that property and that he could do his development without that property.

Mr. Hill continued saying that as city staff, they feel that this property does not serve any value to the City. The City has to spend time and funds to maintain this property each year by spraying weeds, etc. The City does not get any tax value off of this property because it is owned by the City.

Mr. Hill said they talked about the possibility of doing a financial analysis on this property to see what the value might be if this property were to be sold to Mr. Jones and less than fair market value. They wanted to find out if there would be a return or a value given to the City for a reduction in price.

Mr. Hill stated that Justin Zollinger, Finance Director did a financial analysis of this property. The financial analysis indicated that if the City were to sell this property for \$3,000.00 the City would receive the other

value, which would be savings of cost and increase property tax revenue, that the City could justify selling this property at less than fair market value.

Mr. Hill said that under State Code, whenever the City is giving something away for less than it is worth, we are required to have a Public Hearing and the City Council is required to approve the financial study and analysis to make sure that we are not giving something away for nothing or for less than the value.

That is why this is before the Council this evening. Mr. Hill has talked with Mr. Jones and he has indicated he is willing to purchase this property for \$3,000.00, which is what the financial analysis indicates that we should charge for that property.

Staff is recommending that the Council approve the sale of this property and then they will take care of the paperwork and sale.

Mr. Nicponski asked if the property was appraised at \$25,000.00.

Mr. Hill replied it was a little under \$25,000.00. He added that he spoke with Mr. Jones today. Mr. Jones would have liked to have been here but was on vacation this week and unable to make it as the sponsor.

Public Hearing Open for public comment.

No comments given.

Public comment closed.

Mr. Camp said he is familiar with this property; it is in District 2. He thinks this is a win-win because the City really is getting no value, as Mr. Hill mentioned, from this piece of property. To be able to incorporate it into a development is a win-win and he supports this sale. The property was left over from when the road went through the Spencer property years ago. There is no real value. He reiterated he thinks this is a win-win for the City and Mr. Jones. Mr. Jones has other challenges on that property that he will have to address before he can develop it.

8.1.2 Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

8.2 Public Hearing #2

8.2.1 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 this is a mixture of some various different things. There are some great things in that the City is getting some more grant money. He added he will be coming again in the future with some more grant money that the City was just awarded.

Mr. Zollinger said that the Police Department has been awarded a grant from the Highway Safety Office for \$20,000.00. This is for distracted driving. The money will be used to help educate people on how to avoid and stop distracted driving, particularly relating to text messaging. Text messaging is one of the main subjects in this one that the Police Department will help educate individuals on.

The Police Department has also received money from PetSmart for \$6,455.00 for animal control improvements. Mr. Zollinger added that this money comes in occasionally to help out with the City's animal shelter.

Mr. Zollinger continued saying the City has received our distribution for alcohol money, or beer tax money. That amount is \$78,480.00. Those are three new items we will have to add.

Mr. Zollinger said the Animal Control budget, or contract, escalates each year. It was missed this last year as we entered it into the budget and so the budget is short. This was a mistake. The budget for Animal Control is short \$25,460.00. This has been corrected in the upcoming budget so there will not be a future problem on this. The City does have a budget surplus on sales tax revenue to help fund the payment of this shortfall.

The Fire Department has been working hard at receiving some additional

grant money. They received an award from the Division of Family Health and Preparedness in the amount of \$9,135.00 for emergency medical services. The Fire Department also received a grant from the Department of Public Safety in the amount of \$9,589.00 which is for emergency equipment.

Mr. Zollinger said the Central Garage has been operating at a negative cash balance for most of this year. They have been watching this very closely. It has a chance of catching up at the end of the year but Mr. Zollinger said he recommends we do not wait and see if it catches up; that we do catch it up.

He added there were a few different things that have caused this. At the end of fiscal year 13, there was an accounts payable liability of about \$50,000.00. So even though the budget balances this year, when the payments went out for the following year, it brought the cash balance down into a negative position.

In addition there have been some employee changes. An employee had a life event and changed insurance, so that cost went up as well. Mr. Zollinger stated those were some of the contributing factors for this.

Mr. Zollinger said to help remedy the Central Garage Fund, he is proposing increasing the Central Garage fund by \$60,000.00, the Power Fund by \$15,000.00 and the Water Fund by \$6,000.00 to help correct this problem. The funding source for the General Fund would be the positive budget surplus we have of sales tax and for our Power and Water fund it is the positive revenue variance in their operating revenues. Those are the funding sources for this.

Mr. Zollinger said the Storm Water fund has experienced a higher cost for curb and gutter maintenance. This fund would like to use some of its reserves to help cover this cost that was unanticipated. The fund is in the position to be able to do that too. He added that one reason we have reserves are just in case, for things that happen that were not anticipated. This will be paid for by reserves.

Mr. Zollinger added that in addition, the Storm Water fund has been required to have some personnel changes. An inspector was needed to comply with the Utah State requirements. This position was filled by the Storm Water Supervisor. Now that the supervisor has moved to the inspector position, the Storm Water Fund would like to fill the supervisor position.

Mr. Hill and Mr. Kakala have found \$30,000.00, coming from operating revenues, and \$12,000.00 coming from their existing budget to help pay

for this. They are working together to make this work out. Mr. Zollinger added that this is one additional position to the budget. It is not the General Fund but the Storm Water or Enterprise Fund, but it is an additional position.

Mr. Zollinger said that the Administrative and Development Services Department has an employee that is on standby pay. This was not budgeted for. It is an additional cost of about \$9,000.00. This will be funded by sales tax revenue.

Mr. Zollinger said that this came about when they were doing a little research on those employees that are receiving standby pay and those that are doing the standby pay duties and they found an exception. They were not sure why, but Mr. Zollinger said he would be happy to provide more details on this after the meeting.

Mr. Zollinger said that the City's only audit finding this last year was that the City's reserves were a little too high. He said that our auditors suggested that we make a change in that we say the Council authorizes the Finance Director to move whatever amount is necessary to bring us to the 25%; the State law requirement. He thinks this is a really good idea.

He added that this one is non-budgetary except for at the end of the year, if the City is slightly over on reserves, he will move money from the General Fund to the Capital Projects Fund.

Mr. Camp asked if those funds for the Highway Safety Office Grant, PetSmart, and the beer tax were anticipated. He said they are not a windfall are they? They are anticipated revenues.

Mr. Zollinger replied that they were not budgeted for, but we knew they would come. He added that you do not want to budget for a grant that you cannot use for just anything; particularly beer tax money. That money is very restricted on what you are allowed to use it for. The City used to be allowed to use that money for our D.A.R.E. officer, but they have since restricted the money so we cannot use it for that.

Mr. Zollinger added that instead of including that money on the operating budget and balancing the budget with it, they pulled it out. That way, the City stays in compliance with that.

Mr. Zollinger said that the \$20,000.00 was not planned on. That was additional money that the police went out and found and the City was awarded.

Mr. Camp said on the Fire grants, he noticed that was partly a matching

grant. He asked Mr. Zollinger if that match comes from the operating budget.

Mr. Zollinger responded that it does. He said these two grants actually provide the City's Fire Department more money. They already budgeted 100% of the wages for the employees so this gives them a little bit more money they can use in other areas. He reiterated that you do not want to balance a budget with grant money because when it goes away you are left trying to find where you are going to come up with that money.

Mr. Nicponski asked if the grants and awards were done by one individual or does each department have their own person.

Mr. Zollinger replied that the Fire Department has several individuals in their department that go after the grants. The Police Department has two.

Mr. Nicponski thanked Mr. Zollinger for the clarification.

Mr. Zollinger added that the City does have a grant writer that is helping various departments within the City get grants as well.

Public Hearing Open for public comment.

No comments given.

Public comment closed.

8.2.2 Council consideration of the above matter.

Mr. Brass made a motion to adopt the Ordinance
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

9. Unfinished Business

9.1 None scheduled.

10. New Business

- 10.1 Consider a Resolution approving an Interlocal Cooperation Agreement between the City and Salt Lake County for participation as co-permittees under Utah Pollutant Discharge Elimination System Permit No. UTS000001 (Jordan Valley Municipalities).

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated that approximately 30 years ago, Congress passed the Clean Water Act. Over those 30 years there have been a number of requirements that the Environmental Protection Agency has passed on to local communities in order to make sure that we are keeping our waterways and streams clean. These requirements are often referred to as “unfunded mandates.”

Mr. Hill said that recently, what is being called Phase II of the Clean Water Act was put into place. We are required, as small cities, to have to comply with many of these requirements. In particular, we now have to make sure that the water that is going into our storm drain system is inspected. We have to inspect properties and make sure businesses that are discharging into our storm drain system are not putting in any illicit discharges. We have to test the water and if we find any violations we have to go search out those violations. Also, we now have to have a permit, as part of that process, through the State of Utah to make sure that we have best practices in place and that everything we are doing is contributing toward clean water.

Mr. Hill said we also have other requirements such as public education and other requirements that only make sense to do as a group of municipalities in Salt Lake County since we all share the same television and radio stations. By collaborating with each other, we can provide public awareness and public education on clean water.

Mr. Hill mentioned that most people in this room have seen the commercial “We All Live Downstream.” Anything that ends up going into the curb and gutters in front of our houses end up going into our lakes and waterways. That is really what we now, as cities and Murray City, are required to comply with all those permits.

He added that the City is entering into an Interlocal Agreement with Salt Lake County to fulfill some of the requirements of this permit. That is what is before the Council tonight. It is this Interlocal Agreement which allows the City to partner with Salt Lake County to fulfill some of these requirements of the permit.

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

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

11. **Mayor**

11.1 Report

Mayor Eyre said that during the week of March 17 – 23 the Water Department will work in cooperation with some of our local retailers in a program called “Fix a Leak Week.” The Water Department will be offering free giveaways and incentives for people to fix the leaks in their faucets and around their homes. Some of the local retailers will also be participating in that with discount prices. It is going to be a wonderful program that the City is doing.

Mayor Eyre stated there was a very unfortunate incident that happened in the City a week ago from last Saturday that resulted in the death of one of our long-term residents in Murray, an 85 year old woman. Mayor Eyre was able to be contacted on that situation right after the call had come in to both fire and police. He was able to go down to the scene shortly thereafter and witness firsthand the professional way in which the City’s police and fire responded to that situation. It could not have been done better or more professionally. The families care was one of their primary concerns and they made sure they were taken care of. They have followed through with an investigation on that situation which is ongoing. He reiterated the situation could not have been handled better by both the Police and Fire Departments.

Mayor Eyre said the City has had almost 350 passports that have been processed. That program is really working out wonderful and bringing a little bit of revenue into the City. He said the way the Recorder’s office has been handling that program has been wonderful and that entire office is to be complemented on how they have done that.

Mayor Eyre said the Legislature started last week, but last week there was not very much in it because almost the entire week was for appropriations. The Mayor has decided that instead of going out and hiring a person to help the City out and the Legislature, Jan Wells, Chief Administrative Officer and he will be handling that this year. They will be going up to the Legislature. They are doing this for a couple of reasons. Not only budgetary but mostly to give the Mayor the experience of knowing what can be done up there, what committees are good to be on and give his exposure at the Legislature.

He said if the Council has any questions they would like them to take up to the Legislature or to any of those committees he would appreciate knowing about those things.

Mayor Eyre said the Sears store just began its demolition last week. That is going to be completely torn down and a new Dillard's is going to be there. The Dillard's store will be 200,000 square feet which will make it about 20,000 square feet larger than the existing Dillard's store. It is going to be a real addition to our City and he believes they are anticipating opening that new Dillard's store in March of 2015.

Mayor Eyre told the Council that the wireless setup is complete in our City Hall. We now have wireless open access for the public here in City Hall which would benefit anybody that comes to our City Council meetings and has a computer with them. We have a wireless access now that they can get on. This will be a real help to those who come here and want to hook up to that.

Mayor Eyre said that they have decided, within the office of the Mayor, to have a 100 day period. In that 100 day period the employees, citizens and Council should expect that the Mayor should be up to speed and getting traction on five different items. They have listed these five items that they think are absolutely imperative that a new Mayor is fully aware of and people should feel that he is getting traction on those things.

He continued saying those things are:

1. UTOPIA – He feels people should expect that the Mayor should be fully addressed on and be able to answer those things with regards to UTOPIA.
2. Land Use and Zoning – This includes zoning and code issues. The City has a number of things that are going on right now that are going to have to be addressed with regards to those code, zone and land use issues. The Mayor should be fully aware of all those things and engaged in that conversation.
3. City Hall – The Mayor said he feels that we need to continue to address a proposal to look at a New City Hall. They will be continuing to work on that on an ongoing basis and should have good answers within that 100 day period on how they are progressing on that.
4. Budget – We just finished, last Thursday, the City's mid-term budget review which went extremely well. Our City is very well financially staged for the future and he appreciates all the great work from the Department Heads, in particular, Mr. Zollinger, in helping the City's finances. Mayor Eyre said the 100 day period is up on April 17th, 2014. He thinks that he and Mr. Zollinger should have a very good understanding of what the new budget will be at that

time.

5. Legislature – To be aware of all the legislation that is being presented that might be beneficial to the City to be up on.

Mayor Eyre added those are the five items they feel that they should be concentrating on during the first 100 day period.

Mayor Eyre said that normally when they do appointments and re-appointments to Boards, he believes it is normal protocol that for those he has interviewed and are here at the meeting, he is able to present a little bit to the Council. Those that are re-appointments he normally does not interview so he would not present them. He mentioned that he overlooked Donnetta Mitchell. He apologized for not recognizing her earlier in the meeting, even though it is a reappointment. He is keenly aware of all the wonderful work that Ms. Mitchell does in our City, in particular with the Chamber of Commerce and other activities. Ms. Mitchell is a real asset to our City and is going to do a wonderful job on our Ethics Committee. He wanted to acknowledge her and thank her for being here tonight, even though it is a re-appointment.

11.2 Questions for the Mayor

Mr. Nicponski said that going back to the homicide, he wanted to thank the Mayor for the call he placed to him. He really appreciated the call. He knows it takes a lot of effort as the Mayor is not just calling one person, he is calling five. He again thanked the Mayor.

Mr. Nicponski said it was his understanding this was just good police work.

Mayor Eyre said it was. It was initiated by a UTA officer and the UTA officer is the one that first recognized there was a problem. The officer got the license plate number, found out where the home was that that car was registered to and went to that home. That is where the investigation started that brought in our police and fire.

Ms. Turner asked if citizens are able to renew their passports or just initiate them.

Mayor Eyre replied we are only doing new passports and renewals are done through the mail.

Mr. Camp stated this morning he went out and once again the snow was removed from the street. He lives on a cul-de-sac. He does not know if the citizens appreciate the great work that the City's Public Services people do with snow removal and how quick they get on it. He has noticed and appreciated it for years. He wanted to pass that onto the Mayor.

Mayor Eyre said that regarding snow removal, he had an employee come to him and say that very early this morning, long before most of us ever get up, they had already plowed her street. There are a lot of people that recognize the great work the Public Services Department is doing.

12. Adjournment

Jennifer Kennedy, City Recorder

Attachment 1

