



MURRAY  
CITY COUNCIL

## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

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The Murray City Municipal Council met as a Committee of the Whole on Tuesday, September 18, 2018 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### Council Members in Attendance:

Diane Turner, Chair	District #4
Dave Nicponski, Vice-Chair	District #1
Dale Cox	District #2
Jim Brass	District #3
Brett Hales	District #5

### Others in Attendance:

Blair Camp	Mayor	Jan Lopez	Council Director
G.L. Critchfield	City Attorney	Jennifer Kennedy	City Recorder
Jennifer Heaps	Comm. & Public Relations Director	Pattie Johnson	Council Office
Michael Williams	Murray Court – Administrator	Paul Thompson	Judge
Ken Okazaki	Attorney – SLC	Collin Snow	Dakota Pacific
Ken Jones	Attorney – SLC	Scott Swallow	Dakota Pacific
Stan Hoffman	Dakota Pacific	Danyce Steck	Finance Director
Blaine Haacke	Power - General Manager	Greg Bellon	Power -Asst. Manager
Jon Harris	Fire Chief	Jan Cox	Resident
Sarah Kim	Youth intern – City Council	Danny Astill	Public Works Director
Mike Terry	Human Resources - Director	Jennifer Brass	Resident
Kathleen Stanford	Resident		

Ms. Turner called the Committee of the Whole meeting to order at 5:00 p.m. and welcomed everyone.

**Approval of Minutes** - Ms. Turner asked for comments or a motion on the minutes from:

- Committee of the Whole – July 17, 2018

Mr. Brass moved approval. Mr. Hales seconded the motion. (Approved 5-0)

### **Discussion Items**

#### **1. Judge Paul Thompson Salary Discussion** – Mike Terry, Human Resources (HR)

Mr. Terry shared background information about special rules the city must follow regarding a possible salary increase for Judge Thompson. Utah State Code requirement details were reviewed, and a comparative list was noted that depicted what other cities pay their judges, based on case filing statistics. Comparison information was attained from the Administrative Office of the Courts (AOC). Most agencies staff one judge, however, Salt Lake City employs five judges, and West Valley has two.

Case filings are broken into three categories: criminal, civil and traffic. Most traffic cases are resolved through fines; therefore, judges are not involved in those cases. Salary information was provided from HR departments throughout the county, including large cities, like Provo, Orem, Davis and Utah County.

Judge Thompson reviewed the following information:

- According to state law, a city council or governing body is required to review a judge's salary annually, which had not been done in Murray.
- Comparably, most judges work part-time.
- Most judges are provided a car and gas allowance.
- The Murray court offers education and treatment programs other courts do not offer after formal sentencing and review hearings occur, to monitor the compliance of sentence requirements for things like: DUI, domestic violence, and community service.
- As a result, the recidivism rate in Murray is about half the state average.
- Because of education and treatment programs, the judge works more hours than part-time judges. For example, Mondays, domestic violence cases are handled; Tuesdays, hearing reviews; and Thursday final sentencing occurs. He said the number of cases a court receives, does not accurately indicate the number of hours spent with people to hold them accountable for wrong doing.
- By law, when a person is booked into jail, a judge must carefully review whether the arrest was lawful - within 24 hours of the arrest – so working after hours is required regularly for handling probable cause statements.

A mention was made about the South Jordan City judge, who was at the maximum pay level at the time of his recent retirement.

Ms. Turner shared seven options to help the council reach a consensus in addressing the recommendation:

- Judge Thompson is currently earning \$124,051, which is within Utah State Code stipulated range of 50%-90% of a district court judges' annual salary. The council does have the flexibility to increase the current compensation.

- State Code allows a justice court judge to receive an annual salary adjustment at least equal to the average salary adjustment for all municipal employees for the jurisdictions served by the judge.
  - The council could wait until the end of the fiscal year, June 2019, and at that time, the average salary adjustment for all employees could be applied to his salary.
  - A 12-step plan is in place with scheduled increases at 2.5% or 5% per year.
- The council could decide no increase be given.
- The council could decide a hybrid of the above options. For example, provide a \$1,000 increase now and wait to get the average increase, as determined at the end of June, and award any additional increase at that time.
- Take more time to consider the options and continue with a decision in a future meeting.

Mr. Williams noted if salary reviews were based on the number of monthly case filings, one filing did not convey the amount of time spent resolving one case file.

According to the city's new payroll step-plan, many city employees received increases based on tenure. Mr. Williams said calculating the judge's salary according to those measures, Judge Thompson would be at step-12 and should be earning \$132,000 per year. However, the only increase the judge received was the cost of living adjustment (COLA).

Mr. Hales wondered when the judge last received a review and an increase. Ms. Lopez stated 2014. Mr. Williams confirmed no merit increases were given. Mr. Terry said over past years, the same COLA increase given to all department head personnel, was also given to the judge.

Mr. Williams noted any salary increase would most likely put him over-budget. He asked the council to please consider a corresponding transfer to the budget because it was already tight, due to ongoing building repairs.

Mr. Brass agreed the first step was to meet with Finance Director, Danyce Steck to review the possibility for an increase and suggested waiting until the mid-year budget meeting in January. This would give the council time to make the best decision related to allocation of funding. Mr. Hales agreed.

Ms. Lopez confirmed a budget opening would be necessary. Mr. Nicponski agreed after a second review the best decision could be made. Mr. Terry noted since the recommendation was not made last spring, when the process for salary increases usually takes place, it could be included in the new budget.

Ms. Turner confirmed the option for waiting until the end of June when the discussion could continue, and new budgets could be realized.

Mr. Terry agreed it was difficult to compare state mandates for judges, with employees on the city's new payroll step-plan.

Mr. Brass said anytime pay is increased, the salary should be funded forever to include benefits as well, through the budget process.

There was consensus to wait on a decision until further budget information was attained.

**2. Power Department Report – Blaine Haacke and Greg Bellon**

Mr. Bellon reported on the following:

• Personnel

An employee was promoted from the forestry department to fill the position of a retired employee. The arborist position was filled, and two new apprentice linemen were hired. A total of four positions were filled.

• Public Power Open House

The annual event was successful with roughly 500-600 people in attendance. Demonstrations are available via live-stream.

Mr. Haacke provided information on the following topics:

• Gas Turbines

The city's three gas turbines produce 13,000 kilowatts of power and were installed on 4800 South and 300 West in 2002. Prior to their installation in 2001, the city spent \$2 million in the month of August, due to inflation. Mr. Brass confirmed after installation, turbines kept the city from paying high-end market pricing, which in the end, pays for themselves nicely.

Mr. Haacke agreed gas turbines still operate that way on a smaller scale, depending on market pricing for natural gas. Turbines are used frequently during summer high-peak hours. Ultimately, the \$20 million plant will prove its great value if the western grid is ever lost by providing energy during rolling blackouts to portions of the city.

Data regarding hours of operation and megawatt usage was noted that reflected a significant increase this year, compared to 2017, due to low natural gas prices. Gas prices are closely monitored each morning by staff throughout summer months to attain the best purchase price. In summary, if market prices for natural gas exceed \$50 per megawatt, gas turbines are utilized instead. Mr. Haacke explained using turbines frequently keeps efficiency levels up also, rather than having them sit idle.

Due to increased usage, turbines produced a surplus of power, so UAMPS paid the city \$313,686 to utilize the extra energy. In addition, by not purchasing from the market, the city saved \$201,473. Combined savings this summer totaled \$515,159 because of the resource.

- Hydro Generation

A savings of \$177,000 occurred by not purchasing from the market and utilizing the resource this summer. However, due to a lack of water, generation was half of what it produced last year.

- Large Scale Solar Project

Large scale solar is not rooftop solar, but acreages of land filled with solar panels, located in rural areas, such as, Parowan, Delta and the Tooele/Grantsville.

A decision is close about which vendor to use for transmission options. Partnering cities, include Payson, Heber, Springville, Bountiful, Logan and Lehi, as well as, the Utah Municipal Power Agency group (UMPA), to attain lower group pricing.

UMPA has taken an aggressive approach and wants Murray to continue sharing in the endeavor. Negotiations are still underway, including confidential prices, however, large-scale solar pricing is very appealing, and less expensive than landfill resources comparatively.

Murray City would sponsor a October 2, meeting to discuss possibilities that include the construction of a 75-megawatt (MW) plant/solar farm in Tooele. The proposal means that UMPA would assume 50 MW of the total 75 MW produced. All participating Utah cities would share the remaining 25 MW. Murray could purchase between three and eight megawatts; Pricing is about 4% less if more megawatts are assumed. Mr. Haacke is not prepared to recommend purchasing more than nine megawatts. If the city commits to three to five megawatts, the resource would generate the same amount as the Salt Lake County Landfill resource.

The city is interested in the solar resource for portfolio diversification, which would provide 2% of city's energy needs, as well as, a renewable green-tag energy credit that could be sold. The proposed agreement includes a 26-year contract, with the option to purchase more generation. An established buyer proposed to pay Murray \$1.50 per megawatt for utilizing the resource for ten years. A final decision about the Tooele plant is expected after October 2, 2018.

### **3. Request for Reimbursement by J.R. Miller Enterprise Inc. – Tim Tingey**

Information related to the development agreement between the city, the Redevelopment Agency of Murray (RDA), and J.R. Miller Enterprises was reviewed. A brief background was provided about the 2015 Exclusive Developer Agreement, where the focus of the agreement was to work with the developer in the Murray City Center District (MCCD).

The following accomplishments to facilitate redevelopment of the MCCD were reviewed:

- Acquisition of 34 parcels
- Demolition and clean-up of multiple properties
- Preliminary programming for a new city hall
- Acquisition of key historic properties - Murray Chapel and the Murray Mansion

- Survey and environmental work
- Parking studies for future downtown projects
- Plans and submittals for three major anchor projects
- Expansion of the Central Business District urban renewal tax collection area
- Bonding for acquisition

Mr. Tingey noted although multiple projects did not come to fruition as contemplated, a great deal of progress was made; and even though projects have not been built yet, the foundation for future development was established for the downtown area. Since anticipated work and services provided by J. R. Miller, and a variety of other firms, such as, architects, landscape designers, and surveyors are complete - the expired agreement needs to be closed out.

The close out reimbursement request for \$948, 987 falls under cap amounts within the city's budgetary guidelines, previously approved by the city council. The amount was confirmed by the city attorney's office after a significant evaluation was done related to all documentation and 15 binders of material, provided by J.R. Miller. Therefore, the amount requested was accounted for. Once prepared by the legal department, the close out agreement would be signed jointly by the RDA Chairperson and Mayor Camp.

#### **4. Ordinance Prohibiting Daytime Landscape Watering – Danny Astill**

The city began sending out "Slow the Flow" material and information to citizens regularly about 10 years ago to support the campaign. However, due to a condition for obtaining a \$8.5 million bond from the Division of Water Resources, the city must have a current ordinance prohibiting the use of pressurized irrigation systems, between the hours of 10:00 am to 6:00 pm, daily – and not just in policy form.

The significance of wasting water was explained as a violation of the provision to the ordinance and considered an infraction, or a Class B misdemeanor. Concerns were resolved about whether a separate ordinance be devised, or new language added to the existing ordinance. Mr. Astill shared the new language to the existing ordinance. Language was created by Attorney, G.L. Critchfield, reviewed by staff, and approved by Mayor Camp, to amend the current ordinance.

Mr. Cox wondered how the public would become aware of changes made to the ordinance.

Mr. Astill said after consideration and approval by the council on October 2, 2018, new public involvement would occur to re-educate citizens regarding restricted hours for watering – including ongoing education.

Mr. Brass said the city was fortunate to own water collection areas but was concerned about alarming low levels of water at Lake Powell and Lake Mead. He affirmed after council consideration and approval in October, public notification might not occur until November. He favored re-education and hoped citizens might be eased into enforced restricted hours - after winter. He did not want citizens to be ticketed on the first offense in the spring.

Mr. Astill explained city staff would continue to observe violators, collect information and pass notices on to distribution technicians, who provide notices to residents and businesses clearly wasting water. He said the intention is not to give citations or second violations either, but strictly promote education about restricted hours and discourage water waste. However, if someone becomes recalcitrant – a citation would be necessary.

In prior years, violations have not been significant, and the city typically averages five or six notices each summer. It is the city's desire to promote water conservation, and not punish residents for violating hours. Most reported incidents come from concerned citizens.

Mr. Critchfield confirmed violations were not abundant or overly concerning, and the amendment was ultimately created strictly for attaining bond money. Mr. Astill agreed and said the Public Works Facebook page provides valuable information - including the importance of conserving water.

The council would consider the amended ordinance on October 2, 2018 during a council meeting.

**Announcements:** Ms. Lopez made several announcements related to coming events for the council members.

**Adjournment:** 5:57 p.m.

**Pattie Johnson**  
**Council Office Administrator II**