



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

**T**he Murray City Municipal Council met on Tuesday, July 7, 2020 for a meeting held electronically in accordance with the provisions of Utah Code 52-4-207(4), Open and Public Meeting Act, due to infectious disease COVID-19 Novel Coronavirus. Council Chair, Rosalba Dominguez, has determined that to protect the health and welfare of Murray citizens, an in person City Council meeting, including attendance by the public and the City Council is not practical or prudent.

Considering the continued rise of COVID-19 case counts in Utah, meeting in an anchor location presents substantial risk to the health and safety of those in attendance because physical distancing measures may be difficult to maintain in the Murray City Council Chambers.

The Center for Disease Control states that COVID-19 is easily spread from person to person between people who are in close contact with one another. The spread is through respiratory droplets when an infected person coughs, sneezes or talks and may be spread by people who are non-symptomatic.

The intent is to safeguard the lives of Murray residents, business owners, employees and elected officials by meeting remotely through electronic means without an anchor location. The public may view the meeting via the live stream at: [www.murraycitylive.com](http://www.murraycitylive.com) or <https://www.facebook.com/Murraycityutah/>.

Citizen comments or public hearing comments may be submitted by sending an email in advance or during the meeting to [city.council@murray.utah.gov](mailto:city.council@murray.utah.gov) . Comments are limited to less than three minutes, include your name and contact information, and they will be read into the record.

### **Council Members in Attendance:**

Rosalba Dominguez –Chair	District #3
Kat Martinez	District #1
Dale Cox	District #2
Diane Turner	District #4
Brett Hales	District #5

### **Others in Attendance:**

Blair Camp	Mayor	Janet Lopez	City Council Director
Doug Hill	Chief Administrative Officer	Jennifer Kennedy	City Recorder
Brenda Moore	Finance Director	Pattie Johnson	City Council Office Admin.
Jennifer Heaps	Chief Communications Officer	Danny Astill	Public Works Director
Melinda Greenwood	CED Director	Blaine Haacke	Murray Power
G.L. Critchfield	City Attorney	Bill Francis	The Imagination Company
Matt Youngs	Murray City Power	Mike Romero	Romero & Associates
Pastor Robert Merrills	Murray Baptist Church	Mark Morris	VODA Landscape Architect
Annaliese Eichelberger	VODA Landscape Design	Jay Baughman	CED Director
Joey Mittelman	Fire Battalion		

Chair Rosalba Dominguez called the Committee of the Whole meeting to order at 4:00 p.m.

**Discussion Items:**

**Introduction and Discussion Related to Recent National and Local Events** – Dale Cox, Mike Romero, and Robert Merrills.

Dale Cox introduced Michael Romero, a lifelong Murray City resident, and met his wife at Murray High School. They have four children and two grandchildren. Mr. Romero holds a Bachelor of Political Science degree, and a Master's in Public Administration from the University of Utah. He currently owns a Murray-based business, Romero & Associates, Inc. an independent claims administration consulting firm. He also serves as the Chair and Moderator of the Murray Baptist Church; and is a former member of the Utah Transit Authority representing Salt Lake and Tooele Counties.

Pastor Robert Merrills was next introduced as Pastor of the Murray Baptist Church since January 2020. He moved to Salt Lake City in 1994 and earned a Bachelors' degree and two Masters' degrees. He spent 21 years coaching and mentoring youth while volunteering in Salt Lake City Parks and Recreation programs and the Utah Catholic Athletic Association, and two Salt Lake City juvenile detention facilities. He is committed to economic life in Utah, having been employed by the University of Utah, American Express, and Select Portfolio Services, Inc. He has been involved in spiritual life for more than 25 years. He spent a decade as Assistant Pastor to Calvary Baptist Church in Salt Lake City and three years at a chapel at Primary Children's Medical Center. He is married to a native Utah resident and they have one teenaged son.

Mr. Romero spoke about racial tensions in the country and the City's response to the growing concerns. He referenced comments made by former Presidents, Barack Obama and George Bush, Jr., which discussed injustices faced by millions of Americans and the need to unite people of different backgrounds. He wondered how the City could address and prevent police misconduct and racial tensions from occurring in the community, and considered clear procedures and transparency to be vital. He noted that the previous month, he and Pastor Merrills observed Murray Police Chief, Burnett's presentation, and Mayor Camp's introduction of proposals during the June 16, 2020 Committee of the Whole meeting, regarding police accountability and racial justice. He applauded Mayor Camp for the proposals introduced to the Council and community for consideration, which included a resolution to affirm the City's commitment to police accountability and racial justice. The proposal also included the formation of a Public Safety Advisory Board, with the following purposes in mind:

- Review existing Police and Fire Department procedures policies, standards, and programs.
- Make recommendations to the Chiefs of Police and Fire, as well as, the Mayor.

Mr. Romero stressed the importance of the Board having a diverse group of representatives with an inclusive mix of experience and backgrounds. He believed the formation of the Board would create a belief within the community that the local government body has the necessary power to conduct investigations and hearings; ensure police cooperation; determine appropriate disciplinary action; and conduct a statistical analysis of infractions. The Board would allow community stakeholders to share complaints, concerns, and frustrations. It would also allow them to work collaboratively with local law enforcement, the City, and other groups toward the common goal of a safer community for all. He noted that in order for the City to achieve equity and fairness, they need the police to protect the Constitutional rights and freedoms of all citizens. He thanked the Council for the opportunity to speak about this issue.

Pastor Merrills expressed appreciation for the discussion, and shared two objectives; personal observations and options, for moving forward based on things Mr. Romero discussed; and second, the vision of his church, which would lead to a greater partnership with the Murray community, as a whole. He said in light of the death of George Floyd, there was a great deal of public and private discussion about what is happening along racial lines; in both the country and in our community. He shared Bible passages: Psalms 31:8-9, that indicate "We should speak up for those who cannot speak up for themselves, and for the rights of all who are destitute; speak up and judge fairly; and defend the rights of the poor and needy." To expound on the meaning of these verses, he noted statistics from an article published by *The Atlantic* on December 23, 2017. He mentioned that data for the article resulted from interviews, some of which occurred in Salt Lake City- stating that Black Americans are:

- One-third more likely than white Americans to be stopped by the police.
- One-third more likely to be ticketed during a stop.
- Three times more likely to be searched.
- Three times more likely to be subject to the use of force.
- When unarmed, are 3 ½ times more likely to be shot by police than an unarmed white American.

Pastor Merrills shared information stemming from a study conducted in 2007 by University of Colorado Neuroscience and Psychology Professor, Josh Correll. The study repeatedly ran police officers through a simulation that challenged them to identify what objects that black and white subjects were holding in their hands. It had them decide whether or not to shoot the subject. In repeated trials, officers were quicker to decide to shoot armed black subjects than armed white subjects and took longer to decide whether or not to spare unarmed black subjects. Later studies found that racial bias crept in when officers were subjected to mental stress and that police officers and civilians were more likely to associate black faces with criminality, to misidentify common objects as weapons, and to label photographs of black people as threatening. Pastor Merrills stated that while implicit bias training is a helpful way of uncovering issues, it does not provide a way for officers to apply what they had learned.

Pastor Merrills appreciated the letter posted on June 16, 2020, from Murray City Mayor Camp and Police Chief Burnett, which addressed Murray residents and businesses. He felt this improves transparency but wanted to push for even more transparency that would mirror what other law enforcement agencies are doing. Pastor Merrills mentioned that Salt Lake County Sheriff Rosie Rivera had taken positive steps toward transparency; he highlighted related information listed on the Salt Lake County Sheriff's Office website to confirm the following:

- There are 10 required classes included in the 13-week Utah Department of Public Safety, Peace Officer Standards and Training.
- Classes that made up the 40 hours of state-mandated in-service training- required for certification.
- There are classes taught annually and those taught on a rotating basis (begin with the 2015-16 cycle through to 2019-2020).
- There is diversity within the Sheriff's Office, including a breakdown of diversity among overall Sheriffs; with separate breakdowns of diversity among sworn staff and civilian staff.
- They implement EEOP (the Equal Employment Opportunity Program) - A Utilization Report is available - to highlight department focus, including a breakdown of positions, the ethnicity of each officer and each civilian, the positions they hold, and how they are represented with supervisory leadership.

Pastor Merrills believed it was beneficial that this information was available on the website for everyone to see. He also spoke about implicit bias training and referenced articles that have shown that implicit

bias training makes police officers more aware of their biases. His concern was that awareness did not lead to improved policing. He believed that Murray City, as well as, state and local police departments will benefit from developing a type of assessment. The focus would need to be on not just implicit bias training but an assessment or best practices for how implicit bias information would be used to improve policing communication, and transparency with the community.

Pastor Merrills agreed it was important to create the Public Safety Advisory Board; and as a Murray community member, he would like to be a part of it to ensure diverse voices are heard. He read Psalms 31:8-9, which reminds people of faith to stand up for those who cannot speak for themselves, and affirmed these actions should be applied in the community.

To explain operating guidelines of the Murray Baptist Church, as related to a partnership with Murray, he shared one statement from the Bible, in the book of Acts 2:42 stating: "They devoted themselves to the apostles teaching, and to fellowship, to the breaking of bread; and to prayer." He said this one simple phrase is what his church stands, which held five key elements to articulate where Murray Baptist church is headed; and how the community would benefit when they practice the following:

1. Teach Doctrine. The outcome of all teaching at Murray Baptist Church is understanding. The driving question about what to teach, share, or learn, comes from understanding overall needs of others around them; whether spiritual, physical or social; teaching strives to enhance the lives of church members and citizens.
2. Fellowship. The outcome of fellowship is belonging. They strive to help others feel the love of God and remind others they are never alone in their journey. Their congregation strives to meet others at any stage in their journey of life, as it relates to spiritual, physical or social needs.
3. Breaking of Bread. The outcome of breaking bread is deepened relationships. This implies nourishment to all who walk through their doors; not only spiritually but the implication of welcoming a whole person at a deeper level, to include their family life, emotional situations and social need.
4. Prayer. The outcome of prayer is connection. Not only do they teach a connection to a higher power, but connection with others. Prayer represents individual and collective opportunities to identify and focus on the needs of other people. It is a commitment to walking in the hardest moments of people's lives with them, while celebrating their successes along the way.

Pastor Merrills concluded outreach is their primary action for being involved in the community; and noted outreach as a culmination of the above; with fulfillment at the intersection of each guideline. He expressed excitement about playing a key visible role in the Kids Pantry for the City of Murray (more details about the service will come in several months), where their parsonage is the distribution center for that community partnership. In addition, they plan to develop a partnership/ministry with TOSH (The Orthopedic Specialty Hospital) over the next few years, with hopes to enhance more lives in Murray. He thanked the Council for the conversation and looked forward to having many future conversations.

- Council Comments and Discussion:
  - Ms. Dominguez asked Pastor Merrills to share final thoughts. Pastor Merrills said for 25 years, since his arrival to Utah he has been actively involved in the community, with both juveniles and adults. He said making sure young people know there is a local advocate available to them is imperative; therefore, by coaching, mentoring, and being supportive, he encourages expectations of excellence from youth -no matter the circumstances. He noted studies show that when you do not have expectations for others, it is easy for people NOT to meet expectations. When people know others

care and support them, the more likely they are to succeed with confidence. He said he strives to do this for all youth, his church members, and the Murray Community.

- Mr. Hales was grateful to Mr. Romero for the discussion; he appreciated meeting Pastor Merrills and hearing his encouraging words about all important matters.
- Ms. Turner echoed Mr. Hales.
- Pastor Merrills addressed Ms. Turner's earlier comment about whether a social worker to the Chief of Police would be beneficial. He thought a social worker could be used with implicit bias training to identify the difference between people being emotional and people reacting. He shared the example of Rayshard Books, who was shot in a parking lot in Atlanta, even though police had his car, address, and identification. He wondered if a social worker would be able to walk officers through their experiences, so they could understand that when things escalate that they still have a responsibility to stop, slow down, and make a more thoughtful decisions; like apprehending or approaching suspects at a later time, knowing they already have vital information about the suspect. Ms. Turner appreciated those thoughts, and said the conversation was very important.
- Ms. Martinez was thankful for the discussion and believed it was the beginning of many future conversations. The efforts of Salt Lake County and Sheriff Rosie Rivera inspired her, and she hoped Murray could model after them.
- Mr. Cox appreciated the guest speakers. He said when moving forward it is important to learn from each other, and help one another; nobody is without sin, so, working together would only improve things for everyone.

**Fashion Place West Small Area Plan** – VODA Principal Landscape Architect, Mark Morris spoke about the Fashion Place West SAP (Small Area Plan) his firm had been working on in collaboration with City staff and the local community. VODA Landscape Designer, Annaliese Eichelberger shared the results of a public survey regarding the Fashion Place West neighborhood. Originally, two open houses were planned to hear feedback but given the current circumstances, they decided to use SurveyMonkey to create an 18-question survey that included long answer, multiple choice, and ranking style questions. The survey was available from March 20, 2020 to June 20, 2020 and there were 155 responses. Ms. Eichelberger noted seven of the 18 questions and highlight the common responses, as follows:

- What words would you use to describe the attributes of the Fashion Place West neighborhood?  
Common responses: Busy, crowded, congested, convenient, centrally located, and a popular shopping destination. Ms. Eichelberger felt this showed there were a lot of people traveling through and that eventual redevelopment would not slow down activity in the area.
- What is your primary destination when you visit the Fashion Place West neighborhood?  
Common responses: Most people largely spent time in the area to shop, or because they lived there. Ms. Eichelberger noted that the survey had not received a lot of input from people who work in the neighborhood.
- What do you see as the biggest challenge facing the neighborhood?  
Common responses related to traffic and the perception that there was a lot of crime in the area. There were also a lot of comments related to the TRAX station. Ms. Eichelberger believed the planned recommendations for the area would address crime and how future developments would impact traffic.
- When using the TRAX station, what other forms of transportation are part of your trip?  
Common responses: Cars and walking; with cars being the most popular response. Ms. Eichelberger felt that improved connectivity in the area would encourage visitors to bike and use other types of transit as well.
- Rank the type of public improvements you think are lacking in the neighborhood.

Common responses indicated that the connectivity section of the plan was important. Addressing lighting along the street, improved sidewalks and crosswalks, street trees, and bike lanes were all important to the community.

- What types of housing do you wish were more available in your neighborhood?  
The most common response was for cottage cluster homes. Survey answers indicated that citizens wanted smaller, denser property sizes.
- Rank the following housing issues in the neighborhood.  
The most common responses was related to housing affordability. Ms. Eichelberger stated when different housing options are available, the issue of housing affordability could be addressed. She hoped that in some areas, apartments, townhomes, or denser development would be appropriate to address citizens with various housing needs.

Mr. Morris reported that the WFRC (Wasatch Front Regional Council), one of the partners funding the project, had a metric called *Access to Opportunities* that looks at the ability of lower-income housing to have access to transportation and employment. They explored issues of accessibility, as it related to employment and transportation.

Mr. Morris discussed the main sections of the SAP. The first pertained to housing and increasing connectivity to jobs. He felt that the SAP was in line with Murray City's General Plan to focus on growth near high-capacity transportation areas, such as the TRAX system and the bus network. He addressed the mall as a significant job center, so it was important to look at how to increase the number of jobs either within the area, or easily accessed from the area. Staff had been working with Fehr & Peers Transportation Consultants for recommendations that would help the area overcome barriers to connectivity.

Three connectivity gaps were outlined, which included: vehicles, bicycles, and pedestrians. Mr. Morris announced they were working with UDOT to deal with vehicular connectivity to focus on improving traffic flow issues around State Street; and prioritize improved vehicular connectivity in the neighborhood. He said bicycle connectivity is relatively good within the neighborhood, but anywhere with significant job centers, housing, or transit, could benefit from improved bicycle connectivity. This connectivity would help address concerns regarding traffic flow and congestion. He also outlined potential issues facing pedestrians that included improving connectivity between the mall and the TRAX platform and improving the walkability of the area. Examples were presented to highlight how pedestrian connectivity could be improved, which included pedestrian hybrid beacons or improvements that allowed for safer left turns from State Street or Creek Drive.

The second section, design guidelines, is still being developed but the focus was on placemaking, street typologies, and sight design. He reviewed things that were easy to change, such as the façade of a building, the color, and the materials used. He also discussed the importance of building placement, how a building addressed the corner, and what the quality of public space was. The design guideline would give future property owners and developers proper direction. That way, when a development comes along, it would fill the objectives of improving walkability and the overall quality of the neighborhood.

The final section of the plan was structured to look at short-term (0 to 5 years), mid-term (5 to 10 years), and long-term projects that might take longer to implement. Short-term could include updating City policies, changing zoning, or changing ordinances. It could also include looking at city infrastructure, adding bike lanes, or adding quality streetscapes. Mid-term goals involved collaborating with UTA and UDOT for changes to their infrastructure. If projects come along there may be opportunities to incorporate

improvement goals. For instance, the Cottonwood Street Bridge, just north of the TRAX platform. If there was an opportunity to replace the bridge, there would also be an opportunity to widen the area to improve pedestrian routes or bike lanes. Long-term changes could include changes to the mall side. The management of the mall expressed a desire to improve the walkability of the site, as there are no clear pedestrian routes. They also expressed interest in increasing development of the mall site to include a parking structure.

Mr. Morris said VODA would continue to work on completing the draft plan, which still includes working through input from City staff and getting additional input from the Council and Planning Commission – he hopes to see the final plan eventually approved by the Council.

- Council Comments and Discussion:
  - Ms. Turner inquired about the cost, as before. She supported the concept, but had concerns about funding it.
  - Mr. Morris noted one of the elements in the Implementation Section of the SAP would include recommendations for potential sources, and opportunities for identifying and developing partnerships. He said the City itself could utilize tools of the RDA to encourage development. However, partnering with others would be key. He noted UTA would have their own plans for developing areas specific to their own needs.
  - Ms. Turner thought the plan was well done and wanted to ensure the City is fully aware of various funding options, which would determine whether the plan moved forward with Council support.
  - Ms. Eichelberger agreed cities often share the cost of a new development with developers; and confirmed there are a lot of funding mechanisms, like private partnerships; not all costs would fall solely onto the City capital funds.
  - Ms. Martinez favored simple solutions like re-routing UTA Bus #209, which would improve drop off traffic flow in the area. She addressed two top concerns like affordable housing, and current traffic challenges. She asked how the area would be able to increase in affordable housing, while there was a need to solve existing traffic issues.
  - Mr. Morris believed it was important to design streets in a way that provide other options; streets that are complete, and streets that provide a consistent network; he noted conversations with UDOT about signalization timing as well. He believed there would always be traffic at certain times of day, but the key was to focus on improving connectivity. Therefore, improving the experience would mean adding more options, with close access to job choices. He said affordable housing and transportation growth are the key elements driving the project; therefore, providing both was significant to this very important location in the City.
  - Mr. Cox thought creating a more walkable neighborhood would best resolve traffic issues in the area, as well as, timing traffic lights appropriately. He noted that during Christmas and other busy shopping days, mall traffic is already backed up to 7200 South on one end; and to 4500 South on the north end of State Street- just to get to the mall. If another pedestrian light was added for access to the mall, he thought timing the lights would be imperative to prevent snarling traffic even more.
  - Mr. Morris agreed timing and signalized left turns would improve the overall flow. He said the corridor would be heavily used no matter what, due to Murray having the most highly used mall in the region.

**Sacred Energy Zone Map Amendment from G-O to C-D** – CED Director, Melinda Greenwood presented a proposed zone map amendment requested by Janet Wall, the owner of the retail shop Sacred Energy, LLC. The retail shop is located on 4500 South but the owner also owns property at 296 East 4500 South,

on the southwest corner of 4500 South and Atwood Boulevard. Ms. Wall requested the site change from a G-O (General Office) zone to a C-D (Commercial Development) zone. The main reason is to move the retail store over to the other property because the G-O zone, is not an appropriate zone for both commercial and retail use.

Ms. Greenwood explained the G-O zone is used primarily for medical and professional offices; advertising, employment services, and pharmacies. The proposed C-D zone is used primarily for restaurants, banks, government services, schools, contractors, and sales. She agreed the zone change would be more appropriate for the desired use, and shared that Ms. Wall wanted to combine Sacred Energy with a bed and breakfast, which she received approval for with a Conditional Use Permit from the Planning Commission. The result would be a combined retail area with Sacred Energy and the bed and breakfast.

A summary of the Murray City Planning Commission Meeting held on May 21, 2020 was confirmed, where the Planning Commission reviewed the item and held a public hearing. Ms. Greenwood reported 52 public notices were sent out for the hearing- but no public comments were received regarding the request. The Planning Commission voted unanimously 6-0 to send a positive recommendation for approval to the City Council. Ms. Greenwood recommended the Council follow the Planning Commission's recommendations. The proposal would come before the Council at the next council meeting on July 21, 2020.

**2019-2020 Mitigation Plan** – Assistant Fire Chief, Joey Mittelman affirmed the Mitigation Plan allows the department to plan ahead for emergencies, such as COVID-19, earthquakes, pandemics, and flooding. The plan was designed to comply with all applicable federal, state, and local ordinances and resolutions, and provided guidance to prepare for and mitigate hazards that threatened the community. That included meeting all aspects of Region 8 of FEMA (the Federal Emergency Management Agency), planning what to do after an emergency, analyzing the risks for each possible event, and creating a path for resource allocation.

Chief Mittelman reviewed the history of the Mitigation Plan created in 2009; before that, there were Emergency Management Operations Plans in place. The Mitigation Plan made it possible for the City to be eligible for funding. The plan was updated in 2014-2015 and again for 2019-2020. The current plan was 700 pages and included each individual county's plan. Included in the Mitigation Plan were items citizens felt required mitigation, like:

- Earthquakes
- Utility failure
- Severe weather
- Violent mass casualty incidents
- Wildfires
- Major transportation accidents/incidents
- Droughts
- Infrastructure, and structural failures

Chief Mittelman outlined the main issues for Murray City based on probability factors. Earthquakes were the highest, followed by flooding, severe weather, and wildfire. To answer the question of why this resolution was necessary, he stated that it met all FEMA requirements, which would allow the City to seek help, though the City was not required to seek help or funding. A county-wide standard would also ensure consistency in responses. He noted most of the department level functions already had groups that they worked with on the county level, including:

- Fire
- Police
- IT and GIS
- Public Works
- Recreation Centers
- Library

**Murray City Center District #5 East Alleyway Vacation Petition** – Public Works Director, Mr. Astill reviewed details about vacations needed in the Murray City Center District and presented the petition. At the next meeting, he would request the resolution to vacate, as part of mitigation for the FOE (Fraternal Order of Eagles) parking lot. He noted there would be other things the Attorney's Office would be working on because the City owned the property. Due to this, the property would need to be vacated- but they had to surplus the parcel, so it would work as part of the arrangement for FOE parking. The issue would be coming to the Council for their consideration during a future council meeting.

Ms. Dominquez said she looked forward to the full presentation and knew there had been a lot of communication with the FOE.

**Net Metering Report** –

(Attachment #1)

Murray Power General Manager, Blaine Haacke introduced Energy Services Manager, Matt Youngs. Mr. Youngs spoke about net metering in Murray, which has one of the first net metering programs in the State, dating back to 2006. There are currently 11 commercial customers and 153 residential customers in the City. The capacity of those installations is 936-kilowatt (kW), which provides enough energy to cover less than 1% of the City's energy demands at peak usage time.

Mr. Youngs presented a breakdown of the number of installations per year from when the program began in 2006. There were not a lot of early adopters, but things took off from 2014 on, due to the cost of solar coming down and tax incentives. Murray is currently on target to have the same number of installations as last year; approximately 20. Mr. Youngs reported the City has a 10-kW installation cap but the majority of installations were between 3 and 6-kW, with the average system size being 5-kW.

He explained net metering allows customers to store energy in the electric grid. Solar panels that contain photovoltaic cells are installed on a customer's roof. Sunlight is then converted into Direct Current ("DC") but the kind of power used in the home is Alternating Current ("AC") so an inverter is used to convert the electricity from DC to AC. The electricity is used to meet the customer's energy needs but if more is produced, the excess is exported to the power grid. When less is produced, the customer receives electricity from the grid. A net meter is installed that measures the amount of electricity that flows to and from a residence. At the end of a billing period, which is usually 30 days, if the customer has exported more energy to the grid than they received, they would receive a credit of kilowatt-hours (kWh) on their next bill.

Mr. Youngs brought up the debate surrounding the worth of electricity exported from a customer's system. He noted that since the beginning of Murray's program in 2006, they had provided a 1 to 1 credit at the retail rate. There was a summer rate and a winter rate but the combined average came to about 9 cents. Other companies did not necessarily follow the 1 to 1 credit structure, and Mr. Youngs mentioned Rocky Mountain Power, which had a tiered system. To further discuss the worth of exported electricity, he used the example of a grocery store selling a tomato for a higher price than the cost from the supplier.

If a local farmer tried to sell a tomato to that same grocery store, it was unlikely the store would pay the retail rate for the tomato. This related to net metering, as customers often questioned whether excess electricity should be sold at the retail rate. Mr. Youngs stated there was value in continuing the 1 to 1 credit as it eliminated transmission costs and he believed solar was a valuable locally-produced form of energy.

Customers often ask another question, which is why utilities reset the customer's kWh credit each year. Mr. Youngs reported that Murray resets in March, but the goal of the net metering program was to offset the demand for energy a customer had, not to sell excess energy back to the utility. By implementing annual resets on credits, it ensured the customer had an appropriately sized system in place. He used example data from Jim and Jennifer Brass, who had a 5-kW rooftop solar system. The data showed that typically, kWh credits started to accumulate in the spring and early summer but by the winter months, those credits would likely have been used. This made the annual reset of the kWh credits a non-issue.

Mr. Youngs discussed whether installing a larger system was better for the utility; he stated this was not the case. Since the solar peak occurred at approximately 2:00 p.m. and the system peak occurred at approximately 5:00 p.m., it was more common for a net metering customer to export electricity to the grid during solar peak hours, which was earlier than the system peak. It was uncommon for the customer to be exporting energy during the system peak. Since the customer would use just as much electricity as non-net metering customers during evening system peak hours, the demand on the system after the sun went down would remain the same.

Mr. Youngs noted the 10-kW installation cap. He stated this ensured customers had the appropriate size solar panel system for their home and usage needs. He discussed why there weren't more net metering customers in Murray, which he believed was due to the return on investment. Some customers would discover that it could take 20 or more years to pay off the solar energy system that they purchased. Another factor was that the Utah State Tax Credit had been reduced from \$2000 to \$1,600 and the Federal Tax Credit had been reduced from 30% to 26% for solar energy systems. He expected there would be a surge of installations towards the end of the year as customers tried to use these tax credits before they were eventually phased out. He stated it would be interesting to see how this change would impact the industry in the state and as a whole.

Mr. Youngs addressed solar power issues in Hawaii. Since their electric rates are 3x higher than in Utah, solar energy had taken off in the state. As of 2015, solar accounted for 57% of electricity on the main island. They weren't prepared to deal with that amount of solar energy and as a result, 20-25% of the solar energy was unable to be used. Other problems they encountered included power quality issues, frequency issues, and over-voltage issues. In 2017, Hawaii planned to modernize the grid with improved grid management and the requirement of solar customers to install smart inverters. Mr. Youngs conveyed he brought up Hawaii because as more solar power systems are installed, policies would be needed to protect the quality of power on the system. Part of the reason for Murray's 10-kW cap was to ensure installation limits did not have to be implemented.

Based on a recent third-party Cost of Service Analysis, Murray City Power recommended that Murray continue the 1 to 1 credit as long as the 10-kW cap stayed in place for residential customers. They also recommended that in the coming months, a change would be made to accommodate the needs of commercial customers, as 10-kW was not adequate. Mr. Youngs reported that Murray Power was working

with the City Attorney's Office on a public electric vehicle charging rate, which he hoped to present to the Council in the near future, along with a revised commercial solar rate in the coming months.

- Council Comments and Discussion:
  - Ms. Martinez asked about the possibility of a residential property being granted a variance if a larger solar power energy system fits their needs. Mr. Youngs believed that was something that could be put in place but stated it would not make sense for the utility to give a 1 to 1 credit for a larger system, unless the residential customer was actually able to use the energy. He suggested in that situation, the customer may need to provide energy usage data to validate that the solar they want to install would actually meet their energy usage need. He noted there are many large homes in Murray where 10kW is not adequate, so it could be addressed if there was a demand.
  - Mr. Cox favored the idea that large scale customers were implementing solar energy.
  - Ms. Dominguez asked whether there had been an increase in solar, and power use since the COVID-19 shut down. Mr. Haacke was uncertain about those using solar; however, the overall load requirement in June was 2.6% higher compared to customer use the previous year, which he attributed to people being home more.

**Reports on Interlocal Boards and Commissions:**

**UAMPS (Utah Association of Municipal Power Systems) and IPA (Intermountain Power Agency)** - Mr. Haacke is an active board member for both UAMPS and IPA; two updates were given. At UAMPS the board has mainly focused on the new power resource of small modular reactors. He affirmed in the next month, the City would need to decide about the resource, which would be on the agenda for the first council meeting in September. Before that point, there would be opportunities for the Council to talk about the possibilities with UAMPS staff and representatives, and the Department of Energy staff; he would have a one-on-one discussion with Council Members on August 25, 2020.

At the last IPA board meeting discussions were primarily about the new plant and renewable fuel, as coal is phased out and replaced with natural gas. Mr. Haack confirmed the Los Angeles City Council had taken a stand on wanting to use hydrogen as fuel at the Delta, Utah plant. Part of the fuel that would be used at the new plant in 2025 would be natural gas, at 70%; and hydrogen, at 30%. There would be a hydrogen manufacturing plant built next to the Delta plant that would provide the hydrogen to be mixed. He noted this would be one of the bigger hydrogen manufacturing plants in the world. The Los Angeles Department of Energy's goal is to be at 100% hydrogen by 2035. Ownership would be maintained by the IPA, and Mr. Haack believed the project would be a little more expensive than desired. The IPA Board would look at resolving that issue.

**COG (Council of Governments)** - Mayor Camp stated there was not a lot to report, as COG meetings had been held over Zoom primarily to discuss COVID-19. There were very few committee appointments to be filled this year because it was in between election years for municipalities. He reported all committees are working well, but most of their focus had been on issues surrounding COVID-19 also.

**CVW (Central Valley Water)** - Mayor Camp discussed the \$250 million upgrade renovation and expansion project of the treatment plant that is underway; about \$200 million of that would be allocated for a nutrient removal project. A groundbreaking was held on June 24, 2020 for the new biological nutrient removal project, which was limited to staff, CVW Board Members, one entity manager from each entity; and some contractors and regulators. Dr. Erica Gaddis, the Director of the Utah Division of Water Quality

attended the ceremony and said that Central Valley was not just one of the largest facilities in the state but a leader in meeting environmental regulations.

Mayor Camp reviewed processes that would be worked on in the next two to three years at Central Valley. Engine generators were being upgraded to produce more electricity at the plant using the digester gasses. They were also working on minimally treated water- to water the grounds, as well as, headworks rehabilitation, which included an addition to provide a safer work environment, better circulation, and improved air filtration in the plant. Rehabilitation of the large sewer lines would also be worked on. He noted that Murray produced just under four and a half million gallons per day. Those four and a half million gallons made up just under 9% of what was taken in at the plant. Consequently, 8.75% was Murray's cost of the overall project and operation of Central Valley.

The purpose of the \$200 million capital program and nutrient removal project was to upgrade aging facilities, to improve processes to meet new state environmental requirements and to increase capacity to support the projected population growth of the valley. Mayor Camp explained that upgrades were designed to meet current phosphorus requirements and provide additional flexibility to meet future nitrogen regulations. New construction would also include:

- Anaerobic basins
- Aeration basins
- New blower building
- Secondary clarifiers
- Primary sludge fermentation
- Thickening and straining
- Side-stream phosphorus and ammonia treatment

In March, the Board approved a contract with Alder Construction Co. for \$49,479,499. This cost was \$7.5 million below engineer estimates, due to the creativity of the staff at Central Valley. Mayor Camp said that staff had saved nearly \$2 million by breaking out part of the bid for switchgear and backup generators and bidding them separately. A headworks project contract was awarded to D.R. Cordell & Associates for \$215,000. Gerber Construction was awarded a \$123,000 contract for biological nutrient removal basins.

Mayor Camp confirmed the COVID-19 Action Plan for CVW was approved by the Board in the March meeting. The June meeting was held in person a few weeks earlier but had limited staff and no entity managers present.

Mayor Camp spoke about how the earthquake in March caused damage to the sludge silos and load cells in one of the three hoppers. The cost to repair was \$300,000, and with a \$3.9 million deductible on earthquake insurance, none of that was covered. Power was lost to the plant at that time but the generators provided power to critical areas. Staff learned during this time that additional fuel was needed for the generator, so they are looking to purchase a larger trailer-mounted fuel tank to move around the plant as needed.

The Board received the 2019 Financial Audit Report in March and the auditor, Keddington & Christensen, found Central Valley was within State compliance requirements, budgetary compliance, fund balance compliance, open and public meetings compliance, and treasurers' bond compliance.

Mayor Camp reported that CVW sent a pharmaceutical letter to over 500 businesses to advise them of new regulations prohibiting the disposal of pharmaceuticals into the sewer system.

**VECC (Valley Emergency Communications Center)** – Mr. Hill gave his last VECC report 6 months ago; since that time, the executive director and the outside legal counsel both retired. VECC hired new Executive Director, Scott Ruf, and part of this change exposed weaknesses within the VECC organization. He discussed challenges like needing to transfer 911 calls to other agencies because there was not a unified call system in Salt Lake County. In addition, there was not sufficient personnel to staff for timely call answering services. VECC had also been using multiple CAD systems, which meant staff was learning two systems, resulting in longer call take times.

At the beginning of the year, VECC began reorganizing its employees, pay changes, retention plans, and personnel policies to help retain people, and shorten the call taking time period. Mr. Hill confirmed those changes came with an increased budget, which affected all of the agencies, including Murray that saw a 12% increase in the budget assessment. He noted this was approved as part of the Fiscal Year 2020-2021 budget last month; and confirmed it was uncertain if 12% would be sufficient, but the VECC Board would review this quarterly to see if increases were needed for the upcoming fiscal year. He reported that VECC had not given employees COLA (cost of living adjustment) increases- but moved to a step-plan that was similar to what Murray City had done.

Mr. Hill indicated that COVID-19 had created both challenges and opportunities for VECC. He described opportunities like VECC receiving funding from both the Federal Government and the State Government that would go towards technological enhancements and retention bonuses for call takers. One of the challenges had been increased call numbers. He acknowledged higher numbers were directly related to maintaining public order. More specifically, this had to do with the riots, civil unrest, and issues related to social distancing and citizens not following mask orders.

Mr. Hill informed the Council that the State of Utah recently did an audit on VECC, where the biggest takeaway was the need to reduce call time and call wait time for people phoning 911; and this was something VECC had already started to address. In addition, VECC reported a 175% increase in fireworks calls on July 4, 2020 between 9:30 p.m. and 12:30 a.m.

**Metro Fire** - Mr. Hill reported that Metro Fire had spent most of their time redrafting and getting the interlocal agreement approved; the Council approved that agreement earlier this year. The agreement allows Metro Fire to start staffing an Urban Search and Rescue Task Force for the State of Utah, along with other agencies outside of Salt Lake County. Metro Fire also updated their procurement agreements, allowing fire departments, such as Murray City, to take advantage of joint purchasing and cost savings, by combining purchase agreements.

**CARES Act Funding Agreement with Salt Lake County** - Ms. Moore discussed the agreement between Murray and Salt Lake County that would allow the City to receive federal funds to assist with the containment of COVID-19 and help reduce economic impact of the pandemic. In addition to approving receipt of CARES Act grant funding, the resolution would also authorize Mayor Camp to execute the agreement with the County. The City would have until October to spend the money and is required to report back to the County on what it had been used for. She noted the Council would be considering the resolution during the Council meeting.

**Fiscal Year 2020-2021 Budget Amendment CARES Act Funding** – Ms. Moore continued to explain how Salt Lake City would pass some of their CARES grant funding on to municipalities within Salt Lake County. Therefore, the Murray Council would also be considering an ordinance during the council meeting to approve receipt of \$1,456,622 and authorize the agreement with the County. She noted the budget amendment and the funding agreement go hand in hand; so, a public hearing would occur to open the FY 2020-2021 budget allowing the City to spend CARES funds accordingly. The draft ordinance proposes the following:

- The General Fund would receive and appropriate \$1,456,622 of Federal CARES Act Funding passed through Salt Lake County to assist the Murray City COVID-19 response.
- Authorize the Director of Finance and Administration to make such transfer of any appropriated CARES Act Funds to the various departments and funds that qualify under Federal Law for use of such funds.

Ms. Moore added that the Finance Department was gathering costs incurred since mid-March, including labor, supplies, and ongoing costs related to COVID-19 for the possible use of some of the grant money. The Finance Department would also look at whether it would be possible to offer grants or assistance to individuals or businesses affected by COVID-19, though Ms. Moore emphasized those details had not yet been worked out. She clarified money cannot be used to off-set Murray City's revenue losses, or directly pay customers utility bills affected by the COVID crisis. She would continue to monitor the rules and regulations governing the funds to understand future application, which change on a daily basis. She thought there was a possibility that money could be utilized to off-set losses and COVID expenses incurred by enterprise funds, and the library.

**Announcements:** None.

**Adjournment:** 6:30 p.m.

**Pattie Johnson  
Council Office Administrator II**

## ATTACHMENT #1



## **Electric Service Schedule 35**

### **Net Metering Pilot Program**

#### **APPLICABILITY:**

The Net Metering Pilot Program is available to customers located within the City's current electrical service territory who

1. Purchase electricity from the City under the provisions of another electric service schedule; and
2. Own and operate a solar, wind, or hydro electric generator located on the customer's premises that
  - a. is primarily intended to offset part or all of the customer's own electrical requirements on the premises;
  - b. has a capacity of no more than ten (10) kilowatts;
  - c. is interconnected with Murray City's electric system; and
  - d. operates in parallel with the City's distribution system.

#### **DEFINITIONS: As used in this section,**

“Net Metering” is a method of measuring the difference between the electricity supplied by the City to the customer through the City's electric distribution system and the electricity generated on the customer's premises which is fed back into the City's electric distribution system.

“Net Energy” is the difference between the electricity supplied by the City to the customer through the City's electric distribution system and the electricity generated on the customer's premises which is fed back into the City's electric distribution system.

#### **SPECIAL CONDITIONS:**

1. The customer shall pay for the net energy used in accordance with the following formula:
  - a. The customer shall pay for all electric energy supplied by the City to the customer in any billing period in excess of the amount of electric energy produced by the customer on the premises which is fed back into the City's electric distribution system during that same billing period.
  - b. The customer shall receive a credit for all electric energy produced by the customer on the premises which is fed back into the City's electric distribution system during a billing period in excess of the amount of electric energy supplied by the City during that billing period, with such credit applied to the customer's future bills, except that; any electric energy credit balance remaining in favor of the customer under the provisions of subparagraph (b) at the

(continued)



Electric Service Schedule 35 - Continued

time of their April billing each year shall be zeroed out with no further liability to the City and no credit to the customer for said balance.

c. In the event the customer terminates service under this electric service schedule, any electric energy credit balance in favor of the customer under the provisions of subparagraph (b) shall be forfeited. The City will not make cash payments to customers based on their participation in the Net Metering Pilot Program for energy produced by the customer which is fed into the City's electric distribution system.

2. The price for electric energy provided to or credited to a customer participating in the Net Metering Pilot Program shall be the price charged by the City under the provisions of the electric service schedule for which the customer receives service absent this electric service schedule 35.

3. The Net Metering Pilot Program billing adjustment only applies to charges for energy. Participating customers are subject to all other charges, rates, terms and conditions of the electric service schedule under which the customer receives service except as expressly altered by this electric service schedule 35.

4. The customer shall provide, at the customer's own expense, all equipment necessary to meet applicable safety, power quality, and interconnection requirements established by the National Electric Code (NEC), the Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), and any applicable local and state agencies, including any equipment deemed necessary by the City's Power Department expressly to accommodate the customer's request to qualify for this electric service schedule 35. The customer must first obtain written approval from the City's Power Department before the customer's on-site generating system is energized or interconnected with the City's electric system.

5. In order to participate in the City's Net Metering Pilot Program and to receive the benefits of this electric service schedule 35, the customer must first sign a Net Metering Pilot Program Interconnection and Service Agreement with the City. The Interconnection and Service Agreement allows the customer to interconnect and operate in parallel with the City's distribution system and allows the City to test and inspect the customer's system periodically to ensure the safety of electrical workers and integrity of the City's electric distribution system. The Interconnection and Service Agreement will contain additional terms and conditions for service under this electric service schedule 35, including specific terms of interconnection and parallel operation with the City's electrical system.

6. The Net Metering Pilot Program and this electric service schedule 35 are presently made available to customers on a trial basis. This electric service schedule 35 and the Net Metering Pilot Program may be adjusted or discontinued by the Murray City Municipal Council for any reason, at any time without any obligation to existing participants.

**SUPPLY COST ADJUSTMENT:** All monthly bills resulting in a balance due from the customer shall be adjusted in accordance with electric service schedule 30.

**Net Metering** is a billing mechanism that credits solar energy system owners for the electricity they add to the electric grid. Electricity produced by a customer's solar energy system will first be used by the customer to meet their energy needs. If more electricity is generated than needed, the electricity is exported to the grid. If the solar energy system does not produce enough electricity to meet the customer's energy needs, electricity is used from the grid. A special net meter keeps track of the electricity that flows to and from the customer's residence.



Murray provides customers with a 1:1 credit (retail rate avg. \$0.09) for excess electricity received from a customer's solar energy system. Most utilities have moved to crediting at a reduced rate. Rocky Mountain Power's latest proposal would provide an average of \$0.02 for unused customer generation.

- Murray Net Metering Policy went into effect: July 2006
- Commercial Customers: 11
- Residential Customers: 153
- Installed Capacity: 963 kilowatts (kW)
- Average System Size: 5.6 kW

Most solar energy systems will produce more electricity than a customer needs during the day in the summer months, and less during the winter. Because of this, it is common for customers to carry energy credits into the winter months; but these are typically used up by spring time. To incentivize the installation of solar energy systems that match a customer's energy needs, most utilities reset these energy credits in the springtime. Murray resets these credits in April. However, it is very rare for a customer to have energy credits in the spring, due to weather-related decrease in solar generation and shorter days.



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