

MURRAY MUNICIPAL COUNCIL

COMMITTEE OF THE WHOLE

Meeting Minutes

Tuesday, February 21, 2023

Murray City Center - 5025 South State Street, Conference Room, Murray, Utah 84107

Attendance:

Council Members and others:

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| Phil Markham – Vice Chair | District #1 |
| Diane Turner | District #4 |
| Pam Cotter | District #2 |
| Rosalba Dominguez | District #3 |
| Garry Hrechkosy – Chair | District #5 |

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| Brett Hales | Mayor | Jennifer Kennedy | City Council Executive Director |
| Doug Hill | Chief Administrative Officer | Pattie Johnson | Council Administration |
| Brenda Moore | Finance Director | Steve Roberson | Fire Department |
| Tammy Kikuchi | Chief Communications Officer | Brooke Smith | City Recorder |
| G.L. Critchfield | City Attorney | Craig Burnett | Police Chief |
| Cole Harding | Fire Department | Michael Todd | Murray Business Owner |
| Scott White | Fire Department | Jeff Puls | Fire Department |
| Kim Sorensen | Parks and Recreation Director | | |

Conducting: Council Member Hrechkosy called the meeting to order at 4:15 pm.

Approval of Minutes: Committee of the Whole – January 17, 2023

Council Member Turner moved to approve, and Council Member Markham seconded the motion.
All in favor 5-0.

Discussion Items:

- Resolution approving an agreement between Murray City Corporation and LIV (Life Safety Inspection Vault) LLC for the collection, organization, and storage of fire and life safety inspection reports. – Chief Mittelman explained the agreement to finalize a proposed contract with the company LIV that provided a software program for storing and collecting data related to fire safety inspections. He explained how and when safety inspections occur for fire sprinklers and alarm systems and noted that tagging equipment was not always kept current. If the resolution was approved LIV would assist Murray Fire with the task to improve the process especially for commercial properties and multi-family complexes, where inspections were challenging to monitor and tag for proper compliance.

LIV would provide inspectors and technicians to perform inspections, upload documentation and report to Murray Fire any information about repairs, maintenance, installations, deficiencies, and defects throughout the City. The contract requires that LIV charge a \$15 fee from fire sprinkler and alarm companies for every item uploaded to the storage system. The Chief clarified that uploading information accessible to Murray Fire was without cost to the City. LIV software would also notify business owners when Murray Fire officials were notified about a noncompliant system.

The draft resolution and master service agreement were viewed. Council Members discussed whether the City fire department could inventory all 4,000 businesses in the City efficiently on their own, and if the \$15 fee was reasonable. There was consensus that the service was needed. Chief Mittelman said the City Council would consider the fee structure and contract in an upcoming council meeting.

- **Resolution approving an Interlocal Cooperation Agreement between the City, the Utah Community Action Head Start Program and MCSD (Murray City School District) to lease City property.** – Mr. Hill discussed that the City would like to extend a lease for use of city-owned buildings at 73 West 6100 South. For years the City leased two buildings to MCSD where currently the Murray Early Childhood Education Center offered Head Start programs. Photos of the facility and surrounding area were viewed. Mr. Hill said before a renewal was considered, City departments were asked if they had need of the buildings. The City Library expressed interest, so more time was given to let them evaluate and study the site as a future location for a new library. After 3 months and no firm decision it was decided to extend the lease with the MCSD for one year that would automatically renew on a yearly basis unless terminated according to the agreement. MCSD had no issue with an annual lease agreement because they hope to eventually relocate that program
- **Resolution approving an Interlocal Cooperation Agreement between the City and Murray City School District for the license and access to a city communication tower.** – Mr. Hill explained that the MCSD requested use of a communication tower located at the City's animal shelter located at 5624 South 300 West. The reason was to provide students with better access to the MCSD-owned network. If approved, the agreement would allow MCSD to place equipment on the city-owned tower and pay for all associated costs. The Council reviewed the draft resolution and agreement. There was consensus to favor the request.
- **Donations for non-profit entities.** – As a follow-up, Mr. Critchfield reported that the appropriation of cash donations should be for corporate purposes only. He reviewed an example budget addendum related to the matter and pointed out not only was it important to show a corporate purpose in giving, but that the City must receive a net value exchange for a donation, value for value. When money was given, a benefit to the City and the residents must be made clear.

He said donations were not intended for non-profits, they were intended for for-profits and for development benefits to the City. Benefits could be tangible, but the key to the right process was to establish a process. He suggested a new process include a specific study conducted by a third party and the City to show the actual benefit of return from a donation. Justifying a donation was easy if statutory authority was proven, however it was a more difficult challenge, even nationwide, to prove a public purpose without concrete reason. This was why a study requirement was important. He explained three Council Members together could define a public purpose. There was further discussion about how the Council would define public purpose, understand proper criteria, and implement a study to determine that requests had public purpose.

Mr. Critchfield explained the difference between waiving particular fees as a donation and giving cash donations. Clarity was given about donations to private entities, about nonmonetary donations to nonprofit entities only, and when monetary donations are prohibited. Mayor Hales commented that some cities do not give cash donations due to the responsibility of ensuring the process was followed correctly. Mr. Critchfield agreed there was no provision in Utah Law that says a city can give money to non-profits without receiving anything in return. Fee Waivers need no justification because the law does not require that.

Council Members agreed it could take up to one year to establish a new application process. Mr. Critchfield suggested a new policy so that applicants know the Council would only look at donations

once a year. Ms. Dominguez thought the study requirement was beneficial and the right direction. Mr. Hrechkosy noted several entities on the current donation list that do not benefit Murray alone. He expressed concern with pushing gifts through this year knowing Murray tax dollars were going to other cities. Mr. Markham agreed the matter deserved due diligence to complete and ensure the application process was thorough and decisions were based on criteria collected from entities. Ms. Cotter agreed all donations expected this coming budget cycle should be delayed until a new process was completely understood.

Mr. Critchfield and Ms. Kennedy would return to a future Committee of the Whole meeting with draft applications for Council review, one for waiving fees for non-profits and one for cash donations. Once finalized, applications would be available on the City's website for easy access. Ms. Kennedy would inform entities about coming changes for donation requests. Ms. Dominguez said it was unfortunate recipients grew to expect money each year without accountability. Mr. Markham agreed and said moving forward the Council had a responsibility to respond properly to financial requests. Mr. Critchfield confirmed appropriations must be authorized by State Law, supported by a public process and the City must maintain control through the agreement. The process to donate money would occur in a public hearing because the City Council has an obligation to act in the best interest of the public when cash donations were considered.

- **OPMA (Open and Public Meetings Act) and Anti-Harassment Training** – Mr. Critchfield provided training for OPMA and said the required State policy was a good way to ensure that the City was open with all deliberations. He spoke about public observation and public notices as part of public meeting requirements and noted that as elected officials, Council Members must invite the public to come watch their meetings.

Mr. Critchfield conducted harassment training that included a review of the City's Anti-Harassment Policy, a review of Article Nine of the Council Rules of the Murray City Municipal Council and the Federal Government's Equal Employment Opportunity Commission, where harassment was defined as illegal and did not have to be sexual in nature. He reviewed how someone should report discrimination or harassment and explained confidential investigations, corrective action, and the no retaliation policy.

- **Legislative Update** – Ms. Cotter shared about various bills the ULCT (Utah League of Cities and Towns) had analyzed the past week. She highlighted House Bill 499, Homeless Amendments, and explained the bill would not solve homelessness. However, Code Blue a standard emergency practice throughout the year, was a proposed amendment that would ensure the homeless had access to shelter during life threatening winters.

Mr. Critchfield clarified the proposal would increase contributions made by cities that do not have homeless shelters but pay into a fund for homelessness. If the bill passed Murray's contribution of \$10,000 per month would increase because cities with homeless shelters are running in the deficit to handle significant overflow. He noted contribution increases would be capped at \$250,000 per year.

Adjournment: 5:35 p.m.

Pattie Johnson
Council Office Administrator III