



**MURRAY CITY MUNICIPAL COUNCIL  
COMMITTEE OF THE WHOLE**

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, September 4, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

**Members in Attendance:**

Jim Brass	Council Chair
Dave Nicponski	Council Member
Darren V. Stam	Council Member
Jared A. Shaver	Council Vice Chair
Brett A. Hales	Council Member

**Others in Attendance:**

Dan Snarr	Mayor	Zach Fountain	Mayor's office
Janet M. Lopez	Council Office	Jan Wells	Mayor's Chief of Staff
Briant Farnsworth	Attorney	Russ Kakala	Public Services
Blaine Haacke	Power General Manager	Justin Zollinger	Finance Director
Sally Hoffelmeyer Katz	Citizen	George Katz	Citizen
Jennifer Brass	Citizen		

Chairman Brass called the Committee of the Whole meeting to order at 4:30 p.m. and welcomed those in attendance. Mr. Hales was excused.

**Minutes**

Mr. Brass asked for changes or action on the minutes from the Committee of the Whole meeting held on August 7, 2012. Mr. Shaver moved approval as written. Mr. Nicponski seconded and the motion was approved 4-0.

**Business Item #1:                      Committee and Board Reports**

***Blaine Haacke – Utah Associated Municipal Power Systems (UAMPS) and Intermountain Power Project (IPP)***

Mr. Haacke thanked the Council for allowing him to serve on the two boards UAMPS Board of Directors and IPA Coordinating Committee and Board of Directors. There are a lot of issues to be concerned with.

The UAMPS meeting in Ephraim was held recently and three Council Members attended. A total of nine people attended from Murray. The big topic was coal, the

decommissioning of coal plants and the value of hydro in the power portfolio. Capturing carbon and sequestering carbon in the ground are issues that will become increasingly important.

Many environmentalists were there discussing the humpback chub and matters relating to releases below the Glen Canyon dam into Lake Mead.

- o Mr. Haacke put together a "nice to know" list of information:
- o The humpback chub population has risen from a 1999 low of 5000 to around 9000 currently in the Colorado River. (Based on the flow from the river.)
- o Natural gas prices are projected to stay in the \$4-\$6 range per dekatherm through 2035. (Just two years prior it was around \$12.)
- o The general public needs to understand the importance of coal fired generation and that the immediate response to EPA regulations is going to be costly. Perhaps a little slowdown on the urgency of guidelines would be wise. (If the EPA requires scrubbers on the Hunter Plant the cost would be about \$700 million total raising Murray rates about 20 %.)
- o Seasonally adjusted flows out of Glen Canyon Dam have cost from \$39 to \$630 million dollars depending on the study (studying this infinitely on our money.)

During the Board of Directors meeting there was a lively discussion about the UAMPS Wind Farm, which Murray decided not to participate in. The Idaho wind farm was 10 months late coming on and cost about \$9 million more than expected. For every wind farm, there must be another power plant to back it up. If wind is on 30% of the time, it is exceptional. The other 70% requires back up generation.

Mr. Shaver commented about an article that stated wind generation creates a great deal of heat into the ground that is causing some concern.

The wind farm is coming in around \$80, which is about eight cents a KWH, about \$15 more than originally projected. Compare that to landfill gas that Murray got into years ago, is at \$65 per MWH, is renewable and is on 95% of the time. He feels good about that.

UAMPS has no other exploratory projects involving Murray. If UAMPS gets a couple of cities that are interested in working on a project, then they will combine efforts and build together. Murray has done that in the past; however, if the City can leave out UAMPS as the middleman, then it is better. That was the way we built landfill gas. UAMPS has benefits but he is being cautious.

Mr. Shaver went back to the natural gas projection and noted that sometimes, like in the case of the wind farm, projections are made that do not materialize. He does feel there is wisdom in not always trusting the projections.

Mr. Brass said that natural gas is based on supply and demand and the ability to move it from one market to another. If there were a pipeline to the east coast then pricing would be an issue, although, with it in this area, we have regional pricing that is lower.

Mr. Nicponski said there is also a political card that gets played. By loosing someone like Dimitric out of Carbon County suddenly coal would not be as strong on Capitol Hill. After the election of a green Mayor in Los Angeles, it took a year to tell IPA that they would not purchase the power.

Mr. Haacke said that projections on a power plant are made out 30 to 40 years. The fracking of natural gas is fairly new and if major legislation goes against it the natural gas market will be stifled. Then costs will not be \$4-\$6 a dekatherm they will be \$8 to \$10. There are so many variables. The advantage that Murray has is many different resources in the portfolio: big solar, small solar, natural gas, and turbines. If one market diverges, the others can be relied on. Last year Murray relied on federal hydro in a big way. This year there was about half, a contracted amount.

Big issues coming from IPA and Mr. Haacke noted that he would like to spend some time with the Council, Power Board and the Mayor to discuss and update. Mr. Farnsworth and Mr. Haacke had been attending numerous meetings regarding the Delta Power Plant, the California entities, coops and unions. Post 2027 the California entities will have to walk away from this coal fired plant due to mandates by state legislation. If it is converted from coal to another fuel then they could continue to utilize this resource; therefore, negotiations are underway to convert to natural gas fuel. Utah has been trying to negotiate with the coops (quasi municipal entities) and Californians. There will be a report at the Committee of the Whole meeting on October 2 from the IPA Administration. It is a complicated issue and Mr. Haacke will send some backup material for explanation. Mr. Nicponski asked that Mr. Haacke let the Council know what is at stake to put everything in perspective. There are contracts to enter into to get Murray to 2027 and others to go beyond 2027. Both sides have negotiating tools: Murray has transmission they want and Utah needs their sizeable contributions to build the plant. The Utah entities will not be able to take over the plant by themselves post 2027. It is too large and could bankrupt Utah power entities. The contract will be negotiated out to the year 2077. A decision has been made to go away from coal entirely and convert to two natural gas turbines. It is a huge issue to southern Utah and the economy. There are mines, miners, railroad lines to Price, conveyer belts, and coal piles to deal with. Other people in IPA and UAMPS are looking to Murray as the leader, as Murray is the largest public entity with ownership in IPA. We have 72 MW (4%) and if the downsize goes through it will be 48 MW.

Mayor Snarr added that it will be interesting to see the impact and economic ripple effect to businesses in California who will have to pay a lot more for power. Mr. Brass commented that the General Manager of Los Angeles Department of Water and Power said that this will double the cost of power in Los Angeles from \$12.5 to \$25.

### ***Russ Kakala – Trans-Jordan Cities***

Mr. Kakala reported that the 2013 Budget was approved and the employees were given a 2% cost of living adjustment and a 2% merit raise. About \$5 million are in reserve for a transfer station and \$5 million for equipment replacement. Each compactor costs about \$800,000 and need replacement every five years.

The Board would like to secure the options for a future transfer station in Sandy or Midvale, which are central areas. They are looking for about 15 acres to purchase. Mr. Nicponski said they are looking at vaporization, however, he does not think they can do it due the nonattainment zone location.

Cell four is filling and will be capped by about mid winter. Cell five is ready to go and has a life of about four to five years. Cell six is a mega cell with a 15 year life. It might be decided to break that into two cells. They are looking at 20 years out and need to secure the land for future use. There is 2% growth; however, recycling is extending the life of the landfill. A 13,000 ton a day transfer station is \$50 million to build in the east.

Mr. Nicponski asked if they had considered buying a cell from another landfill. Mr. Kakala said they had talked about partnering with Cedar Valley. The cost to truck it out would be high and there is no railroad.

***Zachery Fountain – Legislative Policy Committee (LPC)***

The last few years a lot of justice court issues have been seen, as far as whether cities want to maintain having justice courts. Any ability to transfer out of a municipal court system would take about five years. Concern exists on if the court will be a court of record, maintain the current process, or go back to the county district courts. Mr. Nicponski commented that the courts can cost a lot of money. Mr. Fountain confirmed that they do not generate enough to cover their expense. Logan is beginning to transfer out and become a district court system again. The Utah County questions whether a particular justice is acting appropriately.

Roger Tew is briefing the legislature on telecom taxes and franchise fees. The main issue is use of the right of way and differences in delivery system and the accusation that Comcast was being charged falsely. Some Tea Party groups argue that the tax was not needed because it was a service. Franchise fees are charged because of the use of roads and digging them up and other actions. That is the legitimate government purpose for assessment of those fees.

A growing issue is with regard to special district taxation when counties take certain departments and make them into special districts. A discussion is taking place in Salt Lake County relating to spinning off the public works and making it a special district. It comes down to a question of what is a municipal service and who approves the taxes: the County Council, member cities or a board that is designated. This affects Unified Police Department (UPD) and Unified Fire Authority (UFA). Before they were claiming a safety issue and now they want to do it for all services. Senator Wayne Niederhauser is focused on cities maintaining control of their budgets.

An issue involving public referendum and what it could do to a city has been under discussion in terms of land use and budgeting. Orem decided to lower the amount asked for in a property tax increase. Immediately a group filed a petition to put a referendum on the ballot. That did not get on the ballot due to timing; however the thinking was that they did not want a property tax increase at all. What this would do is to delay the vote until the next general election in June of 2013 resulting in a loss of that revenue for the city for another six months. It could also occur in land use issues and will be an ongoing discussion with the League getting involved.

Mr. Fountain reported that he had been asked by the League to draft a billboard bill for the upcoming conference and it should be sent out to the general body soon. It reiterates local control and a willingness to work with the billboard industry through the state legislature, to clarify the Utah Code; however, it does not bind cities to allow for electronic conversion.

Mr. Shaver mentioned how much Murray appreciates the League taking on the billboard issue.

***Jan Wells – Council of Governments (COG)***

The Council of Governments big issue stems from the legislature involving Valley Emergency Communications Center (VECC) and what should be done with it. The issue is how many public safety answering points (PSAPS) should be supported in Salt Lake valley. The legislature believes there are too many currently. They have agreed to leave the one at the University of Utah and Salt Lake City and from there they believe only one more is needed. This would mean that UPD and VECC need to merge. COG asks Bill Harry and Scott Carver to begin looking at what a merger would involve. They were tasked to look at the political, budgetary and technical feasibility and make recommendations for a transition plan. They are assuming that the functions and responsibilities will be kept intact and that existing staff remains, except for attrition. The VECC facility will be the housing for the new organization. Discussions are taking place on methodology and budgetary issues related to salary, benefits, longevity, skill level and pay comparisons. The two organizations are funded differently so this will take some time. The cost estimate for the transition and merger is expected to be between \$350,000 and \$375,000. They believe the funding will come from the legislature. Options mentioned included: there will be a policy board for the new organization; there will be an operations board; and there will be an executive director. The transition plan should be completed by July of 2013 with the following issues to be resolved: legal, budgetary, governance, job descriptions and the development of policy and procedures. This means that the transition should be ready to take place by that time.

Mr. Shaver mentioned the problem with redundancy in order to retain all employees. Ms. Wells said that they know this will occur although they believe that through attrition and over time those positions would be pared away and some cost savings would be realized.

Specific to Murray Ms. Wells stated that the administration had met with Chief Fondaco and Chief Rodriguez and both have varying concerns. We spent a lot of money to build the VECC facility with the plan that the County would come in and then they walked away from it, so the past history is not good. An issue with double taxation exists because of the way the facility works. Concerns voiced by our chief include that the cities will have to forgive the \$1 million in facility upgrades; and that the Sheriff is not unilaterally appointed as the CEO. Half the cities are already UPD who will support the Sheriff, Salt Lake City is not involved and the rest are Metro cities. It will become an issue between Metro and UPD. The cities will want a commitment to rework the double taxation issues and UPD is pushing for a name change to Unified VECC. Murray chiefs think these issues should be dropped. There are strong feelings that will have to be resolved.

COG has been charged with working this out.

Mr. Nicponski asked if it would be important to get a five minute report on Conference of Mayors. Ms. Wells responded that she would be happy to do that; although the Conference of Mayors is a little less policy driven and leans toward social interaction. Serious discussions do take place but they are a little less formal. She suggested an update in Council Communications or whatever the Council prefers. Mr. Nicponski mentioned some appointments to the Utah Transit Authority Board and he would like to know more about that.

***Dave Nicponski – Valley Emergency Communications Center***

The Preamble that the Unified Police put together was read as follows:

*“ We the members of the UPD forward this letter in support of our position as identified here as to the critical decisions that need to*

*be made to insure the success of the proposed merger of the UPD and VECC communication centers. They support the concept and the goals of the proposal and encourage all to support the recommendations.”*

There are six critical decision points: governance; legal; budget and assessments; funding the move; and operations as the merger takes place. Mr. Carver and Mr. Harry are working together well and things seem to be moving along well. Mr. Nicponski pays attention to responses from the VECC Board and has noticed some City Managers becoming difficult relating to the issues before them. Ms. Wells confirmed that and noted that both sides need to be happy with the resolution.

Mr. Stam asked if the legislature will be involved. Some legislators are trying to drive the changes and if they remain in power these things become important, Mr. Nicponski stated. Mr. Shaver noted that the recommendation will obviously go back to the legislature and hopefully some of that will be resolved.

***Jan Wells – Utah Telecommunications Open Infrastructure Agency (UTOPIA)***

A legislative audit has come out since the last UTOPIA report. It has been discussed some; but some of the things brought out were that the ambitious goals have not been met, concern on how bond proceeds were used to cover operating costs and debt service; former people running the operation; financial controls; and management accountability; and the lack of growth in the system. From UTOPIA's perspective many of these concerns have been addressed since 2008 and much of the information in the audit predates 2008 and the current administration. UTOPIA's response was that corrective action was being taken and communication can always be improved along with accountability and controls. The Board is looking at these matters and will continue to monitor it. There was a lot of press on the issues and concerns. The future indicates that the first draw on the \$65 million put into place has been spent and a second round will be requested. She reviewed that it was approved for \$65 million to be taken in three parts and only as approved by the Board. It does not have to come back to the Councils for a vote; however, Ms. Wells stressed the importance of the Council Members knowledge as to what was going on. The next Board meeting would follow on Monday.

Mr. Shaver stated that the audit specifically talked about accountability. The Board needs to have that accountability because if the legislature steps in there will be trouble. One issue he was concerned about was that the bond was paying for the operating costs. He wants to know what the feeling of the board is related to this matter. He feels this shorts the finances available for the build out, which is where that money should be focused.

Ms. Wells explained that they have spent \$29 million in the first round of funding. Leaving \$36 million to draw upon, Mr. Nicponski stated. Mr. Stam said that they will be requesting \$10.5 to \$11 million for Phase II. Ms. Wells said that these issues have been discussed internally and others have equal concern about that. Some options to help with the operational costs have been discussed; however, Orem, one of the bigger partners is not in a position to do some of the things mentioned to meet operations. Further discussions will take place.

Mr. Shaver asked for some information in Council Communications as things develop.

***Darren Stam – Utah Infrastructure Agency (UIA) (10 minutes)***

Mr. Stam reported that he had been appointed as Chair of the UTOPIA Finance Committee, which was put in place prior to the Audit by the legislature. At the last meeting, options to help cover operations were discussed and ideas were brought out. It will be discussed again with additional ideas presented. A list of duplicate services by both the City and UTOPIA had been created. One item mentioned was the possibility of a monthly meeting with public services so that when the City is digging up a road, UTOPIA could be notified and conduit could be laid. There are several other ideas that he would discuss with the administration. The goal is to lower operational costs so that they can be covered by revenue.

Going into the next phase, a revised five-year plan will be created with adjustments, as requested by a number of people. Additionally, a city councilman has asked for the objectives in evaluating the plan. The objectives include: return on investment (priorities will be adjusted based on ROI); increase average revenue per subscriber; expand markets and capitalize (even if it means going into a business complex that is right beside the market); operational efficiencies (looking for new technology and revising the way installation is done to save on connection costs); public and political support (using the system effectively within member cities). These five objectives will be reviewed and published to give people a better understanding of where they want to go.

Mr. Shaver asked if it is possible for Murray City employees to do any of the work. He mentioned if it would be less expensive if done by the cities rather than hiring contractors. Mr. Stam said that is part of the discussion. Any work cities do for UTOPIA must be billed at full price to the city. It will not save any money, but it may be possible to bill the cities for the operational shortfall and allow services rendered to pay the debt. That would lower the operational shortfall.

***Dave Nicponski – Association of Municipal Councils***

For the Association of Municipal Council meetings nonprofit organizations have been brought in to report on their activities. Some of the Community Development Block Grant organizations have presented to inform council members of their services.

***Jim Brass – Central Valley Water Reclamation***

An update from the Jordan River Farmington Bay Water Quality Council reported that the state is still pushing a 1.0 milligram per liter phosphorus limit in spite of the existing science. If they continue down that road it could cost \$30 million plus to remove the additional phosphorus and require more infrastructure at the plant. It looks like the best avenue is to get the legislature involved to require that the Department of Environmental Quality (DEQ) at least have the science to backup their requirements for that base limit. A group is working toward that end and studying the river and the science. Central Valley has raised their contribution from \$50 to \$150 thousand to that group to help the study along. It will be money well spent.

Mr. Nicponski asked for an explanation of the issue. Mr. Brass said that with phosphorus in the river there is more growth of algae impacting the oxygen levels in the river. It can ultimately kill the fish so they want to drop the current level. The phosphorus comes from a variety of sources. It is primarily runoff from yards and parks and any entity that uses fertilizer. The question is how much comes from the chemicals and how much comes through other sources, such as leaves going into the river naturally. A lot of substances get washed into the river system that does not come from cities. They have not taken into account canyon sources or Utah Lake, which is one of the largest points of discharge into the river. Utah Lake is not clear

making it impossible to get the Jordan River clear and the goal is to turn it into a pristine river. At lot more goes into this than meets the eye and the numbers are arbitrary; that could mean breathtaking costs to the cities and the results may not affect anything. This is why they want DEQ to backup their demands with science.

Mr. Stam asked if there is a way of testing the water runoff from the cities going into the river to prove their claims inaccurate. Mr. Brass said that could lead to the City having to treat its runoff, which could be a great deal more money. He would prefer not to do that and rely on the storm water fee, which is partly to address mitigating impact of runoff. That is to avoid having to treat it.

Mr. Shaver pointed out that if we do that then we create the science for them to validate their argument and we would rather not do that.

Mr. Brass reported that they do have a new agreement for bio solid land application. Central Valley does a lot with composting and they have many places to take the materials they do not compost, so it is always good to have options and new locations. They compost all they can and sell everything they make. In spite of what is done, when the wind shifts it is not good.

The budget process is beginning; Danny Astill and someone from Finance will be very involved in that.

One thing Mr. Brass had requested as a member of the Board and Treasurer is for the plant, which is very valuable, to begin a reserve account for capital issues. The trickling filters are 20 years old with no projected life and each filter is \$1 million and then there is the cost to remove and replace, if necessary. The failure mode is to just collapse. There are eight or more filters. Also, piping is 30 years old. The administration has done a great job but other boards have been reluctant to put money away.

The board has asked that Central Valley recalibrate and check flows and strengths. Increases in the flow numbers have occurred that has not been accounted for. Billing is done by what goes into the plant by our system. Then checking to see if there is infiltration somewhere would need to be done. If that is positive pipe problems exist.

Plant personnel are taking on some rather large equipment replacement projects that will save lots on the plant's budget. They can be very complex in some cases and dangerous. The staff doing the work has won awards and competitions in the past.

The plant is getting old and the board needs to keep an eye on that to put a little away every year instead of having a big bill that cannot be covered in one year. Those discussions will take place. Mr. Astill budgets very carefully. The plant budget comes from the owner entities, of which Murray is one; therefore creating a reserve could be an increase from the cities and member entities. Mitigating large expenses would be a benefit, although it may not pass the board. There are seven board members; three agree that this is a good idea.

### ***Capital Investment Program – Darren Stam***

Department heads are filling out forms to put in requests. A schedule has been put together and beginning on September 17 the committee will meet to set a plan on review of the requested items. Starting on September 25 the committee will begin meeting with the department heads to have explanation on the projects in the system to gain a better



understanding of what the needs are. The committee may take field trips to see the projects rather than just hearing what they are.

Mr. Shaver asked if there is a way to report back to the Council following the meeting to express what was heard and seen. This could cover what Mr. Nicponski was looking for. Mr. Brass agreed that this information needs to be communicated back to the Council. Mr. Shaver suggested the Council also preview the requested projects.

Mr. Stam reported that part of the process is that the recommendations come to the Council; it holds a retreat to go through the list and look at the items. It is part of the schedule and could be done in a couple of steps, if the Council desires.

Mr. Shaver noted that there may be recommendations from the Council to go back to the committee, as well. Mr. Stam pointed out that the Council will see all the requests and what have been recommended and they have every opportunity to weigh in and establish or adjust priorities.

## **Business Item #2**

## **Landscape Ordinance Agreement – Tim Tingey**

Since the last report to the Council on the landscape ordinance proposal it has gone to the Planning Commission and several meetings have taken place about the proposal. In two weeks this will come before the Council for consideration.

By way of background, Mr. Tingey explained that these are very significant changes to the landscaping for commercial and residential properties. It involves a change in philosophy. The staff has engaged landscape architects to get their input, which has proven very useful. The Planning Commission brought up a number of ideas, which have all been taken into consideration for the proposal being presented. When the department goes through a process like this it is significant heavy study as it is not taken lightly. Research has been done on what other communities are doing, inside and outside the state, some information comes from past experience then an ordinance was written based on that. Ideas have been bounced off of each other and changes researched before presentation to the Council. This is the result of a lot of work and input. He commended the department for the work that has been done. If the ordinance is adopted there will likely be some push back from the commercial community and from residents. That will mean some enforcement issues may arise. This proposal is not out of the ordinary it is the change that creates issues. Once it is adopted the City will move forward in a unified fashion. Landscape architects agree this is a good ordinance. It is not onerous for the businesses or community.

Mr. Wilkinson said that he would hit the highlights of the ordinance. Some of the information was seen in a previous presentation; although now it has gone through the Planning Commission where changes were made and landscape architects advised on what would work and what was appropriate. That feed back was taken to the Planning Commission and some points were adopted; although not all of it.

The drivers to the changes were different. For the commercial, industrial and multifamily landscape standards arose from a difficulty of maintaining consistency from plan to plan.

Complaints were made according what might have been approved for another party. The code is currently very general requiring between 40-60% to be grass/turf in commercial and multifamily. Developers would like to go to something less water intensive so they have given

push back to the code requirements. Many would like to move toward xeriscaping. The staff has been sensitive to this moving away from grass. Now the suggestion is for a specific number of trees, shrubs and groundcover. It will help the City and developers as they go through the approval process to know what to expect.

For 1000 square feet of landscape area (10 foot setback by 100 foot) the requirements are three trees, five five-gallon shrubs and 10 one-gallon shrubs. The remainder of the area needs to be covered by some kind of living ground cover. It does not have to be grass, but some other kind of landscaping material. A minimum of 50% percent of landscape coverage of planting is required. This will provide consistency and allow for ground cover, which is not permitted currently.

The code says now an effective combination of turf, shrubs and trees. We feel this new ordinance is the vision the Council has and the General Plan calls for with Tree City USA, which is something the City has been proud of. The City wants to promote trees and we don't feel the current requirement for just grass captures the vision for Murray.

Mr. Wilkinson showed some photographs of commercial landscaping in the area. Mr. Shaver asked if this would be "grandfathered." Mr. Tingey said that it would be.

The City is planning to require landscape architects on larger projects, 4000 square feet or greater. The xeriscaping will be allowed but within the guidelines of the 50% coverage. The hospital is a good example of draught tolerant landscaping with lots of plant material. The 4000 square feet is the size of the building, not the lot.

Parking lot landscaping will be required for areas with 50 or more parking spaces. Existing businesses will be "grandfathered" but as some larger sites redevelop that will be a requirement. Costco is a good example of parking lot landscaping with tree islands at the ends of parking lanes. It helps with the heat island effect in parking lots, breaks up the area and provides shady places for people to park. It can be created with the site design.

Mr. Brass mentioned another good example in downtown Salt Lake north of the Little America complex with a parking lot containing many new trees; when they grow it will help with the heat island affect and provide shade.

The urban forester was required to give approval in the past and now that position will provide an advisory function but the approval will be made by Community and Economic Development. The Fire Department is comfortable with that change, which is a major modification to the current standards.

Mr. Shaver asked if they type of trees would be dictated. Mr. Wilkinson responded that the forester will put together a list of approved street trees and landscape trees. They will also be involved in the residential, which will be discussed next. The Shade Tree Commission has been notified and one member showed up at the Planning Commission to provide supporting comments.

Mr. Nicponski asked if it is assumed the remainder would be rocks. It could be rocks or bark mulch; however, it must contain 50% of planting coverage.

Mr. Wilkinson stated that the residential requirements were driven by an enforcement action a couple of years earlier. A complaint was received about a neighbor's park strip.

Removal of all the plant material was performed on a property and replacement was with rock and cement. He expressed that the code was not clear on what was required of the existing park strips. The code currently calls for a tree planted every 30 linear feet. He did not feel the connection between the subdivision ordinance and landscaping ordinance was as tight as they would like it to be. The new ordinance would clearly state this requirement for all park strips, one tree for every 30 feet on center. Residents are required to maintain the park strips in the future. Some minor encroachments by decorative hard scapes have been allowed, such as rock or pavers. The limit would allow 25 % for a small discrete area to get out of a car and connect to the sidewalk.

Mr. Shaver asked about the occurrence of tree roots that eventually literally tear up the sidewalk and the street due to the size of the tree that actually destroys rather than beautifies the park strip. Mr. Stam said that if the sidewalk must be repaved, it is the resident's responsibility not the City's. Mr. Wilkinson said that the urban forester was engaged in this discussion because they currently maintain the park strip. If there is an issue the Power Department would take care of that.

Mr. Stam pointed out that some people do not want any trees in the park strip and have removed them. Mr. Wilkinson responded that this is already a requirement in the subdivision code and it will be a new requirement. That is what is being clarified, if a tree is removed then the homeowner will need to replace that tree. An interesting comment from Phil Markum, Planning Commissioner and former employee of Murray City, was that these trees are so much work; however, they are worth it. They bring in many positive consequences, as well, the Planning Commission agreed. The Planning Commission has recommended approval of the landscape ordinance. Mr. Stam said that it may be a tough enforcement issue because many homes do not have them.

Mayor Snarr mentioned one thing that really bothers him is when a business is told to landscape, like A & P Cleaners, and then they fail to maintain it. Everything is dead. They do it long enough to get their permit and then let it go. It will also be important to have a water source so that the trees do not die.

Rather than trying to regulate everything on the park strip the Planning Commission suggested certain items be listed as prohibited materials and be flexible on the materials that can be used. Asphalt, concrete and pavers can be used up to 25%; thorn bearing plants with some exceptions; groundcover exceeding 18 inches high; retaining walls and fences; site distance triangles; and boulders and gravel are all materials on the prohibited list, Mr. Wilkinson explained.

Mr. Shaver suggested that fruit bearing trees should be considered prohibited, as the fruit ends up all along the sidewalk and in the gutter.

Mr. Wilkinson recognizes that there will be some enforcement issues and he will show some pictures, as the ordinance has come about due to complaints and enforcement. The City chose not to enforce on this resident and did not hear back from the complainant. There are strong feelings on both sides of this issue. The complaint was in an existing neighborhood.

They are not proposing any requirements in the front yards; this applies only to park strips.

Mr. Stam asked if there were any provision for a variance on the ordinance. He knew of a neighbor who tried several different types of trees but there were allergies that caused problems. No exception is built into the ordinance; however, someone can apply for a variance. Mr. Tingey stated that giving the variances is a slippery slope that can continue going a long way. Mr. Stam asked if a bush is considered a tree. Mr. Wilkinson said that the requirement is for a tree, not a bush; however, there is no minimum height.

**Business Item #3**

**Independent Audit Policy Revision – Justin Zollinger**

Mr. Zollinger reviewed that for the past 10 years Murray has used the same independent external auditor. It has not been bid out over that time. His hope is to get closer to what the private sector does for public companies and have a way to still save money.

Reading from the resolution, Mr. Zollinger stated,

*“1. In performing the independent audits required by State law, the City shall not limit the use of the same independent auditor.*

*2. This Resolution shall not be construed to limit the City’s ability to change at any time for any reason its independent auditor.*

*3. The City shall seek requests for proposals for independent audit work every five years and if the same firm is selected the City shall require that audit manager to be rotated. “*

Mr. Zollinger explained that he did not see the logic in having to change auditors if they were the low bid. The City would not be limited to one auditor and could change at any time. Item number three states that if the same audit firm is selected following a proposal period, then the change would come from a different audit manager being required and the City could still benefit from the savings in the bid proposal. Auditor rotation and bidding every five years are the two key changes.

Mr. Shaver asked about the low cost bidder. Mr. Zollinger clarified that if the same audit firm is the low bidder then the City can still use that firm with a rotation in audit manager. That is the person on sight managing the audit.

Mr. Shaver repeated for clarification that the same audit firm could be selected if they were the lowest bid; although, if another firm has the lowest bid, they would be selected and remain in place for five years.

Mr. Shaver commented that he had a conversation with Mr. Hales (who was not present) about the audit process. Both of them agree that the five year bid option is better than 10 year; however, they were more comfortable with a three year bid period. He felt that in his own businesses it was beneficial to have an outside view all the time. He would hire different auditors every year both in nonprofit and for profit entities. He would like to recommend to the Council that he and Mr. Hales have a chance to meet with Mr. Zollinger and come back with a recommendation.

Mr. Zollinger suggested that the Council could choose a committee when the audit is being bid out and the selection is occurring. Mr. Shaver stated that the audit is demanded by statute and how it is administered at the present time may be resolved in the language of the Council Handbook when it is adopted. That language has not yet been adopted. He would like to include that in the conversation with Mr. Zollinger so the language can be formulated as part of the Handbook detailing how they want to do the audit. Now it is called a Budget Committee and he would like it to be the Budget Finance Committee including the audit. On that committee is Mr. Zollinger, Mr. Nakamura, Mayor's office designee and whoever is on the Budget Finance Committee.

Mr. Brass agreed that Mr. Shaver should meet with Mr. Zollinger to make a recommendation to the Council.

### **Announcements**

### **Janet Lopez**

Ms. Lopez mentioned a couple of scheduling items. She said that in both November and December Council meetings were scheduled for the first and second Tuesdays due to holidays later each month. In November the first Tuesday is Election Day and the Council Chambers need to be used for that purpose. Council members agreed that Council meetings would be scheduled for the second and third Tuesdays and if both meetings were unnecessary one could be canceled.

In December the Council Christmas Party could be held on December 18, which would be the third Tuesday and hopefully before City employees begin vacation time around the holiday. Mr. Brass requested there be no Council meeting on the date of the UAMPS holiday dinner. That is also on December 18 and the Council party could be over the lunch hour to give everyone time to get to the evening event. Council members agreed with that plan.

### **Adjournment**

Meeting adjourned at 6:20 p.m.

Janet M. Lopez  
Council Office Administrator