

# Murray City Municipal Council Chambers Murray City, Utah

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 22<sup>nd</sup> day of January, 2013 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Brett Hales	Council Chair - Conducted
Jim Brass,	Council Member
Darren Stam,	Council Member
Jared Shaver,	Council Member
Dave Nicponski,	Council Member - Excused

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Tim Tingey,	Administrative & Development Services Director
Justin Zollinger,	Finance Director
Pete Fondaco,	Police Chief
Craig Burnett.	Assistant Police Chief
Blaine Haacke,	General Manager, Power Department
Doug Hill,	Public Services Director
Susan Gregory,	Heritage Center
Mike Terry,	Human Resource Director
Pat O'Hara,	Murray School District
Wendell Coombs,	Treasurer
Gil Rodriguez,	Fire Chief
Trae Stokes,	City Engineer
Zachery Fountain,	Legislative Affairs
Rondi Knowlton-Jeffries,	Mayor's Office
Jennifer Heaps,	Administrative & Development Services
Kim Fong,	Library Director
Tyler Evans,	Police Department

Marvin Barlow,	Police Department
Andrew Meacham,	Police Department
Bruce Turner,	Power Operations Manager
Tom Martin,	Police Department
Mike Estrada,	Fire Department
Pat Killion,	Fire Department
Keith Davies,	Police Department
Brad Astin,	Police Department
Trishe Cooke,	Parks Department
Troy McCombe,	Police Department
Daniel Campos,	Parks Department
Jeff Snelton,	Police Department
Brian Hadley,	Police Department
Chris Breckenfield,	Police Department
Daren Wightman,	Fire Department
Roger Conder,	Police Department
Matthew Black,	Police Department
Dan Terry,	Police Department
Eric Fonger,	Power Department
Phyllis Wall,	Customer Service
Dan Lopez,	Water Department
Caren Lopez,	Customer Service Supervisor
Crystal Hall,	Customer Service
Janet Rowland,	Customer Service
Terry Taylor,	Customer Service
Scouts	
Citizens	

## 5. OPENING CEREMONIES

Mr. Hales excused Mr. Nicponski from tonight's meeting.

### 5.1 Pledge of Allegiance- Colby Wall, Boy Scout Troop #1033

Mr. Hales stated that there is a tradition in Murray to have the Scouts in attendance introduce themselves, their leaders, and which Merit Badges they are working on.

The Scouts introduced themselves.

### 5.2 Approval of Minutes

None scheduled.

### 5.3 Special Recognition:

#### 5.3.1 Murray City Council **Employee of the Month, Caren Lopez.**

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey said he was pleased to talk about Caren Lopez. Ms. Lopez does some very important work for the City. She is involved in the utility billing processes and supervises the Customer Service staff. There is a lot of work that goes on every single day. Ms. Lopez has a number of employees that she works directly with, whom Mr. Tingey recognized: Wendell Coombs, City Treasurer, Terry Taylor, Janet Rowland, Phyllis Wall and Chrystal Hall, all in Customer Service and work directly with Ms. Lopez.

They do things for the City that are just incredible. Every single day they work, there is something new that comes across in the work that they do. It is not something that they plan because there are so many phone calls, so many customers coming in, so many questions that occur and they do amazing work in customer service. Some of the issues are very difficult and challenging when they talk about utilities. For example, in 2012, this group of individuals led by Ms. Lopez generated over 39,000 commercial bills, over 183,000 residential bills and took over 30,000 customer service phone calls. If you talk about 260 days a year, 5 days a week, that is a lot of calls and a lot of issues they are dealing with and they do a great job. Ms. Lopez really leads by example.

Over the past few months, Ms. Lopez has had 4 new individuals come into the department who have had to be trained. She has had to take the majority of that load upon her shoulders and has done a phenomenal job. She has a great staff who love and respect her. Ms. Lopez constantly goes above and beyond her duties and it is evident every day. Mr. Tingey has witnessed that on a daily basis. He has seen her dealing with customers and with difficult issues. She is an exceptional employee for the City and this recognition is very well deserved. Mr. Tingey congratulated Ms. Lopez and stated that he is very proud of her.

Ms. Lopez thanked Mr. Tingey and said that she would not be who she is or where she is today without everybody. She has had some exceptional friends, coworkers, and supervisors. She has learned a lot and hopes to be able to share that and pass that on. It has been a great yet challenging experience for her and she loves her staff. Ms. Lopez introduced her family.

Mr. Hales stated that Ms. Lopez will be listed on a plaque on the Council Chambers wall and presented Ms. Lopez with a certificate and a \$50.00 gift card to the Fashion Place Mall. He congratulated Ms. Lopez on being the first Employee of the Month and thanked everyone for coming out and supporting her.

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

Luke Zitting, Stillwater Apartments, Murray

Mr. Zitting introduced his brother Paul Zitting and stated that they are members of Jane Goodall's Roots and Shoots in the Murray-Midvale area. They have been members for over five years and have worked on many campaigns to help their community and environment. In the campaign that they are working on today is about prairie dogs, which is a priority to their group. They are specifically talking about Utah prairie dogs. Utah has four out of five prairie dog species. "Love them or hate them, we have to have them." said Lindsey Sterling Crank of the Prairie Dog Coalition. Crank says she understands the frustration of locals but believes that these rodents serve a purpose. "If you were to remove the prairie dogs from the prairie eco-system, the prairie eco-system would fall apart." said Crank. When Senator Orin Hatch toured southern Utah, he made news talking about the Utah prairie dogs in the area. Both Utah senators and all three congressmen have teamed up to propose legislation allowing the U.S. Fish and Wildlife Services to lethally remove the animals from cemeteries and airports located within the range of the Utah prairie dog. Mr. Zitting said that he would say that the Utah prairie dog is in real trouble. As the most imperiled of all the prairie dog species in the United States, it seems this committee's time would be better spent improving their relocation methods rather than killing even more.

Mr. Zitting stated that there is a bill in legislation this session that would bring awareness to the importance of prairie dogs. These are keystone species; this means a species that has a disproportionately large effect on its environment relative to its abundance. Such species play a critical role in maintaining the structure of an ecological community affecting many other organisms in the eco-system and helping to determine the types and numbers of various other species in the community.

The role that a keystone species plays in its eco-system is similar to the role of a keystone in an arch. While the keystone is under the least pressure of any of the stones in an arch, the arch will collapse without it. Similarly, an eco-system may experience a dramatic shift if a keystone species is removed even though that species is a small part of the eco-system by measures of bio mass or productivity.

Once again, Mr. Zitting would like to express the importance of this campaign and the efforts that they and Roots and Shoots feel in promoting the Utah prairie dog. He thanked the Council for their time in allowing them to follow up with them on this bill.

Mr. Shaver asked if February 2, 2013 is the national or local celebration, and if there are any festivities or activities planned on that date.

Mr. Zitting stated that it is the Utah celebration of Prairie Dog Day. It is celebrated in the same manner as Groundhog Day as Utah has prairie dogs and not groundhogs.

Mr. Hales asked how Mr. Zitting became involved in this campaign.

Mr. Zitting said that he had liked the idea of joining Roots and Shoots after seeing it advertised on TV. One of the projects that they had was to go and talk to the Chamber of Commerce, which they did and the Chamber helped them from there.

### **Citizen comment closed**

## **7. CONSENT AGENDA**

Mr. Hales asked that the following be taken all together; no objections were noted.

- 7.1 Consider confirmation of the Mayor's reappointment of Kathy Houston to the Murray Heritage Center Advisory Board in an At-Large position for a three-year term to expire February 1, 2016.
- 7.2 Consider confirmation of the Mayor's appointment of Charlotte Cox to the Murray Heritage Advisory Board in an At-Large position for a three-year term to expire February 1, 2016.
- 7.3 Consider confirmation of the Mayor's appointment of Judy Baxendale to the Murray Heritage Advisory Board in an At-Large position for a three-year term to expire February 1, 2016.
- 7.4 Consider confirmation of the Mayor's appointment of Rod Young to the Murray Heritage Advisory Board in an At-Large position for a three-year term to expire February 1, 2016.
- 7.5 Consider confirmation of the Mayor's appointment of Janice Evans to the Murray Power Advisory Board in an At-Large position to complete the remaining term to expire June 1, 2014.

Mr. Brass made a motion to approve the appointments.

Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

  A   Mr. Stam  
  A   Mr. Brass  
  A   Mr. Shaver

A Mr. Hales

Motion passed 4-0

Mr. Shaver stated that many of the people in our City serve in multiple places and even on multiple boards. Ms. Baxendale is one of those people. He had the pleasure of serving with her on the Arts Advisory Board. Many of our citizens are truly dedicated to the service of the City and these are volunteers. They give a lot of time and energy to the City and their service is appreciated.

## 8. **PUBLIC HEARINGS**

### 8.1 Public Hearing #1

#### 8.1.1 Staff and sponsor presentations, and public comment prior to Council action on the following matter:

#### **Consider an Ordinance amending the City's 2012-2013 Fiscal Year Budgets.**

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that there are quite a few budget openings that need to be addressed.

For the Police Department, they have received additional grant proceeds from the DEA. They were awarded more money. Our contract is for 5% and when they are awarded more money, the City also receives some. The additional amount received was \$972.00. The budget adjustment for the police cars is \$510,000.00. That is a budget savings from the prior year that they will be using this year. He appreciates the Police saving that money so that it could be utilized this year. It will be coming out of the reserves.

Mr. Shaver asked Mr. Zollinger to explain that amount of money for the police cars.

Mr. Zollinger stated that the City has not replaced police cars in over four years. The City has worked out a way of funding the CIP through its savings. Council had set up a program where if they don't spend every dollar of the budget, it can then be utilized the next year for CIP. The Police Department has saved a good portion of this money so that they can use it this year for car replacement. This will round out the City with approximately 24 cars. They felt it was a better option to pay as you go and replace the cars as needed and use them as long as you can rather than get a lease and replace them every two or three years. This is playing a little bit of catch up as they haven't done it in so many years but that is the program that has been set up.

Mr. Shaver asked how many of the cars does that amount represent, 24 out of how many?

Chief Fondaco stated that would be 24 out of 78 total cars.

Mr. Shaver said that almost a third of the total is being done because the Department Heads, particularly in the Police Department, are very conscientious about the money that they spend and have been doing a really great job in saving it for this very purpose. Their efforts are appreciated.

Mr. Stam explained the acronym: 'CIP' is the Capital Improvement Plan that the City put together to try to plan for the future and save for capital improvement projects.

Mr. Zollinger stated that the Fire Department found some additional grant proceeds. The Emergency Management Performance Grant was awarded for helping to operate an emergency management program. That amount was \$3,012.00.

In the Parks Department, one of the Utility Budget line items was running substantially high and as Mr. Zollinger was going through, doing projections and looking at them, it jumped out to him that it was higher in terms of where the total budget was and what was left. As he started digging into that, he found that they have replaced two meters in the Park and those two meters read much lower than the current two meters do. As that has occurred, they are anticipating about \$50,000.00 more in need for this fiscal year. The funding mechanism is the positive revenue variance with sales tax, no reserves in this situation. The budget opening for this item is \$50,000.00.

The Public Works Department was authorized, in Fiscal Year 2012, to purchase a salter for \$39,557.00. The problem was that this equipment was not received until October. You cannot accrue it back because it is not where we received the equipment. This is a budget carry-forward of the prior year. They had savings but they are going to roll this forward into this year's budget.

The City was appropriated, from the State Legislature, for 5900 S. State Street for 725 East, \$1.2 million. He has done this budget opening for \$100,000.00. The check came in last week and this is actually \$475,000.00. He would like to strike this one from the opening and come back to the Council at a later date with the correct dollar amount.

Mr. Shaver asked if the total was \$1.2 million.

Mr. Zollinger said that \$1.2 million is what the City was awarded. They have paid the City \$475,000.00 and he would like to take this off of the budget opening

Mr. Zollinger said that the Water Fund would like to add \$75,000.00 to line item Maintenance. There have been a number of unforeseen water line breaks that need repairs. Water would also like to add \$410,000.00 to line item: Well Head Protection. Because of unforeseen costs to stabilize and rehabilitate McGhie Springs, the original budget is not enough to cover the project costs. Although the Water Department can cover all of the extra costs with funds budgeted for the McGhie Well Head Exploration and Development Project, the Water Department would prefer to get both projects completed this fiscal year. The Water Department would like to add \$450,000.00 to line item: Pipe Replacement Projects. Because of major water line breaks on Fashion Boulevard, the Water Department decided to replace the water line between 5900 South

and 6280 South before the street was repaved. The Water Department discovered during the redesign phase, additional funding is needed to replace the water line in Edison Avenue prior to starting the Fairbourne Edison Avenue Sewer Line Project this spring.

The funding mechanism for these items is from the City's Water Fund Reserves. They are in a position where they can do this. Compliments to the City's leaders who have put them in that position.

Mr. Shaver asked if Mr. Zollinger had an estimate on what percentage of that reserve fund was being used.

Mr. Zollinger said that they are at approximately 5.5, maybe a little higher than that. They would be using approximately 20% of the reserves.

Mr. Brass said that he had a waterline break in his neighborhood. They fixed it late at night and it was cold. He got up in the morning and saw the trucks there and thought to himself that these poor guys had to work all night in the cold and it had actually broken again a little further down. These low temperatures are truly killing the City and that is why they are now being proactive to get ahead of it.

Mr. Zollinger said that it is his understanding that during cold weather like this, you don't really know all of the breaks until it begins warming up again.

Mr. Stam made a clarification; this is not General Fund Reserves, this is Water Enterprise Fund Reserves.

The Power Fund has an opportunity to save \$1.5 million by paying off 5% bonds. The total dollar amount that they would like to use for that is \$2.8 million which represents some interest that has accrued this year to date and majority principal. He wanted the Council to be aware that a portion of that would go towards interest. When you don't have an opportunity to get a 5% investment, the next best thing is to pay off

5% debt because it will save or make you the same amount of money. The liquidity on the Power Fund as of two Fridays ago was \$13.7 million so by using \$2.8 million they are still in a strong position by using the reserves. Their goal is to get out of debt and this is one step towards achieving that goal.

The Library fund received a grant from the Federal government for \$500,000. This grant was from the Library Service and Technology Act and this amount will be awarded to purchase young adult books.

The City had \$1.2 million come in for the payoff of the Sports Mall. The Sports Mall was a 9% loan that we were receiving. It was providing approximately \$300,000.00 in operating revenue to the General Fund for the next five years. Now that it has been paid off, that \$300,000.00 we were receiving is gone but this \$1.2 million raises us above the 18% limit. What this is allowing the City to do is move the \$1.2 million from the General



Fund to the Capital Projects Fund for future capital needs.

Mr. Shaver asked if he understands that correctly. The revenue generated from the 9% interest will no longer be available in future years and will need to be made up someplace else.

Mr. Zollinger stated that was correct.

Mr. Hales noted that the 18% is the revenue maximum that the City can keep in the fund, and having that maximum in there is a great thing. He thanked Mr. Zollinger for his great work.

Mr. Zollinger said he couldn't take all of the credit, that the Council has done a great job as well. He is just helping to manage that number.

**Public Hearing opened for public comment.**

None given.

**Public Comment closed.**

8.1.2 Council Consideration of the above matter

Mr. Stam made a motion to adopt the Ordinance, with the exception of item six which relates to the General Fund Class C Road Funds, which will be postponed to another date.

Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

  A   Mr. Stam  
  A   Mr. Brass  
  A   Mr. Shaver  
  A   Mr. Hales

Motion passed 4-0

## 8.2 Public Hearing #2

### 8.2.1 Staff and sponsor presentations, and public comment prior to Council action on the following matter:

**Consider an Ordinance permanently closing a portion of a public street and vacating a portion of right-of-way located at Hillside Drive between approximately 5439 South Hillside Drive and 5300 South Street, Murray City, Salt Lake County, State of Utah.**

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that the Murray School District is constructing a new Hillcrest Jr. High School. As part of that they have requested the City to vacate a portion of Hillside Drive between approximately 5439 South Hillside Drive and 5300 South State Street. The vacation of the property, if approved, would result in the property going to the underlying property owner which is the Murray School District.

Notices have gone out to the property owners that would be affected by removing this access and also to all affected entities, that being the affected utilities. Mr. Nakamura knows that the School District and Murray City's Engineer have worked with the utilities to work out all of the easements that are in the streets. This is a vacation of the right-of-way that is permanently closing a portion of Hillside Drive. The standard used is whether it is detrimental to the health, safety, and welfare, whether there is cause to vacate, and whether the public interest if anyone would be personally or materially injured by the vacation. That is the standard that the Council uses, which is rather broad.

Mr. Nakamura introduced Pat O'Hara from the Murray School District who will be presenting the School District's position on this.

Mr. O'Hara said he wanted to make himself available to the Council for questions. They put this before Planning and Zoning they knew that a Conditional Use Permit would be required for the school itself. This process really began in conjunction with that at the same time. What initiated this was a desire by the Board, when they realized that they needed to rebuild Hillcrest Jr. High to move the school off of State Street. That was always a goal and it just so happened that a number of the properties came available on Hillside at the time that consideration was made by the board. They proceeded on that basis to investigate the possibility of acquiring all the homes on both sides of Hillside. They met with the neighbors and decided that was a good way to go if they could manage that financially and in a way that they could protect the ability of the residents to access the neighborhood. Maybe not in as many ways before but in a way that did not encumber it too badly.

To try to examine that problem, they hired a professional traffic consulting company to help them to understand what the ramifications of that would be. They met with the neighbors a number of times to go through that process and understand the dynamics, the

traffic flows and what the closure would do. They also pulled Murray City Engineer Trae Stokes into that analysis as he has a strong background in traffic engineering. Through that process, they determined that it could be done and they could have a safer, more economic campus by moving it off of State Street. There is another issue that they haven't talked too much about, but the possibility and likelihood now that they will sell the two acres that front State Street as part of this if they do move. That will substantially reduce the cost to the public of that school.

They moved through the legal parts of this in meeting with the public, posting the notices and supplemented that with the work with the engineers. The easements in that neighborhood are like a spider web, they are everywhere. That has been cleaned up now so that there would be a single utility corridor that would go to the west of the school in the proposed location for that school.

Mr. O'Hara said that the board has tried to be cognizant of the impact of closing a street. They understand the gravity of closing that street. In trying to mitigate the impact of that, they have tried to make sure that the traffic flows, the parking accommodations, etc. will support that. They have relocated the buses to the south end and have worked with Mr. Stokes to try to come up with a driveway scheme to service the front of the school that will mitigate the impact on 5300 South and Alpine Street. They feel that the traffic study demonstrates that it can be done.

**Public Hearing opened for public comment.**

David Swalberg, 5541 S 235 E, Murray, Utah

Mr. Swalberg stated that the road that runs from 235 East to State Street at about 5400 South is one of their access routes to State Street, or his home, is very narrow and often clogged with traffic and parking. He wanted to bring that to the Council's attention. In accessing it, even today, if two cars were to meet on that street it would be very close. With school buses and other traffic accessing that, he is wondering if that has been considered and whether or not there should be some effort to look at that particular piece of roadway.

Mr. Shaver asked if Mr. Swalberg has looked at the plot map of how they are going to do those drives.

Mr. Swalberg said he had not.

He recommended that Mr. Swalberg take a look at that to show him how that is going to work. Mr. Shaver said that he feels that would answer some of Mr. Swalberg's questions. He also noted that a copy was available to look at after the meeting or they could get him a copy of that.

Mr. Swalberg asked if there is any plan to adjust the width of that road or the parking issues that are currently a problem on that street.

Mr. Shaver said that they can't say that the parking issues are being looked at, it is a City street and there are currently no parking restrictions on that street. As far as widening, he doesn't know of any plan to do that.

Mr. O'Hara pointed out that their architects are working with them on the bus traffic. Their goal is to bring the leading edge of that driveway to the north to allow the buses to go into the drop-off loop and to go back out onto 5460 South without getting into the flow of traffic. Mr. Swalberg is correct- at the apartments across the street there are usually five or six cars parked and they understand that the parking has been grandfathered. They have no desire to interfere with those folks and their parking so they want to move the buses further north on their property to keep them out of the flow of traffic. They think that the two way traffic will not be affected there, but there will be four buses coming in there twice a day, mornings and afternoons. If a bus arrives there at the same time a car is coming the other way, it is still going to be able to pass because the bus traffic will be pulled to the north and that is how they will build the driveway.

Mr. Brass asked if this is something that they can put in front of traffic safety to look at the parking.

Mr. Swalberg said that he thinks it would be worthwhile to do that, it is a difficult route.

**Public Comment closed.**

**8.2.2 Council consideration of the above matter.**

Mr. Brass made a motion to adopt the Ordinance.  
Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Stam  
A Mr. Brass  
A Mr. Shaver  
A Mr. Hales

Motion passed 4-0

### 8.3 Public Hearing #3

#### 8.3.1 Staff and sponsor presentations, and public comment prior to Council action on the following matter:

#### **Consider a Resolution declaring the property located at approximately 166 East 5300 South, Murray, Utah as surplus.**

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that in the process of the School District preparing a plat for the entire area, they discovered that the underlying property to the Library building is actually owned by the City and not the School District. As they looked back at the history of this they discovered that in 1991, the District was intending to lease that property so that the City could build its library. Then the City, under the Municipal Building Authority, wanted to issue bonds to build the library and were advised that they needed to show that the City owned the property. The City worked with the school district and the school district allowed the City to obtain ownership of the property for \$1.00 per year and they entered into an agreement stating that as soon as the City no longer needed the property as collateral under its Municipal Building Authority loan, the City would notify the school district and the school district would re-purchase the property for the \$1.00 per year plus enter into a long-term lease agreement with the City.

In 1997, the City approached the District and stated that they wanted to refinance the bonds and so the District agreed to extend that obligation with the same terms and conditions applying. In 2007, the law changed and allowed the City to use sales tax to issue bonds which was a lot less costly. The City issued sales tax bonds and paid off all of the Municipal Building Authority bonds, thus no longer needing the school property as collateral. At that time the City needed to notify the School District that the bonds were paid. The City did not do that and so they are at that point where the City needs to notify the School District that they no longer need the property to secure the bonds. Under that agreement that was executed in December of 1991, the School District has the option of purchasing the property back for \$1.00 per year for a total of \$50.00. The School District is then obligated to enter into a lease agreement with the City for the library building which is a 50 year agreement beginning in 1991, which would be a lease agreement to 2041 with the option of both parties renewing that lease for another 50 years. There are some provisions if they do not renew it, then they have to buy the library building at the fair market value. The City owns the library building.

Mr. Nakamura said that the City needs to surplus the property in order to convey the property back to the School District. On future agenda items they will be talking about a lease agreement. The Library Board, last week, approved a Resolution allowing for the conveyance of the property, notifying the school district and entering into the lease. They recommend those to the Council and those Resolutions were passed last week.

Mr. Nakamura reiterated that this first item is a surplus of the property to allow the City then to convey that property to the school district under the agreement that we have with them.

**Public Hearing opened for public comment.**

None given.

**Public comment closed.**

8.3.2 Council consideration of the above matter.

Mr. Shaver made a motion to adopt the Resolution.  
Mr. Stam 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Stam  
A Mr. Brass  
A Mr. Shaver  
A Mr. Hales

Motion passed 4-0

**9. UNFINISHED BUSINESS**

9.1 None scheduled.

**10. NEW BUSINESS**

**10.1 Consider a Resolution authorizing the execution of an Interlocal Cooperation agreement between the City and Murray City School District regarding the conveyance by the City of real property on which the City will continue to own, operate and maintain the Murray City Library.**

Staff Presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that this was the agreement that he referred to previously that will transfer the property to the Murray School District as per the City's December 4, 1991 agreement. The Council has surplussed that property and the Library Board recommends this purchase/sale agreement.

Mr. Brass made a motion to adopt the Resolution.  
Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

  A   Mr. Stam  
  A   Mr. Brass  
  A   Mr. Shaver  
  A   Mr. Hales

Motion passed 4-0

- 10.2 **Consider a Resolution authorizing the execution of an Interlocal Cooperation agreement between the City and Murray City School District to provide for a ground lease of property owned by Murray City School District located at 166 East 5300 South Street, Murray, Utah.**

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that this is the lease agreement that was referred to previously. This lease agreement goes to 2041 with the option to renew for another 50 years. If the school district decides not to renew the lease in 2041, they are obligated to buy the library building and all of its improvements at its fair market value. The Library Board recommended approval of this agreement last week.

Mr. Shaver made a motion to adopt the Resolution.  
Mr. Stam 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

  A   Mr. Stam  
  A   Mr. Brass  
  A   Mr. Shaver  
  A   Mr. Hales

Motion passed 4-0

**10.3 Consider a Resolution approving the Mayor's appointment of representatives to Boards of Interlocal Entities.**

Staff presentation: Mayor Daniel Snarr

Mayor Snarr said the Council is aware of those that have been asked to serve on the Boards and Ms. Wells will provide that information for the public this evening.

Ms. Wells said that they have discussed some of these. The City has a group of Interlocal entities that they belong to and they have representatives that serve. Some of these are elected officials and are required to be elected officials. Those who are serving in those positions have been recommended and others are staff members who serve on those boards.

The boards are: UAMPS, Central Valley Water Reclamation, VECC, TransJordan, UTOPIA, UIA and the Wasatch Front Waste and Recycling District. This is the group that they are suggesting. If anyone would like to have the names she will provide those, otherwise they are the persons suggested during the Committee of the Whole.

Mr. Shaver finds it interesting that the City has Interlocal agreements and that they have many of these organizations that can increase the City's budget. Some of them are elected officials, some of them are not. He is a little distraught by the fact that others, non-elected officials can recommend an increase in the budget. He is reminded only of a party that happened to have tea served in Boston Harbor over the very issue of taxation without representation and it is distressing to him that they can do that without actually having elected officials make those decisions.

Mr. Hales asked Mr. Shaver to clarify this remark.

Mr. Shaver said that they have an elected official who would represent the City. When a decision is made to increase salaries for the employees or someone that would say they need to raise fees, an elected official has a responsibility to those who elected them in making those sorts of decisions. There are other organizations, and Interlocal agreements with them that say we need to raise fees, salaries, or adjust the budget and then calls down to Murray City as part of that agreement and in that, the elected officials have no voice on it. It is made by, and he doesn't necessarily want to get into the 'who', but a City Manager as an example is not an elected official. When a City Manager approves something that would raise the City's budget, the trickle-down then is that it could go to the citizens. Mr. Brass mentioned earlier, raising property taxes. As our costs go up, we have to find a way to pay those. As Ms. Wells went through the list, they all have the possibility of raising our budget by a vote and he feels that they should be elected officials when it comes to those sorts of votes and not non-elected officials.

Mr. Brass made a motion to adopt the Resolution.

Mr. Shaver 2<sup>nd</sup> the motion.



Call vote recorded by Jennifer Kennedy.

  A   Mr. Stam  
  A   Mr. Brass  
  A   Mr. Shaver  
  A   Mr. Hales

Motion passed 4-0

10.4 **Consider a special presentation of Mayor Daniel Snarr’s final “State of the City” address for year 2013.**

Staff presentation: Mayor Daniel Snarr

Mayor Snarr read his address, accompanied by a slide show presentation of pictures.

State of the City Address  
Mayor Snarr  
January 22, 2013

*Good Evening. Thank you for allowing me to speak tonight.*

*Each year for the past 15 years I have had the opportunity to provide an address to you focusing upon the State of the City. As I reflect back on the past years and realize that this will be the last speech of this type I will give, there are many events that have changed the face of our City that I wanted to mention tonight. Please join me on the journey we have taken over the years.*

*In 1998, my speech was given as a newly elected Mayor, full of ideas and optimism at what the next four years would bring. By 1999, with a year under my belt, things were progressing at a rapid pace. Former Mayor Lynn Pett had spent much of his administration working to clean up the smelter site with two chimneys that had been quiet for 50 years and needed to be removed. We signed the consent decree with the EPA to take them down and begin preparations for Chimney Ridge, a large retail development to be built on the site.*

*1999 was also the birth of our Murray Municipal Justice Court. Changes in the District Court left the option for cities to have justice courts and we began holding the court in the City Council Chambers for traffic offenses and small claims.*

*An opportunity was provided by Salt Lake County to host paramedics in our City and we found a home for them in Station 81. I was excited to provide this important service to our residents with faster response times for emergencies.*

*2000 became a year of **ups and downs**. The chimneys came **down** on August 6<sup>th</sup> in perfect fashion, but not without protests. Many facilities opened in the City during this year providing the **upside**. Three new light rail stations became operational in Murray*

*with an opportunity to test them prior to the Salt Lake Olympic Games in 2002. The new outdoor Murray Aquatics Center was open with a hydro-tube for added fun. Cooperation with the Murray School District led to opening the Kennecott Nature Center along the Jordan River Parkway. Salt Lake County reconfigured the old fairground with new sports fields and opened an Ice Center by Murray Park for an Olympic practice facility and public use. We put flowers in the planters on State Street and survived Y2K.*

*2001 the focus was on "Murray City – The Best City in America." While we may not use this slogan as much today, in my mind, it will always be true. The face of Murray began another transition in 2001. Construction began on the Point at 53<sup>rd</sup> and Intermountain Health Care purchased the smelter site from the Chimney Ridge developers. They agreed to keep a portion of the site commercial and leased it to COSTCO. The RDA provided funds for a nice facelift for downtown Murray. Day Murray Music, Murray Theater and the Desert Star Playhouse all received help for improvements, along with sidewalks, benches and trees.*

*Murray City Power began building a natural gas turbine generation project at the cost of \$22 million dollars. The turbines will provide peaking load power and can be started to meet the necessary demand.*

*There were many exciting events that took place in 2002. We had a part in welcoming the world to celebrate the 2002 Winter Olympics as athletes practiced in the Ice Center in Murray Park. The Park Center, a recreation and exercise facility, opened and included a lap pool that was partially funded by the Murray School District to become the home of the Spartan swimmers. A decision was made to improve telecommunications for the residents by joining a network of cities in creating UTOPIA to build fiber optics to the homes and businesses in the City.*

*Willow Pond Park was completed on the west side of the City as a 32 acre facility complete with dancing waters and an urban fishery. We had been working to add another north/south access through the City and the \$16 million dollar Cottonwood Street Overpass created the first leg of this effort. Federal funding was obtained to cover 80% of this great project.*

*Our City grew in a big way during 2002. Several annexations were undertaken by the residents of the unincorporated county and 12,000 more people became Murray citizens. Having this addition brought new challenges and new energy as we began our second century.*

*2003 was a celebration year for us as we marked Murray City's Centennial. I enjoyed the opportunity to play C.L. Miller, the first Mayor of Murray, and repeat his message as part of this anniversary. This was an opportunity to reflect on the great heritage our forefathers left for us to enjoy.*

*Costco opened in February, with beautiful landscaping and a prime location. They have been good community partners and we appreciate all the ways they add value to our City.*

*Across the street, Murray High School was rebuilt and opened for the students. It is a beautiful school that creates great pride in the community.*

*We started 2004 on a cold note as a five day power outage impacted our new residents in east Murray. Our Murray Power customers only had a few hours of discomfort, but with the concerns for other residents, we recognized the importance of a well maintained infrastructure in our power company.*

*After years of effort, curbside recycling finally was made available to the residents of the City. We also completed the Jordan River Parkway trail underpass under 6400 south, adding another safer option for users of the trail.*

*A Commission on Public Safety was put in place to help us consider ways we could prepare for any type of emergency situation. With some of our concerns for the age of our City Hall, we considered the needs for future buildings, especially with our first responders in mind. While we haven't been able to move the police department from this building yet, we continue to get closer to making a new City Hall a reality.*

*2005 was a year to plan. We completed plans for future infrastructure, with a focus on improving our roads. A housing plan was undertaken to look for ways to keep people in their homes and provide housing options for all income levels. A staffing plan for our public safety, both police and fire, was created.*

*Murray Park had the addition of a new rose garden in 2006. Former City Council Member Dick Stauffer spent endless hours researching rose varieties and tending this beautiful garden added to Constitution Circle. The rose garden is a lovely memorial to all those who served our country in the armed forces.*

*Fiber optic cable is put in place in 60% of our City by 2006. It provides opportunities for amazing internet speed and is a sought after resource by both businesses and residents. Murray Power added a new resource to their portfolio with the addition of a landfill gas facility at the Salt Lake County landfill. This environmentally sensitive resource adds more diversity and options for providing power to our residents.*

*Murray Fire Department celebrated their centennial this year. We had a great time enjoying this milestone with a variety of activities and realizing how fortunate we are to have this wonderful group of public servants ready to help in difficult situations.*

*2007 brought new neighbors on the former smelter site as the Intermountain Medical Center began opening seven new hospitals, one by one. Cottonwood Hospital closed some of its buildings as patients were transferred and the new Intermountain Medical Center became operational.*

*Murray Power completed upgrading the power system to 138kv, which added capacity and improved reliability for the future. We also instituted a City Utility Relief Program for the very low income who needed a bridge to keep their utilities available, especially during the winter months. This program continues today and helps fill an important gap for those in need.*

*We made national news in 2008 with our native son, David Archuleta, becoming a finalist on the popular American Idol program. Murray City had a celebration to show the world David's hometown and provide our support to him in his quest.*

*Improvements were made to Ken Price Ball Park this summer to prepare it for another national spotlight the next year. Beautiful landscaping was added and fiber made available to allow visitors to connect to the internet while watching ball games. After studying the best way to provide emergency services to east Murray, we determined that two new fire stations were needed. Station 82 was built on Vine Street and 1000 East and completed this year.*

*In 2009 as Intermountain Medical Center completed the campus, a memorial Chimney Garden was put in place to commemorate the history of the smelter industry. Fire Station 83 was finished in 2009 with an Emergency Operations Center built as part of it. The former station 83 became a facility to hold our Special Operations Unit for the Police. Station 84 became the home to Murray City paramedics who took over this responsibility from the County. Over 125 City employees completed the CERT program, which focuses on being prepared to help in emergencies.*

*A grant from the Federal Recovery and Reinvestment Act provided the opportunity to complete a second landfill gas resource project at TransJordan Landfill. The power generated is sold to another entity which helps cover the costs of other power resources we use every day.*

*Murray City was again in the national spotlight in 2010 as we hosted the 13 year old Babe Ruth World Series. Volunteers from the community hosted players, helped with logistics and welcomed teams from around the country.*

*We participated in the national "America in Bloom" competition this year. Our residents got involved in making improvements and enjoyed showing the national judges the great things about Murray. We were an award winner, but I especially loved seeing people take pride in their yards to make the City a more attractive place to live.*

*Just before the judges came to see our City, we had a huge flooding problem from the Big and Little Cottonwood Creeks. City crews worked endlessly, volunteers helped fill and place sandbags, and then returned to clean up when the water subsided.*

*We also created a partnership with NeighborWorks of Salt Lake City and opened a facility on Poplar Street. Their role is to help residents with housing concerns and use our Community Development Block Grant funding to benefit them, too.*

*2011 brought new stores to Fashion Place Mall with over 92,000 square feet of retail and restaurants. The Fireclay area is being built as a Transit Oriented Development and is successfully redeveloping this under-utilized corner of the City. The Heritage Senior*

*Center volunteers worked hard at fund raising and were able to build a new entrance to provide a safe drop off location for our seniors.*

*We completed a great Strategic Planning process with the help of the Novak Consulting group. Murray City has a good direction and goals in place to help us continue our success. There is now a Capital Improvement Planning process to help us outline and accomplish projects in an organized fashion.*

*The State of the City report usually focuses upon the current year. 2012 was a year with many accomplishments. Each of our Departments worked on a variety of initiatives to make life better for our residents.*

*Public Services oversaw the completion of the bridge rebuild over Big Cottonwood Creek at Main Street. After our success in hosting the Babe Ruth World Series previously, we were invited to host this event again, this time with 14 year olds. The second time was also a wonderful community event. The Park Center celebrated its 10<sup>th</sup> year anniversary. Our crews spent almost 1000 hours cleaning up graffiti around the City, which continues to be a concern. Since the gravesites have all been sold at the Murray Cemetery, we added a new niche this year. One of our great water resources, McGhie Springs, was successfully rehabilitated and we are enjoying improved water flow.*

*The Police Department moved to the UCAN response system this year, with mobile radios being added to upgrade for compatibility. Seven officers were hired this year to replace officers who moved to other jobs.*

*We have a new Finance Director, Justin Zollinger, who has brought a huge array of talent to this position. He and his staff produced the annual financial statements for the audit this year, rather than relying on the auditors for this work.*

*Murray Fire led the City in participating in the Great ShakeOut Drill in April. This was a statewide project that helped everyone focus on emergency preparedness in the event of an earthquake. The Fire Department took the 1991 pumper truck to Wisconsin for an engine refurbishing which was more cost-effective than purchasing a new truck.*

*The Administrative and Development Services Department oversaw a wide variety of activities. Several automobile dealerships were rebuilt and the old ones sold to new dealers. They worked to oversee the continued building at the Fireclay Transit Oriented Development, with many new residents moving there. Our IT Division replaced 70 computers this year and converted our email system to Microsoft Outlook. The Recorder's Office completed the Records and Information Policies and Procedures to assist in improved records management.*

*The Power Department closed the year with reserves close to \$13 million dollars. The Forestry Division worked on about 4650 trees this year and helped us receive the 35<sup>th</sup> consecutive "Tree City, USA" designation.*

*Murray Library celebrated their centennial this year. Four new art glass panels were commissioned by the Library Board and are ready for installation. Kim Fong was hired as the new Library director after Dan Barr's retirement. 570,000 items were checked out this year by patrons.*

*The Attorney's Office handled a variety of contentious litigation during the year. They worked on many development agreements and dealt with insurance claims along with Worker's Compensation issues successfully.*

*With an improving financial picture, our Human Resources Department completed the Wasatch Compensation Survey for the first time since 2008. This effort will help us focus on the needs of our employees to stay competitive in the future. The City Wellness Committee encouraged employees to take advantage of Healthy Utah screening with good success this year.*

*Murray City Court took the responsibility to cover fingerprinting ordered by the Court. This was previously done by the Murray Police Department. This year 773 sets of prints were taken by our trained Court personnel. The court will be adjusting their hours this month to better accommodate the public by opening at 7:30 a.m. and closing at 5:30 p.m. Going through all these accomplishments gives me a great sense of peace. I realize these things have not been done due to the effort of just one person. Council members through the years have supported these programs and initiatives. The Department Heads have worked tirelessly and are a fabulous resource to our residents. We have the best employees possible. I admire and respect them for their dedication and hard work. When things get accomplished in the City, it is because of our experts who make them happen.*

*I would like to express my appreciation for the support of our great Murray residents through the years. It has been my pleasure to meet them and learn from them. I would also like to thank my family, especially my wife, April, for their support through the years.*

*I love this City. Regardless of where I am and what the future holds for me, my heart belongs to "Murray City – The Best City in America."*

*Thank you and good night.*

Mayor Snarr noted that if anyone wants to watch something fun, he will be performing 16 marriages on Valentine's Day at Scheels on the Ferris Wheel. KBUL radio said that he had to be the strangest Mayor they had ever had the opportunity to work with, so he gets chosen to do all of the strange weddings. His goal was to perform 250 marriages during his time here, and with this one, he will be at 256.

Mr. Shaver added that on a more serious note, 16 years of dedication that is a lot of time, effort, love and compassion. He knows that as he travels the City, people know who the Mayor is and it

is not because of his mustache, they know that he loves the City, that he is concerned for the citizens and they can reach out to the Mayor at all hours. Mr. Shaver thanked the Mayor on behalf of all those he has spoken to as well.

Mr. Stam agreed; he has heard a lot of comments from the citizens in his area. The Mayor wears a big target and that bulletproof vest gets thin after a while and there are a lot of people who really appreciate him and he should know that.

Mr. Hales added that very seldom does one see a person, in fact you rarely see a CEO of a company or Mayor lets their Department Heads run their departments and that is what Mayor Snarr is really famous for. He will be known forever as a person who let his Department Heads run their department and that why this City has been so successful. He added that the Mayor's Staff is loved as well.

Mr. Brass agreed and added that the Mayor is guilty of getting him started on this too. For the new appointees on the Boards and Commissions, Mr. Brass was put on Planning and Zoning in 2001 and one thing led to another and he appreciates it a lot. It has been a fun ride and they have done a lot.

Mayor Snarr said that Mr. Brass actually began with the Nature Committee and that is where he got to know Mr. Brass.

## 11. MAYOR

### 11.1 Mayor's Report

Mayor Snarr stated that yesterday was Martin Luther King Day and they had a great celebration. He made note of the fact that it was the 22<sup>nd</sup> MLK Celebration and that it was the longest continuous Martin Luther King celebration in the State of Utah. The City should be proud that it was started in Murray by Mayor Lynn Pett and Monica Monikoff to recognize the importance of diversity and love of all human beings. It was a great event and was kept to about an hour with great entertainers. People have told the Mayor over and over again how much they appreciate the opportunity to attend that event and the fact that the City works so well with the school district.

Mayor Snarr shared an interesting report: as he was driving around yesterday checking things out, they are working very aggressively to get the Lexus Dealership open and he can tell you why. They were digging through the snow to put in the sprinkler system and in 15 years, the Mayor has never seen anyone put in a sprinkler system in the snow. Even when he was a contractor for 30 years, he had never put one down in January. They are either very anxious or don't want to pay the fee they would have to pay if they don't have everything completed. How they are going to lay sod on snow though, he doesn't know. He is amazed how aggressively they are working to get that dealership wrapped up. He doesn't think that they will get the sod in until the snow has melted and get the additional soil resources in until sometime in April. He spoke with them as they were pouring some

of the ingresses and egresses, the final portion of the concrete that had to be paved to get out to Stauffer Lane, but they are working hard to make that all happen.

Mayor Snarr also visited Chick-Fil-A to see the progress that is being made. They are making some progress, but it has been a challenge for them because people are driving through their property to get to Best Buy which they shouldn't be. They are a little behind schedule due to weather and other challenges with equipment, but they are hopeful that they will be open sometime mid-February. They were supposed to turn it over to the Chick-Fil-A franchisee and corporate headquarters on January 18, 2012 but that did not happen. It will hopefully be the first week of February that it gets turned over and opened in March. The landscaping will not be completed until April or May.

Mayor Snarr added that it is exciting to see the things that are happening and on board and he looks forward to the month of March which will be a big month for Murray City.

## **11.2 Questions of the Mayor**

None.

## **12. ADJOURNMENT**

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**Jennifer Kennedy, City Recorder**