

# Murray City Municipal Council Chambers Murray City, Utah

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 21<sup>st</sup> day of May, 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:

Justin Zollinger,	Mayor Pro-Tem
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Greg Bellon,	Assistant General Manager
Kevin Potter,	Deputy Fire Chief
Mary Ann Kirk,	Cultural Arts Director
Brady Jenkins,	Power Department
Stephanie Wright,	Chamber of Commerce
Citizens	

Mr. Hales excused Mayor Snarr and Councilmember Nicponski.

## 5. OPENING CEREMONIES

5.1 Pledge of Allegiance - Diane Turner, Murray resident.

5.2 Approval of Minutes

5.2.1 Approval of minutes for April 16, 2013.

Mr. Shaver made a motion to approve the minutes for April 16, 2013.  
Mr. Brass seconded the motion.

Voice vote taken, all 'ayes.'

5.3 Special Recognition:

5.3.1 Murray City Council Employee of the Month – Brady Jenkins, Power Generation/Substation Technician.

Staff presentation: Greg Bellon, Assistant General Manager, Power Department

Mr. Hales presented Mr. Jenkins with a certificate and gift card to Fashion Place Mall. He told Mr. Jenkins that his name will also be placed on the plaque in the Council Chambers.

Mr. Bellon presented Mrs. Jenkins and her children with roses. He stated that he and Mr. Jenkins go back quite a long time. They worked at Bountiful together. Mr. Jenkins actually transitioned over to Murray City about a year before Mr. Bellon did. Mr. Bellon said he felt very honored and privileged to be able to present the Employee of the Month award to Mr. Jenkins. Mr. Jenkins started working for Murray July 9, 2007 and he was quite an impressive hire for Murray City. Mr. Jenkins is currently working on his Engineering Degree which he should receive next spring. Currently, Mr. Jenkins is working as the Sub-tech/Compliance Officer for the Power Department. Just in the last year, he helped the Department through a major audit from WEC, which was five years in the making. He had a lot of work to do but the Department came through the audit feeling really good with where they are at and what they have accomplished with his help.

Mr. Bellon said that Mr. Jenkins is one of those guys who gets asked to do a lot and performs, never complains, and is always happy to help. He is a very good employee. He started cross-fit training about four months ago and last month was the 'cross-fitter' of the month for his box or gym. Mr. Bellon went there with Mr. Jenkins the other day and as he walked in it was like he was a movie star, with everyone recognizing him. If Mr. Jenkins does something, he does it well. He is a very good employee and Mr. Bellon couldn't ask for a better guy working for Murray City Power.

Mr. Bellon added that they got him some golf balls instead of flowers, and presented him with those.

### 5.3.2 History Advisory Board Report and Award Presentation to Eldene Petrovich.

Staff presentation: Peter Steele, History Advisory Board Chair

Mr. Steele gave a quick report on the state of Murray History. Currently they have 344 buildings on the local historic register. Of those, 223 are in National Registry Districts which allows the property owners to access Federal and State tax credits for the upkeep of their buildings. One hundred twenty-one of those are listed outside of National Registry Districts including a few that are also on the National Registry of Properties. In addition, this last year the Board completed an inventory of all buildings constructed in Murray before 1950. There are about 3,900 buildings on that inventory and that allows them to know what is going on in the City when projects come through. During 2012, two buildings on their local register were demolished. Those buildings were located at 760 East Vine Street and a duplex at 152 - 156 East Court Avenue. There were also eighteen buildings which were within the historic period, older than 50 years old, which were not on the local register.

Mr. Steele went over some of the projects they have completed this year. They have posted the complete local registry on-line with photographs of the buildings that is accessible through the Library website. They have completed the survey for the City and are currently in the process of updating their multiple property listings adding a new area to the National Register District, which is the Hillside area just east of the Library. This will allow homeowners in that neighborhood to also access tax credits if they desire to do so. They have also participated in the Utah Shakeout activities, sponsoring presentations for homeowners to learn how to upgrade their homes seismically. This year they are working on updating museum policies, projects, and making sure that everything is in line with national standards. They are also working on going through the surveys that have been completed and updating the registry which currently only goes up to about 1920 in most cases. They will be updating the local registry with building from the 1930's and 1940's now. The local registry will grow a little bit this year.

In addition the museum has completed an oral history project with some of the older residents of the City. They got their memories of Murray and are currently creating an exhibit for the museum to allow visitors to listen to those memories.

Mr. Steele said that they would like to present the Murray Heritage Stewardship Award to Eldene Petrovich and invited Ms. Petrovich to come forward. Ms. Petrovich is the original owner of her home in the LaSalle Acres subdivision which is just south of 5900 South and east of 700 west. It is one of the early ranch-house subdivisions of Murray, built in the 1950's, which was a period of

major expansion in Murray City. Her one-story brick ranch house has been maintained in excellent condition throughout the years and retains all of its historic features including the brick masonry walls, plaster and lath interior walls and decorative elements. Her home also represents the excellent condition of many of the homes in LaSalle Acres where the residents have obviously made an effort to maintain and preserve their homes and be an asset to the neighborhood and Murray City.

The Petrovich family moved to Murray in 1934 and originally lived at 153 West 5900 South, running a truck and garden farm. Their children attended Murray High and were active in school. Two of the children married and built homes in LaSalle Acres as well. Their children and grandchildren have been very involved in the schools and community groups such as the Murray Symphony. Both Eldene and her husband were employees of Murray City and the Murray School District. Eldene was a long-time secretary at Murray High School. Her late husband was, among other things, a ditch master with the Cahoon and Maxfield Ditch Company as well. The Petrovich brothers passed away recently but their widows have continued to maintain their beautiful homes.

The History Board would like to thank Mrs. Petrovich and her family for her commitment to our community.

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

Jennifer Beavers, 1219 W. Saddle Bluff Drive, Murray, Utah

Ms. Beavers stated that she lives in the Murray Bluffs II subdivision and is representing her neighborhood. They wanted to thank Murray City for helping them get through the canal break and each of the neighbors signed thank you cards for the Police Department, Fire Department, and the City Council for listening to them and helping them get a task force together so that they can feel safe in their homes. Her daughter sleeps in her bedroom and their home is one away from all of the other homes that got flooded. If it had happened in the middle of the night, something could have happened. Her daughter was probably more worried about her clothes than anything else, but still. Ms. Beavers also thanked Gil Rodriguez, Fire Chief and his family for coming over that Sunday to help out by shoveling and using his muscles. She presented the Council with the cards.

Mr. Shaver asked Kevin Potter, Deputy Chief from the Fire Department, to stand and accept the card for the Fire Department. Lieutenant Doug Roberts accepted the card on behalf of the Police Department and the Council accepted the card.

Mr. Hales said it was nice to receive a thank you from the citizens. He also drove by and took a picture of the very nice "Thank You" sign that they posted in the neighborhood. Mr. Hales added that Murray City is very lucky to have such great Departments and Department Heads, they are

phenomenal. It was very nice of them to recognize that.

Mr. Shaver said that as much as the Council appreciates that the City helped, many people came to the neighborhood who are not affiliated necessary because they are a City employee, but just wanted to help. There were many stories about people who came and spend hour after hour helping clean up just because they are citizens of Murray. That is the kind of people who live here. Mr. Shaver thanked all of those people as well.

Jennifer Pecharich, 6345 South 370 East, Murray, Utah

Ms. Pecharich stated that just in the past month they have had an issue with parking. One of the businesses across Winchester has overrun their parking or has hired so many employees that they have used up all of their allotted parking spots. Now the employees are parking on the residential street. They have anywhere between 25-30 cars on their streets at 370 East and 300 East. It is really bad when you come in off of Winchester into the neighborhood. People are parking on both sides of the street and only one car can get through at a time. She has almost been hit twice as she has turned left into her neighborhood.

Mr. Hales asked for guidance on the exact area of the neighborhood.

Ms. Pecharich explained that east from the Fashion Place Mall, where Red Lobster and Red Robin are, she is the first light to go left after that. The real problem is where they turn left at the light into the neighborhood. They are parking on both sides of the street there. They have called the police a couple of times because there have been a couple cars that have parked right on a corner which is dangerous. She has emailed the Mayor and she knows that somebody had a meeting with Sutter Health. She is not sure if anything can be done. It is a safety issue. They have kids in the neighborhood and a lot of elderly in the neighborhood. There is no place for an ambulance or fire truck to park because of the parking on both sides of the road. She is not sure if any more can be done but she wanted to come and let the Council know that this is a concern. It is more than just her that are concerned. There are quite a few neighbors who have the same concerns and have called and emailed to let the City and the Mayor know. She understands that it is public parking but she does not want to live in an overflow parking lot for the businesses across the street.

Mr. Shaver asked if she is seeing a beginning and ending time each day for the parking problems.

Ms. Pecharich said that it starts around 9:00 a.m. and they are gone by 5:30 or 6:00 p.m. She thinks they are there seven days a week but feels that since at night and on weekends the other businesses are closed, there is available parking over there during those times. It is really bad between 9:00 a.m. and 5:30 p.m.

Mr. Hales asked if buses for the schools also go through that area.

Ms. Pecharich said that they do. There is a family down the street that has two handicapped girls and the bus has to come through.

Mr. Shaver said that they can look at it specifically and find out what the parking regulations are. Obviously, if they are parking on the corner, there are distances that they need to look at. He won't tell her to keep calling the police, but there are things that the City can look at.

Ms. Pecharich asked who is in charge of painting the curbs for fire hydrants and parking distances.

Mr. Stam said that he doesn't know that any department is in charge of that. He does know that a lot of it is being done by Boy Scout projects rather than anyone from the City.

Ms. Pecharich stated that she has lived there for eighteen years and doesn't think that they have ever been repainted. That might help guide some of the people to where they should or shouldn't be parking. She doesn't know if there is anything anyone can do but it is very, very frustrating to go from a nice quiet residential neighborhood to now, an overflow parking lot for the businesses across the street.

Mr. Shaver said that there are obviously always things that the City can do. They need to find out exactly what is happening on the corners and make an assessment of it before they can actually take action. There are always things that they can do.

Mr. Hales asked Ms. Pecharich to put her information on the sign in sheet. They will follow up with her on this issue.

Ms. Wells stated that they had this concern a few weeks ago and they have been working on it. Tim Tingey, Administrative and Development Services Director, had met with Sutter Health just before he left for the conference, so she is not sure what the outcome of that meeting was. The problem was that when that business was put in there, there was anticipation that the employees would use the TRAX station. They do provide a shuttle bus for the employees to come back and forth but obviously the employees are not taking advantage of that. The City has sent this to the Traffic Safety Committee already. There are limited things that they can do with parking in neighborhoods, but the City is working on it. She wanted to let them know that they are aware of the issue and are working on it.

Mr. Stam stated that he dealt with some parking issues on Sanford for a little bit. He asked Ms. Pecharich to stay after the meeting and he could discuss with her what he found out on that issue.

Tracy Pecharich, 6345 South 370 East, Murray, Utah

Mr. Pecharich added that last week on garbage day, some of the trash did not get picked up because the garbage trucks could not get to the cans because of the parked cars.

Citizen comment closed.

7. **CONSENT AGENDA**

7.1 None scheduled.

8. **PUBLIC HEARINGS**

8.1 None scheduled.

9. **UNFINISHED BUSINESS**

9.1 None scheduled.

10. **NEW BUSINESS**

10.1 Consider a Resolution adopting the City Council's Tentative Budget, as amended, for the Fiscal Year beginning July 1, 2013 and ending June 30, 2014 and scheduling a Public Hearing to receive public comment before the Final Budget is adopted.

Staff Presentation: Finance Director, Justin Zollinger

Mr. Zollinger stated that the budget is completely electronic. If there is any citizen who would like to access it, it is online at our website. We have created some summaries this year which haven't been available in the past. This allows the City to see changes and movement in the budget and hopefully answer more questions. There is also more detail that has been provided. As you go through, we have put notes in on different line items so that you can see that. We are trying to communicate more to the public and to the Council.

Mr. Zollinger said that for the most part, they asked the departments to keep their budgets flat as much as possible. There are expenses that come up such as increases in utility costs, Interlocal agreements, etc. Those are things that have to go up. But for the most part, for the things that are controllable, the departments kept them flat. That was very much appreciated. The overall increase in the budget this year was \$300,000.00 in our General Fund.

The City has implemented target based budgeting. To do this, you start with your revenues, try to make those a little bit conservative, and that gives you your number that you have to work with on the expense side. That way you don't overspend and you maintain your reserves. In addition, that provides flexibility for the departments and adds increased oversight at the administrative and Council levels. Revenues are conservative and most of the increase in the General Fund was from Sales Tax.

In terms of operations, we have had citizens requests that the Park Center is open on Friday nights and we were able to allocate some of the budget to be able to do that. The City is also going to provide passport services at City Hall and there will also be some economic incentive programs for some businesses in Murray. In terms of personnel we

have, to some degree, addressed compression issues. We have taken a shot at that. They are trying to help out a little bit with employee compensation. The City had increased cost in our insurance of 4.9% which he is happy about because it is a better number than 8% or 10%. Lastly, our total increase in personnel costs in terms of benefits that we are required to do through URS (Utah Retirement Systems) and insurance comes to a total compensation of just over one million dollars. The interesting thing is that our General Fund Budget is only up \$300,000.00 even though many of our costs were absorbed by the General Fund.

Mr. Zollinger stated that regarding some use of reserves, the City has set aside \$50,000.00 for the preliminary design of City Hall. They will also pay off early on bonds for the Power Department of about one million dollars and for replacement of street lights that have been rusting out, they allocated \$25,000.00.

Just to balance the City's budget this year, they have cut back on our central garage and retained risk assessment. They have reduced our non-departmental budget, reconciled personnel positions and also reduced positions. They have eliminated our other post-employment benefits. In addition, the Power Fund helped pay for street light costs. That is not a reduction but they helped pay for that instead of the money coming out of the General Fund. It has been a huge team effort to make a balanced budget.

While these changes are great and appreciated, they are done. There is no more adjusting of those numbers to be able to make any more room. Mr. Zollinger heard someone say that we have swept corners to make things really clean and tight. We provide a service and our citizens have come to expect a certain level. He believes that our budget would provide the level that our citizens have come to expect from us and he is proud and happy to say that. Overall, the Council, Mayor and staff have brought a balanced and sustainable budget for our citizens to consider. If anyone has questions, he would be more than happy to address them and refers everyone to the City website where the budget will be posted and updated.

Council consideration of the above matter.

Mr. Shaver commented that each year when the budget is presented, part of the task of the Council is to also possibly make a contingency list. He wanted to mention that it will part of the discussion that the Council will have on Thursday evening. The Budget Chair, Jim Brass, will address this and several other issues. This is a tentative budget and that is what the Council is adopting, not the completed budget.

Mr. Brass said that this has been a very easy, painless budget process so far with no 500 pound books. The electronic budget has made it so much easier. He praised Mr. Zollinger for the excellent summaries.

Mr. Hales added that it is a nice compliment to the Administration when Mr. Brass said it is easy because they are the ones who presented it. The Council appreciates the hard work that was put into this and he appreciates that.



Mr. Zollinger said that it is always a team effort to take care of the budget and bring it together.

Mr. Brass said that Utah is really good about this. By law they have to balance the budget and not go into debt. They have heard about other cities back east who don't have that law and are heavily in debt. They had a consultant advise the City on a long-term plan. So that the citizens understand, the money that comes in is the money the City spends. If the money doesn't come in they have to cut more from the budget. When the economy turned down they had to look for three or four million dollars. It has been an interesting process and it was nice to at least have revenues stabilize.

Mr. Zollinger added that right now, we are in an okay time. The challenging times are when things are not looking so good and the economy is not doing so well. That is when you face even more challenges and people have to be careful. During the good times, you may provide a little bit too much and that puts us in a really bad spot which he doesn't recommend.

Mr. Brass said that the next on-going challenge for the City is roads. Funding road repair has become difficult. It is admirable that the cars get better gas mileage you've got hybrids and electric cars. The problem with that is the car that used to get 20 miles to the gallon now gets 40 miles to the gallon and still drives the same number of miles on our road but we only collect half as much money to repair those roads. Our road fund revenue continues to drop and our need for road repair continues to increase. At some point we hope to work with all elected officials in the State to figure out a way to fix that problem.

Mr. Hales asked Mr. Zollinger to take a few moments to tell everyone where the majority of our income comes from.

Mr. Zollinger said that with a \$38 million budget, not including the contingency transfer, \$12.6 million comes from sales tax. Sales tax is much like the tide; there are times when there is high tide and low tide and it comes in and out. That is very much how the sales tax is and it varies with the economy both nationally and locally.

Mr. Hales said that many people have told him the same thing he thought that the revenues came mainly from property taxes.

Mr. Zollinger stated that \$5.5 million comes from property tax and \$12.6 million comes from sales tax.

Mr. Brass added that on the property tax bill the City gets 12% of that. Murray City is one of the lower collecting agencies. We are trying to add property to raise the overall revenue and it is working out well.

Mr. Brass said that they will be making a motion to adopt the tentative budget but they will schedule a public hearing and receive public comment on this when they make this

motion. The public will have a chance to speak on the final budget on June 4, 2013. The public will have a chance to go online and look at the budget and contact the Council if you have any questions.

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 establishing a Task Force to facilitate solutions by the North Jordan Irrigation Company to City residents' concerns.

Staff presentation: Councilmember Brett Hales

Mr. Hales stated that they had a full house a few weeks ago regarding the canal break. The Council was asked to do a task force and they agreed to present that, which is what they are doing tonight. The City has created a Resolution establishing a task force to facilitate solutions by the North Jordan Irrigation Company to city residents' concerns. Mr. Hales asked if there were any questions or statements regarding this.

Council consideration of the above matter.

Mr. Shaver said that having read through the Resolution, one of the things that it states is that the task force remains in force until its purposes are accomplished. He is wondering what those purposes are as they are not specifically outlined in the Resolution. There is a statement that says that the task force will have no municipal, legislative or executive authority and will be advisory only. If they are only advising, is the purpose of this just to advise?

Mr. Nakamura, City Attorney, stated that the task force is to facilitate discussions between the North Jordan Canal Company to address concerns from City residents. The task force determines whether or not then and to what extent those purposes are resolved. The task force and what happens in the task force will be set by those discussions that will be facilitated.

Mr. Shaver asked Mr. Nakamura if they needed to state that in the Resolution.

Mr. Nakamura answered that with a task force he doesn't think that you want to set specific strict parameters around what this task force will do. The City's role is to

facilitate discussions. We are not necessarily setting parameters of what those discussions or all the concerns those residents may have.

Mr. Shaver clarified saying that what he is asking is if we should add something into these five listings that says that the task force will determine its own purposes. The Resolution does not state that.

Mr. Nakamura said that it does discuss that this is facilitating discussions. It states in the Resolution that the issues are the future safety and integrity of the canal. The other issue has to do with the existing discussions surrounding the liability that the residents are having in regards to what happened with the canal company. Those items are stated in the Resolution. Beyond that, he feels that the security and the integrity of the canal is a purpose although it is generally stated. What that entails, he doesn't know for sure. If the Council wants something more such as what Mr. Shaver has stated for the record, it can certainly be included in the Resolution.

Mr. Shaver went to the last "whereas" in the Resolution. It states specifically "whereas the Chair of the City Council shall determine the composition of the task force as he deems necessary to accomplish the purposes of the task force." Mr. Shaver feels that this should also state that the task force shall establish its own purposes based on this Resolution.

Mr. Nakamura said that all he can say is that in the first sentences, the key issues are compensation for damages as a result of the breach of the irrigation canal on April 27, 2013, and the safety and integrity of the irrigation canal. He does not know if there will be discussions beyond that but those are the ones that he understood are the specific issues that the task force will be involved in. If there are others beyond that... you want to state it somewhat generally because in that compensation, safety and integrity of the canal you can be very specific as to what all of that means, whether it is engineering or whatever. He sees those as the purposes and does not know what other purposes there might be. If the Council wants to add others, Mr. Nakamura would suggest that it be added in that sentence.

Mr. Shaver stated that perhaps he isn't making himself understood clearly. He is not saying that they should define what those purposes are, only that the task force decides itself what the purposes are. If some issue comes up in the discussions as they are having conversations and it is an issue that is not listed here, if they wanted to address that particular issue.

Mr. Nakamura said that is true. He feels that they need to say why they are establishing the task force. He thinks that it needs to have some parameters.

Mr. Shaver said no doubt. He feels that they have done a great job of that. But, if they limit it to only what is stated, then it says that these are the only things that they get to address. Whereas if something comes up in those discussions that would be pertinent and needs to be resolved, the task force can say that yes, that is something that they will take

on in order to accomplish our purposes.

Mr. Nakamura suggested a change. Instead of saying ‘regarding compensation’ perhaps they should say “including” leaving room for other purposes. He sees Mr. Shavers point. On the Resolution that they are adopting the sentence would read “in creates a task force for the purpose of facilitating solutions by North Jordan Canal that concerns the City residents including compensation for damages as a result of the breach in the irrigation canal on April 27, 2013 and safety and integrity of the irrigation canal”. He sees what is being said and that would leave room for additional issues.

Mr. Shaver said that otherwise it would limit the conversation to those two issues.

Mr. Nakamura stated that they would make that change.

Mr. Hales asked if they should see if this passes before discussing the committee.

Mr. Nakamura said that it is not necessary to talk about the committee in here at this point. They establish the task force and what it says is that the Chair will then decide that composition. As you have to determine representatives from the canal company and the residents, and there has to be a discussion with the administration as to who will be assigned to this, there needs to be some additional conversations.

Mr. Stam stated that the Council Handbook talks about the composition of committees and things being formed and decided on in the Committee of the Whole. He would say that on the next Committee of the Whole, at that point they determine the composition.

Mr. Shaver made a motion to adopt the Resolution as amended.

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

## 11. **MAYOR**

11.1 Mayor’s Report

None

11.2 Questions of the Mayor

None

**12. ADJOURNMENT**

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**Jennifer Kennedy, City Recorder**