

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 9th day of July, 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:

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

Others who attended:

Doug Hill,	Mayor Pro-tem
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Gil Rodriquez,	Fire Chief
Kim Fong,	Library Director
Scouts	
Citizens	

Mr. Stam excused the Mayor from the meeting.

7. OPENING CEREMONIES

7.1 Pledge of Allegiance - Jensen Dye, Boy Scout, Troop #1046.

7.2 Mr. Stam stated that there is a tradition in Murray to have the Scouts in attendance stand and introduce themselves, their leaders and state what Merit Badges they are working on.

The Scouts introduced themselves and their leaders.

Mr. Dye stated that he is working on his Eagle Project. He said that as everyone knows, Murray Bluffs II recently experienced a canal breach which resulted in homes being flooded. For his Eagle Project, he would like to organize an emergency safety fair for the residents of Murray Bluffs II on Saturday, August 17, 2013. As part of this fair he would like to have multiple booths manned by people explaining different situations that may arise during an emergency and how to solve those issues. He would respectfully request a Murray City Fireman, Police Officer or Public Works associate be in attendance on that day for one hour to help explain emergency situations and how to react to them. They plan to have barbeque hamburgers and hotdogs that afternoon so this person would be well fed during the event. He thanked the City for its consideration.

Mr. Shaver asked if this would be done in the Murray Bluffs neighborhood.

Mr. Dye said it would be.

7.2 Approval of Minutes

7.2.1 Approval of minutes for April 30, 2013.

7.2.2 Approval of minutes for May 7, 2013.

Mr. Hales made a motion to approve the minutes for April 30, 2013 and May 7, 2013.

Mr. Shaver seconded the motion.

Voice vote taken - all "ayes."

7.3 Special Recognition:

None scheduled.

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

Bill Fink, 6759 Saddle Bluff Drive, Murray, Utah

Mr. Fink stated that he lives across the street from the flooded homes. He has come

here before and told the Council how sincere he is about the efforts of the City that jump in on a Saturday night and a Sunday save them. You people, the Mayor and everyone else, did not go check the insurance or see who was going to reimburse them; they just sent everything they had out there. He has told everybody about it, he is proud to live in Murray and really respects what was done. He was told that the City would be reimbursed for their costs of that effort and he is glad if they have been. If they haven't, they as citizens of Murray realize what has been done and they will pay for it. Don't be blackmailed by getting money.

Mr. Fink said that the City is looking a big proposal now, a million proposal, to put another patch on that canal. He has told the City, he can't get anyone to agree with him but nobody disagrees, that breach in that canal was from mismanagement, not roots and rodents. If the City wants to take the time, he can show them and prove it. That is not a questionable item. The City is looking at putting another multi-million dollar patch on that system. Mr. Fink will admit that if the City lines the canal behind their house, their houses would probably be safer. But it is going to happen again somewhere and we have an opportunity to stop and question whether we should proceed. That canal is not in Murray, so why is the City putting up any money? He questions why the City is throwing any money at this. It is not a Murray canal, the canal is in West Jordan. The only argument he hears is that they have to have it to cover the storm water coming down the hill. It isn't the City's storm water. The City doesn't have it on the books that you have to take care of your neighbor's storm water. It is a problem but it can be solved. You haven't spent time worrying about the water users. We have had enough time since the breach that you could have solved most of the water user's problems if we had opened our eyes and gone and done that. The water users deserve the water but don't necessarily deserve that open canal. Everyone sitting here, without argument, realizes that open canals and urban sprawl are not compatible. Even if it is a flat level canal and sprawl. This canal is on a hillside. It is going to happen again. We can help the people that need water. He sympathizes with them because nothing has really been done about this.

There are two things. The upstream people from his subdivision; you could have water to them in a week or ten days. You can go up and put a diversion or confer dam up at Gardner Village that would balance the water out and everyone upstream would have water. It could be done in short order but nobody even looks at that. Everyone has their blinders on saying that they have to spend some money to put a patch on the canal. That isn't where it is. You shouldn't be looking at that. He encourages the City not to throw money at it. He learned very early in his corporate life that you don't solve a problem just by throwing money at it but he feels that is what the City is doing. You are being coaxed to throw money at it. The people downstream need to look at who they are. According to the North Jordan records, they say the big user is Kennecott. Golly, they seem to be getting along pretty well without the water right now. Who has talked to them? We can solve their problem; innovation can help their problem. We can drill wells, and he's told, but no, you can't drill wells. You have an aquifer problem. Who owns most of the water in the aquifer? Maybe you gentlemen sitting at the table do. That is not a problem.

If we take some water out of the aquifer to supply some needs, we'll put it back in. How do you do that? You just drill another well and pump it back in. In the oil business we are pumping billions and billions of gallons of water into the aquifer right now, all over the country. It is known technology, we can do that. In some places, such as Kennecott, maybe we pump the water from the river up to them. The cost isn't going to be as much as you are throwing at it and when we are done we are safe. Something needs to be done to help those people, not the ones by the canal. His parting comment is simple, we need some innovation and this can be done if you put your mind to it and put your engineers to it. In addition, it doesn't happen looking backward.

Scott Goodman, 1203 West Saddle Bluff Drive, Murray, Utah

Mr. Goodman said that on April 27, 2013, their neighborhoods life was changed forever by a complete failure of the North Jordan Irrigation Company's canal in Murray. It was such a complete failure that 70 cubic feet per second of water for over three hours rushed through their peaceful neighborhood. Most of them who were affected have still not been reimbursed for their losses but at least every day they get closer and closer to normalcy. It will most likely take years to be made whole by the bureaucracy of the insurance company. The canal company marches on, however. On June 6, 2013 the NJIC approached the Utah State Board of Water Resources for monetary assistance with the construction plan in hand from Stantec Engineering. This plan was accepted by the State with funds allowing the construction to commence with the understanding that this plan would not be deviated from. That plan is in the Council's hand right now. Since then, the NJIC has encountered issues with funding and finding investors for their endeavor and rumors have surfaced that they might cut portions of their plan to save money. One possible cut would be the elimination of the SCADA system, which is on the back page of the handout. That would have provided the NJIC and residents with early warning of problems with the canal. The NJIC has maintained that the canal could be retrofitted with the SCADA system after the canal was up and running. But according to Josh Hanks at Intermountain Environmental in Logan, Utah, it is so cost prohibitive and difficult that it is never done. In fact, Mr. Hanks has never, ever, seen a canal company retrofit a canal.

Mr. Goodman stated that this system is installed to save lives and property. His request is that if Murray City decides to fund the reconstruction of the canal that they place it in writing that the plan stays as is with no deviations. Also, as a show of good faith, that residents of Murray Bluffs II be given access by the NJIC to the data that is transmitted by the SCADA system. Mr. Goodman asked that the City consider this request because after they write that check, the NJIC is not bound by any legislation or to any kind of standards. This is their last chance to get it right.

Citizen comment closed

Mr. Nicponski thanked the residents for the time and energy that they have spent on

this matter. Murray City has benefitted by it and he wants them to know that his recommendation that he will be lobbying his peers on the Council to have is to have the Mayor attach the SCADA system to the City's contribution for the repairs. He feels that the citizens may want to be here on July 16, 2013 when the Council votes on authorizing that money. It will be Mr. Nicponski's intent to put forward a resolution by the Council. He also wanted to thank his Council peers for the support that they have given him and Councilman Brett Hales on this canal task force.

Mr. Shaver stated that the resident's patience is admiral and wanted to let them know that they are well represented by the Council at those meetings. The residents come and talk to the Council and tell them what is happening. Mr. Shaver supports what Mr. Nicponski will be recommending to the Mayor. It says money with this. Without that, there will be no money.

Mr. Hales added that they had discussed this issue just before this meeting and that was consensus of the Councilmembers and he doesn't believe that there will be a problem with that happening. He told the Council that the residents have been amazing and was impressed with how gracious they have all been. As emotional as this has all been with everything that has happened, the residents have always complimented Murray City as they did tonight. It is amazing because sometimes those emotions run high. Some things happen in the meeting last week that were not as pleasant as they would have like to seen with some of the things that were said and you still handled it very professionally and it was impressive.

Mr. Stam stated that this means we have great citizens in our City.

9. CONSENT AGENDA

Mr. Stam asked that the following items be taken together. No objections noted.

- 9.1 Consider confirmation of the Mayor's appointment of Holly L. Hult to the Murray Library Board of Trustees in a District 2 position for a three-year term to expire June 30, 2016.
- 9.2 Consider confirmation of the Mayor's reappointment of Gamal Herbon to the Murray Library Board of Trustees in an At-Large position for a three-year term to expire June 30, 2016.
- 9.3 Consider confirmation of the Mayor's reappointment of Robbie Robertson to the Murray Personnel Advisory Board in an At-Large position for a three-year term to expire June 30, 2016.

Mr. Shaver invited Ms. Hult to stand and be recognized.

Mr. Nicponski asked if these are second or third term or what term are these folks being reappointed to.

Ms. Wells stated that these are second-term appointments. Most of these do have term limits on them.

Mr. Shaver added that Ms. Hult will be a first-term appointment.

Mr. Brass made a motion to approve the confirmations.
Shaver 2nd the motion.

Call vote recorded by Brent Davidson.

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

Motion passed 5-0

Mr. Stam added that the City appreciates great citizens such as Ms. Hult who step up and support the City. He thanked Ms. Hult for the service that she will provide the City.

10. PUBLIC HEARINGS

None scheduled.

11. UNFINISHED BUSINESS

None scheduled.

12. NEW BUSINESS

- 12.1 Consider a Resolution authorizing the execution of an Interlocal Cooperation Agreement between Murray City School District (“District”) and Murray City (“City”) for shared use of the new Hillcrest Junior High.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated that the City Council, in the 2013 Budget intent language, set aside \$200,000.00 to give to the Murray School District if we could work out an agreement of use of the new Hillcrest Jr. High School that is currently being constructed. He is happy to report that with the help of the City Attorney, Frank Nakamura, and Mary Ann Kirk, Cultural Director, we were able to negotiate an agreement of shared use for the new Hillcrest Jr. High School which will be of great benefit to our Arts organizations, both those that are run by the City as well as those that the City sponsors, such as the Murray Symphony, the Miss Murray Pageant, the Murray Concert Band, etc.

In summary, the agreement lays out a process by which the City and the School District will get together twice per year and will discuss the dates that the City would like to reserve. We have some specific minimum uses for the art facilities at the school and hopefully we will agree on those dates. If we don't agree there is a provision in the agreement that the School Board and the City Council, through the coordinating council, would get together to resolve any disputes. They do not anticipate that would happen because they have always been able to work with the School District. They would agree upon the dates and those dates would be scheduled and the groups would be able to use the school district facilities at no cost in most cases. They would be allowed to store their equipment and costumes there at no cost and would be a great benefit to the arts organizations. There may be some instances where there the School District would charge us if we require access to the school which would require additional custodial staff or technical support that the School District would have to bring outside people in, but we are okay with paying for those kinds of costs; we currently do that now.

Mr. Hill said there is another provision in the agreement that says that the City and the School District have to agree as to who we sponsor. The School District didn't want to just say that anybody could come in and use the facility that the City says can use it. They want to make sure that the School Board approves who we are sponsoring. For example, their concern was that we wouldn't allow just anybody outside of Murray City coming in and using the school, Hillcrest Jr. High, at no cost. They want to make sure that it is a primary benefit to the Murray community. Essentially, that is the agreement. It is a ten year agreement with a renewable clause that allows us to extend that for an additional ten years. As Mr. Nakamura said earlier, this is one of the good things that the City and the School District have done for our community that will be of great benefit to the arts community in particular as a whole.

Mr. Shaver asked who would create that list. Would that be done through the Arts Board?

Mr. Hill said that initially it would start with the City. We already have a list of groups that we work with; he mentioned a few of them earlier. We would submit that to the School District at the time that we meet each six months and say this is going to be used by the Murray Symphony, it is going to be used by the Miss Murray Pageant. The School District would essentially have to agree to those that will be using that.

Mr. Shaver asked if another organization came in during that ten year period of time, could we amend the agreement to include that.

Mr. Hill said that we could.

Mr. Stam said that the City has an agreement with the School District with the Rec Center and swimming pool. Is there a time limit on the agreement for use there?

Mr. Hill said yes. He does not recall exactly how many years that agreement was for. He does know that it was a much longer term agreement, maybe 30 years.

Mr. Stam said that he was just curious why we picked the ten year mark for this one.

Mr. Hill said it was actually the School Board that they met with. The City had originally proposed that it be a 30 year agreement but the School Board was not comfortable with a 30 year agreement and that is why in their negotiations it ended up being a ten year agreement. Their concern was not that they want to take that away from the City in ten years, they just thought it was a good idea to review the agreement every ten years just to make it current and reflective of the times. Frankly, that is what we do as a City as well with the long-term agreements. We don't really do them as much anymore because we have found that when you have a long term agreement nobody looks at it and if you have a time that you can sit back, look at it and review where you are ten years from now, it gives you a chance to at least discuss it occasionally.

Mr. Stam asked if with the automatic renewal, is that a one-time renewal or possibly a multi renewal.

Mr. Hill said he believes that with the way it is written now, it is just a one-time renewal. If we were to go beyond, for example twenty years, we would have to go back to the School District and renegotiate a new agreement.

Mr. Nakamura stated that was correct. It was something that we negotiated and we understand their reasoning for that. The ten year is a one-time renewal. It could be a twenty year agreement based upon the same provisions.

Mr. Shaver made a motion to adopt the Resolution.
Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

- A Mr. Brass
- A Mr. Shaver
- A Mr. Hales
- A Mr. Nicponski
- A Mr. Stam

Motion passed 5-0

13. **MAYOR**

13.1 **Mayor's Report**

Mr. Hill, Mayor Pro-tem, stated that Mayor Snarr is out of town. Mr. Hill had a couple of items he wanted to update the Council on.

Mr. Hill stated that the body of a young man was found in Big Cottonwood Creek yesterday. He has been identified and the next of kin is being notified. It does not

appear to be a suspicious death.

It was on the news last night that Murray had a water main break down by the Jordan River Parkway near the Walden neighborhood. That pipe has been repaired and work will be done to get that road fixed shortly. The City has been dealing with other water line breaks, as well as storms this past week. There has been some flooding within the City and the Storm Water crews have been great in responding and addressing those issues.

As part of another waterline issue, they have been installing a new water line on Edison Avenue. The contractors have had a difficult time getting it to pass the water quality requirements so they have had to flush that line more than once. It has come to the attention of some of the people over there that the City is wasting water. He wants to go on record saying that the City has been following the requirements for the contractor to flush that line to get all of the bacteria out of it. As soon as it is able to pass water quality, the City won't be sending more water through that.

Mr. Hill wanted to thank all of the great employees in the City who gave up their 4th of July holiday to make Fun Days such a success. He thinks it was one of the better Fun Days and fireworks shows that the City has had in recent years. The Council has probably heard that from other residents but the City appreciates their participation in the parade and all of the work that the citizens put into it.

Mr. Stam asked if it was correct that the Power Department helped with the fireworks this year.

Mr. Hill said that they did.

Mr. Stam thanked the Power Department for extending it and making it a little better.

Mr. Shaver agreed and thanked the employees for what they have done in the City. There was one incident in the parade and he hopes that it did not color the event too harshly. It was a lot of fun.

13.2 Questions of the Mayor

None

12. ADJOURNMENT