

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 16th 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:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Tim Tingey,	Administrative & Development Services Director
Justin Zollinger,	Finance Director
Doug Hill,	Public Services Director
Blaine Haacke,	General Manager, Power Department
Gilbert Gonzales,	Chief Building Official
Mike Williams,	Court Administrator
Michael Terry,	Human Resources Director
JoAnn Miller,	Payroll Coordinator
Ross Huff,	Police Department
Brenda Moore,	Finance Controller
Brian Shiozawa	Utah Senator, District 8
Scouts	
Citizens	

7. OPENING CEREMONIES

Mr. Stam recognized Senator Brian Shiozawa, Utah State Senate, District 8.

7.1 Pledge of Allegiance- Casey Horne, Boy Scout Troop #1487

Mr. Stam asked the Scouts in attendance to stand-up; introduce themselves, their leaders and which Merit Badges they are working on.

The Scouts introduced themselves.

Mr. Stam stated that the City has a contact list for the Scouts if they want or need information on who to contact for service projects in the City.

7.2 Approval of Minutes

7.2.1 Approval of minutes for May 21, 2013.

Mr. Brass made a motion to approve the minutes.
Mr. Hales seconded the motion.

Voice vote taken, all "ayes."

7.3 Special Recognition:

7.3.1 Murray City Council Employee of the Month JoAnn Miller, Payroll Coordinator, Finance Department.

Staff Presentation: Justin Zollinger, Finance Director

Mr. Stam stated that this is the seventh award that the Council has presented for the Employee of the Month. He feels that is important to give people recognition for the programs that they bring in. He turned the time over to Mr. Hales.

Mr. Hales invited JoAnn Miller, Payroll Coordinator, and Justin Zollinger, Finance Director to come up and join him. Mr. Hales said that the Council began this recognition program in January and it has really turned out to be a cool thing. It is a great honor for each department every time and they pick an employee that they feel is worthy of this award. The Council presented Ms. Miller with a Murray City Council Employee of the Month certificate, a \$50.00 gift card to the Fashion Place Mall, and her name will be placed on the plaque in the Council Chambers. He turned the time over to Mr. Zollinger.

Mr. Zollinger expressed his appreciation to the Council for this program so that the City can recognize the employees who go above and beyond. Ms. Miller is one of those employees with her work ethics.

Ms. Miller is the type of employee that all employers would want to have. Some of her traits are: she is a hard worker, willing to help, is punctual, happy and she communicates well. She does not complain and she enjoys learning.

Mr. Zollinger gave a few examples of Ms. Miller's work ethic and willingness to help. The Finance Department had some difficult times this last year, losing one of their own to a tragedy. Ms. Miller was prepared though because she had cross-trained on the payroll coordinator job. When this tragedy occurred, Ms. Miller did both the accounts payable and payroll jobs as their department worked through budget constraints to fill the open position. This required long work days, but Ms. Miller did not complain or develop a negative attitude. She just kept things rolling. Even with these longer days, Ms. Miller still came to work fifteen minutes early every day.

Another example is when Ms. Miller was first hired in the Finance Department as their accounts payable clerk. She helped with duties pertaining to her previous job so utility billing would not fall behind. She also trained the new employee once they hired. Ms. Miller is concerned with helping Murray City be better. She is a great communicator. If she makes a mistake she is quick to recognize it and inform him that it occurred. She does not try to cover it up and then she learns to make it better. As she finds areas in the software that do not work so well, she communicates the problem to him but also finds ways to perform the task more efficiently. Ms. Miller was the first hire that Mr. Zollinger made. He is glad that she works in the Finance Department and Murray City is lucky to have her as part of our team.

Mr. Zollinger said that he and his wife also are providing Ms. Miller with dinner on them. He presented her with a gift card, adding that Ms. Miller is a part of the Finance Department branch of the Murray City family tree.

Ms. Miller said she wants the City to know how much she appreciates working for the Murray City family and that is how she feels about it. There is no way that she could have accomplished what she did without the support of their team; Finance and the other departments in the City. She appreciates everyone is glad that she works here. Ms. Miller introduced her husband, family and coworkers.

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

Edward Houston, 5606 Allendale Drive, Murray, Utah

Mr. Houston stated that he did not appreciate receiving a ballot for the Mayoral election and no bio on the individuals. It is like being given a list of names and say pick who it is. He was told he can go to the website but it wasn't up as Friday or yesterday. Mr. Houston's second complaint was regarding vehicles for dog catchers or animal control. There is a dog in his neighborhood that runs loose constantly. He has called and has been told that there is only one

vehicle and that he should take pictures. He has been told that the City has West Jordan under contract and doesn't know if that is correct or not. He told the Council they can respond in any way.

Mr. Shaver said that the ballot is a tricky situation because the City doesn't really control that. That comes from Salt Lake County.

Ms. Wells responded to Mr. Houston's concern over the election information. She stated that there is information on the website but it is a little tricky to get to. The City has tried to do the best they can with it. There is a connection on our website that shows the list of candidates. It does not give bios. That is not the responsibility of the City, that is the responsibility of the candidates. We have had great help from the Murray Journal who help with that. Usually, they like to do that after the primary election, which makes it a little bit rough. The Mayor's Office does have a list of contact information on all of the candidates if anyone would like that. The Mayor's Office would be happy to email it or give them a hard copy of that contact information.

Mr. Shaver reiterated that people could call the Mayor's Office and they can provide them with the contact information for the candidates.

Ms. Wells stated that was correct.

Mr. Stam said that the candidates have been given the option to submit bios to the County but he has not seen them come up yet. There is a Meet the Candidates night scheduled for July 29, 2013, over at IMC, Doty Lecture Hall.

Mayor Snarr said that the City does contract with West Jordan City for animal control. There are a lot of cities that have found it economically advantageous to do that. Also, from a point of service to have cities enter into agreements to provide animal control with other jurisdictions or other cities. West Jordan used to share our Animal Control facility with us while they were expanding and growing as a city. We looked at it as an issue of being able to provide, in some ways, almost better service because we have the ability, if needed, to call in additional vehicles if there was a situation where we needed other vehicles to respond. He doesn't know if it is true, we may have one patrolling at a certain time of the day but at other times we may have two. He has seen vehicles which say "West Jordan Proudly Serving Murray City". The City did that during our budget times when there were some constraints and it made perfect sense. He can point out numerous other cities that are now partnering with other communities to provide animal control. We still share our resources, as far as our Animal Control facility down on 300 West, with West Jordan.

Mr. Nicponski asked what Council District Mr. Houston is in.

Mr. Houston stated his address.

Mayor Snarr asked Mr. Houston if he had called Animal Control when he had the issue.

Mr. Houston stated he had and their response was that they only had one vehicle and that by the

time the vehicle would be able to get to his area, the dog would be gone. They told him to take a picture and bring it to them and they would have proof that the dog was running loose.

Mayor Snarr suggested that the next time he sees the dog to just take a picture real quick. It is unfortunate but there is a response time, there always will be. Dogs are pretty quick. They take care of their business and move on. They head out and go somewhere else.

Mr. Houston stated that he will do that but he has also been told that this very dog has been impounded before.

Mayor Snarr asked Mr. Houston to get that information to our Police Department who is over the jurisdiction of Animal Control. They work cooperatively with the West Jordan Animal Control.

Kenneth Hunt, Delta Disaster Services, 404 W. 6110 S., Murray, Utah

Mr. Hunt wanted to introduce himself and his business. They are one of the newest businesses in Murray City. They were welcomed in to Murray City at their grand opening in June by Mayor Snarr and a good round of cowboy poetry that he put the owner through. They are working with some other cities, with some water districts and different things around the valley. They are located at 404 W. 6110 S. in Murray just off of Stratler Street. They are a full service company that not only does initial cleanup, specializing in water, sewer, mold and asbestos abatement, but also are contractors. They have been in the business since about 1994 and not only do the initial cleanup but follow that through clear to the end. People will work with one person from start to finish. They focus on customer service. All of their techs that enter homes are back-ground checked, no visible tattoos, drug screened etc. They know that when they are dealing with people's homes they are concerned about who is going in to their home and they really focus on that. Mitigation and remediation services are a really competitive industry and a lot of people have a lot of the same equipment. They are really striving to focus on customer service. Being here in Murray and being a proud citizen of the Murray area they really wanted to introduce themselves, put a face to their name and let everyone know that if they can be of service to keep them in mind.

Citizen comment closed

9. CONSENT AGENDA

9.1 None Scheduled.

10. PUBLIC HEARINGS

10.1 Public Hearing #1

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

Consider an Ordinance amending the City's Fiscal Year 2012-2013 Budget.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that this ordinance is actually for the Fiscal Year of 2013-2014 Budget.

In Fiscal Year 2013, the City received some beer tax money that in the past they have been allowed to use for a D.A.R.E. Officer. They have changed the program. This is one of the things that they had talked about in one of their Budget and Finance meetings. They changed it so you can no longer use it for that. The money must be utilized for alcohol related prevention, treatment, law enforcement, prosecution and confinement programs. The Police have put together a program and submitted it to them and it has been accepted. They are going to buy some equipment with this money. The City will carry the money forward from last year. We will have to restrict it but this fiscal year we are budgeting it to use it. There will also be another one coming before us in January or February because we will get the other distribution then.

Mr. Zollinger said the North Jordan Canal Company requests the City to pay a portion of the costs for repairing the canal. Mayor Snarr suggested the assistance of 10% of the total project costs with a maximum limit of \$190,000.00. The funding source for these proceeds is from the General Fund reserves.

Mr. Nicponski added that there are some conditions to the funding and asked Mr. Zollinger to cover those.

Mr. Zollinger said that the conditions he remembers that were talked about in the last meeting were that we would provide assistance as long as they indemnify the City and also do a SCADA system.

Mr. Nicponski said it was important to point out that all the Council can do is recommend this to the Mayor. It is really up to the Mayor and we should be grateful to Mayor Snarr for taking that upon himself.

Mr. Shaver expressed his thanks to Mr. Hales and Mr. Nicponski for the amount of time that they have spent on this issue and for standing firm in saying these are the things that we need to have as part of that agreement. He feels that the SCADA and the indemnification are very important. He wants the citizens to know how much the City appreciates and supports their efforts in coming to meetings and trying to work this out.

Mr. Hales agreed with Mr. Shaver saying that the citizens have been amazing and very patient. Sometimes Mr. Hales might not have been so patient, so he is impressed with the way the citizens have handled themselves.

Mr. Stam said it is hard to keep your tongue tied sometimes and he has seen a very good job of that.

Public Hearing opened for public comment.

Jessica Goodman, 1203 W. Saddle Bluff Drive, Murray, Utah

Ms. Goodman said that Mr. Nicponski and Mr. Hales have been amazing through all of this. Speaking on behalf of their neighborhood, they would all agree. They have all put in a lot of time and effort into helping the citizens. She added that all of the Councilmembers have been very helpful and they are very much appreciated.

Ms. Goodman said that it has been told to her by Bob Wirthlin that they have no desire to put in a SCADA system. The SCADA system is a leak protection notification system which really would have helped them on April 27, 2013. She asked for Mr. Hunt's card to pass out to her neighbors because she feels that this could happen again if they don't put in some safety measures. The hill is filled, the breach is repaired. They show up at 7:00 a.m. with loud trucks and leave at 6:00 p.m. but what is funny is that nothing has happened to any of their houses. Nobody shows up and that part is very upsetting. She realizes that there are water users but that really needs to be enforced, other than an indemnification to Murray City, that the SCADA system need to be in place before the fill the water back up into that canal.

Brian Shiozawa, Utah State Senator, District 8

Senator Shiozawa said that as he has had the opportunity to work with you and this Senate District, this is a very down-to-earth issue that affects the citizenry. One of the things that he is happy to do is to represent our interest up on the Hill. One of the strategies that he feels we need to do is look into this further with our government officials up there. He thinks that at least part of the plan going forth, if it is agreeable with the Council, is that he would like to make some phone calls to talk to the State officials. After all, when you think about it, if the State enters into an agreement with an entity and that agreement is based on a performance that they will do certain things to protect the citizens and in return use taxpayer money as part of that, then we have to have an agreement on both sides of the issue in order for this to go forth. If this particular company is not doing that part of their bargain then we probably need to stop and reexamine before that payment is made. He cannot speak for Murray City but he can certainly state that they will look at it from a State standpoint. Senator Shiozawa said it is a great honor to be enjoying this great city, the Council and the citizens.

Scott Goodman, 1203 W. Saddle Bluff Drive, Murray, Utah

Mr. Goodman thanked the Council and pled with the Mayor. The plan is changed, the leadership is changed and it is not good. The plan that we have in our hands right now that was given to us by the North Jordan Irrigation Company is completely different from what they gave the State to get money. He can only fear what they would do after the

City gives them money. Kennecott has backed out by the tune of about \$800,000.00 and they are trimming back the project as we speak. He cautions Murray City in any tax payer money being used for a company that does not stand by its word.

Elena Odorizzi, 6762 Saddle Bluff Drive, Murray, Utah

Ms. Odorizzi thanked the Council for being so understanding and so great to the citizens. She is terrified now of living where she lives. Half her basement is packed up to the third level and she is going to be prepared for the next time the canal goes. She really, really wants the SCADA system and is begging the City to please get that SCADA system put in so that they can have a little bit more preparedness. She just asks that they give the citizens everything they can to be prepared for the next time.

Public comment closed.

10.1.2 Council consideration of the above matter.

Mr. Nicponski pointed out to the residents in attendance that at every turn the City has done what it has the authority and power to do on behalf of the residents over there. It is a significant step to force North Jordan Irrigation Company to implement the SCADA system if they want this money. That is what the City can do. If they want to reject the money because they don't want to put in a SCADA, there isn't a lot more the City can do. That doesn't mean that we won't look at legislative remedies with our Senator and our Representatives. It is not just Johnny Anderson; we have a number of other Representatives that we have relationships with on Capitol Hill. If they don't do SCADA, Mr. Nicponski thinks that the City will look to the legislative remedy and we will work as best we can with the Senator and the Representatives. Mr. Nicponski said he will not rest while we have remedies that are possible and we will keep pursuing that.

Mr. Shaver echoed Councilman Nicponski's comments and wanted to let Senator Shiozawa know that the City supports him in what he needs to do. As those issues become readily apparent, we will do everything that we can; we can make phone calls and support these actions. If they are going to use taxpayer money, we do as a citizenry not just as a Council, need to stand up and say no, we do not support this and there has to be some option. We have two great Council representatives who are really listening and heading what the situation is and will do everything that they can, as will the Mayor and the staff and Department Heads, in supporting you in that.

Mr. Brass stated that the City uses SCADA systems here on our Enterprise Funds, particularly water and power, as a control and safety system. It is not unusual to ask for something like that, in his opinion. You can put a variety of monitors on it and run the cost up from what is being suggested, which is fairly nominal, to something that can be breathtaking. Again, for a utility and he would think that a canal should be considered that way; he spoke to Senator Shiozawa stating that as

he looks further into this, it probably should be, having some control over utility, your utility, and that system is just good business, as well as safety. It should be a required safety measure. We see all the time the destructive force that water has. The example that Mr. Brass uses is when Santa Clara flooded, the house that they showed going into the river became the poster child for the flood and it wasn't in the flood plain. That is how quickly water moves.

Mr. Stam said that his view on this would be a little bit different than the others maybe, but the City doesn't have any responsibility in the canal. For us to use tax payer dollars, those tax payer dollars have to go towards something that benefits the City. For it to benefit the City would mean a safety program that would benefit more than one or two residents. This is going to benefit all of those along the entire canal which is the only way that he sees that the City can justify the money.

Mr. Brass made a motion to adopt the Ordinance.
Mr. Nicponski 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

11. **UNFINISHED BUSINESS**

None scheduled.

12. **NEW BUSINESS**

- 12.1 Consider a Resolution appointing poll workers for the City's 2013 Primary and General Elections.

Staff presentation: Jennifer Kennedy, City Recorder.

Ms. Kennedy said that the City contracts with Salt Lake County for their election services. This Resolution is to approve the poll workers specified by Salt Lake County to use for our elections.

Mr. Shaver said he had someone ask him how they would go to work. Are they volunteers?

Ms. Kennedy said that they are paid employees hired by Salt Lake County.

Mr. Shaver asked if there are volunteers that would be able to help with an election.

Ms. Kennedy said she believes that for this upcoming election they have everyone that they need, but they may still be looking for people to help with the General Election.

Mr. Nicponski said that Ms. Kennedy had attached a list of the polling locations. He asked if this was just a partial list.

Ms. Kennedy stated that was the complete list of polling locations in Murray.

Mr. Nicponski said that some of the locations are not being used for the primary.

Mr. Shaver said that Mr. Nicponski brings up a good point. He thinks that it was changed, not just for the primary, but for the General Election as well.

Ms. Kennedy said that was correct, the polling locations were changed.

Mr. Nicponski asked if the election clerk will mail out notices to the residents on the changes.

Ms. Kennedy believes that had already been done but if anyone has any questions they are welcome to contact her office or the Salt Lake County Elections.

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

Mayor Snarr said that as far as those that work at the polling locations throughout the City, they are required to go through training and everyone has to be trained to do it a certain way to make sure that nothing happens that is inappropriate, that the ballots are being addressed appropriately after they go into the booth and such. It would be nice to

have volunteers to do that, but it is paid staff.

Mayor Snarr reminded everyone of the Annual Employee Appreciation and Ice Cream Day celebration on Monday, July 22, 2013. They will be serving lunch and ice cream to the employees from 11:30 to 1:00 p.m. and invited the Council to come and scoop ice cream. They have some history books that he will be autographing and wishing everyone well for his farewell. Mayor Snarr thanked everyone for hanging in there with him; he said he knows it wasn't always easy. He will also be giving everyone who shows up a "SUCKS" button.

Mayor Snarr said that the Murray Chamber will be hosting a "Meet the Candidate Night" on July 29, 2013 from 6:00 p.m. to 9:00 p.m. at the Doty Education Center at IMC. He wishes all those running for Mayor good luck.

The vote by mail ballots for the election can be placed in a secure ballot box in the City Recorder's Office. They must be postmarked by August 12, 2013. That has made quite a difference in the elections now that people can vote that early. To the question of the candidates bios; that is something people will need to do their homework on and see who they feel is going to do the best job in carrying Murray into the future.

Mayor Snarr said that he was a little bit late for the last meeting and wanted to let everyone know where he was. He was participating in a ribbon cutting for the dedication of the new Big Cottonwood Creek Trail, which he refers to as the Old Mill Trail. He has been going up there for the last five years, particularly during the Spring when we have run-off issues. He stops and gets a drink, supporting Cottonwood Heights and their tax revenue at the 7-11 store at the mouth of Big Cottonwood Canyon. He told them that he appreciate all of their residents shopping at the Costco here in Murray. They had a nice discussion and LeAnn Stillman, Jan Wells, Danny Astill, Frank Nakamura, and everyone else have worked on this extensively to secure our watershed area. They have put concertina wire across the top of the fence and went above and beyond to ensure that the area is secure from anyone tampering with the watershed.

There is now a beautiful trail there. They had some bike riders who rode all the way down from there to Market Street Grill and back in the time that he was still there after the ribbon cutting. This is something that we can all be proud of. It was critical for Murray to participate in this as a good portion of the trail through the really heavy sledding area goes through our protected watershed area. They were very appreciative of our help. The Mayor said it was a great day, not only for Cottonwood Heights, but also for Salt Lake County and the State of Utah. This is all about quality of life and if we can all work together to make the quality of life for all of the residents better, we are all better off. Kudos to everyone who made this day possible.

The City is looking at some other opportunities, some of which may happen while he is still the Mayor, but there are some issues that could be addressed that could provide some additional parking resources up there and they will need to see how they can work through that. It was a very nice day and the Mayor was very nice in his comments about

Murray City along with a few of the other speakers. Everyone complemented Murray, including the Mayor.

Mayor Snarr said that some people had some concerns about the storm last week. He had a long letter from Ethel Bradford and he spent an hour and a half with her. She lives on the curb of 4800 South and unfortunately the water jumped the curb and washed a lot of her mulch and bark across her driveway. He tried to explain to her that this doesn't happen often and he doesn't want to dig up 4800 South again. The beauty of the way it was before was that all of the water disappeared before it even hit the gutter because the road was in such bad shape. Lynn Potter worked on this extensively and the Mayor did try to show her from an engineering standpoint. Ms. Bradford did call him later and said she hoped they were still friends and he said they were and that it was just the reality of mother nature playing a trick at this point in time.

Mayor Snarr says he goes out and looks at different issues throughout the City that are tough. He did see a lot of organized debris today in someone's backyard that was concerning to another. The Mayor said it was stacked nicely and unfortunately there isn't really anything that the City can do from a Code Enforcement perspective but the neighbors think we should. In the end, he felt that this was organized chaos. That is what the City should do though, not ignore problems.

Mayor Snarr said that this is the first complaint the City has received in regards to West Jordan Animal Control since we partnered with them. There can be additional vehicles if there was an event where we needed several vehicles they would send out more.

13.2 Questions of the Mayor

Mr. Hales asked if there had been any reports regarding deer. He said that they have had two bucks in his backyard for about a week now.

Mayor Snarr stated that the deer follow Big and Little Cottonwood Creeks down. If you go down along the Parkway, particularly in the winter, they will work their way down and you will find them pawing at the grass looking for food.

Mr. Shaver stated that the Marriot walls are now going up.

Mayor Snarr said that they are. They did have some challenges with the water but they have been able to address that with pumps and now with the way that they have the water directed it will actually go down into the storm drain system. It is going to be a really nice addition to the City and people will realize that the traffic impact is going to be very nominal.

Mr. Hales said that the traffic impact is over at Chick-fil-A. It is always jammed there and if you park in certain areas you get stuck.

Mayor Snarr said the contractors have done an excellent job at the hotel by putting in the

necessary infrastructure with the storm drain. They have tied back into the water system and cut off Park Lane for a couple of days but they have been excellent in making sure that project goes as smoothly as possible. They will block a portion of it with cinder blocks then fill those with concrete. Once they get that done the next four stories will be stick framed.

12. ADJOURNMENT

Jennifer Kennedy, City Recorder