

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 5th day of December, 2006 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:

Krista Dunn,	Council Chair - Excused
Pat Griffiths,	Council Member
Robbie Robertson,	Council Member
Jim Brass,	Council Member - Conducted
Jeff Dredge,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Frank Nakamura,	City Attorney
Shannon Huff Jacobs,	Council Director
Carol Heales,	City Recorder
Doug Hill,	Public Services Director
Dennis Hamblin.	Community Development Director
Gil Rodriguez	Fire Chief
Gary Merrill	General Manager, Power Department
Citizens	

Mr. Brass Conducted Meeting

A. OPENING CEREMONIES

1. Pledge of Allegiance
Fire Chief, Gil Rodriguez

2. Approval of Minutes

Motion to approve made by Ms. Griffiths
2nd by

Call vote recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Mr. Dredge
 A Mr. Robertson
 A Mr. Brass

Motion passed 4-0

3. Special Recognition(s)

None.

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

Raymond Poole, 341 E. Wilford Ave, Murray, UT 84107

Mr. Poole stated that he had run for the Utah State House of Representatives, District 44. He said a piece of campaign literature for Tim Cosgrove, also a candidate for District 44, had gone out accusing him of mailing false ads, of using despicable tactics, and making false accusations. He stated that, although he was not accusing the Council or the Mayor, their names were all on this piece. Mr. Poole asserted that he did not mail out false ads, and said that what they were referring to was a piece that he had sent out stating that: "*In 2005, Governor Huntsman and 77% of the House of Representatives voted to give parents of children with disabilities, autism, Down Syndrome, any mental or physical handicaps, the opportunity to choose the best education for their kids. Guess who didn't? Representative Tim Cosgrove didn't.*"

Mr. Poole continued by saying that the people supporting Tim Cosgrove's campaign were upset that people found out about that information, and sent out a piece of campaign literature accusing him of things that he did not do.

Mr. Poole stated that when he met with the Mayor and Ms. Dunn, she explained that one of the issues was that the piece mentioned *Down Syndrome*, which was not mentioned in the *Carson Smith* bill. Mr. Poole said he reviewed the bill to verify Ms. Dunn's statement. He said the bill listed *mental disabilities* which, in referring to his medical book, states that mental disabilities are approximately 25% due to Down Syndrome. Mr. Poole felt that his interpretation of the bill proved Ms. Dunn's statement to be false.

Mr. Poole said that people should make sure the claims are true before signing their names to something that is mailed out. He restated that he did not, in any way, mail out false ads, use despicable tactics, or make false accusations. He went on to say that, even though there wasn't any proof of these accusations, names were attached to the document for the sole reason that they did not like the fact that Mr. Cosgrove's vote against the bill was disclosed.

C. CONSENT AGENDA

None.

D. PUBLIC HEARING(S)

Consider a Resolution declaring the property at approximately 6000 South 1000 East, Murray City, Salt Lake County, State of Utah, as surplus.

- a. Staff and sponsor presentations, public comment and discussion prior to Council action on the following matter:

Staff Presentation: Danny Astill, Water Superintendent

Mr. Astill explained that the property is owned by Murray's Water department. He clarified the address as being 956 East Vine Street. He said the property has not been used, and felt it would be wise to surplus the land.

PUBLIC HEARING OPENED FOR PUBLIC COMMENT

No Public Comment

PUBLIC HEARING CLOSED

- b. Council consideration of the above matter to follow Public Hearing.

No Council discussion was received.

Motion to approve the resolution made by Mr. Robertson.
2nd by Ms. Griffiths.

Call vote recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Mr. Dredge
 A Mr. Robertson
 A Mr. Brass

Motion passed 4-0

E UNFINISHED BUSINESS

1. None scheduled.

F. NEW BUSINESS

1. Consider a Resolution approving an Interlocal Cooperation Agreement with the City of Cottonwood Heights (“Cottonwood Heights”) allowing Cottonwood Heights to use space on 17 of the City’s power poles for seasonal holiday decorations subject to certain terms and conditions.

Staff Presentation: Gary Merrill, General Manager

Mr. Merrill explained that the City has worked with Cottonwood Heights to determine how banners would be posted on the poles at their cost. He said the agreement fundamentally covers all of the issues.

Mr. Nakamura noted that the term of the agreement is for five years, and can be terminated by a 60 day notice.

Ms. Griffiths made a motion to adopt the resolution.
Mr. Robertson 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

<u> A </u>	Ms. Griffiths
<u> A </u>	Mr. Dredge
<u> A </u>	Mr. Robertson
<u> A </u>	Mr. Brass

Motion passed 4-0

2. Consider a Resolution indicating the intent of the City to adjust the common boundary of its water services area with the Jordan Valley Water Conservancy District to exclude from the City, and include in the Jordan Valley Water Conservancy District, properties in the City located at approximately 925 East 5600 South, 965 East 5600 South, and 971 East 5600 South.

Staff Presentation: Frank Nakamura, City Attorney

Mr. Nakamura explained that there was a proposed development, and that these properties have been consolidated for purposes of the development. He said it was discovered that part of the area is serviced by the Jordan Valley Water Conservancy District, and part by the Murray Water Services area.

Mr. Nakamura said, after discussions with the Murray Water department, it was determined that it would be best for the Jordan Valley Water Conservancy District to service this area, and they agreed to the boundary adjustment.

Mr. Nakamura said that under State law, the City is required to follow processes to adjust the boundary. He said as with other boundary adjustments, the City begins with an intent to adjust the boundary, and then holds a public hearing within 60 days. At the same time, he said, an interlocal agreement needs to be approved, where Jordan Valley would agree to provide water services to this area, which is the next item on tonight's agenda. Mr. Nakamura concluded by stating that the agreement would terminate on the approval of the boundary adjustment.

Mr. Nakamura then introduced Mr. Mark Lowen, the architectural representative for the development, and stated he was available for questions.

Ms. Griffiths moved to adopt the resolution.
Mr. Dredge 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Mr. Dredge
 A Mr. Robertson
 A Mr. Brass

Motion passed 4-0

3. Consider a Resolution approving an Interlocal Cooperation Agreement between the City and the Jordan Valley Water Conservancy District.

Staff Presentation: Frank Nakamura

Mr. Nakamura stated that for Mr. Lowen to begin the project as discussed in the last item, the City would need to enter into an interlocal agreement with Jordan Valley to insure that water services would be provided to the property. Mr. Nakamura noted that the Mayor submitted a petition to the Jordan Valley Water Conservancy board for both the interlocal agreement and the boundary adjustment.

Mr. Robertson moved to adopt the resolution.

Ms. Griffiths 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

<u> A </u>	Ms. Griffiths
<u> A </u>	Mr. Dredge
<u> A </u>	Mr. Robertson
<u> A </u>	Mr. Brass

Motion passed 4-0

4. Consider a Resolution of the Murray City Municipal Council reviewing the Moderate Income Housing Plan Element of the City's General Plan and approving a report setting forth the findings of the review pursuant to Section 10-9a-408 of the Utah Code.

Staff Presentation: Dennis Hamblin, Community Development Director

Mr. Hamblin explained that the State Legislature passed a bill in 2005, the Land Use Development and Management Act (LUDMA), requiring a report to be submitted every two years to the Wasatch Front Regional Council, and to Richard Walker, Housing Director for the State's Community Development Division. As a result, a report has been prepared (exhibit A) which outlines the City's efforts as it relates to affordable housing.

Motion to adopt the resolution made by Mr. Dredge.

2nd by Mr. Robertson

Call vote recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Mr. Dredge
 A Mr. Robertson
 A Mr. Brass

Motion passed 4-0

5. Consider a Resolution declining to contractually subscribe to any power (zero MWS) from the UAMPS IPP3 Project, and that the City will conclude its participation in the UAMPS IPP3 Project.

Staff Presentation: Gary Merrill, General Manager

Mr. Merrill stated that the City, in conjunction with the Intermountain Power Agency, has spent years participating in the feasibility study conducted to evaluate the practicality, and the cost to build a third power unit.

Mr. Merrill reviewed that in the past, the Council had approved the expenditure of funds to participate in the preliminary studies and efforts. He said the Mayor and the Power Advisory Board also met to do an internal assessment of the value of participating in the next step of the third unit.

Mr. Merrill explained that this lengthy process is typical in attempting to build a large power plant. A coal-fired power plant typically takes five to eight years to get through all of the processes and begin construction. Murray has been the largest participant in units one and two of this project, and it has resulted in tremendous benefits for the City's future power supply. In the final analysis, with the endorsement of the Power Advisory board, they have recommended that the City decline to subscribe to the third unit. Mr. Merrill said this decision was based on the strength of the City's portfolio in terms of its longevity, its price, and its diversity. He pointed out that this is a highly sensitive issue in the region, even nationally, and the recommendation is fundamentally based upon the fact that Murray does not need this power source in its portfolio.

Mr. Merrill expressed that he was anxious to have the support of the Council, the Power Advisory board and staff in that regard. Mr. Merrill added that he would like to communicate the City's position into the industry of which we are a part of, to avoid misinterpretation of our position on various angles of this coal-fired power plant.

Mr. Robertson made the motion to decline the subscription to unit three.
Ms. Griffiths 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Mr. Dredge
 A Mr. Robertson
 A Mr. Brass

Motion passed 4-0

6. Consider a Resolution authorizing the City, through its Police Department, to enter into a Memorandum of Understanding with the Utah Attorney General's Office and the Internet Crimes Against Children Task Force.

Staff Presentation: Pete Fondaco, Chief of Police

Chief Fondaco expressed his thanks for additional staff in the department and explained that the police department currently has two detectives assigned to sex crimes. Murray City has become a registry, through the State of Utah, for transient sex offenders, and it is one of the only cities who have taken a proactive approach. Currently, the City has 76 registered sex offenders living in the corporative limits of the city; this is taken to a one mile diameter outside of our boundaries, which increases the number to 177 registered offenders. This registry allows the city to become even more proactive, and the City will assign two detectives, part-time. The State now offers training for officers to become fluent in computer forensics in order to work with the State to track predators over the internet.

Chief Fondaco explained that Internet Crimes Against Children (ICAC) is housed in Murray through the Attorney General's office. He said the City would like to enter into an agreement with ICAC to train two detectives, committing that one would be available at any time. Chief Fondaco felt that this proactive approach would be a benefit to the City, and to the residents of Murray.

Ms. Griffiths commended the police department for their proactive approach.

Ms. Griffiths made the motion to adopt the resolution.
Mr. Robertson 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Mr. Dredge
 A Mr. Robertson
 A Mr. Brass

Motion passed 4-0

7. Consider a Resolution approving an Interlocal Cooperation Agreement between the City and Sandy City to transfer Water Services.

Staff Presentation: Danny Astill, Water Superintendent

Mr. Astill noted that the City has approximately 22-24 service users on Lester Street that have been serviced by Sandy City water services. Both Cities agreed that it makes sense to change this service. This resolution would transfer the water services from Sandy to Murray City.

Mr. Dredge made the motion to adopt the resolution.
Ms. Griffiths 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

 A Ms. Griffiths
 A Mr. Dredge
 A Mr. Robertson
 A Mr. Brass

Motion passed 4-0

8. Consider a Resolution approving the City's utilization of the National Incident Management System (NIMS).

Staff Presentation: Gil Rodriguez, Fire Chief

Chief Rodriguez asked that the City adopt this resolution to be consistent with the federal, state and local government entities.

Mr. Robertson made a motion to adopt the resolution.
Ms. Griffiths 2nd the motion.

Call vote recorded by Ms. Heales

AYE/NAY

<u> A </u>	Ms. Griffiths
<u> A </u>	Mr. Dredge
<u> A </u>	Mr. Robertson
<u> A </u>	Mr. Brass

Motion passed 4-0

G. Mayor

1. Report

Mayor Snarr presented a “song” about BYU beating the U of U in the recent football game, and stated he was sufficiently humbled by the experience.

The Mayor and Keith Snarr will meet with General Growth Properties for an update on the Fashion Place mall expansion.

2. Questions of the Mayor

Noel Anderson asked about the progress of UTOPIA.

The Mayor explained that UTOPIA is working on increasing marketing efforts, and the City is resolving issues with Quest before aggressively moving forward. He stated that the City is approximately 70% built out, and will receive additional funding from the federal government, which will allow the City to move more aggressively forward. He also stated that although litigation has hurt UTOPIA, these issues should be resolved shortly.

H. Adjournment