

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 21st day of October, 2014 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
Jim Brass,	Councilmember – Conducted
Blair Camp,	Councilmember
Diane Turner,	Councilmember
Dave Nicponski,	Councilmember

Others who attended:

Ted Eyre,	Mayor
Jan Wells,	Chief Administrative Officer
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Janet Lopez,	Council Administrator
Craig Burnett,	Police Chief
Joseph Treadwell,	Fire Department
Doug Hill,	Public Services Director
Justin Zollinger,	Finance Director
Blaine Haacke,	Power Department General Manager
Jake Bleazard,	Utility Arborist
Clint Nordin,	Power Department
Jim Hendrickson,	Shade Tree Commission
Dr. Steve Hirase,	Murray School District
Scouts	
Citizens	

5. Opening Ceremonies

5.1 Pledge of Allegiance – Craig Burnett, Police Chief

5.2 Approval of Minutes

5.2.1 October 7, 2014

Mr. Camp made a motion to approve the minutes

Ms. Turner seconded the motion

Voice vote taken, all “ayes.”

Mr. Brass asked the scouts in attendance to introduce themselves and state their troop number and the badge they are working on.

5.3 Special Recognition

5.3.1 Murray City Council Employee of the Month, Jake Bleazard, Power Department, Arborist Division.

Staff presentation: Blaine Haacke, Power Department General Manager
Brett Hales, Councilmember

Mr. Hales said the Council started the Employee of the Month a couple of years ago. They felt it was important to be able to recognize the City’s employees. He presented Mr. Bleazard with a certificate, a \$50 gift card and told him his name would appear on the plaque located in the Council Chambers. He expressed his appreciation to Mr. Bleazard for all he does for the City.

Mr. Haacke said the Power Department is delighted that Mr. Bleazard is the employee of the month; not only for the City but for the Power Department. Mr. Bleazard is a Utility Arborist meaning he is the one that is 40 feet up in the tree clearing the limbs and trying to keep power flowing through the lines rather than going down through the tree. Mr. Bleazard has been an asset to the Power Department. He has only been with the Power Department for about a year and a half but has shown his prowess and enthusiasm by entering some regional and national competitions. Because of the new ways, new techniques, and new materials he has been able to bring into the Power Department, he has caused a ripple effect of positiveness through the Arborists.

Mr. Haacke stated that Mr. Bleazard took first place in the state climbing competition last spring which allowed him to go to the national competition in Milwaukee, Wisconsin. He represented Murray City on the

national level and did very well. Mr. Bleazard is by far the most proficient climber the Power Department has. He has been nationally and regionally recognized for his climbing ability. Mr. Bleazard competed in the state competition a couple of weeks ago and placed second in that competition.

Mr. Haacke added this is something that Mr. Bleazard does not have to do. He does this on his own time. For a hobby, he goes and finds hard trees on the weekends and climbs them. He has a group of friends he goes out with and they learn different knots and techniques. Although it is not required, it makes him a better worker while he is here.

Mr. Haacke told Mr. Bleazard the Power Department is glad to have him. They are glad for what he has brought in to the department.

Mr. Bleazard introduced his family.

Mr. Brass thanked Mr. Bleazard saying the arborists have been working in his neighborhood and he has heard a lot of compliments from the neighbors about their work.

5.3.2 Murray City 30th Annual Beautification Awards Program for 2014.

Staff presentation: Jim Hendrickson, Shade Tree and Beautification Commission

Mr. Hendrickson said it is a great honor to recognize those individuals who have done such a beautiful job helping to beautify Murray City. Murray City has been a Tree City U.S.A. for almost 30 years and it is quite an honor to be a tree city.

Mr. Hendrickson stated they will be recognizing individuals who have worked hard on their homes and have a beautiful presentation for the City and fellow citizens.

Mr. Hendrickson announced the following winners:

District Winners

District #1

Kessimakis Residence
4520 South Atwood Blvd.
Murray, Utah 84107

District #2

Vigil Residence
817 West Walden Hills Drive
Murray, Utah 84123

District #3
Holfelz Residence
374 East Meadow Road
Murray, Utah 84107

District #4
Caldwell Residence
73 West 5785 South
Murray, Utah 84107

District #5
Anderson Residence
429 East 5900 South
Murray, Utah 84107

Mayor Award Winners
Single Family - Lugenbeel Residence
6428 South 940 West
Murray, Utah 84123

Commercial Premises – Clarus Vision Clinic
6344 South 900 East
Murray, Utah 84121

Multi-Family – Three Fountains
4970 South 900 East
Murray, Utah 84107

Xeriscape Residence – Batey Residence
5053 South Wesley Road
Murray, Utah 84117

Mr. Brass thanked everyone saying the time and effort they put into their yards is amazing and it really makes a difference. He thanked the Shade Tree Commission for their time also.

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

Michael Fay – 6544 South State Street, Murray, Utah

Mr. Faye is the owner of The Cleaning Supplier of Murray and the store has been there for about 18 years. In the past two months, approximately seven businesses have been either broken in to, burglarized or tried to burglarize. His store was hit about August 8, 2014. Approximately eight days later, his family barber just 50 feet away was hit. His front door was smashed in with a rock. Five days later another store was broken into with a rock and about seven lap tops were taken.

Mr. Fay said about ten days later the iVape store was broken into. He has video tape of that occurring where the guy tried for ten minutes to break in with a little tiny pebble on the glass door. He does not know what happened to the video, but it was a pretty clear picture of the person who was trying to break in. Two to three weeks after that, a car was broken into behind the iVape store while they were working about 7:00 pm and stole a gun out of the car.

Mr. Fay said he was broken into last week for a second time. He has probably expended about \$2,200 to \$2,500 for these repairs. Last Saturday the Geico store had an attempted burglary. Someone took a crowbar and worked on the back door for at least 20-30 minutes because the locks were destroyed. Several of the businesses are considering moving to another city; they just can't continue to take hits like this weeks and days apart.

Mr. Fay said he knows the police were there last night; he camped out with a baseball bat. He and his neighbor at the vapor store are going to start switching nights and camp out until they catch them themselves. He said the police just can't be there one or two days for a couple of weeks; it needs to be an ongoing thing where the police are coming by. It took 30 minutes for the rent-a-cop to show up and another ten minutes after that for the police to show up last Wednesday night.

Mr. Faye stated he is frustrated and upset. He does not know what specifically the police are doing about it. He knows that he was broken into Wednesday and it took him to call the Lieutenant of the Detective Division to actually get somebody to come out and talk about his case. He didn't even get a phone call; nothing. He got a card that said what the case was and then it took him calling to get a Police Detective out. He said he is a real concerned citizen.

7. Consent Agenda

7.1 None scheduled.

8. Public Hearings

8.1 Public Hearing #1

8.1.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter:

Consider a Resolution approving a request of Murray City Police Department to apply certain abandoned custodial property for public interest use and authorizing the Mayor to execute necessary documents.

Staff Presentation: Craig Burnett, Police Chief
Frank Nakamura, City Attorney

Mr. Nakamura said that over time the Police Department has gained custody of abandoned property; property that they either initially obtained for evidence purposes or that was turned in or found. This has accumulated over time.

Under Utah Law the Police Department has to make efforts to find the owner of the property. That has been done with this property, which is currency. The Council has been given a list of the currency and the efforts to locate the owners. They have been unable to locate the owners for this specific abandoned property.

Under Utah Law, the City is to hold a Public Hearing then request the Council to allow the Police Department to use the abandoned property in their custody for public purposes. It would be determined by the Police Department as to how that will be used.

Mr. Nakamura stated that is the purpose of the Public Hearing. To receive public input in regards to this abandoned property and to adopt a Resolution allowing the Police Department to use that abandoned property for public purposes.

The amount of the currency is \$19,183.00. The release of that money will be subject to a budget amendment which will be heard later on this evening.

Mr. Camp asked Mr. Nakamura to verify the amount of money. The Council was provided with a different amount of money.

Justin Zollinger, Finance Director said the amount he has is \$19,183.00.

Mr. Nakamura verified that the correct amount is \$19,183.00; that is the amount they are requesting. He does not know why there is a discrepancy between that and the spreadsheet that was provided to the Council.

Public Hearing Open for Public Comment

No public comment given.

Public comment closed.

8.1.2 Council consideration of the above matter.

Ms. Turner made a motion to approve the Resolution
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

A Ms. Turner
A Mr. Hales
A Mr. Nicponski
A Mr. Camp
A Mr. Brass

Motion passed 5-0

8.2 Public Hearing #2

8.2.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter:

Consider an Ordinance amending the City's Fiscal Year 2014-2015 Budget.

Staff Presentation: Justin Zollinger, Finance Director.

Mr. Brass recommended taking New Business item 10.2 first because that item could potentially affect this item. No objections were made. Item 10.2 under New Business was taken first.

Mr. Zollinger said he has one carry-forward and some new budget line items that are in tonight's budget opening.

The budget for the 5900 South project needs to be carried-forward. That amount is \$1,116,733 and is in the Capital Projects Fund. This is money that we have received from the State of Utah.

The Justice Court has increased in calls and cases. They have had quite a few increases in demand and workload for their employees. They are asking that additional funds be allocated for a seasonal employee to move to a full-time employee. A portion of this money being used that is not in this budget opening is actually being used to pay for that. Mike Williams, Court Administrator has already provided that. This amount is for \$30,000 and will need to be an ongoing appropriation. They will need to make sure they have money in next year's budget to balance as it is an ongoing commitment.

We need to increase the Non-Departmental budget by \$70,000. Mr. Zollinger stated he is having a difficult time as we have to replace carpet in certain areas and he needs to make sure he has the money for some of these small projects.

Mr. Zollinger stated that in addition the Web and Social Media employee

needs to be transferred from the Administrative and Development Services (ADS) to the Mayor's office. That amount is \$14,000. It is still in the General Fund but you cannot move between departments without coming before the Council.

The Park Center domestic boilers replacement for \$27,000 for the General Fund. To repair it was \$27,000 and to replace it was \$31,000. The Parks Department will come up with the additional \$4,000. It seems to make good since to replace them.

Mr. Brass asked if these were different boilers than the ones that were already replaced.

Mr. Hill said they are different.

Mr. Zollinger added the boilers for the pool were replaced last year.

The Police Department received a Victims of Crime Act grant in the amount of \$35,428 for the General Fund. Mr. Zollinger added that the City does not balance the budget with grants because you never know if you are going to get them. Sometimes they come and sometimes they go. Whenever the City receives them throughout the year, they go before Council. That way when it gets pulled back, it doesn't matter because we were not planning on it to balance the budget.

The Fire Department also received a grant. The Emergency Management Performance Grant for \$3,366. This is in the General Fund.

Mr. Zollinger stated the State Auditor has required the City to budget and account for money we send to VECC; our emergency 9-1-1 fees. It doesn't come to the City at all, but he wants to show that those are the City's fees and they are being transferred to VECC on our financial statements. This last fiscal year, we had to book that with no budget. It is going to look strange.

Mr. Zollinger said he had no ability to do a budget opening for it. He received the requirement to do it on June 24, 2014. You can't do a budget opening when you learn about something on June 24 so he booked it and made a request to the State Auditor to let the City have enough time to do it.

Mr. Zollinger continued saying this is an estimate and is approximately what the City collected last year. We need to get the budget in there this year and prepare for this change. This is money that is being reported in and out.

The final two items are the Tennis Courts and the High School for \$25,000 from the Power Fund Reserves and the Police abandoned money for \$19,183 in the General Fund.

Public Hearing Open for Public Comment

No public comments given.

Public comment closed.

8.2.2 Council consideration of the above matter.

Mr. Nicponski made a motion to adopt the Ordinance
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

 A Ms. Turner
 A Mr. Hales
 A Mr. Nicponski
 A Mr. Camp
 A Mr. Brass

Motion passed 5-0

9. Unfinished Business

9.1 None scheduled.

10. New Business

10.1 Consider a Resolution approving an Interlocal Cooperation Agreement between the City and the Utah Department of Transportation to receive funding from the Federal-Aid Highway Funds for the project consisting of 500 West/4800 South signal upgrades.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated the Utah Department of Transportation has received a sizable amount of federal funds this year to spend on signal improvements. They notified the City a few months ago that they would like to do four signals within Murray City.

The signals they are planning to do are located at 4500 South Main Street. They will pay for that entirely with the federal funds and state matching funds. They would like to do the signal at 5400 South and 700 West, again using their own

money to do that one. They are also doing the signal located at 4500 South 500 West, paying for all of that with their own money.

As they had been studying the signal at 4500 South and 500 West which is by Lowes Home Improvement, they also looked at the signal that the City owns at 4800 South and 500 West. In order for the signals to work properly, they feel like they need to make changes to the signal that the City owns at 4800 South and 500 West.

They approached the City and said if we would put up the match, which on a \$350,000 project is only about \$24,000, or a little bit less than 7% of the total funds, they would make the improvements at that intersection. That money was not budgeted at the beginning of the fiscal year, but they have saved money on some road projects this year. Mr. Hill said they believe they can scrape together enough money out of the Capital Improvement Project Fund to be able to cover the City's match.

Mr. Hill stated he recognizes that would be money that could otherwise go to other road projects or elsewhere, but they feel like this is a great opportunity to take advantage of getting \$350,000 of funds to make that signal upgrade that the City would not have to pay for ourselves.

Mr. Hill said he is recommending we approve the agreement and use funds that have been saved on other projects to come up with our match.

Mr. Nicponski asked what exactly UDOT will be doing.

Mr. Hill replied they will replace all of the signal heads and controller boxes, the pedestrian crossing signals, as well as make improvements to the ADA ramps and things like that.

Mr. Nicponski asked if there would be some curb and gutter work.

Mr. Hill stated there will be some curb and gutter work that would be associated with that. He said the biggest cost is going to be replacing all of those signal arms, heads, and the controller box.

Mr. Brass stated that all those major intersections are huge. That will be a big deal.

Mr. Hill said the City has a lot of outdated signals that we have been having the County do maintenance work on for years and years. Many of them are out of compliance as far as the new requirements go for signal crossings and pedestrian crossings. This is something that helps us bring the signals into compliance.

Ms. Turner made a motion to approve the Resolution

Mr. Nicponski seconded the motion

Call vote recorded by Jennifer Kennedy

 A Ms. Turner
 A Mr. Hales
 A Mr. Nicponski
 A Mr. Camp
 A Mr. Brass

Motion passed 5-0

- 10.2 Consider a Resolution approving an amendment to an Interlocal Agreement with the Murray School District for the construction of tennis courts at Murray High School.

Staff presentation: Jan Wells, Chief Administrative Officer

Ms. Wells welcomed Dr. Steven Hirase who is the Superintendent for the Murray School District. She stated she hoped the Councilmembers had an opportunity to read the special communication that was sent out from the Mayor's office regarding the questions they had, and hopefully the answers, regarding lighting the tennis courts at Murray High School.

Ms. Wells said the City appreciates the School District and the opportunities we have to work together with them on projects. This is not an unusual thing for the City; it is something we do at different times to try to offer the best services we possibly can to our residents. For example, the City recently provided some funds for Riverview Jr. High so the facilities for the auditorium could be expanded and serve the City in ways we may have need for. The City and School District have a history of working together on some of these things and she appreciates the City's and the District's willingness to work together.

Ms. Wells stated the challenge with this was that there was an estimate that was being worked from rather than an actual bid. It was just a mistake. It was something that did not get caught. The City was told an amount and that amount proved not to be correct because it was not an exact.

The Mayor is recommending dividing the cost of this error would be appropriate and generous and is encouraging the Council to support him.

Mr. Hales said he knows these lights will light the courts at night which will open them up for all Murray citizens to be able to use them. He asked the Mayor what it would cost the City if we were to do this on our own.

Mayor Eyre said the information he received from Mr. Hill is that six tennis

courts would cost approximately \$400,000 in construction, including the lights. Our contribution to the School District, with the lights, will be approximately \$100,000 or ¼ the cost of six courts is what we are getting the availability of those courts for.

Ms. Turner said she thinks this will provide a really positive amenity for the citizens in the community. Her concern, and what she finds troubling, is the process. She is not sure if we should have had more oversight when initially the Interlocal Agreement was approved for \$75,000. We have found out that it is going to cost \$50,000 more, which the City will pay \$25,000 of that and the School District will pay the other half. She reiterated that she wondered if we should have more oversight when the City is committing that kind of funding and how we might not allow this to happen again.

Ms. Wells responded she understands Ms. Turner's concern. She said the City's role in this was not to provide oversight because it was the School District's project, the City just agreed to fund this specific issue of it. In doing that, Ms. Wells and the Power Department went over to look at this to see if there could have been anything done differently that would have made the cost different from the prospective of just how the power was installed. Our Power Department told her they felt like it was done correctly and that they would not have saved any money by doing it differently or having the City involved differently.

Ms. Wells continued stating the City has some other parts of the Interlocal Agreement that we are responsible for. She reiterated she truly believes was a mistake and something everyone will learn from. The District, as well as the City, will try and be a little bit more cognizant of what the results may be. It was just a mistake.

Dr. Hirase stated the School District was requested to give the City a figure so it could be worked into the budget year prior to when they had the bids back. They worked through a construction manager who also did Hillcrest Jr. High, and their figures were very accurate. Therefore, they felt pretty comfortable with the figure they gave the. That is why they proposed the number and the amount to the City at that time.

Dr. Hirase stated that when he met with the Mayor and some of his staff to talk about the issue they are facing, one of the things Dr. Hirase stated that he wants to also state to the Council is that the School District did make an agreement and he feels that the School District is willing to live up to their end. He signed that agreement. He has integrity and is going to live up to an agreement with the City. However, he did ask the Mayor if there was any way that the City could help; it would be appreciated.

The bottom line is; who will benefit? Murray residents will benefit. The School District does get taxpayer money from the residents and there is sometimes a

feeling by taxpayers that the money should be for the general benefit of all the community, which when can be done, should be done. However, when the School District receives tax money, that tax money is specifically for the education of students. Therefore, they try to focus their monies towards that.

Dr. Hirase stated he does not expect the City to give more money. If the City is able to, it is appreciated. It does not benefit him personally; it allows some additional funding to go for a few things for the students. He reiterated he did sign an agreement and is willing to live by that. He also reiterated that the reason for the inaccurate figures was because they were requested to give a figure before they had the bids in because of the City's timeline for the budget. That is just how things worked. Dr. Hirase said he is not placing blame either way; that is exactly what happened.

Mr. Nicponski stated he is almost prepared to view this as a change order. The fact that the City got this project built for \$100,000 when a market rate of \$400,000 is what has been recognized by Mr. Hill makes him comfortable with the prudence and the co-competitiveness of this project. He stated he is in favor of participating with the School District and going forward with the \$25,000.

Mr. Camp said when this first came back he was quite surprised and a little bit concerned. As he had the blanks filled in as to what happened and considered the fact that the City asked for these courts to be lit for the benefit of our citizens, the decision was made a few months ago that the City wanted to do this. The mistake was made and sharing in the cost of mistake is probably the right thing to do.

Mr. Camp made a motion to approve the Resolution
Mr. Nicponski seconded the motion

Call vote recorded by Jennifer Kennedy

 A Ms. Turner
 A Mr. Hales
 A Mr. Nicponski
 A Mr. Camp
 A Mr. Brass

Motion passed 5-0

11. Mayor

11.1 Report

Mayor Eyre expressed his sincere appreciation to the City Council for the countless hours they put in and the devotion they have to their service to this community. Mayor Eyre said he has the opportunity to say that to the Council in

private, but not in a public setting. He would greatly appreciate it if the rest of the City would be able to see, on a daily basis, the hours and dedication the Councilmembers put into their jobs.

Mayor Eyre said regarding Mr. Fay's comments, he sympathizes with what he and other business and home owners are going through in our community but it is asthenic to our entire society. Mayor Eyre stated he is not trying to minimize Mr. Fay's situation in any way and he is not trying to excuse what Murray is going through, but he would like to put it into proper prospective.

Mayor Eyre has the opportunity on a very regular basis to meet with many other Mayors in our valley. In one of the meetings a few weeks ago, as they were talking about this explosion of burglaries and home thefts, one mayor said to him he was ashamed to say that his city was just put on the list of the fourth most dangerous city to live in in America. That is a community that is here in our valley; a valley that we would think would be not on a top four list of dangerous cities to live in. His concern is that this explosion of these types of crimes is unprecedented and the City does not have the facilities right now to keep up with this.

Mayor Eyre said he has the opportunity to have a public safety meeting every single Monday with our Police and Fire. They have his absolute, total confidence in everything they are trying to do to make our city safe. They are strapped in resources and limited by funds, but their dedication to their job is without question.

Mayor Eyre stated that our Court System here in Murray is very functional. For the last five years, our court system has heard small claims court cases in the very low 600's, every single year. This year, before the end of the third quarter, they have heard over 900 small claims cases. There has been a 1/3 of an increase in cases of this nature with only 3/4 of the year gone. This is happening in many other communities and many Mayors, City Councilmembers, and citizens are concerned about this.

Mayor Eyre said there have been several reports in the national news lately about an unprecedented rise in this type of crime. They have associated the fact that 90% of these crimes are committed because of the use of heroin. It used to be that there were other drugs, such as cocaine, that were the main problem. That has been outpaced by the use of heroin in our society and the inexpensiveness of that drug. Because of this, somebody can get what they need for about \$10. It doesn't take them anything to steal a set of golf clubs that might be valued at hundreds and hundreds of dollars and sell them for \$20 to get two days' worth of help for themselves.

Mayor Eyre says he recognizes where the flames are at. They are at these businesses that are getting broken into. The base and cause of that flame is

because of heroin use and other drugs. We need to address both areas of this. We need to address, as much as we possibly can, those incidents that are happening to very hard working business and home owners. At the same time, we need to address, in every way we can, from family values to education to the elimination of drugs, to eliminate the base of this fire.

Mayor Eyre pledges the City's help to relieve the burden on our home and business owners. We will try to do everything we can. He hopes that Mr. Fay and other business and home owners will understand that this is a problem far beyond the perimeters of Murray.

11.2 Questions for the Mayor

12. **Adjournment**

Jennifer Kennedy, City Recorder