

# Murray City Municipal Council Chambers Murray City, Utah

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 17<sup>th</sup> day of February, 2015 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:

Blair Camp,	Council Chair – Conducted
Brett Hales,	Councilmember
Diane Turner,	Councilmember
Jim Brass,	Councilmember
Dave Nicponski,	Councilmember

Others who attended:

Ted Eyre,	Mayor
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Janet Lopez,	Council Administrator
Janet Towers,	Executive Assistant to the Mayor
Craig Burnett,	Police Chief
Gil Rodriguez,	Fire Chief
Steve Roberson,	Fire Department
Doug Hill,	Public Services Director
Gary Healy,	Golf Professional
Justin Zollinger,	Finance Director
Brenda Moore,	Controller
JoAnn Miller,	Payroll Coordinator
Tim Tingey,	Administrative and Development Services Director
Scouts	
Citizens	

## 5. Opening Ceremonies

5.1 Pledge of Allegiance – Gil Rodriguez, Fire Chief

5.2 Approval of Minutes

5.2.1 Council Meeting – February 3, 2015

Mr. Brass made a motion to approve the minutes

Ms. Turner seconded the motion

Voice vote taken, all “ayes.”

5.3 Special Recognition

5.3.1 Murray City Council Employee of the Month, Brenda Moore, Finance Controller.

Staff presentation: Justin Zollinger, Finance Director  
Brett Hales, Councilmember

Mr. Hales said Ms. Moore is very humble and someone fun to talk to and engage in conversation. She is brilliant in finances which Mr. Zollinger will attest to. Mr. Hales presented Ms. Moore with a certificate, a \$50 gift card and told her that her name would appear on the plaque located in the Council Chambers. He expressed his appreciation to Ms. Moore for all she does for the City.

Mr. Zollinger said Ms. Moore is a no nonsense person that works hard and gives her all. She is very prompt and is almost always 15 minutes early to work each day. She is a critical thinker and a problem solver. When Mr. Zollinger is personally considering several potential financial possibilities and scenarios for the City, he values Ms. Moore’s input as he goes through the decision making process.

Ms. Moore is smart and she learns quickly. An example of this is when there was some turnover in the accounts payable department, she taught herself how to use the software. There are really no training tools in the City’s current software system so it is nothing small to teach yourself how a program functions and then be able to use it.

Ms. Moore is very approachable and helps make corrections as mistakes are discovered. She is also a Certified Public Accountant; it is not a common distinction in government, but she does have it. She is willing to help in whatever way is needed in the City whether it is moving boxes or on big projects such as our software conversion that we are doing now.

Mr. Zollinger stated he is grateful to work with Ms. Moore and the City is fortunate to have someone of her caliber. He expressed his appreciation to Ms. Moore.

Ms. Moore said Mr. Zollinger is the best boss she has ever had; he actually knows what she does. This is the first time in her career she has experienced that. Ms. Moore introduced her family and friends.

5.3.2 Consider a Joint Resolution of the Mayor and Murray City Municipal Council in Appreciation for Gary Healey.

Staff presentation: Mayor Ted Eyre

Mayor Eyre read the Resolution in its entirety.

Mr. Healey introduced his family. He said he was not only born and raised in Murray City, but his parents were both born and raised here too. His grandfather was mayor of Murray and his father worked for Murray City and was a previous fire chief.

Mr. Healey said Murray City is very much in his heart. Brent Davidson's office was where he went to first grade as this building used to be Arlington Elementary School. He thanked the Mayor, City Council, and previous administrators, for the opportunity they gave him over the years to do something that he loves.

As long as Mr. Healey has been in the golf business, since high school, he has never disliked going to work. Murray City has given him the opportunity to do something he loved for 30 years. He has been able to raise and take care of his family. He said he is grateful for his wife and her support. He thanked Murray City.

Ms. Turner made a motion to adopt the Resolution

Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

Mr. Camp thanked Mr. Healey for all his service. Mr. Healey's father was on Mr. Camp's interview board when he was hired by Murray City. Mr. Camp said he was a great man just as Mr. Healey is. He thanked him for his service over the years.

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

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

No citizen comments given.

**7. Consent Agenda**

Mr. Camp asked that all items be taken together; no objections were made.

7.1 Consider confirmation of the Mayor's reappointment of Mo Myers to the Murray Building Code Board of Appeals in an At-Large position for a three-year term to expire November 1, 2017.

7.2 Consider confirmation of the Mayor's reappointment of Gregory J. Waldron to the Murray Heritage Center Advisory Board in an At-Large position for a three-year term to expire February 1, 2018.

7.3 Consider confirmation of the Mayor's reappointment of Ray Black to the Murray City Ethics Commission in an At-Large position for a three-year term to expire February 19, 2018.

7.4 Consider confirmation of the Mayor's reappointment of Rod Horton to the Murray City Ethics Commission in an At-Large position for a three-year term to expire February 19, 2018.

Mr. Brass made a motion to adopt the Consent Agenda

Ms. Turner seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

## 8. Public Hearings

### 8.1 Public Hearing #1 – Continued from January 6, 2015

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

Consider a land use ordinance text amendment to Section 17.64.080 of the Murray City Municipal Code allowing electrified fencing in non-residential outdoor storage areas. (Applicant: Electric Guard Dog, LLC)

Staff Presentation: Tim Tingey, Administrative and Development Services Director.

Mr. Camp noted this is a continuation from the January 16, 2015 City Council meeting.

Mr. Tingey stated this item was considered by the Planning Commission on November 6, 2014. All of the materials from that meeting were forwarded to the Council. There were a lot of attachments and handouts that were provided by the applicant. Mr. Tingey wanted to make sure the applicant understood the Council has received all of that information.

The applicant's proposal has six elements. They are proposing this modification to the City's Land Use Ordinance which would allow for electric fences in non-residential areas. The fence would maintain the restriction of 12 volt currents, require a surrounding non-electrical 6-foot high wall, allow electrified fences as a permitted use in any non-residential outdoor storage area, require the electric fence to be 10 feet in height, require a series of warning signs to be placed on the fence at intervals of not less than 60 feet, and require electric fences to be regulated and permitted under burglar alarm regulations.

The City's Ordinance does not allowed electric fences in the city with the exception of agricultural areas. They are allowed in those areas and the power source cannot exceed 12 volts.

In addition to that, the City's fence regulations for commercial properties are limited to seven feet in height. There are some exceptions to that adjacent to the freeways. A freeway allows for a ten foot high fence on the back property line where it is adjacent to a freeway. Beyond that, they are limited in height. The Planning Commission can allow fences to go up to eight feet in height if there is a need for an additional buffer between a residential and commercial area. The limitations on the height are very strict in the Ordinance related to commercial properties.

Staff has a number of concerns. First of all, outdoor storage is allowed in

manufacturing general zones only. These manufacturing general zones abut a lot of different zones including residential, transit-oriented development, and mixed-use areas where there are very strict aesthetic standards to promote an aesthetically pleasing area.

The manufacturing general zones are not isolated; they interweave throughout the city. The elements the City is trying to promote in these areas can be detracted from when you have an area with a ten foot fence as well as the electrified element of it. Visual impacts along with the signage elements warning people of these signs are all concerns that staff have.

Staff feels the existing ordinance right now is sufficient and these proposed standards detract from these other zones that abut the manufacturing general zone.

The Planning Commission held a Public Hearing and recommended unanimously denial of this. Staff has also recommended denial.

Mr. Nicponski asked Mr. Tingey to give him the overview of the wall and electric fence.

Mr. Tingey replied the applicant is proposing to have a six foot high wall and then the electric fence can go above that.

Mr. Nicponski asked if the electric fence would be behind the wall or on the wall.

Mr. Tingey clarified the fence would not be on the wall, but the fences would abut each other.

Mr. Camp invited the sponsor, Michael Pate, to present his proposal.

Mr. Pate stated he is with the Electric Guard Dog out of Columbia South Carolina. Basically what they are trying to do is protect a piece of property. The reason they were invited here is because one of Mr. Pate's best and biggest customers went to install an electric security fence and after exploring the City Code, realized they would not be able to do that.

Mr. Pate stated they do this all over the country including in Salt Lake City, North Salt Lake City and a couple of other smaller municipalities around here. It is nothing new and it is nothing new to Murray. Murray has electric fences installed in agricultural areas now with no perimeter protection on them and they actually operate at higher voltages than the ones they are proposing to install.

A 12 volt battery, like the one in your car or truck, is used to power the

system itself. The 12 volt battery is kept powered with a couple of solar panels. The 12 volts are run through a capacitor where it takes about 1 ½ seconds to raise the voltage up to about 7,000 volts. Once the capacitor is loaded, it releases the energy down the line and it comes back to an alarm panel. If the voltage is dropped below a specific set voltage for four pulses, the alarm is set off; audible on the site and silently back to Mr. Pate in Columbia, South Carolina.

When an alarm goes off, Mr. Pate will go through his call list and start making calls to notify his client of the alarm. He can actually identify where the break is within about ten feet. There are usually cameras associated with these too so they can look down the fence line to see what is going on. It could be something as simple as a piece of metal that was blown up on the fence during a windy night or it could be someone breaking in.

Mr. Pate stated they do this all over the country for trucking firms, equipment rental firms or anyone who has a lot of valuable inventory that sits outside. They harden those properties. The police do not have to come to these places anymore because they are one of the few companies that prevent crime. He stated that his product can be defeated which is why it is alarmed.

They operate under the International Standards, the IEC Standards (International Electro Technical Commission) that tell them how they have to operate which includes the signage; the perimeter fence that is in place at a specific height, six feet minimum; the restrictions on the capacitor and how it has to operate; the grounding; etc. They have the electrical components tested by a nationally recognized testing laboratory, MET labs, located in North Carolina.

Mr. Pate said another concern that is brought up to them is access from the fire department. In that case, they put a Knox box or Knox switch at the gate that is going to be accessed by the fire department. All fire departments have some sort of universal key access to electric gates like theirs. When the fire department opens the gate up, the electric fence goes down so it is not operating at all.

Mr. Pate said they can overcome some of the objections the Planning Department has put in front of them. One is proximity to other zones, particularly residential. They understand the sensitivity of the residential zones. Mr. Pate's suggestion to that is to require a solid barrier, fence or wall next to the residential zone. As a security expert, this is problematic for a couple of reasons. One; Mr. Pate likes to have things open so they can see in there and a solid wall gives a criminal some place to hide. They really do not like to do that but for necessity, expediency and with city codes, they have done that occasionally in many areas.

Mr. Pate said that Murray City reminds him a lot of El Paso. El Paso was a town that grew up with no zoning. They had a lot of manufacturing areas that were in close proximity to residential areas. As the city grew up and they finally got zoning going into it, there were a lot of manufacturing commercial zones close to residential areas and they overcame barriers by using the solid walls.

Mr. Pate reiterated their request is basically to guard this property and harden it up.

Mr. Nicponski asked if the entire fence is electrified or just the top portion of it.

Mr. Pate replied it is actually two separate fences. The perimeter fence is never in contact with the Electric Guard Dog or one that might be installed by one of his competitors. They separate them approximately one foot apart. Therefore, the entire fence is electrified every second and a half or so.

Mr. Nicponski asked how many volts the fence gives off.

Mr. Pate responded 7,000 volts.

Mr. Nicponski asked what the impact of that would be on an individual.

Mr. Pate stated an example of that would be if you walked across the carpet in your house, rubbing your socks on the carpet and reach out to touch the door handle and get a little shock from that, that is basically the shock you would get. There is somewhere around 8,000 to 9,000 volts in that little shock. But, because it is so brief that is what makes it safe. That is why they test all of their electronic components to make sure they adhere to the standards and they are safe.

Mr. Nicponski verified with Mr. Pate that the system was more about alerting them than about shocking the intruder.

Mr. Pate responded it does both as it works a couple of different ways. One, they have the signs that creates a visual deterrent for people who actually read them. They are in two different languages is this part of the country. Two, there is the actual deterrent itself. It will shock you if you go through the fence to touch it. And third the alarm can be set off is someone figures out a way to knock it down.

Ms. Turner asked how far apart the signs are.



Mr. Pate replied the standard requires them to put the signs 60 feet apart. Sometimes people want them closer than that. Fifty feet is normal many times. In some municipalities they have large signs put in. His signs are about the size of a writing pad. They are fairly small and you would actually have to walk up to it to see it and read it.

The product is very unobtrusive; you really cannot see it that well. If you are behind a chain link fence, you will not see the wires that are horizontal to the ground. You will not see anything except for the signs. It is really not an obtrusive product at all.

Mr. Brass asked what the current was.

Mr. Pate stated the amperage is somewhere between four and seven amps.

Mr. Brass verified with Mr. Pate that the capacitor charges in a second and a half. So, every one and a half seconds it is discharging through the fence.

Mr. Pate said three ten thousandths of a second is the only amount of time the current is on the line. It is almost impossible to measure it.

Mr. Brass asked when the fire department turns the key and disables the system, does the system discharge to the ground.

Mr. Pate stated it goes right to the ground.

Mr. Camp asked what kind of issues Mr. Pate has with maintenance over time.

Mr. Pate replied if the system is not maintained it is not going to operate properly. They make sure the piece of ground where the fence is remains clean. If something is on the fence it will ground it out so they need to keep that line clean. The other thing that will ground it out is litter such as plastic and potato chip bags. They keep all of that off the fence to make sure it works well. They also have their team of technicians that go by on a regular basis to do preventative maintenance. They are always looking at the systems to make sure everything is clear.

Mr. Camp said in the literature that was given to the Council was an acknowledgement that this is not regulated by the NEC because it is not part of the power grid, it is battery operated. Mr. Camp noticed on one of Mr. Pate's slides there was a NFPA as well as a National Safety Council logos and he was wondering if Electric Guard Dog was a member of those organizations and that was what the relevance was.

Mr. Pate responded that was correct. The NFPA is the writer of the

National Electric Code (NEC). Mr. Pate reads through all the existing electric code and all of the new additions that come into it all the time. That is why that is there. The NEC basically says anything under 25 volts does not require an electrical permit. Electric Guard Dog falls in at 12 volts so they are outside the privy of the NEC.

Mr. Hales asked Mr. Pate if he has had any safety issues.

Mr. Pate responded no. These devices have been around since 1939. They were invented for livestock and cattle containment which is still the primary use for them today. In all that time, there has never been a death or serious injury that these devices have caused and they are everywhere. In the early 1990's they took that technology and reused it as a security device in some of these outdoor storage areas.

Mr. Nicponski asked Mr. Pate if he had a company in hand now or was he looking at this as a market.

Mr. Pate said they had a company that came to them and asked them to install an electric security fence in Murray. Through the process, they asked if they could install the fence and were told no because it is forbidden in the code here. They went to the Planning Commission first.

Mr. Nicponski asked where the company was located.

Mr. Pate stated it is United Rentals.

Mr. Tingey stated they are located at 4600 South Main Street.

### **Public Hearing Open for Public Comment**

No comments given.

### **Public comment closed.**

#### 8.1.2 Council consideration of the above matter.

Mr. Camp said he is concerned about the height as this is higher than any fence that is allowed in any of the City's zoning areas. Also, the letter the City received from UDOT was interesting because it said they would not support these kinds of fences to be put along the freeway which is one of the areas where higher fences are allowed. UDOT is not supportive of that. Mr. Camp reiterated the Council received a unanimous recommendation from Planning and Zoning as well as the staff.

Mr. Brass said he was also concerned with the height. He stated he is in

the electrical industry and actually sells fences that go around substations which could conceivably be something that could come up for something like this. He stated that conflict although it does not really impact this particular item. He said 10 feet is pretty high. The maximum height right now is 8 feet. The fact the fence is electrified does not bother him. Tasers are a higher voltage than 7,000; they are 50,000.

Mr. Nicponski verified with Mr. Tingey that his concern is the aesthetics. He asked if the City has a lot of manufacturing that runs right up against residential areas.

Mr. Tingey stated the City does. There are manufacturing general zones that run up against residential as well as the TOD and mixed-use zones that allow for residential in those areas.

When it comes to the aesthetics there are a couple of issues of concern. One is the 10 foot high fence. The second is the two fences being apart from each other which create even more of an aesthetic issue in Mr. Tingey's mind. Finally the signage every 60 feet around the perimeter is also a concern.

Mr. Nicponski asked if the signs were on the outside wall or the fence.

Mr. Tingey replied he was not sure where the signage would be. He added for those reasons, there are concerns. He reiterated these areas are adjacent to residential areas and staff feels the ordinance the City has is sufficient when it comes to electrical fences. The agricultural zones are areas where there is a minimum of one acre lots. They are much more isolated areas and lots than are in manufacturing general zones.

Ms. Turner made a motion to adopt the Ordinance  
No second motion was given

Mr. Camp asked if there was another motion.

Mr. Brass made a motion to deny the Ordinance  
Mr. Nicponski seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion denied 5-0

Mr. Brass added he is intrigued by this idea. There are certain areas within the City where this could be a solution and it may be something they want to look at with the Planning Commission in the future. The City has substations and our own storage yards where we store electric equipment that is of high value. This may be something to consider.

Mr. Brass is not concerned about the electrical side of it. He teaches electrical safety for power line workers so he gets that. He stated to the Council that it did not seem they were all that concerned about the electrical side as much as the aesthetics. This might be something to look at further.

## 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. Zollinger stated staff went through the CIP and budget process this last year and had appropriated \$300,000 to replace the cemetery's sprinkler system. It is actually going to cost around \$700,000 to replace that sprinkler system. There is money set aside for the cemetery perpetual care; there is \$1.4 million in the fund. He would like the Council to authorize a budget transfer to move \$400,000 from the Perpetual Care Fund over to the Capital Projects Fund to make it so the cemetery sprinkler system can be finished.

Mr. Zollinger said for the additional mass transit and the mass transit sales tax that has been passed by using our authority. That money is all passed through to UTA. Since they used the City's authority to pass this sales tax, the State Auditor would like Murray and all other cities to record that on our books. It is approximately \$9.5 million.

On the City's accounts, there will be an increase of revenue of approximately \$9.5 million and an expenditure of \$9.5 million. It will not affect the City in terms of the bottom line but it is going to disclose how much money is being passed through to UTA on our books.

Mr. Zollinger said the City's reserves are a percentage of our revenue. When more revenue posts on the books, the potential reserve increases

percentage wise. In the budget last year, the Council authorized Mr. Zollinger to move any reserves above the 25% over to the Capital Projects Fund. If you add an additional \$10 million to the revenue, the reserves can go up by \$2.5 million. If the City did that, there would be no CIP for the following year because no money would be moved to that fund.

Mr. Zollinger said he recommends the City lower the target reserve percentage to 22% instead of 25%. That would allow the City to have continued funds move into the CIP Fund. If the Council chooses to go to 25%, there would be more discussions on that. If the Council chooses 22% there will still be capital next year which Mr. Zollinger recommends.

Mr. Hales asked Mr. Zollinger how far we can go down.

Mr. Zollinger replied the City can go down to 5% which he does not recommend.

Mr. Hales noted the City is well above what we are required to have in reserves.

### **Public Hearing Open for Public Comment**

No comments given.

**Public comment closed.**

8.2.2 Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

## **9. Unfinished Business**

9.1 None scheduled.

## **10. New Business**

- 10.1 Consider a Resolution approving sponsorship, professional and marketing development assistance match grant applications to the Economic Development Corporation of Utah.

Staff presentation: Tim Tingey, Administrative and Development Services Director.

Mr. Tingey said this is a proposal that is brought to the Council each year. It has been funded through this process for a number of years; seven or eight. It is a great opportunity to get additional assistance for these economic development opportunities. There is the Professional Development Assistance element where they will pay for a portion of attending a conference. The Marketing Match Grant helps with marketing materials and the Sponsorship Match Grant is related to the Economic Development Symposium.

There are dollars put towards this through the budget that is approved and will be proposed as well, through professional items, in the Community and Economic Development budget. The match has already been budgeted.

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

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

## 11. **Mayor**

- 11.1 Report - No report given.
- 11.2 Questions for the Mayor

## 12. **Adjournment**