

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 6th day of September, 2016 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
Brett Hales,	Councilmember
Diane Turner,	Councilmember
Jim Brass,	Councilmember
Dave Nicponski,	Councilmember – Conducted

Others who attended:

Doug Hill,	Mayor Pro-Tem
Jan Wells,	Chief Administrative Officer
Jennifer Kennedy,	City Recorder
G. L. Critchfield,	Deputy City Attorney
Janet Lopez,	Council Administrator
Janet Towers,	Executive Assistant to the Mayor
Craig Burnett,	Police Chief
Doug Roberts,	Police Lieutenant
Mike Fernandez,	Police Lieutenant
Nicholas Unsicker,	Police
Donald MacMullin,	Police
Tyson Wendel,	Police
Gil Rodriguez,	Fire Chief
Jeff Ellis,	Battalion Chief
John Harris,	Deputy Fire Chief
Gary Bean,	Firefighter/Paramedic
May Krug,	Fire Engineer
Justin Zollinger,	Finance Director
Blaine Haacke,	Power Department General Manager
Greg Bellon,	Power Department Assistant General Manager
Kim Fong,	Library Director
Citizens	

5. Opening Ceremonies

5.1 Pledge of Allegiance – Janet Towers

5.2 Approval of Minutes

5.2.1 Council Meeting – August 23, 2016

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

Voice vote taken, all “ayes.”

5.3 Special Recognition

5.3.1 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah declaring September 11 – 17, 2016 as Public Power Week.

Staff Presentation: Doug Hill, Mayor Pro-Tem
Blaine Haacke, General Manager-Power Department+

Mr. Hill read the Joint Resolution in its entirety.

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

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

Mr. Haacke said it’s hard to believe that 103 years ago, the people of Murray City had the wisdom to make their own Power Department. There were tough economic times back then and it’s unbelievable what had to be done to make this work. The Power Department has 45 full-time employees that are excited to invite everyone to a celebration on September 15, 2016 at the pavilion by the Parks Offices in Murray Park. There will be a free hot dog dinner and power bucks giveaways between 5:00 p.m. and 6:30 p.m. There are usually between 750 and 1,000 citizens that come to this event to look at the Power Departments equipment, talk to the employees and get a free

meal.

Mr. Haacke thanked the Council for their support of the Power Department. He believes the Power Department is an asset to the City and they are proud to be part of the Murray City family.

5.3.2 Swearing-In new Murray City Police Officers, Nicholas Unsicker, Donald Mac Mullin, and Tyson Wendel.

Staff Presentation: Craig Burnett, Police Chief

Chief Burnett said it has been an active summer for the Police Department this year. To quote the famous philosopher, Bob Dylan, “The Times They Are A-Changin’.” Four of their veteran officers retired this summer which leaves a big hole. There were also two other officers that chose employment elsewhere; one out of law enforcement and one out of state.

The Police Department has six positions they are working on filling. They have hired four, although only three are here today. The fourth will be starting the second part of the Police Academy in two weeks and will be sworn in around Thanksgiving.

Chief Burnett stated it is fun to bring new blood into the Police Department and to see these young men and women that want to serve the community come in, test, and go through the process. The three officers that are being sworn in today are top notch. Two of the new officers, Mr. Wendel and Mr. Unsicker, have recently completed the Police Academy. Mr. MacMullin comes to the Police Department from Bloomfield, New Mexico where he served as a Police Officer for a couple of years. He has some experience and they are glad to have him.

The Swearing-In Ceremony was conducted by Jennifer Kennedy.

5.3.3 Swearing-In new Murray City Firefighter/Paramedic Gary Bean.

Staff Presentation: Gil Rodriguez, Fire Chief

Chief Rodriguez said the Fire Department has a slow turnover rate. You think that there isn’t going to be any movement, then suddenly there is. Mr. Bean had interviewed before. He was a strong candidate and a very easy choice this time around. Mr. Bean is a hard working guy. He has worked with every crew and every crew has stated what a hard worker he is. He is also a wrestling coach and a CrossFit trainer. He has a Bachelor’s Degree in EMS Administration.

Chief Rodriguez welcomed Mr. Bean to Murray City and the Fire

Department family.

The Swearing-In Ceremony was conducted by Jennifer Kennedy

Mr. Camp congratulated and welcomed everyone that was sworn-in tonight. At a time where it is so hard to be in the law enforcement field, for them to be willing to put their lives on the line, is admirable and he looks up to them. He admires and looks up to the firefighters as well. He thanked all of them for their service.

Mr. Nicponski said whenever there's a life threatening incident, whether it's an explosion, fire, or man with a gun, as everyone else is running away, the police officers and firefighters are running towards that debacle. He expressed his appreciation to the new police officers and firefighter.

Ms. Turner welcomed the new police officers and firefighter to the Murray City family stating it is great to have them and she thinks they will enjoy it, it's a wonderful city.

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

David Haughey – 4728 South Glenridge Way, Murray, Utah

Mr. Haughey said he is a retired Marine Corps Colonel. He retired after 31 years of service and moved back here to Utah because this is where his family is from. He is here tonight to talk about his Councilman, Jim Brass.

Mr. Haughey's and Mr. Brass' relationship is about Mr. Brass' trees. The first incident took place about 12 or 13 years ago. Mr. Haughey's wife came to him when their wooden fence was crushed by one of Mr. Brass' trees that had fallen over during a big wind storm. Mr. Haughey went over to Mr. Brass' house where he spoke with Mrs. Brass. He told her that he would like them to pay to have his fence repaired and have the 25 to 30 feet of tree removed from his yard.

Mr. Brass hired someone to take care of the fence and tree. While talking with the gentleman that Mr. Brass hired, it came to Mr. Haughey's attention that Mr. Brass was angry that he had to pay to have the tree removed and the fence repaired. Mr. Haughey said as a military guy, he has USAA insurance. He found out that he could get \$1,000 to help cover the damage from this incident. Mr. Haughey gave that money to the gentleman and told him to tell Mr. Brass that he had put in \$1,000 to help pay for the tree damage.

Mr. Haughey has a huge cottonwood tree in his backyard. It is very important that he keeps that tree laced out. He paid \$1,300 to have that tree laced out and he asked the people working on his tree to cut down some of the branches from his neighbor's tree that would come close to anybody who would be mowing the lawn. Mr. Haughey's lot abuts five other lots. He was told by the people working on his tree that is his neighbor's responsibility and

his neighbor should pay for it. Mr. Haughey wanted to be a good neighbor so he told them to cut the tree limbs down that could hurt somebody who was mowing the lawn. He didn't want to emasculate the tree.

Mr. Haughey said he had replaced his wooden fence with a polypropylene fence that supposedly had a lifetime warranty. One of the panels on his fence was raised up and the fence cap had come off. He had someone from Vinyl Industries come look at the fence. The representative from Vinyl Industries told Mr. Haughey that his warranty was void because his neighbor's tree has a big tree root that raised up the panel that knocked off the fence cap. Mr. Haughey stated that Mr. Brass' tree is right next to his fence, not a foot away, but four or five inches at most.

After Vinyl Industries spoke with Mr. Haughey, he sent a letter to Mr. Brass asking him, as a good neighbor, to get the tree root removed so Mr. Haughey could get the fence fixed. After waiting for three weeks for a response, Mr. Haughey contacted the Mayor. He figured the Mayor was experienced and savvy and he could prevail upon Mr. Brass to make the said payment and be a good neighbor. Mr. Haughey stated that unfortunately he was wrong.

Mr. Haughey sent another letter after the tree root was removed with a copy of the invoice to Mr. Brass and has not heard a single word and it's been almost three weeks. Mr. Haughey asked Mayor Eyre why Mr. Brass did not come and see him when he asked him nicely in his letter to come anytime and he would show him the problem.

Mr. Nicponski informed Mr. Haughey his time was up.

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 an ordinance amending the City's Fiscal Year 2016-2017 Budget.

Staff Presentation: Justin Zollinger, Finance Director

Mr. Zollinger said these budget changes need to be made for the new fiscal year and to tidy up the prior one. The first half of the budget adjustments are for projects that were budgeted for last year, but weren't able to be completed by June 30, 2016, the end of the City's fiscal year. The second half of the adjustments are for new money that needs to be added to the

budget, such as money from grants that the City has received. Mr. Zollinger read through the funds being rolled over from the Fiscal Year 2015-2016 Budget to the Fiscal Year 2016-2017 Budget.

Power Fund

- \$350,000 for the Inventory Warehouse Addition
- \$325,000 for a Chipper Brush Truck

Solid Waste Fund

- \$33,108 for Refuse Containers

Storm Water Fund

- \$284,780 for the Maverick, Winchester and Cemetery Storm Drain Line Projects

Capital Projects Fund

- \$50,000 for the Re-roof of the Public Services Building
- \$91,366 for the Chase Wesley Area, 1045 East, and Somerset Road Projects
- \$995,673 for the Chevy Chase, Van Winkle, 1000 East Hyland Lake Slurry, and 5900 South Road Projects
- \$649,702 for the 1300 East Road Improvements
- \$249,365 for the Fairhaven and Ellerby 10th East Road Projects
- \$65,000 for the Citrix Software Product
- \$573,500 for the Pickle Ball Courts
- \$180,000 for the Cottonwood Trail Project
- \$135,364 for the Munis Software Implementation

General Fund

- \$47,414 for Wifi in Murray Park
- \$504 carry forward from the Justice Assistance Grant for the Justice Court. The money from the grant has to be carried forward in order to expend the funds

Water Fund

- \$915,000 for the 5900 South Water Line Project

Waste Water Fund

- \$187,331 for the 500 West Sewer Line

Library Fund

- \$12,000 for Library Furniture

Funds will be transferred from the Redevelopment Agency of Murray City Fund to the Capital Projects Fund in the amount of \$198,745 for the Fireclay traffic signal. This money was carried over once before, but this project

should be done this fiscal year because they are working on it now.

Funds will be transferred from the Risk Fund to the Capital Projects Fund in the amount of \$200,000 for the Murray Park path replacement.

Mr. Zollinger said there are some new items that need to be added to the budget. These numbers would have been added into the budget if he knew what they were going to be when the budget was passed in June. These numbers were received in August, after the budget was passed. That is why there is always a delay on them. Mr. Zollinger would rather wait to find out the actual numbers than try to estimate them.

Three grants will add money to the General Fund. The Federal Victims of Crime Act Grant will add \$39,036, the Administrative Office of the Courts Grant will add \$6,248 and the State of Utah Emergency Management Performance Grant will add \$11,000.

The Capital Projects Fund will be increased by \$150,000 from the Capital Projects Reserves for the Hanauer Road design. Another \$50,000 will be moved from the Capital Projects Reserves to the Capital Projects Fund for a utility survey.

Public Hearing Open for Public Comment

No public comments were given.

Public comment closed

8.1.2 Council consideration of the above matter.

Mr. Brass made a motion to adopt the ordinance
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

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

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 authorizing an interfund loan from the Power Fund to the Golf Fund.

Staff Presentation: Justin Zollinger, Finance Director

Mr. Zollinger said the Golf Course is getting a new irrigation system. It is quite a substantial project. They were able to save up one million dollars before the project started, but there is still a gap of one million two hundred fifty thousand dollars that will be needed to pay for the rest of it.

The Power Fund was kind enough to let the golf course borrow some of their reserves. The rate at which the money will be borrowed at is 2%. The duration of the loan is 12 years with the first payment being due on July 31, 2017. The annual payment amount is \$118,199.50 and the total loan amount is \$1,250,000.

Mr. Zollinger added there is no prepayment penalty so if the Golf Course is able to, they can pay off the loan faster than 12 years.

Public Hearing Open for Public Comment

No public comment was given.

Public comment closed

8.2.2 Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

8.3 Public Hearing #3

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

Consider a resolution of the Murray City Municipal Council (the “council”) of Murray City (the “issuer”) authorizing the issuance and sale of not more than \$6,950,000 aggregate principal amount of Sales Tax Revenue Bonds, Series 2016, fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; delegating to certain officers of the issuer the authority to approve the final terms and provisions of the bonds within the parameters set forth herein; providing for the publication of a notice of public hearing and bonds to be issued; providing for the running of a contest period; authorizing the execution by the issuer of a supplemental indenture of trust, bond purchase agreement, and other documents necessary for the issuance of the Series 2016 bonds; approving an official statement (if required); authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters.

Staff Presentation: Justin Zollinger, Finance Director

Mr. Zollinger noted that Preston Kirk and Matt Dugdale were in attendance tonight to help with any questions the Council may have. Mr. Zollinger said this is a parameters resolution. It means the Council is authorizing bonds for “this” maximum amount, at “this” maximum rate, for “this” maximum term for a parking structure. The bond may be issued at a later date.

Mr. Zollinger gave an example of how a parameters resolution works. For instance, if the parameters resolution were to say there is a maximum rate of 2%, but market rate is 3%, that would not work, because 2% is the maximum rate.

This particular parameters resolution that is being presented tonight states that a bond issued would have a maximum rate of 5%, a maximum duration of 19 years, and the maximum amount it could be is \$6,950,000. The Council is authorizing a bond to be issued with this criteria being the maximum the bond could be issued for.

Mr. Nicponski asked if this was for the new parking facility in the Central Business District.

Mr. Zollinger said yes, to help revitalize.

Mr. Nicponski asked how many levels the parking structure would be.

Mr. Zollinger said he wasn’t sure but he believes the total number of stalls is around 614.

Mr. Nicponski asked Mr. Brass if he knew how many levels the parking structure would be.

Mr. Brass said he didn't, it's a question of how big of a footprint they make it. It could be up to four levels.

Public Hearing Open for Public Comment

Preston Kirk – George K. Baum & Company

Mr. Kirk said there is one small change to the documents. The time listed in the documents the Council reviewed is 20 years. One more year was added in order to take into consideration the timing of payments. The intent is to have the bond amortize over 19 years as Mr. Zollinger stated.

Public comment closed

8.3.2 Council consideration of the above matter.

Mr. Camp said the information in one of the documents he was looking at referred to city officials from other cities as well as addresses from other cities. He asked if there were other things in the document that need to be cleaned up and is that an issue that needs to be looked at before this resolution is passed.

G.L. said the resolution can be passed now and the Attorneys Office will clean up the paperwork after.

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

Call vote recorded by Jennifer Kennedy

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

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 Murray City School District (“District”) providing City financial assistance for District music specialists and District music trainer.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill said for many years the City has partnered with the Murray School District to provide funds for music specialists and a music trainer. Recently, the Murray City Arts Advisory Board felt that the amount of time that was being spent by the music specialists was not appropriate for the amount of money that the City was funding. The Arts Advisory Board suggested that the City and School District get together and work out some terms and conditions by which the School District would need to meet in order for them to receive the funds from the City.

The City and School District met and negotiated the agreement that is before the Council tonight. Mr. Hill feels like the agreement is a win-win for both organizations. As long as the Murray School District will live by the terms and the amount of time they have their students receive music instruction, the City will reimburse them for those costs.

This is a one year contract and a similar contract will probably be presented to the Council annually. The money has been included this year as part of the Cultural Arts budget.

Mr. Brass made a motion to adopt the resolution
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 5-0

11. Mayor

- 11.1 Report

No Mayor’s report was given.

- 11.2 Questions for the Mayor

12. Adjournment

Jennifer Kennedy, City Recorder