



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, December 6, 2016, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Council Members in Attendance:

Blair Camp, Chair	District #2
Diane Turner, Vice-Chair	District #4
Dave Nicponski	District #1
Jim Brass	District #3
Brett Hales	District #5

Others in Attendance:

Ted Eyre	Mayor	Jan Lopez	Council Administrator
Doug Hill	Public Services Director	Frank Nakamura	City Attorney
Janet Towers	Chief Admin. Officer	Tim Tingey	ADS Director
Danny Astill	Public Services	Justin Zollinger	Finance Director
Pattie Johnson	Council Office	Jennifer Kennedy	City Recorder
Kasey Kershaw	Real Estate Broker	Elliot Setzer	Resident
Jennifer Brass	Resident	Stan Hoffman	J.R. Miller Enterprises
Susan Baker	Resident	George Katz	Resident
Sally Hoffelmeyer Katz	Resident		

Chairman Camp called the Committee of the Whole meeting to order at 5:00 p.m. and welcomed those in attendance.

1. Approval of Minutes

Mr. Camp asked for corrections and approval on the minutes for October 25, 2016, an Emergency Training Meeting, and November 1, 2015, Committee of The Whole Meeting. Mr. Brass moved approval. Mr. Nicponski seconded the motion. All were in favor.

2. Discussion Items

2.1 Wasatch Front Waste & Recycling District (WFWRD) – Jim Brass and Pam Roberts

The 2017 budget was adopted by the board after a public hearing was held. The budget included a \$50 fee for new home construction, as well as, a \$10 delivery fee. The new fees would ensure the purchase of new garbage cans for new homeowners. A rebuild after a home is demolished would not receive the fee since property owners had already been paying into the district for cans all along.

Ms. Roberts reported that Herriman Board Member, Craig Tischner, had suggested the new fees because he did not favor the idea of established residents in the district subsidizing for new residents coming into Herriman. Herriman averages 600 new homes per year and experiences the most growth in the valley. By comparison, other cities in the district only see a growth of 175 homes per year. Ms. Roberts was required by the county resolution that created WFWRD, to report base fee increases or additional fees to the city council for approval. The \$14.75 fee for all services would not increase.

New home owners could contact WFWRD when ready for service and cans would be delivered. The fees could be incorporated into their new bills as well or pay them up front with an actual cost of \$110.

Ms. Turner commended WFWRD for handling the new growth and costs in such a great way.

Mr. Camp reaffirmed new fees would only affect new home construction in Murray in the area WFWRD is serving, which is east of 900 East. Ms. Roberts confirmed and said there is very little new growth in that part of Murray.

As a board member, Mr. Brass said keeping costs under control was imperative and this solution was a great one in keeping fee increases to a minimum.

2.2 Central Valley Water Reclamation Member Ownership (CVWR) – Doug Hill and Danny Astill

Mr. Hill explained the CVWR ownership issue would be on the agenda the following week for council action. Mr. Brass and Mr. Astill worked on the agreement for many months and their efforts were appreciated, along with those of Mr. Nakaumra. The hope would be for council to vote in favor of it.

Mr. Astill reported the CVWR became a regional treatment facility and was established in 1972. Plant entities were identified in 1978 and initial percentages of ownership were set. At the time funding on the federal side was at a 75% level and 25% by local communities, however, there has not been any federal money available in the last 35 years. In 1981 actual percentages were reestablished, and as expansions occurred, new categories and percentages were created for each owner. For the last 30 years CVWR has been working with these new percentages, for any work or repairs done.

Since new waste water regulations are going into effect requiring waste water permits and 60-70% of the plant will be demolished and rebuilt, one single ownership category will go into effect, based on the physical amounts of water going into the plant. The rebuilding of the plant will work in the city's favor, not just for now but well into the future.

The agreement has been finalized with many issues and details resolved. Mr. Astill attended a managers meeting where funding, bonding, and loans from the state were discussed and after review of the agreement, Murray's interests are well protected.

Any property purchased or sold prior to January 1, 2017 will see percentages revert to previous ownership. New transactions after the first of 2017 will be subject to the new cumulative percentage based on load and flow.

Mr. Brass said determining ownership percentages was very important and he commended Mr. Astill for his hard work and felt the outcome was more beneficial to the city now than it had been in the past.

The rebuild of the new plant would create a more environmentally friendly project.

The new budget begins July 1, 2017, but new percentages would be set in August of 2017 based on rolling averages. Updates are conducted every 12 months and set prior to the next fiscal year. An allowance was made in the budget by Mr. Zollinger if calculations are slightly off. The city's percentage would not change significantly, however could be subject to change each year.

Mr. Nakamura said there could have been concerns in liability expenses, should percentage in ownership fluctuate, however, the new agreement and one category for ownership made it fair to all entities related to expenditures and use.

Mr. Astill said if the percentage increases for any type of growth, fees could actually increase, but by virtue would provide greater ownership.

Mr. Brass added that larger facilities, such as, Frito Lay or Dannon Yogurt, utilize more water than others and those are the businesses that will see the increase.

Mr. Astill would continue to review details and monitor costs of plant construction along with Mr. Zollinger.

Mr. Brass noted that the Cottonwood Improvement District already raised fees by \$5 per month.

Mr. Hill emphasized the Murray rate-study would continue, taking into account the plant remodel and what those proportions would actually be. Ownership numbers would determine the annual cost, which would be molded into the rate study. Murray has yet to determine if sewer rate increases could be similar to a \$5 increase other entities have established but an increase is definite. A final redline copy of the agreement would be given to the council within a week for approval and would require a unanimous vote by CVWR board members.

2.3 Downtown Property Assemblage & Eminent Domain Update – Tim Tingey

Mr. Tingey stressed it was not always easy to discuss or explain the process of eminent domain. The subject was obviously difficult to weigh as it deals with people's property and their rights.

Eminent domain is an important process and is the government's power to acquire private property for a public purpose. Defined under Utah State Code and the U.S. Constitution, eminent domain calls for *just compensation*, which is the key element requiring appraisal of property for public purpose.

From a public perspective, multiple conversations have taken place about what is anticipated and what the plans are for redevelopment in downtown Murray. Those include potentially, a new city hall, open space facilities, park facilities, a new fire station and new roads within the area, all of which define public purpose. Eminent domain and public property acquisition, under state code, cannot be related to purchasing private property for economic development purposes or utilized for non-public purpose.

The specific properties are located between State Street on the east, Box Elder on the west, 4800 South on the north and south to Vine Street.

Funds have now been identified and the city will acquire these properties directly.

A number of property owners did not have interest in selling, due to a difference in value, so their properties will now be pursued by way of eminent domain. They include:

- Verizon Wireless, LLC, and US West Group, which are two properties and one facility.
- Properties owned by Strauser and Chow, above 5th Avenue
- The Fraternal Order of Eagles, consisting of two properties
- Two additional properties owned by Robert Matthews and Amina Cejvan

Land appraisals have been ordered and once completed, offer letters will be sent to the above land owners. The process begins with the letter, which makes an offer based on fair market value, including an attachment of the appraisal providing comparable value, and a document related to property rights from the State of Utah explaining eminent domain. The letter will reference that if a negotiation is not met, the eminent domain process will begin.

All documentation in the offer letters will explain eminent domain, land owner rights, the process to acquire, and answers to questions land owners might have. The ultimate hope is that properties will be attained through negotiations rather than eminent domain.

If eminent domain should occur, a public meeting will be held and the council would consider a resolution on eminent domain. All properties involved will be defined, all property owners will be notified and invited to speak at the council meeting about their concerns and the consideration of the resolution. After which, the council will determine whether eminent domain will proceed.

Several land owners have already contacted Mr. Tingey regarding appraisals and many are expecting offer letters. US West and Verizon, headquartered in New Jersey and Washington State, remain a challenge in communication. Ms. Lopez inquired if a public hearing would held. Mr. Tingey confirmed it would not be a public hearing, however, property owners would be given ample time to speak at the council meeting.

It is likely offer letters would be mailed December 7, 2016 with the next meeting in late January or February of 2017.

2.4 Trans-Jordan Cities Debris Staging during an Emergency - Doug Hill

It was brought to the Murray's attention, after an incident in Davis County last spring, when a significant wind event knocked out many trees in their city, and the amount of debris and work it took to clean it all up was enormous. Until arrangements could be made in Davis County, to haul massive debris to their landfill several months later, it was gathered and stockpiled in their city.

When reimbursement from the Federal Emergency Management Agency (FEMA) was sought, Davis County found FEMA would only pay for one transfer of debris, instead of multiple transfers to the landfill. Secondly, an interlocal agreement was required with the landfill to move the debris into the landfill.

Since that time, most landfills, as well as, city public work agencies, have wanted to ensure that should something similar happen, an interlocal agreement is in place with the landfill.

It could be argued that the master agreement signed many years ago, creating Trans Jordan Cities gives Murray the right to transport Murray's debris there, however, the new agreement would provide extra assurance that specific deliveries were agreed upon.

If Murray needed to transport debris to Trans Jordan but had to store it on a temporary basis, dumping it as close to the landfill as possible would be wise, since FEMA only pays for one transport. If Murray could transport all the way to the landfill, the bulk of those costs would be covered.

With is agreement, in the event of an emergency, Murray would be allowed to transport debris to the Trans Jordan landfill to be placed on their property. Trans Jordan created the new agreement, several other cities have signed it, and the agreement would be presented to the council for approval so that the city could be reimbursed for those emergency costs.

3. Announcements – Janet Lopez

- Reservations were reviewed for the UAMPS meeting held December 20-21, 2016
- Volunteer of the month for the Heritage Center would be acknowledged December 20, 2016
- Council Holiday Party would be held December 15, 2016
- A neighborhood meeting would be held for the Woodrow Street area December 8, 2016

4. Adjournment 5:40 p.m.

**Pattie Johnson
Council Office Administrator II**