

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 5th day of June 2018 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

The meeting was conducted by Dave Nicponski

Council Members Present:

Dave Nicponski, Council District 1
Dale Cox, Council District 2
Jim Brass, Council District 3
Diane Turner, Council District 4/Council Chair
Brett Hales, Council District 5

City Staff Present:

Blair Camp, Mayor
Jennifer Kennedy, City Recorder
G.L. Critchfield, City Attorney
Janet Lopez, Council Administrator
Doug Hill, Chief Administrative Officer
Jennifer Heaps, Communications and Public Relations Director
Craig Burnett, Police Chief
Kip Davies, Sergeant
Tom Martin, Lieutenant
Doug Roberts, Lieutenant
Mike Obrey, Lieutenant
Dale Rodeback, Police Officer
James Ketcheside, Police Officer
Abraham Gutierrez, Police Officer
Brad Astin, Police Officer
Chase Smith, Police Officer
Kristin Reardon, Police
Gil Rodriguez, Fire Chief
Jon Harris, Deputy Fire Chief
Chad Pascua, Battalion Chief
Steve Ellefson, Fire Engineer
Daren Wightman, Paramedic/Firefighter
Paul Adams, Paramedic/Firefighter
Danny Astill, Public Works Director
Cory Wells, Water Superintendent
Kim Sorensen, Parks and Recreation Director

Danyce Steck, Finance Director
Tim Tingey, Administrative and Development Services (ADS) Director
Blaine Haacke, Power Department General Manager
Greg Bellon, Assistant General Manager of Power
Bruce Turner, Power Department, Operations Manager
Nate Turner, Central Control Operator
Kim Fong, Library Director
Chelsea Hofmann, Librarian

Other's in Attendance:

Citizens

Mr. Nicponski called the meeting to order at 6:30 p.m.

5. Opening Ceremonies

5.1 Pledge of Allegiance

The Pledge of Allegiance was led by Danyce Steck, Finance Director

5.2 Approval of Minutes

5.2.1 Council Meeting – May 1, 2018

5.2.2 Council Meeting – May 15, 2018

MOTION: Mr. Brass moved to approve both sets of minutes. The motion was SECONDED by Mr. Cox. Voice vote taken, all “ayes.”

5.3 Special Recognition

5.3.1 None scheduled.

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

Representative Bruce Cutler – House of Representatives District 44

Representative Cutler said he tried to look out for Murray City’s needs during the last legislative session. He is concerned with the challenges all cities are facing with homelessness and transients and he is continuing to work on that problem. He noted that Operation Rio Grande is willing to continue to work with cities and make resources available as needed.

Representative Cutler said if the city is interested in receiving funding for the Murray Theater and other downtown renovations to let him know. He like to help the city get a request filed for some redevelopment money.

7. Consent Agenda

7.1 None scheduled.

8. Public Hearings

8.1 Public Hearing #1 – Continued from May 1, 2018:

8.1.1 Staff presentations will be given prior to Council action on the following matter:

Consider an ordinance enacting Chapter 17.82 of the Murray City Municipal Code related to small wireless facilities.

Staff Presentation: Tim Tingey, ADS Director

Mr. Tingey said this item was continued from the May 1, 2018 City Council meeting. He explained the reason for the continuation was because there was a need to reevaluate some elements of the ordinance. Since that meeting, representatives from the Attorney’s Office, Administrative and Development Services and the Power Department have met, looked at the

ordinance very closely, and made some modifications to it.

Mr. Tingey said this ordinance is based on Federal and State Law and only applies to small wireless facilities in public rights-of-way. The ordinance states what single wireless facilities are allowed and what single wireless facilities are prohibited within Murray City.

Mr. Tingey stated that some of the modifications that were made to the ordinance include: clarifying some of the definitions, explaining specific guidelines for the different zoning districts, explaining when and where small wireless facilities can and cannot be co-located, defining the procedure for required findings, clarifying when a permit can be revoked and adding a franchise agreement. He added that the franchise agreement is modeled after the franchise agreements the city currently uses.

Mr. Tingey said that today, before this meeting, he received an email from Melissa Reagan who represents Verizon Wireless. The email outlined some concerns that Verizon Wireless has with this proposed ordinance.

Their first concern is about the burdensome requirement of having an applicant provide all the information in an application related to the assessment of a proposed site. They would rather have the city do that assessment and analysis. Mr. Tingey explained that in any land use, or other application the city deals with, applicants are required to provide information and then staff does an evaluation of the information that is provided. Staff is asking that applicants carry the burden of submitting the information for staff to do the evaluation.

Verizon's second concern is regarding the height and dimension of new monopoles and replacement utility poles. They say the proposed ordinance does not comply with the height requirements identified in State Law. Mr. Tingey explained that State Law says poles are not allowed to be higher than 50 feet, it does not say that the city cannot restrict them to a lower height standard. Mr. Tingey noted that the city has several of these poles in place that are lower than 50 feet.

Verizon would also like to request a longer period of time for the removal of a small wireless facility. They would like to see it changed from 45 days to 90 days. Mr. Tingey said if someone comes in and puts in a small wireless facility and does not get a permit and go through a process defined by the city, the code states that they have 45 days to remove it. Mr. Tingey reiterated this is only if they do not have a permit or have not gone through the right processes. He is recommending that the city maintain the 45-day removal requirement. In his opinion, 90 days is too long when someone comes in without a permit, puts in a small wireless facility and does not go through the right processes.

Finally, Verizon Wireless is requesting more time to review the franchise agreement. Mr. Tingey reiterated that the franchise agreement in the ordinance was modeled after other franchise agreements the city already uses.

The public hearing was open for public comments. No comments were given, and the public hearing was closed.

8.1.2 Council consideration of the above matter.

MOTION: Ms. Turner moved to adopt the ordinance. The motion was SECONDED by Mr. Hales.

Council roll call vote:

Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye
Mr. Nicponski	Aye

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 public comment on the intended transfer of monies from enterprise funds to other City Funds.

Staff Presentation: Danyce Steck, Finance Director

Ms. Steck said State Law requires city staff to present accounting and financial information about the enterprise funds to the City Council for them to make an assessment that the transfer to the General Fund is appropriate.

Ms. Steck said all of the enterprise funds have an administrative cost allocation. The enterprise funds then pay the General Fund back for those administrative costs. The city also has a transfer into the general fund from the enterprise funds that is different than the administrative cost allocation. The transfer is defined as moving cash from the enterprise fund into the general fund to subsidize what may have been paid through other revenues sources such as property or sales tax.

In the private sector, utility companies make a profit and return that investment to their investment and shareholders. The city's shareholders are the tax payers and citizens. This transfer is considered the payback to the

shareholders of anything in excess of what the enterprise funds would need in general.

The city uses a calculated method based on revenues only, not expenses. The reason for that is because expenses can change tremendously in a large capital project is added to them. The city uses 8% of revenues for the transfer. Other cities in the community use between 8% and 12%, so Ms. Steck feels Murray has a reasonable percentage of transfer.

The city has also chosen not to transfer anything from the Storm Water Fund to the General Fund this year. The areas that do not receive any benefit of the city's utilities outside of storm water will not contribute to the General Fund in anyway with the transfer from utilities.

Ms. Steck said the law requires that the city disclose some financial information about each of the funds. The city's user fee revenue for the four funds that will be contributing is about \$48,300,000. The amount the General Fund will receive is \$3,800,000. That amount equals about 55% of the city's current property tax revenue. If the city would stop transferring from the enterprise funds and instead increase property taxes to make up that gap, the city would have to increase property taxes tremendously to do that. Therefore, the city chooses to support this transfer from the enterprise funds.

A challenge Murray City has is that 35% of the city's landmass is tax exempt meaning they don't contribute to property taxes. The transfer from the enterprise fund to the general fund helps pay for services like public safety and streets, that tax exempt properties use, but do not pay for through property tax. These transfers are an important revenue source to the general fund and help the city keep taxes low.

The public hearing was open for public comments. No comments were given, and the public hearing was closed.

8.2.2 Council consideration of the above matter.

MOTION: Mr. Hales moved to continue with this item at the June 12, 2018 City Council Meeting. The motion was SECONDED by Ms. Turner.

Council roll call vote:

Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye
Mr. Nicponski	Aye

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 an ordinance adopting the Final 2018 – 2019 Fiscal Year Budgets for Murray City including the Library Fund Budget.

Staff Presentation: Danyce Steck, Finance Director

Ms. Steck went over the budget priorities that the Council set prior to setting the budget. The first was to maintain the cities current infrastructure system to ensure the maximum useful life of all the city's infrastructure. The second priority was to continue to improve the community by investing in new infrastructure as needed. Finally, the third priority was to protect the city's investment in a trained and professional public safety workforce in a highly competitive environment. Murray is one of the only cities that did not have a career path or had studied salaries and wages in over ten years for public safety officers.

Ms. Steck said the Council and administrative staff have created a five-year Capital Improvement Plan (CIP) that will keep the city's facilities and infrastructure in good condition.

Ms. Steck noted that there were several new positions added to the budget and went over some of those positions.

Ms. Steck said the city will bring in about \$47,000,000 in revenue this year, which is about a 6% increase in revenue. The city's expenses are about \$47,700,000 which will bring the city's reserve balance down about \$700,000. The city will be issuing a \$8,600,000 Water Revenue Bond to upsize some waterlines and replacing some wells that need to be replaced.

Ms. Steck stated the budget is posted on the city's website and will continue to be updated.

The public hearing was open for public comments. No comments were given, and the public hearing was closed.

8.3.2 Council consideration of the above matter.

MOTION: Mr. Brass moved to continue with this item at the June 12, 2018 City Council Meeting. The motion was SECONDED by Ms. Turner.

Council roll call vote:

Mr. Cox Aye

Mr. Brass Aye
Ms. Turner Aye
Mr. Hales Aye
Mr. Nicponski Aye

Motion passed 5-0

9. Unfinished Business

9.1 None scheduled.

10. New Business

10.1 Consider a resolution approving the Fifth Amendment to the Intermountain Power Agency Organization Agreement.

Staff presentation: Blaine Haacke, Power Department General Manager

Mr. Haacke said this agreement was signed back in the 1970s. Since it was signed, there have been some changes that have needed to be made to it. The Fifth Amendment has 13 proposed changes in it. The City Attorneys have looked at the changes to this agreement and are comfortable with them.

Mr. Haacke noted these changes were discussed in a previous Committee of the Whole meeting and that all 13 changes being proposed can be located in Recital B of the agreement. He asked the Council to approve this resolution.

MOTION: Mr. Brass moved to adopt the resolution. The motion was SECONDED by Mr. Hales.

Council roll call vote:

Mr. Cox Aye
Mr. Brass Aye
Ms. Turner Aye
Mr. Hales Aye
Mr. Nicponski Aye

Motion passed 5-0

10.2 Consider a resolution approving the Alternative Repowering of the Intermountain Power Project.

Staff presentation: Blaine Haacke, Power Department General Manager

Mr. Haacke said this is related to the plant located near Delta, Utah that was downsized back in 2015. During that same time, the fuel that plant uses changed from coal to natural gas because coal produced energy could no longer pass through the California Stateline. Since that time, the California market has changed even more, and the plant needs to be downsized again, this time to 840 megawatts.

Mr. Haacke explained Murry will still have a 4% entitlement in the downsized

plant.

Mr. Brass asked how alternative repowering effects the availability of power.

Mr. Haacke explained that if Utah called on the power, the power would be provided. Utah wouldn't necessarily care whether the power was through compressed air or natural gas, as long as kilowatt hours were coming through.

Mr. Brass said he feels that compressed air or some other renewable may not be as reliable as a 24-7 resource.

Mr. Haacke replied because there is so much renewable generation in that area, the Californians need a reliable source to push the voltage down to California. They're not going to go to a fuel that is unreliable.

MOTION: Ms. Turner moved to adopt the resolution. The motion was SECONDED by Mr. Cox.

Council roll call vote:

Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye
Mr. Nicponski	Aye

Motion passed 5-0

10.3 Consider a resolution approving the Multi-Jurisdictional Automatic Aid, Mutual Aid, Fire, Training, Emergency Medical, and other services Agreement.

Staff presentation: Gil Rodriguez, Fire Chief

Chief Rodriguez said this agreement will be in effect for five years.

MOTION: Mr. Brass moved to adopt the resolution. The motion was SECONDED by Mr. Hales

Council roll call vote:

Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye
Mr. Nicponski	Aye

Motion passed 5-0

10.4 Consider a resolution supporting the 0.25% local option general sales tax dedicated to transportation and supporting the imposition of the tax in 2018 pursuant to recently passed State of Utah Senate Bill 136 (2018).

Staff presentation: Doug Hill, Chief Administrative Officer

Mr. Hill said staff is asking the Council to approve this resolution of support to ask Salt Lake County to increase the sales tax by .25%. Currently Murray City's sales tax rate is \$7.05 on every \$100.00 that is spent. A .25% increase would mean an extra \$0.25 on that \$100.00. The money would be used to fund transportation and transit projects in Salt Lake County. The total amount of money that would be raised by increasing this sales tax is approximately \$58,000,000 in Salt Lake County. The \$58,000,000 would be split three different ways. UTA would get 40% of the money and 40% would go to the cities in Salt Lake County. Murray City's portion of that would be about \$1,465,000 a year if enough cities support this resolution.

The remaining 20% would go to Salt Lake County. Salt Lake County doesn't have a lot of roads that they have jurisdiction over, so it is their intent to use these funds to pay down some debt they have on transportation and share the rest of the funds with cities. Salt Lake County is willing to increase the sales tax if more than 2/3 of the cities within the Salt Lake County provide a resolution of support.

Mr. Hill noted Mayor Camp and staff have evaluated this and other alternatives and believe it is in the city's best interest to support this sales tax increase because of the money the city will receive.

MOTION: Ms. Turner moved to adopt the resolution. The motion was SECONDED by Mr. Brass.

Before the vote, Mr. Nicponski expressed concerns with the idea of giving UTA more money. He doesn't trust UTA and doesn't think UTA spends money effectively and efficiently. However, he agreed that receiving extra money for roads would help the city out. Mr. Cox concurred with Mr. Nicponski's comments.

Council roll call vote:

Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye
Mr. Nicponski	Aye

Motion passed 5-0

10.5 Consider a resolution approving and authorizing execution of an Interlocal Cooperation Agreement between Murray City Corporation and Salt Lake County for a contribution of TRCC funds to pay the remaining obligation for

the renovations of the Amphitheater.

Staff presentation: Doug Hill, Chief Administrative Officer

Mr. Hill said this Interlocal Agreement would send \$200,000 of Tourism, Recreation, Cultural and Convention (TRCC) funds to Murray City to go towards the construction costs of the Murray Park Amphitheater which was completed last year. The total cost of that project was \$3,000,000. Murray City put in \$1,300,000 for the Amphitheater and the remaining \$1,700,000 for that project came from other sources such as Salt Lake County, the Eccles Foundation, the Sorensen Foundation and the Wheeler Foundation. This \$200,000 will reduce the amount that Murray City has to put towards that project.

MOTION: Mr. Hales moved to adopt the resolution. The motion was SECONDED by Mr. Brass.

Council roll call vote:

Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye
Mr. Nicponski	Aye

Motion passed 5-0

11. Mayor

11.1 Report

Mayor Camp said the 2018 season of Arts in the Park is underway. There will be a lunch concert series every Tuesday, with the exception of July 3 and July 24, at noon at Pavilion 5. There will also be food trucks near that pavilion. There are children's matinees Thursdays at 2:00 and a family night series on Monday nights, once a month, through September. There are also some great shows and concerts at the Amphitheater. All the information for Arts in the Park can be found on the city's website.

Mayor Camp said the city is hosting an e-waste and document shredding recycling day on June 9, 2018 from 9:00 a.m. to 11:00 a.m.

Mayor Camp noted there is construction in many parts of the city. 700 West will be closed this weekend at Auburn Drive to complete a waterline project.

Mayor Camp announced there is an opening on the Library Board for District 3. He asked any members of the public who are interested, or know someone who is interested, and lives in District 3 to contact the Mayor's Office.

Mayor Camp said there are a lot of activities scheduled at the library this summer. The Summer Shorts program will be on Mondays at 2:00 p.m. There will be

matinee movies every Wednesday at 2:00 p.m.

11.2 Questions for the Mayor

There were no questions for the Mayor.

12. Adjournment

The meeting was adjourned at 7:35 p.m.

Jennifer Kennedy, City Recorder