

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 3rd day of December, 2013 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,	Council Member
Darren Stam,	Council Member – Conducted
Jared Shaver,	Council Member
Dave Nicponski,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Tim Tingey,	Administrative and Development Services Director
Pete Fondaco,	Police Chief
Doug Hill,	Public Services Director
Justin Zollinger,	Finance Director
Blaine Haacke,	Power Department, General Manager
Greg Bellon,	Power Department
Gil Rodriguez,	Fire Chief
Steve Roberson,	Fire Department
Ryan Madsen,	IT Department
Rondi Knowlton,	Mayor's Office
Citizens	

5. Opening Ceremonies

5.1 Pledge of Allegiance – D. Blair Camp

5.2 Approval of Minutes

5.2.1 October 15, 2013

5.2.2 October 29, 2013

Mr. Hales asked for both sets of minutes to be taken together; no objections noted.

Mr. Hales made a motion to approve the minutes

Mr. Shaver seconded the motion

Voice vote taken, all “ayes.”

5.3 Special Recognition

5.3.1 Introduction of Miss Murray McCall Gray.

Staff presentation: Daniel Snarr, Mayor

Mayor Snarr said it is an honor for him to introduce Miss Murray for the sixteenth time. Ms. Gray is an incredible person. Mayor Snarr stated he has been attending D.A.R.E. graduations for sixteen years and he has never seen a young man come and actually kiss the hand of Miss Murray. That very thing happened to Ms. Gray.

Mayor Snarr read Ms. Gray’s biography. (Attachment 1)

Ms. Gray thanked everyone for being here. She stated she is fortunate to be representing Murray and to be a part of the Alzheimer’s Association, Utah Chapter. She has been very fortunate to be a part of the Utah Chapter and be very involved with them in the months prior to her becoming Miss Murray.

Ms. Gray asked the audience to raise their hand if they know or know of someone with Alzheimer’s disease; have been a caregiver for someone with Alzheimer’s disease; or if they lost a loved one to Alzheimer’s disease. The majority of the audience held up their hands. Ms. Gray stated it is miraculous how many people are touched by Alzheimer’s and how common it is; not only in Utah, but nationwide.

She continued saying there are so many people that have been involved with Alzheimer’s by either knowing someone or knowing of someone who has had this terrible disease. Her platform is “Hope for Alzheimer’s”.

Ms. Gray was at a Miss Utah 2014 photo shoot for a Christmas event that Miss Utah put on. They got to raise money and awareness for the Humane Society by posing with the animals. As she was getting her hair and makeup done, she started talking to her makeup artist. When Ms. Gray told her what her platform was, the makeup artist told her that her mother had Alzheimer's and she was a caregiver for her.

Ms. Gray has been to many elementary schools during her reign as Miss Murray and she has had many children tell her that their grandparents or aunts and uncles have this disease or that they know someone who is affected. This disease stretches across all generations.

Ms. Gray showed the audience a short video containing facts and figures from the Alzheimer's Association website.

Ms. Gray stated that the figures in the video were put together in 2013; just this year. The figures are all accurate and true based on the findings from the Alzheimer's Association in their research and care support efforts.

Ms. Gray said that Utah alone will see a 127% increase in the Alzheimer's disease in individuals between the years 2010 and 2050. One in three seniors, people 85 years old and older, passes away with this disease. Over 80% of people diagnosed or who do not yet know they have Alzheimer's do not go to a healthcare professional for help. They may not know the ten warning signs. It may start with certain memory loss or misplacement of things; but in the end they do not get diagnosed properly.

Ms. Gray shared why she chose "Hope for Alzheimer's" as her platform. She has been involved with Alzheimer's her entire life. Her grandparents, Richard and Betty Wright, were diagnosed with Alzheimer's. They were married and the best grandparents you could have asked for. Unfortunately, Ms. Gray's relationship with them was shortened because of this disease. When she was eleven, her and her family started to notice the signs of Alzheimer's. It became real. They did not realize until this disease had progressed to further stages that her grandparents had it. When her grandparents could no longer care for themselves or each other, they had to be placed in a care facility so someone else could care for them.

This is why she chose the platform she did. It has a very personal story and a special place in her heart. Ms. Gray said she wants to do everything and anything she can to promote awareness and raise money for the care, support, and research for this disease.

Ms. Gray shared what she has been able to do with the Alzheimer's

Association and what she did before she became Miss Murray. She showed the audience a video that talked about the “Longest Day” which is held in June. The longest day of the year is June 21.

Ms. Gray asked the audience to think about what they are doing on the longest day of the year in 2014. On June 21, 2014 she asked the audience to perform sixteen consecutive hours of something that they love to do. She told them to get a group of teammates together. Her team is called “Hope for a Better Future”. Although she cannot change the past in what she has experienced with Alzheimer’s, she can help for a better future.

Last year, her team performed sixteen consecutive hours throughout all of Salt Lake City then brought it back to Murray where they lit balloons and let them fly away. Every time they let a balloon go, they made a wish. A wish for a hope to end Alzheimer’s, a wish for more tomorrows, and a wish for better care and treatment for people with this disease and those who are affected in their families as well.

She continued saying her team created a canvass. They all put something on it that they loved. Her sister drew a picture of her grandparents as angels. They drew dragonflies, a tree representing life, and a fishing boat for her grandpa. This brought this whole day into prospective for them.

Another thing that Ms. Gray was fortunate enough to be a part of was the Walk to End Alzheimer’s. Over 1,000 people came out for this great cause. Ms. Gray was asked to be the president of a new group called “The Young Professionals for the Alzheimer’s Association.” During the Walk to End Alzheimer’s, she was able to represent this new group in a booth and try to recruit people. This group represents the young voices and advocates who can support this disease and fight for more tomorrows.

Ms. Gray was able to speak at this walk. Mayor Snarr was at the walk as well. It was great. She got to speak with Glenn and Emily from ABC 4 news and spread awareness for this disease nationwide. Ms. Gray was able to speak on behalf of her grandparents and the Young Professionals for the Alzheimer’s Association.

Ms. Gray stated she has gone to many schools within the Murray School District. She has made a chain which represents one school (first through sixth grade). She said that this chain represents every single child that has done something for her platform on behalf of her platform as Miss Murray.

A few weeks ago Ms. Gray went to the schools to educate the children on Alzheimer’s. Although they are too young to grasp the wide spectrum of it, they at least know what memory loss is, what this means, and how it

affects people. She said she felt fortunate to go talk to these children about this.

Ms. Gray passed around some Christmas cards that the children made. She said it is really neat to see how all of the children can show so much love to someone that they don't even know. These cards will be donated to care facilities for the elderly in Murray and hopefully bring them some Christmas spirit. Not all people have family members or friends that can come and visit them. They may have passed on or may not be as involved in their lives as many of us think they should be. Ms. Gray said this is her effort to promote the Alzheimer's awareness and bring hope to those with Alzheimer's and even elderly people facing problems like dementia.

Ms. Gray said she will stay as involved as she can with the Alzheimer's Association, Utah Chapter while she is Miss Murray. She said she is very proud to be the president and kick start this new program called the Young Professionals for the Alzheimer's Association. She will be participating in the Longest Day again on June 21, 2014. Next fall, she will be participating in the Walk to End Alzheimer's. She said if anyone is interested in more information on her platform or want to be more involved, they can go to her Facebook page by googling 'Miss Murray 2014' or go to her website missmurray2014.com.

Ms. Gray encouraged everyone to help promote this great cause. She will be participating in third party events such as going to the schools and promoting Alzheimer's awareness as well as working closely with the Alzheimer's Association, Utah Chapter. She reiterated how excited she was to be kick starting the Young Professionals for the Alzheimer's Association group so that the younger generations can get involved in a disease that some people misconstrue as being just for the older generation. It does not just affect older people; it affects the families and caregivers as well.

Ms. Gray noted that she is trying to get into any place she can to do presentations and implement her platform. She mentioned the Hope for Alzheimer's Act. It is a federal act that congress is trying to pass. The main purpose of this act is for every individual with Alzheimer's to get a diagnosis documented on their individual medical records. This will allow individuals to get the proper care, support and treatment that they need.

She continued saying that unfortunately there is not a cure for Alzheimer's disease and there is very little treatment for people with this disease. She hopes with her efforts and people teaming up with her, we can do our best to hope for a better future and fight for the end to Alzheimer's disease.

In closing, Ms. Gray showed a slide with information including her email

and the contact information for the Alzheimer's Association, Utah Chapter.

Mr. Hales stated that his mother had Alzheimer's for eighteen years and his dad took care of her the whole time. He said if you pull up, on YouTube, My Sweetheart and Me, it is his mom and dad's story. It is a wonderful story of his dad taking care of his mom and his dad says he would not have done it any differently.

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

Steve Meyer – 498 East Edindrew Circle, Murray, Utah - Acting Power Board Chair

Mr. Meyer said that as Acting Power Board Chair he would like to say that he thinks there was a misunderstanding regarding the Power Advisory Board. A few months ago, the Board was holding some additional meetings to assist in celebrating the 100th anniversary of Murray City Power. At one of these meetings, Dr. Lew Wood, a long time Power Board member, wanted to clarify that Power Board members were compensated for only one monthly board meeting, not every meeting they held as the statute read. Because of the way the statute read, the attorney felt it best to get it clarified at a council meeting. No Power Board member wanted, nor expected, to be compensated for more than one monthly meeting, if at all.

Secondly, Mr. Meyer said he has heard some City Council members had issues with some of the Power Advisory Board members. Mr. Meyer stated that if he has done anything to offend any City Council member, he apologizes. In fact, he has attended several Power Board department functions with most members of the City Council and has always regarded them as his friends.

Finally, former Power Advisory Board member, Natalie Gochnour has been an ambassador for Murray City and instrumental in getting recognition for the City and Murray Power. With input from the other Power Board members, Ms. Gochnour wrote a letter, which was signed by each Power Board Member. Mr. Meyer read the letter. (Attachment 2)

Mr. Meyer stopped reading the letter saying Jan Evans would read the rest of it. He asked the Council to reconsider the dissolution of the Power Advisory Board and allow the Power Board to stand.

Jan Evans – 5862 Cove Creek, Murray, Utah - Power Advisory Board Member

Before she finished reading the letter Ms. Evans said that this is her first time meeting many of the Council members. Because of her family's history and service to Murray, she understands the role the Council plays and she understands what it takes to fill their shoes. She personally thanked the Council for their service and all they provide the City.

Ms. Evans finished reading the letter. (Attachment 2)

7. Consent Agenda

7.1 Consider confirmation of the Mayor's reappointment of Larry Wilson to the Murray City Board of Appeals in an At-Large position for a three-year term to expire November 1, 2016.

Mr. Shaver made a motion to approve the confirmation
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

 A Mr. Brass
 A Mr. Shaver
 A Mr. Hales
 A Mr. Nicponski
 A Mr. Stam

Motion passed 5-0

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 2013-2014 Budget.

Staff Presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that the first item on the list is the RDA land and right-of-way purchase. This is a carry forward from fiscal year 2013 to fiscal year 2014 in the RDA fund for \$250,000.

Mr. Zollinger continued saying the remaining items are new items as well as money that we have saved from the sale of vehicles, equipment and other items. When we budgeted last year, the departments created a better budget, and items they bought cost less so they saved some of their budget.

The first item is a Police Capital Project Fund carry forward of \$104,909. This will be used to purchase police mobile radios. The important thing

here is this will make it so we can close and shut down our current radio system. A year and a half ago on the City's CIP list, we had \$250,000 for mobile radios and \$250,000 for portable radios. In a year and a half, we have been able to get all those things purchased and done in. A big part of this has been the CIP and the police working very hard to get it taken care of. That is a big success for the City.

Mr. Stam asked Mr. Zollinger if there is a market for selling the radios from the old service we are shutting down.

Pete Fondaco, Police Chief answered saying they are currently looking for someone to buy them but that equipment is 15 years old and in radio systems that is extinct.

Mr. Zollinger added that if they can sell for anything it will show up next year, as additional proceeds, in their CIP.

Mr. Zollinger continued saying that Administrative Development Services Capital Projects Fund has a carry forward of \$41,000. This is saved money from last year. This is to purchase EOC IT upgrades, a GIS vehicle, and a utility billing printer.

We have retired all of our bonds that were associated with the MBA Fund. The City had a \$2,500 fee that kept coming each year. Now that those bonds are retired and that account is closed there is no more activity that is going through the MBA Fund. Mr. Zollinger stated he is not suggesting that we close it or shut it down and be done with it. He is saying we should move the remaining proceeds that are in it and inactivate it. Then if we need it again, we just start it back up and we are ready to go. The money does not need to sit in that fund. There is no use for it; no activity at all. That is why he is recommending that. The amount that would be transferred is \$1,769.

The Police Department received \$19,038 of insurance proceeds from an accident. The City was not at fault. The Police Chief asked that the car be totaled because that is a lot of money to fix a car. However, the insurance company said "no." So, this money will go into fixing the car. Mr. Zollinger added that the budget for vehicle repair costs is located in the General Fund.

The Police Department was also awarded a grant for \$3,249 from the Utah Commission on Criminal and Juvenile Justice (CCJJ). These proceeds will be used for a covert camera purchase.

Mr. Zollinger said this last item took him by surprise. For years the City has operated under the understanding that there is an exception granted by

the State Auditor's office on passing a budget for the DEA. One of the reasons for that was because you do not want to have to do a budget opening and a public hearing to authorize a potential drug bust you are going to do. That was the understanding Mr. Zollinger was under.

In November, the City received a letter from the State Auditor's office stating we were in non-compliance of budget for the DEA. Mr. Zollinger called them and said this was not what he understood; this disclosure has been in our financial statements for years. They said that the new State Auditor is not comfortable with that and will not grant an exception.

To try to find a way for our DEA to function without having to do public hearings on when we are going to be doing drug enforcement activities, we are coming forward with this budget. Mr. Zollinger is aware the budget is high. It is high so they will not have to do budget openings and can do their operations throughout the year.

He continued saying this will bring the City into compliance with State Law, which we were granted an exception prior to this. The total budget for fiscal year 2014 for the DEA is \$1,933,208.

Mr. Nicponski asked on average, how many drug busts the City does per year.

Chief Fondaco said that what Mr. Zollinger is talking about is not Murray Police Department; it is DEA Metro which is the whole state. They do a lot of drug busts. It is their money, not Murray City's money. We are just the pass through on this grant. It doesn't impact Murray City or the Police budget.

Mr. Zollinger added that this entity is to help coordinate statewide drug enforcement.

Mr. Shaver reiterated what Chief Fondaco said that this money is not Murray money. It belongs to the DEA and is just a pass through.

Public Hearing open for public comment.

No comments given.

Public comment closed.

8.1.2 Council consideration of the above matter.

Mr. Shaver stated that a lot of this is due to the exceptional work that the City's Department Heads and their staff do in looking at their budgets and

being the very best at it. An incentive was given to them to do so and they have been doing a fabulous job with it for the past two years. He just wanted to say thank you.

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

Call vote recorded by Jennifer Kennedy

 A Mr. Brass
 A Mr. Shaver
 A Mr. Hales
 A Mr. Nicponski
 A Mr. Stam

Motion passed 5-0

9. Unfinished Business

9.1 None scheduled.

10. New Business

10.1 Consider a Resolution approving the amendment and restatement of an Interlocal Cooperation Agreement between the City and Draper City, Midvale City, Salt Lake County, South Jordan City, South Salt Lake City, West Jordan City, West Valley City, Town of Alta, Herriman City, Riverton City, Taylorsville City, Bluffdale City, Holladay City, Cottonwood Heights City, Unified Fire Authority and Unified Police Department of Greater Salt Lake regarding the operation of a communications center located within Salt Lake County.

Staff presentation: Jan Wells, Chief of Staff

Ms. Wells stated that there has been a lot of work done with VECC on trying to figure out the direction to go and have other entities join with VECC, specifically the UPD. As part of that, there was an agreement that was written. We have had an agreement with VECC, but it has been rewritten to include those other entities.

Ms. Wells told the council that there are two agreements in their packet. The first is Agreement A. This was the original agreement that many of these entities that were just mentioned have already passed. The second is Agreement B. There has been some question about weighted voting. West Valley City and Murray have not approved Agreement A. The other entities have. West Valley asked for an amendment. This is how it reads:

Any vote to approve a budget increase over the last approved budget by

more than 2% or any vote to approve and expenditure of money in excess of \$500,000 shall require a super majority vote of 2/3 of all the member representatives and 2/3 of all the weighted votes.

Ms. Wells said that West Valley City felt like this language would help with the voting issue. She reiterated there were some concerns that would still have to be worked through.

She said that other entities have been making a one line amendment to the agreement that they have already adopted. She received notification today that several have got it done already and others have it on their agendas. The City believes that Agreement B will be the one that is passed. She is asking the Council to consider Agreement B.

Mr. Shaver stated that based on the conversations they have had for the past several weeks regarding this; this is more in keeping with what Murray would like to be able to do as well. He asked Ms. Wells if that is correct.

Ms. Wells replied that this agreement only has to do with the organization. It does not have anything to do with the operating system which has been a question. This is just about the organization itself.

Mr. Shaver said that based on what they have been hearing from both of our Chief's, this would at least give us a greater weight.

Ms. Wells said it would give us an opportunity to have some input which is what we are trying to solve with this. The other entities have been willing to look that direction too.

Mr. Shaver made a motion to approve the Resolution approving the amendment and restatement of an Interlocal Cooperation Agreement using Agreement B.
Mr. Nicponski seconded the motion

Call vote recorded by Jennifer Kennedy

 A Mr. Brass
 A Mr. Shaver
 A Mr. Hales
 A Mr. Nicponski
 A Mr. Stam

Motion passed 5-0

- 10.2 Consider a Resolution approving a proposed fee increase for the Wasatch Front Waste and Recycling District, to be effective January 1, 2014 to December 31, 2014.

Staff presentation: Jim Brass, Council Member

Mr. Brass said that he sits on the Wasatch Front Waste and Recycling District Board. The Board has reviewed the budget for this year and essentially under best practices in State Law, they need to have a minimum unrestricted cash balance of 5% of their annual budget. In this case, that is a figure of \$850,000. That number and State Law are what has brought this about.

When the district was formed, the billing changed. Everybody who is in the district paid their bill as part of their property taxes and mortgage payment. Because of that, many were unaware of what the actual cost for waste removal was. When the district was formed, that was broken out and letters were sent to inform people of what their fees really were. Many realized that they were paying quite a bit of money for a second can that they did not necessarily need so they returned those cans. That alone impacted the revenue for the district of \$0.88 per household.

He said that increases in tipping fees at the two landfills we use, the Salt Lake City County Landfill and Trans Jordan Landfill, account for \$0.68 per month. There are also truck maintenance issues that raise that up as well as other expenses.

The net result is there was an increase in costs equal to \$2.80 per household. They are asking for \$2.00 per month increase in the fee for this year. They are actively looking for ways to address other expenses. However, to meet that goal of keeping the unrestricted cash funds in line, they have to have a \$2.00 increase.

Mr. Brass continued saying that it actually works out to be, long-term, financially the best solution they have. They were given six alternatives. There are two individuals, Pam Roberts and Stuart Palmer, in the audience who are from Wasatch Front Waste and Recycling District.

Mayor Snarr asked to make a clarification. He said that this fee increase does not apply to all Murray residents. It is important for the residents to understand that the City's cost of providing garbage pickup is strictly based upon what it costs us to provide that service. The City did not have a portion of property taxes going to pay for garbage pickup and recycling.

Mayor Snarr continued saying this is the area above 900 east as well as a small area from 350-650 east just to the south of 4500 south. Those are the areas and citizens that would be impacted. It is not the entire City that would be impacted by this increase.

Mr. Brass thanked the Mayor. He apologized for not making that clear in the beginning. He actually got an email from an individual who lives on the west side

of Murray asking about this. Mr. Brass told the individual this is only for areas east of 900 east and that area off of 4500 south also known as the annexed areas.

He continued saying the Board is asking for a \$2.00 rate increase. That has not been approved. There will be a public hearing next Monday evening at 604 west 6960 south at 6:00 pm. in their conference room. That is when this will ultimately be decided and where they will take public comment from any resident in the areas of Murray that are affected by this. Murray, as one of the voting members of the Board, has to approve this as a Council also. Then, if a majority of voting members on the Board approve it, it goes forward.

Frank Nakamura, City Attorney said that there was a proposal for a two year fee increase. This is only for one year. He wanted to emphasize that. There is a “whereas clause” in the proposed Resolution that they would like to delete. It says:

The City is represented on the Board and thereby participated in the service charge recommendation.

Mr. Nakamura said that is not worded very well. The City did not participate in that so they would like to delete that provision. It is not very clear as to what that means. We have a representative as a City which has taken no action until tonight.

Mr. Stam verified that Mr. Nakamura would like that line deleted.

Mr. Nakamura said that was correct.

Mr. Brass said that the Wasatch Front Waste and Recycling District had no issues with deleting that line.

Mr. Nicponski asked why this is only affecting one section of the City and not the entire City.

Mr. Brass replied that when the areas annexed into Murray, they were given the choice on whether they wanted to come into Murray for trash pickup or stay with the County. There were meetings held and the citizens voted to stay within the County.

Mr. Shaver added that the County was providing the service to them before the annexation.

Mayor Snarr stated that the citizens did not vote. The Board voted to keep them with Salt Lake County. He asked Doug Hill, Public Services Director if that was correct.

Mr. Hill said that when the area east of 900 east and a few other small areas were

annexed into Murray City, they were already part of what was known as the County Sanitation District. At that time, some of the citizens that lived in that area approached Mayor Snarr and asked why they could not have Murray City pickup their garbage. Mayor Snarr went to the County Council shortly after the annexation and asked the County to de-annex this area so that Murray City could be their service provider. The County Council voted to not allow this area to de-annex. That is why it remains within the district and part of the County service area. That is also why it is different than the rest of the residents of Murray City.

Mr. Nicponski asked if the Murray fees are less than the Wasatch Front Waste and Recycling Districts fees.

Mr. Hill said yes. Murray's fees are less.

Mayor Snarr added that the Wasatch Front Waste and Recycling District provides some services that the City does not. He thinks that is important and wanted to clarify that. He wants to make sure that people know that residents that are part the Wasatch Front Waste and Recycling District do get some other additional services that the City does not currently provide for their residents.

Mr. Brass stated he was going to bring that up. He is a Murray City Council Member but in reality, those citizens get an annual large trash pick-up with a large roll-off dumpster that the City would charge for. They are rolling out a green waste recycling program. It will be a subscription service, but they will have access to green waste which is also something that the City does not do. They have also looked at recycling glass and having containers for glass. All things that the City could talk about internally but the Wasatch Front Waste and Recycling District is currently providing services that the City does not.

Mr. Brass made a motion to approve the Resolution and removing the line the City is represented on the Board and thereby participated in the service charge recommendation.

Mr. Shaver seconded the motion

Call vote recorded by Jennifer Kennedy

 A Mr. Brass
 A Mr. Shaver
 A Mr. Hales
 A Mr. Nicponski
 A Mr. Stam

Motion passed 5-0

- 10.3 Consider an Ordinance overriding the Mayor's veto regarding the dissolution of the Power Advisory Board.

Staff presentation: Brett Hales, Council Member

Mr. Stam said it was his understanding that in considering an override this is the time we discuss any new evidence or new information that may come forward. It is not necessarily a time to restate previously stated opinions.

Mr. Nakamura said that is one of the factors. In other words, the Council has voted on the legislation, something may have changed that would cause you to make a different decision. Again, Mr. Nakamura does not want to be a stickler for that.

Mr. Hales said that on October 29, 2013, the City Council approved, 4-1, Ordinance No. 13-28 repealing Chapter 2.44 of the Murray City Municipal Code effectively dissolving the Power Advisory Board. Following that action Mayor Snarr vetoed the Ordinance. According to State Code Section 10-3b-204 (3) at the next meeting following the Mayor's veto under subsection 2, the Council shall consider the vetoed Ordinance, tax levy, or appropriation.

Mr. Hales stated they delayed this business item, per their Attorney's advice, to consider it when all Council Members were scheduled to be in attendance. In order to approve the override, the action requires a 2/3 vote to pass; four council members in favor. The question here is whether the Mayor shall have the authority to dictate that regarding legislative matters they would be voting on either approval or denial of the one Ordinance overridden in the Mayor's veto regarding the dissolution of the Power Advisory Board.

Mr. Stam asked if there was any new evidence they needed to consider.

Mayor Snarr said he would like to read a letter from Natalie Gochnour. He had a conversation with her after the dissolution of the Power Advisory Board. It was a very difficult thing for him because in 16 years he has never vetoed anything. He has always felt like he has had a civil dialogue and he still feels he and the Council are civil with each other. He believes the Council Members are true servants for the City. He does not mean any of this in any kind of a derogatory or mean spirited way, he just wants to lay out his case and the way Ms. Gochnour presented the things they discussed in the letter she wrote which was her letter of resignation.

Mayor Snarr said he has another letter he would like to read as well and then point out some things which he thinks were, unfortunately, misconceptions about two members of the Power Advisory Board. He had a discussion with them about this at the last Power Advisory Board. He was very candid and honest with them and they were taken back. Mayor Snarr read the letter from Natalie Gochnour, former Power Advisory Board Chair. (Attachment 3)

Mayor Snarr said he gained a good relationship with Ms. Gochnour when she was the Chief of Staff for Governor Leavitt. When he appointed her to the Board and asked her, knowing that she is an extremely busy person, he explained to her the importance of a person with her qualifications and connections to go out there and become an advocate for public power. To help people appreciate and value how important public power is to making Utah a very unique state because of the independence of a lot of cities that provide their own power.

Ms. Gochnour told Mayor Snarr she would have to think about it because she is a busy person. She came back about a week later and told the Mayor that she wanted to be on the Board. She loves Murray City and she felt it would be an honor to serve in that capacity. Mayor Snarr thanked her and she did an excellent job.

Mayor Snarr said that in her letter, Ms. Gochnour mirrored a lot of things the Mayor discussed after he made his comments during the last meeting that the dissolution of the Power Advisory Board was discussed at.

Mayor Snarr said he had a discussion with Dallas DiFrancesco and Steve Meyer, both Power Advisory Board members. He feels it was perceived that Mr. DiFrancesco and Mr. Meyer were too zealous in their responsibilities. Mayor Snarr thinks there is a big difference between being zealous and being passionate.

Passionate people are humble people who work diligently to seek the truth. In this particular case knowing the impact, for instance, that the IPPA agreement would have in going forward for 50 years would have on the City's responsibilities as a City to make sure that we had a good agreement in place so we were not going to be left with responsibility for dismantling the facility; that the City would have somebody who was going to continue to take that power. One of the most important things was that agreement knowing that the transmission line is extremely valuable for multiple reasons.

Mayor Snarr loves the Power Advisory Board for what they represent for setting Murray apart from any other city in Salt Lake County. Also financially what they mean to our City as far as bringing other businesses into Murray City and making them feel like they can succeed here because they have reliable power.

Mayor Snarr believes their passions was to be engaged, informed, and go above and beyond what they were ever asked to do as far as attending an APPA meeting then coming back and telling everyone they want to go online and learn even more about public power. Mayor Snarr has never had that happen before. Obviously they had not provided some of the courses before, but they wanted to be engaged in that.

Mayor Snarr saw Mr. DiFrancesco, who still works as the Campus Manager for the State of Utah for their data systems; take his vacation time off of his work, to

come to these meetings. He did it because he loved being part of the Board.

Dick Stauffer would educate the Mayor because he attended the meetings with him for the four years he was on the Board. Both of them had a love for Murray City Power. Mr. Stauffer said he wanted to understand even more because he wanted to be an advocate, a resource, for the Mayor, his neighbors, others in the community and for his work at the State of Utah to go out and talk about how valuable public power is.

Mayor Snarr feels that if there would have been some kind of an opportunity to sit down and reason together and dialogue, perhaps the outcome of the vote would have been different. Passion is not being zealous or saying we deserve this and that. The Board always recognized, appreciated and knew that the final say on any issue regarding what went on in the Power Department such as rate increases or any agreement the City entered into with IPA or UAMPS, came back to the City Council. The Board said they always knew that but they did feel like they needed to do their homework because how important these decisions were for the future success of Murray City Power and UAMPS.

Mayor Snarr said he would read a letter sent to him by Mr. DiFrancesco. He said he would comment on the letter after he reads it and tell the Council why he would never do this. Mayor Snarr read the letter from Mr. DiFrancesco. (Attachment 4)

Mayor Snarr stated he would never ask anybody to resign who has passion and love for their City and for a great utility as we have in Murray City Power.

Mr. Brass responded to the comments that were made in the letter. He said that Mr. Wood did call him and they had a discussion. Mr. DiFrancesco's letter is relatively accurate other than Mr. Brass told Mr. Wood that he did not know if the Council had the authority to do that. He told Mr. Wood he would talk to the City Attorney, which he did, and was, informed that they did not have the authority to do that. The Mayor appoints Board members. The Mayor decides if a Board member is no longer going to be appointed. It is one of the reasons why the Council ended up having to make the decision they made because they cannot make those decisions; all they can do is revoke an Ordinance. He added that his conversation never went further than that.

Mr. Shaver told Mayor Snarr that he appreciates his passion and the service that he has given to the City. It is commendable and he appreciates the passion he holds for those that he has nominated to serve on whatever the Commission or Board may be.

Mr. Hales said the only thing he is thinking is that he obviously voted opposite which was the first time he's ever done so. When he voted, he did not feel that there were personal issues. He has never heard about personal issues, not once,

from anybody.

He continued saying when the Mayor talks about personal issues and Mr. Meyer and Ms. Evans mentioned it; he has never heard it. He knew there were some things, like the Mayor said, but he never thought the other Council Members were voting the way they did because they were upset or bothered. He did not want to put words in the other Council Members mouths.

Mr. Shaver told Mr. Hales that he was not putting words in their mouths. He said it never was a personal issue. When he asked about equity amongst the Boards, it had nothing to do with who is serving on the Board or Commission. That was not the issue at all. It was not a 'who.' It was what was the function and what did they do.

Mr. Shaver said he would like to address one particular issue. This is a singular issue, not an eternal issue. In conversations Mr. Shaver had with the Mayor-elect, he told him what his advice would be. If he chooses to create an advisory board as the Mayor, he has every right to do so and bring it before the Council. This is an action that is being taken by this Council. It is not an everlasting or eternal decision. It can alter and change. He wants to keep some perspective in it. There is nothing in this that says it cannot be remedied in the future.

The suggestion Mr. Shaver made to the Mayor-elect is that an enterprise board should be created that would oversee all enterprise funds, whatever they happen to be. Mr. Shaver reiterated this was only a suggestion and idea. He respects both Mayor Snarr and Mayor-elect Eyre in their choice and decisions and he would support them in it.

Mr. Brass said he too has spoken with Mayor-elect Eyre. The irony in this is that Mr. Brass has worked in public power for a long time. One of his biggest issues with public power is they do not do very well promoting themselves even to their own citizens. He said that personally he does not know about the idea of a super enterprise fund board. He does see value in a board; his interest was in reorganizing that. He had that conversation with Mayor-elect Eyre. If he decides to bring a board back, Mr. Brass would be more than happy to support that. He would like to see a different structure because we have big issues to look at. We will continue to have large issues to look at.

He does not think that IPP is over. He thinks that ultimately coal is going to get beat up then natural gas will get beat up. We need an advisory board and he does not want it to be the Council. He thinks that Blaine Haacke, Power General Manager and Greg Bellon, Power Department should have a disinterested third party to bounce ideas off of before they come to the legislative body. In the meantime, Mr. Brass supported what Mr. Shaver brought before them.

Mr. Hales reiterated that he still feels like we should keep the Board. He feels that

it is important. He would not have changed his vote. He would support keeping the Board.

Mr. Brass said this is now a question of the Council making a decision and do they have the authority to make that decision.

Mr. Hales asked Mr. Brass to help him understand that. He supported to keep the Board so would he support the veto.

Mr. Shaver told him yes. He continued saying that if you look at this decision as if it were a judge's decision. A lower court says "guilty." They can appeal that decision upward based on specific ideas such as did it meet code, did it meet law, etc. With this particular issue the Council made a decision, 4-1, and the Mayor said "no, I do not think you should make that decision." In essence, the Mayor is saying that is the wrong decision based on whatever criteria he presents. All the Council is saying is that they have the right and authority to make the decision.

Mr. Shaver made a motion to approve the Ordinance
Mr. Brass seconded the motion

Call vote recorded by Jennifer Kennedy

<u>A</u>	Mr. Brass
<u>A</u>	Mr. Shaver
<u>N</u>	Mr. Hales
<u>A</u>	Mr. Nicponski
<u>A</u>	Mr. Stam

Motion passed 4-1

11. Mayor

11.1 Report

Mayor Snarr said that in meeting with the developers of the Marriott site, they are excited about the project. There will be some weather related delays and challenges getting material in and out of the site because of the soil being muddy now. They also had additional excavation that had to be done to prepare to put the curb and gutter in. That probably will not take place for quite a while now, particularly if the soil freezes. They are still working aggressively. They said if they needed to, they will ramp it up. However, Mayor Snarr noticed today that there were no framers at either one of the sites; the Hilton, Marriott, or Holiday Inn. It is a hazardous working condition when you have snow. It is easier for people to slip and fall and hard to carry material that can slip out of your hands and injure somebody.

Mayor Snarr said that Kimball is involved with the Holiday Inn Express as well. They own that land and they created the partnership to build that. They are going to ramp it up as soon as the weather allows. They will probably be doing a lot more work than what they thought because of some water issues on the Marriott and having to deal with that and find a way to take care of the water and get it into the City's storm drain system appropriately.

They were really going fast on both that and the Hilton and made more progress in a shorter period of time, and they say it is by design, on the Holiday Inn Express. They will be delayed because the weather is here and it is going to be cold.

Mr. Shaver asked if the cold weather would harden the ground enough so they could get equipment in to do some work.

Mayor Snarr responded yes, but they will not want to pour concrete. That is why they always blanket it. You do not want it to be frozen tundra because when it thaws you will have issues with the concrete. They have to keep the concrete warm.

Mayor Snarr said things are exciting. He made one clarification saying he thought the plans had been submitted for the new Dillard's however, they have not been. They should be in the week before Christmas. Mayor Snarr spoke to Gilbert Gonzales, Chief Building Official last week about it. Mr. Gonzales informed Mayor Snarr that those plans should give the City a good architectural understanding of how they are going to reinforce the interior structure of the Sears building as it goes into the rest of the mall site. Mr. Gonzales said that if the plans show adequate support so the mall site roof does not have any challenges then the City will issue them a demolition permit.

Mr. Nicponski asked if the project was supposed to take about a year and a half.

Mayor Snarr replied it should be about that. It will be late summer 2015 when it is done. The biggest challenge they have is that the demolition of that particular site is a lot more difficult than a normal slab on grade because it has a basement in it. You cannot take a track hoe and knock the site down; you have a basement. There are a couple of ways you can do it. You can knock enough debris into the basement then track across it and knock it down, which is normally what they do. Then they go back and work their way down into the basement structure. They usually create, in some cases, a ramp system to go down and drive in with their trucks and start working that way.

Mayor Snarr continued saying they are not going to have nearly enough dirt that they stockpiled. They already filled in a portion of the old Sears Automotive site. They took a lot of dirt just to fill that in. They are going to have to bring in a tremendous amount of infill to fill that up. Unless the plans show that they are

going to have some sort of a basement; which we do not know yet, where they would actually have a semi ramp to go down and deliver the products. A portion of it may be used for stockpiling the material. There is no way they have enough dirt. It will be fascinating and Mayor Snarr is excited to see the plans. If everything goes well, it will be under demolition sometime in January.

Mr. Nicponski asked if it would be a three or two story building.

Mayor Snarr replied it was going to be a two story building. He said that having a three story retail store does not work too well. People have to carry items up and down escalators or elevators for three stories. It just does not work.

11.2 Questions for the Mayor

12. Adjournment

Jennifer Kennedy, City Recorder

Attachment 1

Miss Murray 2014 McCall Gray

McCall Gray is the daughter of Shawn and Char Gray. Born and raised in Murray, she attended Parkside Elementary, Hillcrest Jr. High, and graduated from Murray High School in 2011.

McCall was born a performer. Always parading around in a tutu and “princess shoes,” she began dancing at the age of 3 and continued on to reach the highest level of instruction at Studio 56 Dance Center here in Murray. She then went on to become a member of the inaugural Westminster College Dance Team (2011-2012) and has taught youth dance classes at Studio 56 for the past five years.

Art has always been a strong talent of McCall’s and she is proud to be a commissioned artist specializing in charcoal drawing and oil painting. Aside from local contests, her art has been featured in a State Capitol Art Exhibition and the Springville Museum of Art. She enjoyed her opportunities to share art with children through her own “Show your HeART” summer art workshops and served as the director and instructor of Parents Night Out art classes at Studio 56.

McCall is currently a junior at the University of Utah majoring in Communication with a Journalism emphasis. She became interested in Journalism when she was invited to become a member of the Murray High School Journalism staff her sophomore year. She was promoted to editor in chief and featured her own opinion column for the following two years. In addition, she pursued her love of photography which led to her being appointed as the head editor of her senior yearbook.

McCall’s platform is The “HOPE for Alzheimer’s Act.” Her goal is to raise awareness and promote support for those individuals with Alzheimer’s disease and their families, as well as raise money to aid in the care, support, and research program efforts. By the time she was crowned, McCall had already been very involved with the Alzheimer’s Association, Utah Chapter, and is now extremely grateful for the opportunities to come in working with them more closely as Miss Murray. Through her natural poise, class, and confidence, there is no question that McCall will go out of her way to fulfill the duties of her title as Miss Murray and keep up the good fight in Alzheimer’s awareness.

We are very excited to have McCall Gray as our City Representative in many places and ways. She will do Murray well and proudly! Thank you, McCall, for your dedication, service and great representation!

Attachment 2

October 15, 2013

Murray City Council
5025 South State Street, Suite 112
Murray, Utah 84157

Dear Council Members,

Thank you for your service to Murray City. We appreciate and respect your leadership and thank you for the opportunity to serve on the Murray City Power Advisory Board. As a citizen board, we express our commitment to the success of our city. We believe that safe, reliable and cost-effective electricity is central to this success.

In recent days we've been made aware of several concerns of council members regarding the Power Advisory Board. Please accept our apology for any misunderstanding or miscommunication that has occurred. We are writing this letter to apologize for this confusion, clarify how we view our role and convey the benefits to the city of maintaining a power advisory board.

Role of Power Advisory Board

We recognize the Mayor and City Council as the policy-setting bodies for Murray Power. We appreciate the general manager of Murray Power as the supervisor over all functions of the power department. Within this context, our role is completely advisory. The city ordinance speaks clearly in this regard when it says we act in an "advisory capacity" and that "all matters of general policy" shall be decided by the city. Our role is to serve as citizen advisors and champions of public power among Murray residents.

Compensation and Fairness

We view our service as volunteers. None of us lend our service to receive a stipend. We also believe board equity is a worthy goal within the city and would support council decisions to improve fairness among city advisory boards.

Travel

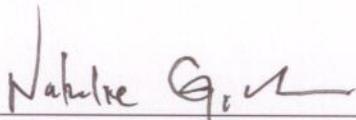
For many years, members of the Power Advisory Board have been beneficiaries of training that occurs at the annual conferences of the American Public Power Association (APPA) and Utah Associated Municipal Power Systems. We believe this training helps us better understand the complexity of the power industry, including energy sources, new technologies, financial trends and other core components. This training has made us better citizen advisors. Indeed, some members of the Power Board have paid their own expenses to attend the annual APPA conference. We have always followed strict protocols regarding meeting attendance and reported back to board members the lessons learned. We believe the city has benefited from this travel. We recognize any travel we do is at the invitation of the general manager and feel absolutely no entitlement to this travel.

Benefits to the City of the Power Advisory Board

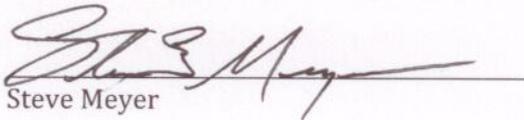
The Power Advisory Board ensures ongoing, active involvement between Murray Power and the residents it serves. We advise activities related to operations, capital expenditures, portfolio mix, new technologies, conservation, pricing, contracts and customer relations. We serve as ambassadors within the city for public power. We volunteer our time at conferences and service projects within the city. In short, we have occasionally presented suggestions for making Murray Power an even better power company. We encourage you to recognize these benefits and to support the Power Advisory Board on an ongoing basis.

Thank you again for leading our city. And thank you for the opportunity to serve for the betterment of our community.

Sincerely,



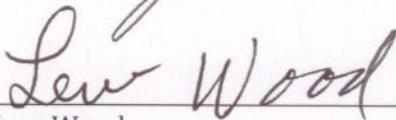
Natalie Gochnour, Chair



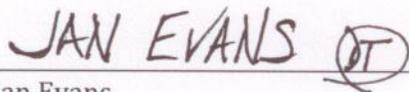
Steve Meyer



Dallas DiFrancesco



Lew Wood



Jan Evans

Attachment 3

Jan Wells

From: Natalie Gochnour <natalie.gochnour@business.utah.edu>
Sent: Friday, November 01, 2013 4:17 PM
To: Dan Snarr
Cc: Jan Wells; Blaine Haacke
Subject: Resignation from the Power Advisory Board

Mayor Snarr,

I appreciate your extraordinary contributions to Murray City. Your legacy of service will be felt for many years to come. Thank you for all you've done.

I'm writing to submit my resignation from the Murray City Power Advisory Board. The 4-1 decision from the City Council to eliminate the board makes clear the city does not value this community endeavor. Given this policy decision, I see no reason for the staff or community representatives like me to give the board any more time or resources.

It will not surprise you that I disagree with the way the city handled this. There is a better way to handle disagreements than to eliminate an important city function. In my experience, genuine problem solving in a spirit of good will would have been a far better approach. As Chair of the Power Advisory Board, I would have been happy to work with you and Blaine to address the concerns of the council and preserve a valuable community asset. I feel like I was never given that opportunity.

I have always been proud to live in Murray. I still feel that way. But I'm not proud of how a city council against the advice of the mayor, department director and board chair made such a rash decision. The irony of eliminating the board during the 100th year of the power company and on a night when 50-year decisions were made about the power company was not lost on me. A board that I thought deserved praise was told to go away. That's no way to run a city and represent the good people of Murray.

Community advisory boards, particularly of an enterprise as large and visible as Murray Power, provide a valuable service to residents. The Power Advisory Board provides valuable feedback to the staff, serves as a champion for public power within the community and provides an additional community voice in how the people's power is paid for, generated and delivered. In my judgment, Murray City is the lesser without this important function.

Again, thank you for giving me the opportunity to serve on the Power Advisory Board. I have served on over two dozen community boards during my professional career, and I found this one to be among the most rewarding. That is a credit to our great city, the incredible staff at the power company and your service as mayor.

With appreciation,

Natalie

Natalie Gochnour
Associate Dean
David Eccles School of Business

The University of Utah

801 504-1198

Natalie.Gochmour@business.utah.edu

Attachment 4

Jan Wells

From: Dallas DiFrancesco <dallasd@utah.gov>
Sent: Tuesday, December 03, 2013 8:21 AM
To: Dan Snarr
Subject: Board resignation

Dear Mayor Snarr,

Lew Wood contacted me last week and said something about a conversation he had with Jim Brass. That Jim had agreed that if we all resigned, he would change his vote. Lew was suggesting we resign, allowing the board to continue.

Though I disagree with this concept on many levels... I will leave that decision to you. I want to do what is best for Murray. If you would like me to resign, I will.

I also want to mention that I have been honored and humbled to serve, even enjoyed it very much as I have studied the power industry. I have tried to do my best and always do the right thing. I want to be of value to Murray City; The citizens, Murray Power, the Mayor's office, and I *thought* I was helping in an advisory capacity to the city council, as laid out in Murray Code.

What upsets me most are the personal comments that are not true, or taken offensively and out of context by the council, when simple conversation would clear misunderstandings and serve the city much better. We were open to any necessary change. Really, we're all on the same side with the same goals. So its a sad situation.

Please let me know if you would like me to submit my resignation. I will not be offended by you. I trust your good intentions.

Dallas

--

Dallas DiFrancesco
DTS Campus Manager

State of Utah

O: 801-297-2710

C: 801-557-2710

dallasd@utah.gov