



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, June 16th, 2015, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Council Members in Attendance:

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

Others in Attendance:

Ted Eyre	Mayor	Janet Towers	Exec. Asst. to the Mayor
Janet M. Lopez	Council Administrator	Russ Kakala	Public Services
Jennifer Kennedy	Recorder	Frank Nakamura	Attorney
Jan Wells	Chief Administrative Officer	Kellie Challburg	Council Office
Craig Burnett	Police Chief	Justin Zollinger	Finance Director
Randy Pond	Code Enforcement	Dave Rowland	Code Enforcement
Lynn Potter	Public Services	Alex Huggard	District Attorney Office
Ron Lund	SL Co. Health		

Chairman Camp called the Committee of the Whole meeting to order and welcomed those in attendance. He excused Council Member Jim Brass for his absence.

Approval of Minutes

Chairman Camp asked for approval on the minutes from the Council Policy Workshop on May 1, 2015. He had a change on page 3, the word should have been *experience* instead of *embrace*. Also, on page 4, the Mayor was quoted as discussing the intersection of 4800 South and Vine Street, and the correct intersection should be 4800 South and State Street. He asked for any other corrections on the minutes. Mr. Hales moved to approve the minutes as corrected. Ms. Turner seconded the motion. All were in favor.

Business Item #1

**Environmental Enforcement
Presentation- Doug Hill, Ron Lund, &
Alex Huggard**

Mr. Kakala introduced Alex Huggard, Ron Lund, Lynn Potter, and Dave Rowland. He noted that this crew works together with storm water and the environmental efforts associated with that.

Mr. Huggard said this presentation was prepared with a focus on Murray City. He has the opportunity to work with every jurisdiction in and around the County, and stated that there are no better employees or representation than here in Murray City, including public works, law enforcement, fire, and storm water staff.

He introduced Ron Lund, the Environmental Enforcement Coordinator for the health department, whose office is located in Murray.

Mr. Huggard said there is a unique relationship with Murray City and he wanted to share some of the successes and challenges that they are working on. Mr. Lund reiterated it is a team effort and there are many cases that could be discussed. He again complimented the team from Murray City.

He was assigned this area four years ago and brought on a new group of attorneys, including two prosecutors for felonies and Class A misdemeanors. There is one prosecutor for misdemeanor cases in unincorporated areas; otherwise, the cases are turned over to the City Attorney. There are also a couple of administrative attorneys that handle the civil aspect and notices of violations that are prepared by the health department. He said Dave Rowland was sponsored to attend the Western States Conference.

Mr. Lund said he recently spoke with the Mayor regarding several issues, ranging from processing facilities, solid hazardous waste issues, and household hazardous waste. Murray City also has an ABOP (Antifreeze, batteries, oil and paint) drop at the public works facility, which helps remove chemicals from the environment.

There is a 24 hour response team that responds to any health issue, in conjunction with other agencies. They handle meth labs and meth contamination. They are called in on housing and hoarder issues, and also public lodging facilities. The Bureau of Food Protection oversees all the restaurants, tent food events, and mass gatherings. There are additional programs that oversee vehicle emissions.

The emergency response team includes: a toxicologist, Neil Johansson supervises the solid and hazardous waste, and ground water monitoring; Jeremy Roberts, is responsible for water quality and storm water issues; and Karla Bartholomew specializes in meth housing. There are six employees on the team that all contribute uniquely. It has become a sampling group for cases and case development. If the City responds to a discharge, the response team has a long-term interest to follow through on the cleanup, and is also a resource of information.

Mr. Lund distributed a handout with contact numbers.

Mr. Huggard said the environmental task force is what makes them so effective. There are about 20 different agencies that attend the task force meetings. The task force is from all over the valley, including EPA (Environmental Protection Agency) representatives and attorneys. Different cases are discussed between the groups that attend and they are able to share information. Many of the offenders are transient and move from city to city, and this makes it easier to track them. The meetings are held the first Wednesday of every month and everyone is invited to attend.

Mr. Huggard said the goal four years ago was to educate people on environmental crimes. It began with a one day training at the police academy, with 158 in attendance, and the numbers keep increasing. In the first year, there were 17 cases, and last year over 200 cases. Mr. Lund noted that this training was meant for state agencies and the information was to be shared.

Mr. Huggard stated that two years ago there were 31 trainings, mostly to inform and educate about two specific points: what constitutes an environmental crime, and who to call. He said the partners in Murray City have really helped. There was a training done at IMC.

Mr. Lund said one important thing to do is to take photos of the crime. There are cases in which photos have made the difference.

Mr. Huggard noted that Murray City is one of three cities that have a protocol for environmental crime. It saves tax payer money and confusion when calls are made to the right people. Mr. Lund said that there is a complaint form that Murray uses to collect information, and is followed with a response form.

Mr. Huggard said they were invited by Murray City to participate in the *Night Out Against Crime*. He commented that the City did a great job and it was a positive experience.

Mr. Lund noted that there was a transient camp clean up done on the Mick Riley golf course. He said it was a group effort and a lot of area was cleaned up. He added that his staff members go to transient camps and clean them up weekly. The goal is to remove the hazards and cut down tree limbs to open the area up visually. Mr. Huggard added that transients are given information about possible programs or places to go.

There is a partnership with Parkside Elementary and the Murray City police officers and they discuss earth issues, safe kids' issues, composting and garden planting. Mr. Lund said the kids really understand environmental issues better than the older generations. There is a community garden open to anyone, and water issues are discussed.

Mr. Huggard noted that some of the following examples would list names of businesses and it doesn't mean they are necessarily a bad business, simply a bad decision was made.

Renegade Oil, near Fashion Place Mall, had an accidental discharge of approximately 2,000 gallons. A truck backed up and the back nozzle was knocked off and oil was discharged for about three full days. The discharge started at the mall, headed down 6100 South to nearly 300 West. It took a couple days of cleanup and they paid for all the cleanup efforts.

Mr. Huggard noted that not all cases are criminal, many are accidental. Mr. Lund stated that the team is willing to educate businesses on environmental issues, but few take them up on the offer.

Mr. Huggard noted another case was discovered by an alert City public works employee. There is a diesel filling station on about 4500 South and 500 West; the secondary containment system was leaking and had been for a long time. In an attempt to solve the problem, a ditch was dug by station personnel on the southwest side, which emptied right into the Jordan River. The ditch was six feet deep and petroleum was found in the testing. The company was charged for a Class A misdemeanor. He commended the Murray City employee for the discovery and action. This business has been a repeat offender and is on probation.

Part of the restitution process for companies is a written plan on how they would prevent polluting again in the future, specific to their business. A percentage of the fine paid is put into a fund which would pay for training or equipment to help with pollution. Mr. Lund said the goal is to establish that in the County Ordinance.

The next case was discovered by Murray citizens who notified City employees. A company was using chemicals to clean off a flat roof and a tar like discharge was running down the road and into the gutter. The fire department put out a retardant to absorb the discharge. Mr. Rowland and storm water employees arrived on site and tracked the discharge by way of the manholes, all the way to Mick Riley golf course. Booms were put out to collect the discharge and fortunately debris also helped to stop it. The recovery team stayed until after midnight. Mr. Rowland estimated the cost for remediation was approximately \$100,000. The owner and the company were both charged because the owner never had a plan to collect the discharge.

There was a business at about 150 West and 4800 South with visible orange smoke coming from the building at night and on the weekends, there was. It was a recycling company, which was recycling precious metals, a fact not listed on their business license. Mr. Lund said the process involved a lot of acids and bases, and the orange smoke produced was nitrous oxide. The unqualified chemist involved was a residential and commercial swimming pool worker. They were attempting to separate the precious metals by putting them in a salt solution. Mr. Rowland said the company had no plan to dispose of the solution other than the storm drain. There were 12 containers full of hazardous materials. The containers were rented with a cash deposit, not leaving any kind of paper work trail. There were numerous violations and Mr. Huggard commended Mr. Rowland for his actions. The business later tried to move to South Salt Lake and West Jordan, but the task force had already been alerted of this problem so the company relocated back to New Jersey. Ms. Turner asked if the removal of the material was supervised. Mr. Rowland replied that it was supervised by the EPA and properly disposed of.

Also on 150 West, an auto body shop was told that they had to quit flooding the parking lot, etc. On the third violation, a Class A misdemeanor was given and the company moved out of Murray.

Garco West, located at 4195 South and 500 West, was the site of 42 cases and 27 citations in 2013. There was a concerted effort to bring them into compliance and they received only three citations in 2014. The health department was also getting calls so

the complex was charged criminally and civilly. Mr. Rowland said there were numerous barrels that had to be tested for different chemicals. Mr. Rowland said there is a zero tolerance policy. Mr. Lund commented that the follow up inspection was surprisingly clean, and they are cooperating and responding.

Mr. Lund added that the health department deals with chemically contaminated properties, such as meth houses, and others. Part of their role includes closing the home or property until it is tested and numbers are below the state standard.

Mr. Huggard said that South Salt Lake ended up closing one hotel and remodeling another with the help of this program. Mr. Lund said housing is a big part of their job, including hoarders; they have the ability to close houses, and also try to bring resources to the citizens.

Mr. Huggard mentioned another case that was brought to their attention by Mr. Rowland. This lady worked for the postal office and was running her sewer into a hole in the ground. Mr. Hales asked how Mr. Rowland makes these discoveries. He replied that this one started out as an unlicensed business and grew from there.

Another individual had been living in his parents' trailer and the neighbors called because of problems created. Last year, there were 62 motor homes or trailers that were closed because occupancy was not permitted. Mr. Huggard clarified that someone could stay for a period of ten days in a trailer or motor home.

Mr. Lund noted that there were ten closed meth houses in Murray City, the most there has ever been. He said Murray City utilizes the health department, which is able to close the houses. People can be arrested for even going near the closed contaminated house. Mr. Huggard said these cases have gone through the legal system.

Mr. Huggard showed photos of transient camps. Mr. Rowland said there are many transient camps in Murray and he visits them every day.

Mr. Huggard showed a photo of another repeat offender that washed a solution of cement cuttings and water down the storm drain. The resident said it wasn't in the solution plan and he didn't know how to properly dispose of it, so it went down to the storm drain.

Another case showed carpet cleaner being washed down the storm drain. That was witnessed by a Federal agent.

The case load has increased since 2010, partly because the Murray team helps out so much. Mr. Lund noted that there has been a 24 hour phone line since about 1990, and he has seen a significant increase over the last few years. Mr. Rowland added that Murray City was one of the first cities to start their own response program and employees report to him all the time. All the agencies in the City know to call Mr. Rowland first so he can make a determination and bring in the proper agencies. He said he and Mr. Potter flex their hours so they can be on call, and not take overtime.

Mr. Lund said again it is a group effort and Murray City has a great staff. Mr. Huggard said Murray sets the example for others to follow, and he appreciates the team effort.

Mr. Rowland said the relationship with the County is phenomenal and it gives the team the ability to take care of hazardous problems.

There was a question by Richard Crangle asking what determines whether the violation is civil or criminal. Mr. Lund replied that the health department has the ability to enforce state rules pursuant to environmental quality within limits. He has not had any cases yet that met the maximum fines. The Red Butte pipeline release in 2010 was a good example, and that carried a \$25,000 fine per day even through the mitigation. He added that most of their cases involve a \$1,000 to \$7,000 penalty. The criminal element is examined by the District Attorney or City Attorney to see if it is met. Mr. Huggard said that intent isn't needed, but negligence is. The attorneys handle the notice of violation and criminal charges at the same time. Factors such as monetary gain are looked at when deciding negligence. For example, there was a case in Herriman where 6,000 gallons of raw sewage was dumped in a field for a monetary gain of not paying a dump fee.

The Council thanked him for the presentation and Ms. Turner said she would like to be notified of the next training. Mr. Potter said there would be a training for some departments this winter, and Council would be invited.

Announcements

Ms. Lopez reminded the Council about Relay for Life on July 17th and 18th. She would send out another email with the information.

Chairman Camp adjourned the meeting.

Kellie Challburg
Council Office Administrator II