



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, October 15, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### Members in Attendance:

|                 |                |
|-----------------|----------------|
| Brett Hales     | Council Chair  |
| Dave Nicponski  | Council Member |
| Darren V. Stam  | Council Member |
| Jim Brass       | Council Member |
| Jared A. Shaver | Council Member |

### Others in Attendance:

|                        |                  |                  |                          |
|------------------------|------------------|------------------|--------------------------|
| Ted Eyre               | Resident         | Justin Zollinger | Finance Director         |
| Janet M. Lopez         | Council Office   | Jan Wells        | Mayor's COS              |
| Frank Nakamura         | City Attorney    | Doug Hill        | Public Services Director |
| Jennifer Kennedy       | Recorder         | Russ Kakala      | Public Services          |
| Georganne Weidenbach   | Centurylink      | Diane Turner     | Resident                 |
| Greg Bellon            | Power            | Bruce Cutler     | Resident                 |
| Sally Hoffelmeyer-Katz | Resident         | Kellie Challburg | Council Office           |
| Jennifer Brass         | Resident         | George Katz      | Resident                 |
| Buck Swaney            | Resident         | Blair Camp       | Resident                 |
| Kim Fong               | Library Director |                  |                          |

Chairman Hales called the Committee of the Whole meeting to order and welcomed those in attendance. He excused Mayor Snarr's absence, and welcomed Doug Hill as Mayor Pro-Tem.

### Minutes

Mr. Hales asked for corrections or action on the minutes from the Committee of the Whole meeting held on September 17, 2013. Mr. Shaver moved for approval. Mr. Brass seconded the motion. All were in favor.

Mr. Hales asked for corrections or action on the Special Council Meeting held on October 1, 2013. Mr. Nicponski moved for approval. Mr. Shaver seconded the motion. All were in favor.

## **Business Items**

### **2.1 Discussion Item #1-**

### **Reports from Boards and Commission Representatives to Interlocal Entities.**

#### **2.1.1 Utah Associated Municipal Power Systems (UAMPS) – Greg Bellon**

Mr. Bellon stated that they are in the middle of contract agreements with IPA (Intermountain Power Agency). Approximately one half of the Utah municipalities involved have taken the contracts to their Council and obtained approval. Those contracts will come before the Murray City Council on October 29<sup>th</sup>.

Another topic of concern is the CRSP (Colorado River Storage Project) allocation with the drought going on in the southern part of the state. Lake Powell is about 110% below the spillway so generation has been cut back. There is a reserve fund set aside of approximately \$110 million dollars. A certain amount of energy is guaranteed to those participants, so they have had to dip into the reserve a little bit. Hopefully that won't last very long. If the drought continues into 2014, there could be a \$2 increase on the rates. Most likely, that would be a temporary rate increase, until there is more water added to the reservoirs.

Mr. Brass asked the current cost of running the turbines. Mr. Bellon said that it is anywhere from \$43 to \$49 depending on the day. Mr. Bellon said that is one of their very best resources. Mr. Nicponski clarified that this was due to Lake Powell being so low. Mr. Bellon agreed and said it is the equalization flow between Lake Powell and Lake Mead. He is hopeful for a snow filled winter.

UAMPS is looking at San Juan, the plant that California is trying to divest themselves from. Currently, it is 1.6 megawatts, and could possibly increase. Mr. Brass asked how reliable it was. Mr. Bellon said he would guess 85 to 90%. Murray City would support the UAMPS purchase, if it was the right price.

There is currently a dairy cow trial going on in Nephi. The farmers in the area believe that stray voltage is affecting the milk production in the dairy cows. They are losing more cows than normal, and believe it is a result of stray voltage from the transmission line. IPA and everyone else involved are being sued. It is a \$500 million lawsuit. There is insurance to cover costs, if something were to happen.

Mr. Bellon reminded everyone of the IPA luncheon on October 21<sup>st</sup>. All are welcome, and RSVPs are needed. Representative Stewart will attend.

Mr. Brass commented that he is nervous about the remedy for the lawsuit. He believes the only remedy would be to cut the transmission line. Mr. Bellon said there are other cases in the country right now regarding this same issue.

#### **2.1.2 Trans-Jordan Cities-**

#### **Russ Kakala**

Mr. Kakala said the financial audit was just completed. There were no concerns. Mr. Shaver asked if he could send a copy to Ms. Lopez.

Sandy City stated that they are going ahead with the gasification waste energy facility. Sandy City claims that the facility will be up and running in 18 months. It will be located on 700

West and 9000 South. Mr. Kakala said that the Sandy City ordinance has been changed to allow for a transfer station type of facility. Mr. Nicponski asked when Sandy made that ordinance change. Mr. Kakala said it was announced at a board meeting in June. Mr. Nicponski asked if they had the financing in order. Mr. Kakala noted that Sandy City stated that the money is there and there will be no out of pocket expense for the City.

Mr. Brass asked if Sandy City had received an air quality permit. Mr. Kakala said that permit is being issued now. He commented that Sandy City remains fairly vague on the details. Mr. Brass commented that Wasatch Front Waste and Recycling District had the same concerns as Trans-Jordan.

Mr. Kakala said that the plant will affect Trans-Jordan and decisions will need to be made. Sandy City has stated that it is a modular system that can grow. It can start at anywhere from 5 to 1,000 tons per day. Trans-Jordan processes 1300 tons per day, and could go as high as 3,000. Mr. Shaver stated that could lead to a bidding war. Mr. Kakala commented that it also changes the dynamics of the cities.

The price they are quoting is \$10 per ton, with a \$2 rebate at the back end, so approximately \$8 per ton. The current price is \$13 per ton to dump it. Mr. Brass commented that there could be money saved on dumping, but money lost at the landfill. The commercial rate would be \$20 per ton. If this project fails, then presumably Sandy will take over the building and make it a transfer station, which could have been the ultimate goal anyway.

Last month, Mr. Kakala attended meetings on gasification plants. The largest tonnage possible thus far had been 200 tons a day, most of which was green waste or lumber. Navitus is going to run the Sandy City facility, and they are an unknown entity. The general consensus is that gasification will not work for municipal waste. This site would separate recyclables at one facility so it would be a single stream, only one garbage can would be needed.

Mr. Brass noted that the energy required to create the gas to generate the energy doesn't add up. Mr. Kakala agreed and said that seems to be the consensus.

### **2.1.3 Murray City Library**

**Kim Fong**

Ms. Fong showed a power point of statistics and comparisons for the first quarter of 2013 and the first quarter of 2012. Public internet was about the same, catalog searches were up, patron actions (holds and renewals) were down a small amount. Wireless access was up by about 62%, which makes sense as more people get wireless devices. Mr. Shaver asked the dates in question. Ms. Fong replied that it is the first quarter of this year, versus first quarter last year. He asked if this would include the teen computer addition. Ms. Fong replied that it does. Website visits are down, e-books are up by about 35%. The children's early literacy computers are up by about 54%. The gate count and room use is interesting. The average gate count last year was 21,000 and this year it is 22,000. Room utilization is the amount of available time being used for the rooms. The study rooms are the rooms with the highest usage, and the conference room and the auditorium are listed also. Circulation was up by 2% from last year.

Of the items checked out, 28% are children's books, 30% are books for adults and teens, and 42% is AV (audio/visual) material. AV material includes DVDs and CDs. Programming and outreach programs are well attended. There are programs for small children, toddlers and preschoolers, school age children, as well as teenagers and adults. Storytube is

the online story time and is being viewed frequently. The Murray City Library Facebook page receives posts and they are active in social media.

Ms. Fong closed with a quote, "The only thing you have to know is the location of the library, "Albert Einstein.

Ms. Nicponski asked if there had been any discussions about relocating to the Central Business District. Ms. Fong said there have been discussions, but not a real good proposal on how to finance such a move.

Mr. Stam asked if the Library were to be expanded, would the bulk of the expansion be in the open space. Ms. Fong said more study rooms are needed. Currently the library is a big open space, and sometimes it is hard to find quiet areas for study, as opposed to those that are there for activities.

#### **2.1.4 Legislative Policy Committee (LPC)**

#### **Jan Wells**

Ms. Wells noted that there are many legislative things happening at this time of year. A meeting or a breakfast needs to be scheduled with Murray City's Legislators, probably early in January.

Ms. Wells said one of the items at the top of the legislative list is transportation funding. The League, in coordination with many other entities brought this issue to the forefront last year. This is a multi-year effort to try and get more funding. The League has asked Mayor Rechtenbach from Taylorsville to help with a Legislative interim committee presentation. The main issue to be discussed will be all of the organizations' combined projects that need funding, which equate to an \$11.3 billion deficit in transportation funding. This request is so huge that it needs to be broken down into different elements. A plan has been identified to take on this deficit. The strategy this year is to look for funding for cities and counties on some of their road needs. The recommendation is a 3% fuel user fee, or a 10 cent gas tax hike. That recommendation will be made to the interim committee on transportation. Mr. Nicponski asked if that would be local option. Ms. Wells replied that she wasn't sure. Mr. Brass asked how that money would be broken down to ensure that it gets to the cities. Ms. Wells answered that some of those questions don't have answers yet. The focus is on introducing this concept and asking for the funding. Mr. Nicponski stated that he believes the request for 10 cents is because the state would take 5 cents, and leave 5 cents for the cities.

There is also legislation on trails, and efforts to get the limited use of condemnation.

The League has had a lot of input on the Transparency Advisory Board. They are working with technology to help streamline GRAMA (Government Records Access Management Act) requests and other public records.

The League has drafted a Canal Safety bill for Representative Johnny Andersen to encourage the State Engineers' office to gather information about hazardous canals that could impact the safety of our residents.

There are some Justice Court issues circulating.

There are other issues such as: impact fee challenges, Good Landlord programs, and governmental immunity issues. Mr. Nicponski agreed that governmental immunity issues are

important because the liability keeps going up. Mr. Brass said there were two recent State Supreme Court decisions that were harmful. Ms. Wells noted that the Legislature isn't usually friendly about those types of issues.

### **2.1.5 Council of Governments (COG)**

### **Jan Wells**

Council of Governments has been working on some specific issues recently, noted Ms. Wells. Air quality has been a big issue being discussed, with Ralph Becker as the Chairman. UDOT (Utah Department of Transportation) created [travelwise.utah.gov](http://travelwise.utah.gov) that is a toolbox to train cities to help people best use their resources to improve air quality, especially in the winter.

There has been continued discussion on the homeless services funding that Murray participated in.

Transportation is always an issue with the TIP (Transportation Improvement Program) and the STIP (State Transportation Improvement Program) and different projects going on.

The VECC (Valley Emergency Communications Center) and UPD (Unified Police Department) merger has received a lot of attention recently. Mayor Johnson from West Jordan has helped move that agreement along. There are some issues with the agreement and Mayor McAdams has offered to help fund Versaterm if everyone can get on the same operating platform. Murray has been on Spillman, so that is a challenge that still needs to be sorted out. Mr. Shaver asked if this was an interlocal agreement between the cities that are not a part of UPD and the County, which makes three partners: non-UPD cities, UPD, and the County. Ms. Wells agreed that those would be the parties in the agreement. Salt Lake City and Sandy City have left VECC, but there are still some issues that need to be worked out.

Corridor preservation funds have been discussed recently. This is a process that allows a person to apply for corridor preservation funds. Mr. Hill and his staff put together an application that is expected to be funded because other cities have received funding. Murray asked for money to help purchase homes on Box Elder for people that do not want to stay in their homes and would like the City to purchase them. The committee explained that the project wasn't far enough along to receive funding at this time.

### **2.1.6 Utah Telecommunications Open Infrastructure Agency (UTOPIA) - Jan Wells**

Ms. Wells appreciated the efforts on the resolution that would be addressed in the Council Meeting. The resolution is for a representative change on the UTOPIA board. It was decided that Mr. Zollinger with his financial background would be an asset to the committee. The resolution requests that Mr. Zollinger act as representative and Ms. Wells serve as the alternate. The timing is important because discussions are starting on the utility model, and options for system build-out.

### **2.1.7 Utah Infrastructure Agency (UIA)-**

### **Darren Stam**

Mr. Stam stated that a topic of discussion with UIA going forward was the Salt Lake City fiber ring. That was reviewed and some agreements were made for the payment of the bond that helped push the data center off. The contract was signed and there was promised payment to build out the fiber ring. Mr. Hales asked when the decision was made to go forward with the fiber ring. Mr. Stam said it was approximately two and a half to three months ago. He stated that the decision to go forward was based on the fact that someone offered to make payments for

certain usage. These contributions would be enough to cover the bond payments for money that would have been used for the build out.

There are ongoing discussions and negotiations. On October 23<sup>rd</sup>, there would be a meeting with City Council Members to explain the negotiations. An invitation should be coming soon.

UIA is still moving forward with the second round of the bonding plan. There have been several hundred additions a month to the customer list, equating to an increase in revenue of about \$5,000 to \$6,000 per month.

Mr. Shaver asked about invitations to the meeting. Mr. Stam said the invitations could come in the mail or by email. There would be specific sign up times, avoiding any quorum issues.

**2.1.8 Valley Emergency Communications Center (VECC)-**

**Dave Nicponski**

Mr. Nicponski commented that the topic had been well covered by Ms. Wells. He added that the merger is moving along and the Spillman/Versaterm issue is a little tricky, but expects it to be resolved. He noted that VECC uses Spillman and the County uses Versaterm. The County thinks that Versaterm is a better system.

**2.1.9 Association of Municipal Councils-**

**Dave Nicponski**

Mr. Nicponski toured the South Valley Sanctuary with the association and believes that all of these non-profit agencies could really use help. The Sanctuary is stretching their budget thin to get food for the pantry. The previous month, there was a report from the County homeless distribution.

**2.1.10 Central Valley Water Reclamation-**

**Jim Brass**

Mr. Brass said that nutrients in the Jordan River are still an issue. The EPA (Environmental Protection Agency) will eventually come up with some numbers that will cost the City some money.

It is currently budget time, and there are always entities that find it easy to raise the budget, and it is a constant battle. The current discussion was that Central Valley pays 100% of insurance costs for their employees. It doesn't make sense to keep raising costs to give a benefit to employees that the City doesn't give to its own employees. Otherwise, the budget is only up about 1.2%. The plant is extremely well run, but is getting old and will have some capital expenditures in the future.

Mr. Nicponski asked about the nutrients in the Jordan River and what the increasing costs would go towards resolving. Mr. Brass said the cost would be in dropping the level of nitrogen and phosphorous, as well as other nutrients. The battle is that the EPA isn't taking into account all the other sources that empty into the Jordan River, from Utah Lake to the canyon creeks, and agricultural lands. The Water Treatment Plant is an easy target. There are various individuals with Ph.D.'s with differing opinions. New data shows the impact of heavy rains and materials washed into the river, causing a spike in the oxygen level of the organic materials. This should help the argument, but the EPA will still ask for some money.



issues, they can seek assistance through this rehabilitation loan. It is a great program and NeighborWorks takes care of everything and oversees the contractors.

NeighborWorks has been working with the code enforcement officers when they see homes with repair issues. NeighborWorks then sends a letter to the home owner to make them aware of any resources.

Mr. Shaver commented that he was part of a youth group that participated in the NeighborWorks programs last summer. The youth spent time cleaning up properties. Afterwards, the comments from the youth and the adults were that they weren't even aware of this opportunity and would like to do it again. Mr. Shaver added that he was able to get some vinyl flooring from NeighborWorks and install it in an elderly lady's home.

Mr. Nicponski asked how many homes Murray can help rehabilitate in a year. Mr. Tingey replied that the average is probably around two to three per year. The acquisition rehabilitation are big projects and they are working on their fifth thus far. There was one on Box Elder that a second bathroom and a third bedroom were added to the house. Mr. Shaver commented that there are good contractors working for them and the houses are beautiful. Mr. Stam noted a large project that is a tear-down and a complete rebuild across from Riverview Junior High. Mr. Tingey noted that the home should be available soon for a family to move in.

## **2.2 Discussion Item #2**

## **Proposed Land Use Ordinance- E-cigarettes- Tim Tingey**

Mr. Tingey stated that in June 2013, a moratorium was established to allow time to look at the ordinances related to E-cigarettes. Since that time, State code had been reviewed. The State has defined E-cigarettes under their code. Murray took this opportunity to create an ordinance for Council to consider, in November. The Planning Commission has already given their recommendation.

The plan is to take the existing ordinance for tobacco retailers and define E-cigarettes in that ordinance, similar to the State. Chapter 17.4.2 of the ordinance will define E-cigarettes in the tobacco businesses and expand the definition, consistent with what the State has done. The State defines a tobacco E-cigarette retailer as a facility that sells tobacco products that account for more than 35% of the total annual gross receipts. Secondly, food and beverage products, excluding gasoline sales is less than 45% of the total gross receipts. The establishment may not be a licensed pharmacy under State Code.

Similar to the current ordinance for tobacco retailers, an E-cigarette retail establishment cannot be within 1000 feet of a residentially zoned property, public/private school, licensed childcare facility or pre-school, playground, youth center recreational facility, arcade, park or library. In addition, these retailers would be limited to one per every 1000 citizens per the population. They also cannot be located within 500 feet of another tobacco retailer.

Mr. Nicponski asked what the experience thus far has been. Mr. Tingey replied that there are totally new shops opening up to sell E-cigarettes. They will be defined as tobacco, or E-cigarette retail shops, consistent with State Code. There are some operating now that were grandfathered prior to the ordinance. Mr. Tingey said that if those retailers go out of business, then those can be regulated with the population criteria. Mr. Brass said this topic has been in the media all over the country. The effects are unknown, so the safest thing to do is what

Murray is doing. The E-cigarette still involves nicotine, which is a drug. Mr. Shaver noted that it was discussed in the school board meeting and many kids aren't aware that it is a drug.

Mr. Tingey commented that it was helpful that the State provided some definition for the cities. Mr. Tingey appreciated the attorneys' help on this issue.

Mr. Hales reminded the Council of the Municipal Building Authority meeting at 6:20.

Ms. Lopez mentioned that there had been several meetings on chickens and bees, and there will be a Committee of the Whole meeting on November 12<sup>th</sup> to further discuss that topic. (This meeting was later delayed until January 2014.)

Mr. Hales adjourned the meeting.

Council Office Administrator II  
Kellie Challburg