



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, March 19, 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:

Dan Snarr	Mayor	Tim Tingey	ADS Director
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Justin Zollinger	Finance	Jennifer Kennedy	Recorder
Kellie Challburg	Council Office	Jennifer Brass	Resident
Cathy McKitrick	SL Tribune	Diane Turner	Resident

Chairman Brass called the Committee of the Whole meeting to order and welcomed those in attendance.

### Minutes

Mr. Brass asked for corrections or action on the minutes from the Committee of the Whole meeting held on January 8, 2013. Mr. Brass moved approval as written. Mr. Shaver seconded and the motion was approved 5-0.

### Business Item #1: State Legislative Update- Zachery Fountain

Mr. Fountain gave a quick rundown of what happened in the session. All of the outcomes and opinions will be formulated in the yearly report. Mr. Fountain will give a traditional bill summary and discuss some of the politics involved, and also include some of the bills that didn't pass, to help his successor with a road map. Mr. Fountain is also going to include a scorecard of how the legislators voted according to the City issues. There were updates done

from each house, breaking down the issues by week, so those votes will be counted. It gives the next group perspective, in terms of the difference in opinions on issues.

This last session included 766 total bills that were introduced; including 414 out of the house and 289 out of the senate. Of the total bills, 524 of them passed, which is about 68% of the total bills that passed. There were close to 1300 that could have been filed.

The City's process is to review every one of those bills to determine the impact on the municipalities. At that point, emails are sent out to Department Heads or the Council depending on the impact. Throughout the entire process, the City tracked about 124 bills, ranging from HR, Fire, Power, and Police.

Billboards this year was essentially a draw. There were two parallel bills run; one was by the outdoor advertising industry that would have allowed for unilateral conversion to electronic billboards. There is a real issue in determining the distinction of "on and off" premise signs. The City understands that when looking at land use issues, but the Legislature doesn't see the distinction. Unfortunately some of the City's signs are the ones pointed out, specifically the Humane Society signs. Those signs use live animation, as it pertains to the highway; some of the "off premise" signs don't use animation. This issue needs to be looked at when determining "on premise and off premise" status. There needs to be a broader education or determination that advertising needs to adapt. Mr. Shaver asked if that meant that the City needed to adapt, based on what the Legislature does.

Mr. Fountain said the Legislature is frustrated that a balance cannot be found. The highway seems to be a section that unilateral conversion is requested. The impact on neighborhoods needs to be evaluated, as well as the distinction between state roads and local roads and highways. The negotiations need to take place earlier in the process, so that negotiations are not taking place during the legislature. Mr. Shaver asked if Mr. Fountain and Mr. Stewart, both lobbying for those efforts found it to be successful. Mr. Fountain said it could be categorized as a win because it went nowhere. There is pressure to find a solution and so it is important not to be seen as a barrier, and Cities are currently being categorized that way by the industry.

The main problem is that other Cities are allowing "on and off premise" signs with conversion, full animation, and other issues. This makes it difficult to hold ground. Murray City has been fortunate that they have stood ground on this issue, with no conversion, but it is becoming difficult. Mr. Nicponski asked if there were the four highways offered up during the negotiations. Mr. Fountain said that was correct but the problem was that it didn't cover all of the signs by that one industry.

Mr. Shaver said the City feels strongly about this issue and has crafted legislation. He asked if there are other Cities that follow what Murray City does. Mr. Fountain said there are, and there are other Cities that are more stringent and don't allow billboards at all. In a Legislative sense, the appropriate balance needs to be determined and strike a negotiated peace. Otherwise, the issue will be decided without input from the Cities. It may require looking at some unique and different avenues. Smaller signage might be a pressure valve. Mr. Stam asked if it would help to get the other Cities closer to the same ground. Mr. Fountain said that negotiations over the summer would be helpful. Mr. Nakamura said that this issue continues to be in litigation, and because nothing happened in the legislature the issue is still pending. Mr. Fountain said there is a commitment from the League to keep working on it over the summer.

Firearm legislation was a significant part of the Legislation this year. There are a lot of people with strong opinions that are not willing to come forward and work on the issue. That is the conservative nature of Utah. Nobody wants to be designated as anti-gun. The Mayor, Chief of Staff, Council Chair, and Director, City Attorney and Police Chief all worked together to establish principles. Those principles include: maintaining the current firearm licensing provisions, maintaining firearm free zones designated by private property owners and public organizations, and also clarifying that law enforcement has the ability to assess and stabilize potential threats.

This year, the Police Chiefs and Utah League of Cities and Towns (ULCT) worked together to stop HB268, which is the disorderly conduct bill. The bill was thought to be negotiated prior, but unfortunately the other principals that were negotiating the bill backed out, and went for a bill that conflated what the officers could and could not do when approaching someone in this situation. The goal was to make sure that if 911 was called, an officer would respond to an armed suspect. It was successfully stopped, but it was awfully close. The bill got to the Senate, and fortunately Senator Bramble wasn't willing to go over the objections of local law enforcement. That is a core municipal service of public safety. It should be concerning that these bills can take on a life of their own, as far as a national agenda. For example, if a person had a gun walking in the 4<sup>th</sup> of July parade in Murray Park, the police officers would have been preempted from even talking to this person about the weapon, had this bill passed.

There is a combination of issues. There is a national political conversation, local impacts, and added confusion to the meaning for the police officers. It did fail, but if it would have passed in conjunction with HB76, which is before the Governor now, it would have been a nightmare scenario. There are still concerns about HB76, in terms of the change it could make to the concealed carry data base. Mr. Nicponski clarified that HB76 allowed anyone over 21 to carry a gun. Mr. Fountain said that is correct. Last year, 600 people were turned away from getting their concealed carry permit. The Mayor and Police Chief both signed a letter to the Governor asking for a veto of that bill.

In terms of transportation funding, the City did receive \$1.8 million for improvements to 1300 East. There were several issues with this bill this year. The Speaker of the House had concerns in terms of personality conflicts with the lobbyists involved. The bill was held up for many days. It is getting harder to get the transportation funds, it isn't as easy as just getting a lobbyist anymore. The Legislators up on the hill are arguing that Cities keep running to the hill for money, but don't have any skin in the game. The conservative groups on the hill don't want to raise taxes for transportation and take the heat for it. This impacts the revenue for road projects, specifically with the transportation earmark bill, and also the local option gas tax being implemented on the County level. There were County governments, which are partisan in nature that didn't want to take the political heat for adopting something on the County level. That became a part of the issue as it relates to the other transportation bill. Future transportation bills may have some form of a local adoption attached to them. The Mayor commented that if the State would let the cities keep 100% of the gas revenue, it would be a ton of money. Mr. Shaver stated that when the State sees the cities get additional money, the State likes to dip into it.

Mr. Stam asked about the personality conflicts with the lobbyists, and if it was in general to all of them or a few specific individuals. Mr. Fountain said it was in general and there is a perception that people are being hired for that one specific bill. It is a philosophical frustration that lobbyists are hired to get State money. Mr. Nicponski said that the bill did get 74 votes.

Mr. Nakamura wanted HB403 discussed. It will require a change to the City Code. It reduces the time for a candidate to register for office from two weeks down to one week. Mr. Hales asked if the Primary had been moved up. Ms. Kennedy said it is now in August. The problem with this legislation is that the City is required to send out notice of this change to the time frame to register for candidacy. Ms. Kennedy clarified that the filing date for this year is June 3<sup>rd</sup> to June 7<sup>th</sup>, and the Primary election is August 13<sup>th</sup>. Mr. Fountain said the reason that primaries have been shifted up is to deal with out of state voters, specifically those in the military.

Justice Courts continue to be a question as far as operations; whether they are a court of record, for example.

The Utah State Procurement Code took a lot of time this year. Currently Murray is not a part of the State Procurement Code process, but this could capture elected officials in the Ethics Procurement Code. The concern is that if you serve on an interlocal board, you could fall into that category.

There was a lot of discussion about public meetings and the speed that the information is getting out. In regards to public records; are the minutes public after they are drafted or after they are adopted, he asked. The Legislature continues to see technology move faster, and want these meetings more accessible to the public. Mr. Shaver said it is the difference between a printed form and a digital form.

There is one bill that requires budgets to be posted for interlocal entities. It is good public policy and it is happening faster and faster, so the City needs to keep up with that. Mr. Brass commented that the chance for error increases with speed also.

Mr. Nicponski asked about the Murray water legislation. Mr. Fountain said that both of the major water bills this year were killed. That was a significant balance between smaller and larger entities. That will have to be negotiated again next year. Murray's position was that either one would have been okay. It was really those who had water rights versus those in developing areas that have to convert water rights. It is liquid water versus paper water. Mr. Nicponski asked if the ombudsman part became a reality. Mr. Fountain said that none of that happened. Mr. Nicponski complimented Mr. Fountain for his efforts on HB88.

Mr. Shaver commented that the City is at the whim of the legislature. The Constitution in Utah states that the Legislature sets the bills and the rules. It sometimes feels like the State versus the local entity. The ULCT is the bedrock for the Cities. Mr. Fountain said that there are frustrations but that sometimes there is success. There was a bill passed for stiffer penalties for metal recycling theft.

This year a lot of time was spent on education for municipal government. There are not a lot of municipal officials there. There are a lot of developers, teachers and small business owners that attend. The League is a great asset.

Next year, the City will have a new administration just 24 days before the Legislature begins. Mr. Fountain is creating a road map to help with that. Mr. Nicponski commented that Mr. Fountain has done a great job and been a leader on the hill.

Mr. Shaver said that the Council wanted to support Mr. Fountain and his efforts, and recognizes that Ms. Lopez and Ms. Wells have made sure the efforts were coordinated. Mr.

Shaver asked if the government affairs coordination was successful. Mr. Fountain said that he believes it was successful, and that the City is fortunate that the Executive Branch and the Council work together on issues.

Mr. Stam expressed his appreciation to Mr. Fountain and wished him well in his future endeavors.

### **Announcements**

Ms. Lopez announced that Ms. Wells would be out of town on Thursday and Friday, so there would not be any Council communications. There have been a couple of dates set for Budgeting. April 30<sup>th</sup> will be the Mayors budget presentation so a Council meeting will be added. Tuesday, May 14<sup>th</sup> is the day set to meet with Department Directors about the budget, but there will be no Council meeting that day. May 21<sup>st</sup> Council meeting would be cancelled (later reinstated), due to two of the Council Members traveling. The Next Council meeting would be April 2<sup>nd</sup>. Mayor Snarr asked to be excused at the May 14<sup>th</sup> Budget meeting, due to a relative's wedding.

Mr. Hales adjourned the meeting at 6:22.

Kellie Challburg  
Office Administrator II