

**MURRAY**  
CITY COUNCIL

# Council Meeting September 3, 2013



**MURRAY**  
CITY COUNCIL

**NOTICE OF MEETING**  
**MURRAY CITY MUNICIPAL COUNCIL**

**PUBLIC NOTICE IS HEREBY GIVEN** that there will be a meeting of the Murray City Municipal Council on Tuesday, September 3, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

5:15 p.m. **Committee of the Whole:** To be held in the Conference Room #107  
Brett Hales conducting.

**1. Approval of Minutes**

- 1.1 Committee of the Whole – July 16, 2013
- 1.2 Committee of the Whole – August 6, 2013

**2. Business Items**

- 2.1 Salt Lake County Parks and Recreation Needs Assessment – Doug Hill (45 minutes)
- 2.2 Residential Door-to-Door Solicitation Discussion – Darren Stam, Frank Nakamura, and Chief Fondaco (15 minutes)

**3. Announcements**

**4. Adjournment**

6:30 p.m. **Council Meeting:** To be held in the Council Chambers  
Jared Shaver conducting.

**5. Opening Ceremonies**

- 5.1 Pledge of Allegiance
- 5.2 Approval of Minutes
  - 5.2.1 None scheduled.
- 5.3 Special Recognition
  - 5.3.1 Consider a Joint Resolution of the Mayor and the Municipal Council of Murray City, Utah declaring September 8 – 14, 2013 as Public Power Week. (Dan Stireman presenting.)

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

**7. Consent Agenda**

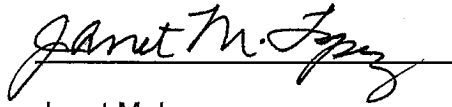
- 7.1 Consider confirmation of the Mayor's reappointment of Steve Meyer to the Murray Power Advisory Board in an At-Large position for a three-year expire June 1, 2016.
- 7.2 Consider confirmation of the Mayor's reappointment of Darin Bird to the Shade Tree and Beautification Commission in an At-Large position to fulfill the remainder of a three-year term that will expire June 30, 2015.
- 7.3 Consider confirmation of the Mayor's reappointment of Jay Hazelgren to the Shade Tree and Beautification Commission in an At-Large position to fulfill the remainder of a three-year term that will expire June 30, 2015.
- 7.4 Consider confirmation of the Mayor's reappointment of Geneal Nelson to the Shade Tree and Beautification Commission in an At-Large position to fulfill the remainder of a three-year term that will expire June 30, 2015.
- 7.5 Consider confirmation of the Mayor's reappointment of James Hendrickson to the Shade Tree and Beautification Commission in an At-Large position for a three-year term that will expire June 30, 2016.
- 7.6 Consider confirmation of the Mayor's reappointment of Ian Wright to the History Advisory Board in an At-Large position for a three year term to expire August 1, 2016.
- 7.7 Consider confirmation of the Mayor's reappointment of Peter Steele to the History Advisory Board in an At-Large position for a three year term to expire August 1, 2016.
- 7.8 Consider confirmation of the Mayor's new appointment of Sara Keil Roach to the History Advisory Board in an At-Large position for a three year term to expire August 1, 2016.
- 8. **Public Hearings**
  - 8.1 None scheduled.
- 9. **Unfinished Business**
  - 9.1 None scheduled.
- 10. **New Business**
  - 10.1 None scheduled.
- 11. **Mayor**
  - 11.1 Report
  - 11.2 Questions of the Mayor
- 12. **Adjournment**

NOTICE

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 or call Relay Utah at #711.

**Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speaker phone. The speaker phone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions.**

On Friday, August 30, 2013, at 10:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov) and the state noticing website at <http://pmn.utah.gov>.

A handwritten signature in black ink, reading "Janet M. Lopez", written over a horizontal line.

Janet M. Lopez  
Council Administrator  
Murray City Municipal Council

# Committee of the Whole

# Committee of the Whole Minutes



**MURRAY**  
CITY COUNCIL

# DRAFT

## **MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE**

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, July 16, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### **Members in Attendance:**

Brett Hales  
Dave Nicponski  
Darren V. Stam  
Jim Brass  
Jared A. Shaver

Council Chair  
Council Member  
Council Member  
Council Member  
Council Member

### **Others in Attendance:**

Dan Snarr	Mayor	Justin Zollinger	Finance
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Jennifer Kennedy	Recorder
Blair Camp	Resident	Diane Turner	Resident
Ted Eyre	Resident	Edward Houston	Resident
Tom Trevino	SLCO HD	Linda Bogdanow	SLCO HD
Jennifer Brass	Resident		

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

### **Business Item 4.1**

### **Salt Lake County Health Department Update- Linda Bogdanow & Tom Trevino**

Ms. Bogdanow reintroduced herself and Mr. Trevino. The business name has changed from the Salt Lake Valley Health Department to the Salt Lake County Health Department.

Ms. Bogdanow distributed two reports to the Council Members. She wanted to apprise them of the 25 different programs offered. Ms. Bogdanow works with infectious diseases in the epidemiology department. Some of her passions include cryptosporidium and norovirus, and that is what she pursues. She works closely with the Water Quality Bureau and the Healthy Lifestyles Department.

Ms. Bogdanow would like the Health Department to be on the agenda for future items and would be happy to come and speak on certain current topics, such as bees and chickens in the backyards. Mr. Brass said that is appreciative and he would like people with knowledge and history to come and speak on the topic. Mr. Trevino said they can either supply the City with information or send someone to the meeting. He noted that they have a huge array of knowledgeable staff with backgrounds in these environmental areas. They would be happy to forward information on any environmental issues as they appear on the agendas. Mr. Shaver asked if they would like to receive copies of all of the agendas. Mr. Trevino replied that they would like to be on the general email list and if they see something that the Health Department has been involved in, they could contact the City and be available to help. Ms. Lopez stated that she would add them to the list.

Mr. Brass noted it would be helpful to hear from people that have the expertise. He said he recently found an article on chickens, noting that certain breeds live longer than they lay eggs, and this is causing chickens to show up at animal shelters. This is one of the unanticipated consequences that they weren't aware of. Mr. Shaver noted that he saw an article in Salt Lake County that the same thing is occurring here, and agreed the expertise would be helpful. Mr. Trevino noted that he wouldn't expect the Council to know specific information and would be happy to send information that the City possibly wouldn't have thought of asking the Health Department for. It will help them to be proactive in getting information to the City if they are on the distribution list for the agenda. Mr. Shaver said the Health Department is more aware of the diseases and different things that could affect Murray City. The graphs were very interesting to show Murray compared to other cities in age and population.

Mr. Nicponski asked if they are a separate entity, and what leadership they fall into. Ms. Bogdanow said they are under Health and Human Services. Ms. Wells commented that Jill Carter was the Director over that area.

Mr. Shaver noted a couple of interesting statistics due to the central location of Murray. He thought the statistics would be similar to surrounding cities with similar demographics. He also wondered about the local hospital and if it has an influence. Mr. Shaver noted that the City is contributing to donate to the County to help the homeless, and found those statistics interesting.

Mr. Hales thanked Ms. Bogdanow and Mr. Trevino for attending and offering their assistance in the future.

### **Announcements**

Ms. Lopez said that the ULCT (Utah League of Cities and Towns) is looking for recommendations to the Board of Directors for 2013. The deadline is August 30<sup>th</sup>, and she has forms available if anyone is interested. The person nominated needs to be an elected official. Mr. Brass said the interviews would take place in the September meeting.

Also, the decision was made to offer a contract to the lobbyist, Dave Stewart for the fiscal year 2013-2014. Mr. Nakamura is working on that contract. Mr. Shaver asked if part of the contract included Mr. Stewart coming to Council and reporting. Mr. Nakamura said he would send the agreement out to everyone for their comments. Mr. Hales said he would like Ms. Lopez to be the point of contact for Mr. Stewart. Mr. Shaver noted that Mr. Fountain would previously give the information before and after the Legislative session.



Registration forms need to be filled out for the UAMPS conference to be held August 19-21<sup>st</sup>. Diane would like the forms back by July 22<sup>nd</sup>. Please return the forms to Kellie Challburg. If you would like to fly, please make your own reservations. If a car is needed, it would be helpful to share the car rental with others attending. If you are planning to drive, the allowance would be the lesser of either the airfare or mileage.

Mr. Hales adjourned the meeting.

Kellie Challburg  
Council Office Administrator II



**MURRAY**  
CITY COUNCIL

**DRAFT**

## **MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE**

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, August 6, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### **Members in Attendance:**

Brett Hales  
Dave Nicponski  
Darren V. Stam  
Jared A. Shaver

Council Chair  
Council Member  
Council Member  
Council Member

### **Members Excused:**

Jim Brass

Council Member

### **Others in Attendance:**

Dan Snarr	Mayor	Jennifer Kennedy	Recorder
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Pete Fondaco	Police Chief
Tim Tingey	ADS	Diane Turner	Resident
Mike Terry	HR	Blair Camp	Resident
Kellie Challburg	Council Office		

Chairman Hales called the Committee of the Whole meeting to order and welcomed those in attendance. Mr. Hales excused Jim Brass who was out of town on business.

### **Minutes**

Mr. Hales asked for corrections or action on the minutes from the Committee of the Whole meeting held on June 4th, 2013, as well as minutes from the Council Initiative Workshop meeting held on June 19th, 2013. Mr. Shaver moved for approval. Mr. Stam seconded the motion. All were in favor.

### **Business Item 2.1**

### **Regulating Door to Door Solicitation- Darren Stam & Frank Nakamura**

Mr. Stam stated that he had received numerous comments relating to solicitation, and not simply because the Council is considering the issue. The comments that Mr. Stam was hearing were the surrounding cities have put this model ordinance in place and it is causing the solicitors to come to Murray instead because they don't want to have to register.

Mr. Nakamura said his office made some minor adjustments to the model ordinance the cities that Mr. Stam is referring to, have passed and are currently using. The model ordinance arose out of litigation, and was approved by some of the litigants in the Kirby vacuum case. Mr. Nakamura is not aware of any challenges to the model ordinance since the resolution. The changes that were made were very minor adjustments to account for the Mayor and Council form of government, and some wording to make it consistent with the other codified ordinances. The registration requirements are still there. It is different from the previous ordinance that was in place that was challenged. The fee section has been left open; that was one of the issues in the case. Fingerprinting has also been left off because the Federal court had focused on that as being unnecessary. This is a policy call and Mr. Nakamura distributed a memorandum. The memorandum was written to give a background and explain the litigation that occurred.

In 2007, the Council decided to let solicitation go unregulated and rely on the existing ordinances that were in place. Currently, there are no registration requirements for solicitors in Murray.

Mr. Shaver confirmed that it is still up to the citizens to make the call and notify the police of someone in their neighborhood, and that the Police would not be able to check every person that is knocking on doors. Mr. Nakamura agreed that is probably the most realistic option. If the police sees them and they are not registered, they don't have to rely on citizens.

Mr. Shaver asked about minors soliciting, such as Boy Scouts, Girl Scouts, youth groups, etc. Mr. Nakamura expressed some concern about those definitions, but anything that has to do with free speech or interpretation of religion are difficult to handle. Under the law, it has to be narrowly construed and drafted. He is not aware of any subsequent issues in regards to door to door sales. Mr. Nicponski asked if this ordinance will make it more difficult for the Scouts. Mr. Stam replied that there is a section in the ordinance that makes exceptions for the youth, and school and sport teams. Mr. Shaver commented that it is the youth that are selling the candy, etc. and are not associated with a local entity and may be from a business outside the City. Usually, the school sports teams may sell products using a local entity, but other businesses may hire youth to knock on doors and solicit sales for newspapers, magazines or other products.

Mr. Shaver noted that the ordinance that the City is drafting looks very similar to the ordinance of other cities, and questioned if one city is singled out for litigation, would the other cities support each other if the ordinance is challenged. Mr. Nakamura said he would prefer to handle the case independently anyway. He said that is the best opportunity to direct the litigation. In the past, there have been experiences where other entities have settled the cases and left Murray stranded simply because they were jointly named.

Mr. Stam noted that one positive aspect of the ordinance is that it allows the City and the Police to know who is coming into the City. He is aware that previously people didn't register and didn't get picked up, but having the ordinance on the books will hinder some people from entering the City.

Mr. Nicponski asked Mr. Nakamura to walk the Council through the steps required to solicit in Murray. Mr. Nakamura said a person would need to register through business licensing, and go through a background check. After the registration form is reviewed, and the background check completed, the person would be issued a card.

Mr. Nicponski asked about the number of staff needed to process the applications. Mr. Tingey said he doesn't know how many people will proactively come in and register. He believes that most people would be referred to get a license after they have been caught soliciting without one. He said there are a couple of issues, but can make it work.

Typically, if a police officer sends someone in to get a license, that person would want a fast track for approval. The City processes hundreds of business licenses each week, and the timing and tracking may be an issue. Currently, they are a little strapped in that department, but could work through it. The difficult part is knowing how many people would come in to register and go through this process. He said even with the youth groups that are exempt, there would need to be some follow up with the school administrators that the students are carrying their student identification. Mr. Tingey said if the ordinance is adopted, they will make it work, but there are challenges.

Mayor Snarr asked a question about a person in the neighborhood soliciting lawn service. The sales man was attaching his card to the door with a rubber band. Mayor Snarr asked if that was considered solicitation.

Mr. Nakamura said the legal side is the interpretation of whether it is affiliated with religion or non-profit. The underlying policy decision is whether or not this ordinance would cause a chilling effect on people coming into the City to sell door to door. That is the difficult policy call, he noted. Murray is a community minded City and typically welcomes that communication. The issue is whether the City wants to discourage the ability to go to the neighbor's house, and those that may fall into the exempt category may not choose to risk it. Mr. Nakamura believes it is a policy call; there may be some administrative costs, but it is feasible.

Mr. Nakamura asked Chief Fondaco to talk on the subject also. Chief Fondaco said normally they would receive a complaint, which would still be the case with this ordinance because the Police are not going to go looking for solicitors. He noted that the solicitors would not go in and register on their own, they will come in to register because the Police have told them that they need to.

The solicitors would then go in to register and want their permit issued that day. They will not want to have a waiting period, because they need that immediately to do their job. He doesn't believe that anyone would register in advance. Even with the old ordinance, solicitors did not register until they were told that they had to.

Mr. Nicponski commented that is how a typical businessman would do it. Mr. Shaver noted that a typical businessman would be registered with a business license. Mr. Nakamura commented that a typical business license may not include solicitation. Mr. Shaver asked if that was something that could be done when a business license is issued, to include the possibility of solicitation on the license.

Chief Fondaco said that many solicitors do not have a business license issued by Murray, and are using the reciprocal agreement between cities. For example, a company such as Terminix may be licensed in Salt Lake, but going door to door in Murray.

Mr. Nakamura said that is where this becomes problematic. There needs to be a governmental reason to perform background checks, not simply because you are a business owner. The only reason that you can do a background check on door to door sales is because there is a governmental interest in protecting the safety of the residents. If you are simply a business owner, such as the owner of a Mini Mart, he is unsure of whether the City has the right to do a background check. That cannot be included as part of a business license application because there is not a governmental reason to do that.

Mr. Shaver commented that if he was a business owner in Murray and came in to renew his license, and wanted the opportunity to solicit door to door, then could that question be included on the business license application. Mr. Tingey said that could be done, but agrees with Chief Fondaco that most of these individuals soliciting are coming from outside of the City and are not licensed business owners in Murray.

Mr. Stam said it is interesting when looking at other cities that have this ordinance in place. If there is a legitimate business, such as a Terminix, they would go to neighboring Cottonwood Heights and get caught and then register, they would then return to Cottonwood Heights because they were already registered there. The solicitors that never register, are probably the ones that the City doesn't want. He commented that after the first time caught, they would know they need to register when coming to Murray.

Mr. Shaver asked the length of time that the registration would be current. Mr. Tingey said it would be a yearly renewal. Mr. Nakamura commented that a fee had not been specified.

Mr. Nicponski commented that they had solicitors coming to his door selling day old fruit, and literally had a knife in their hand to cut the fruit to give a sample. Sure enough, Murray police showed up shortly after, before they got very far down the street. Chief Fondaco noted that the Police could have responded to a trespassing or disorderly conduct call. Mr. Nakamura also commented that a person could have a no solicitation sign on their house, and if that is ignored, then it is a trespassing issue.

Mr. Hales noted that some condominium complexes have signs out that say no solicitation. Mr. Stam said as a politician it is different, you are not soliciting anything. Mr. Hales said that some residents don't see it any differently.

Mr. Shaver reiterated that the problem isn't those individuals that the neighborhood would like to see soliciting there. The background check is specifically for those individuals that may not be as desirable in the neighborhood, but this is the only way for them to make a living. He noted that the line is between protecting residents and allowing other solicitors that may be wanted in the neighborhood. Mr. Stam said the solicitor that the City doesn't want is the vanload of kids dropped off and canvassing the neighborhood. They are often aggressive, and accuse racism if their products are not purchased.

Mr. Nakamura said that is part of the difficulty of registering; does the driver register or the kids being dropped off, he asked. The driver is often the person making money and exploiting the kids. Mr. Stam stated that the ordinance states that those going door to door are the ones needing to be reviewed. If that van brings in a bunch of kids, all those kids would need to be registered. The fee may not be required for every kid selling, just for the one entity, if a fee is linked to the registration.

Mr. Stam noted that there was just an arrest made in Herriman for an aggressive solicitor. Mr. Nakamura agreed that there have been issues, but also believes the Police can handle those issues on trespassing or disorderly conduct when called. Mr. Stam asked what the rule was on trespassing and if it required two warnings. Chief Fondaco said no, the homeowner just needs to tell them to leave their property and if the person does not immediately leave, then it is trespassing. Chief Fondaco said if the homeowner answers the door to an aggressive person, they simply need to tell them to leave their property.

The second warning is for law enforcement, and that is not on private property.

Mr. Nicponski suggested educating the citizens, possibly a flyer in the utility mailer, as to the solicitation rules, and let the homeowners know of their rights.

Mr. Shaver asked if the discussion was moving away from the ordinance, and sticking with what was currently in place. Chief Fondaco stated that the Police will enforce the ordinance if it is enacted, whatever this body decides. Mr. Shaver commented that if he was to tell a solicitor to leave his property, they would simply move on to the neighbor. If every house refuses the solicitor, they are still walking the neighborhood and there has not been a background check performed. The trespassing and disorderly conduct rules would address a single event, but not multiple events throughout different neighborhoods.

Mr. Nakamura believes there will be difficulty in the interpretation of who is exempt, and who is not. That part of the ordinance will be very difficult.

Ms. Wells commented that the Mayor's office never receives phone calls about this issue. Chief Fondaco said that the Police Department has received calls about solicitation, but receives more calls on the people soliciting money on the freeway exits than the solicitors in the neighborhoods. He gets complaints everyday on those solicitors at the freeway in Murray. The Police respond to them and tell the solicitors not to be aggressive, and not to enter the street, but leave them there because there is not an ordinance forbidding it.

Mr. Hales said the time limit was approaching and asked if the Council would like to continue the discussion at another time.

Mr. Stam said he receives comments that the other cities are enforcing this ordinance in an effort to clean up their cities, and the people that get turned away in the other cities will come to Murray.

Mr. Shaver asked if the discussion could be moved to another day. Mr. Stam said he has heard a lot of comments since he has been knocking on doors as a candidate. Mr. Hales agreed that the subject should be continued at a future meeting, and thanked all those in attendance.

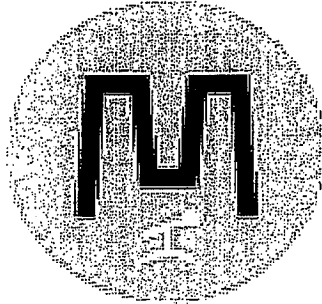
### **Announcements**

Ms. Lopez reminded the Council to make their reservations for the Boards and Commissions Banquet.

Mr. Hales adjourned the meeting at 6:30.

Council Office Administrator II  
Kellie Challburg

# Committee of the Whole Internal Business



**MURRAY**  
CITY COUNCIL

# Discussion Item #1



# Murray City Municipal Council Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)

SALT LAKE COUNTY PARKS AND RECREATION NEEDS ASSESSMENT PRESENTATION

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)

VIBRANT PARKS, RECREATION, AND CULTURAL AMENITIES; RESPONSIVE AND EFFICIENT CITY SERVICES

3. **MEETING, DATE & ACTION:** (Check all that apply)

\_\_\_\_ Council Meeting OR X Committee of the Whole

X Date requested SEPTEMBER 3, 2013

\_\_\_\_ Discussion Only

\_\_\_\_ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_

\_\_\_\_ Resolution (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_

\_\_\_\_ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? \_\_\_\_

\_\_\_\_ Appeal (explain) \_\_\_\_

\_\_\_\_ Other (explain) \_\_\_\_

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

\$200,000 GENERAL FUND

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

MEMO, RESOLUTION, AGREEMENT

6. **REQUESTOR:**

Name: DOUG HILL

Title: PUBLIC SERVICES DIRECTOR

Presenter: SALT LAKE COUNTY

Title: \_\_\_\_

Agency: MURRAY CITY

Phone: 801-270-2404

Date: AUGUST 23, 2013

Time: \_\_\_\_

7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director: *Doug Hill*

Date: Aug 23, 2013

Mayor: *Daniel C. Fran*

Date: Aug 23rd 2013

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_

Received by: \_\_\_\_

Date: \_\_\_\_

Time: \_\_\_\_

Recommendation: \_\_\_\_

9. **NOTES:**



# MEMO

**To:** Mayor Daniel C. Snarr  
**From:** Doug Hill, Public Services Director  
**Cc:** Jan Wells, Chief of Staff  
**Date:** August 23, 2013  
**Subject:** Salt Lake County Parks and Recreation Needs Assessment

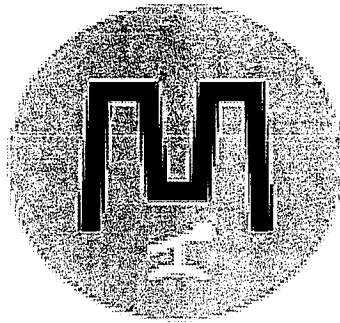
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In 2012 Salt Lake County Parks and Recreation conducted a needs assessment survey of 20,000 residents to help determine recreational facilities, park, open space and program priorities for our community.

I am requesting that the results of this survey be shared with the Murray City Council and Parks and Recreation Advisory Board in a joint Committee of the Whole Meeting.

Thanks you for your assistance. Please let me know if you have any questions.

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**MURRAY**  
CITY COUNCIL

# Discussion Item #2

# Murray City Municipal Council

## Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)

**REGISTRATION AND PERMIT PROCESS FOR INDIVIDUALS AND BUSINESSES DESIRING TO SOLICIT GOODS OR SERVICES IN MURRAY CITY NEIGHBORHOODS.**

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)

**SAFE AND HEALTHY NEIGHBORHOODS**

3. **MEETING, DATE & ACTION:** (Check all that apply)

\_\_\_\_ Council Meeting OR X Committee of the Whole

X Date requested September 3, 2013

X Discussion Only

X Ordinance (attach copy)

Has the Attorney reviewed the attached copy? X

\_\_\_\_ Resolution (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_

\_\_\_\_ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? \_\_\_\_

\_\_\_\_ Appeal (explain) \_\_\_\_\_

\_\_\_\_ Other (explain) \_\_\_\_\_

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

This process would have an impact on the Business License Division for the time and effort to take applications, complete background checks and oversee whatever requirements might be developed under a proposed ordinance.

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

Draft Ordinance regarding Residential Solicitation.

6. **REQUESTOR:**

Name: Darren Stam

Title: Council Member District 2

Presenter: Darren Stam

Title: Same

Agency: Murray City Council

Phone: 801-747-9132

Date: July 9, 2013

Time:

7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director:

Date: August 23, 2013

Mayor: N/A

Date:

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

9. **NOTES:**

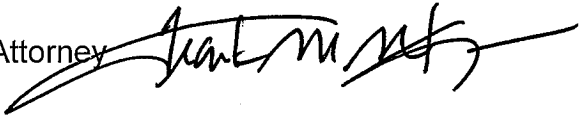


## ATTORNEY – CLIENT COMMUNICATION

### MEMORANDUM

**TO:** Murray City Municipal Council

**CC:** Tim Tingey, Director of Administrative and Development Services

**FROM:** Frank Nakamura, City Attorney 

**DATE:** July 29, 2013

**RE:** Draft Ordinance regarding residential solicitation

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Based on your request following a Council Initiative Workshop, attached is a draft ordinance governing residential Door-to-Door solicitations. The draft is a model ordinance initially presented to the City and other municipalities in 2007 with minor changes we made to reflect consistency with other City Ordinances. We also tailored the model ordinance to the City's Mayor-Council form of government.

As we stated at the Council Initiative Workshop and in a Memorandum dated July 8, 2013, a copy of which is attached as Appendix 1, we were presented the model ordinance in 2007 following a lengthy litigation involving several Utah municipalities. The model ordinance was approved by Pacific Frontier, the plaintiff in the case against the City and other municipalities. It is a watered down version of the City's prior Door-to-Door solicitation ordinance. Due to adverse rulings in the Federal Courts against other municipalities involved in the Pacific Frontier litigation, the City repealed its Door-to-Door solicitation Ordinance.

On January 16, 2007, we submitted a Memorandum to the City Council regarding a decision to either adopt the model ordinance or decline to pass specific legislation regulating Door-to-Door Solicitation. A copy of the January 16, 2007 Memorandum is attached as Appendix 2. We represented to the City Council at that time that under the City's prior Door-to-Door Solicitation Ordinance, no citations were issued and most of those involved in the Door-to-Door sales were either exempt or neglected to comply with the registration requirements of the Ordinance. We believed then as we do now that the model

ordinance still raises issues that are subject to Constitutional challenge due to the generality of the definitions regulating commercial and non-commercial speech. We believe then as we do now that the City has adequate Ordinances in place that deal with sales persons who cross the line by either ignoring "No Solicitation" signs on residential property or escalate their sales methods to the point of harassment.

The City Council, at that time, declined to adopt the model ordinance or to enact any further legislation regarding Door-to-Door Solicitation. We believe, as does other City Departments involved with the proposed regulation, that the increase in administrative time and cost outweighs any benefits gained by implementing the registration and other requirements for Door-to-Door solicitors. You may want to consider enacting only those provisions that deal with "No Solicitation" signs on residential properties and violations of those requests. This may enhance the existing trespass Ordinances that City has while foregoing the institution of an administrative process and all the burdens that go with it.

If you have any questions please feel free to contact us. Thank you

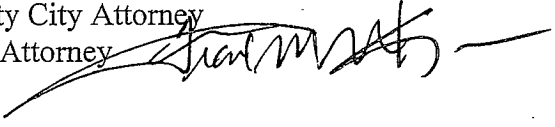
## **APPENDIX 1**



## ATTORNEY-CLIENT COMMUNICATIONS

### MEMORANDUM

TO: Murray City Municipal Council

FROM: G.L. Critchfield, Deputy City Attorney  
Frank Nakamura, City Attorney 

DATE: July 8, 2013

RE: Regulating Door-to-Door Solicitation

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Council Member Darren Stamm asked our office to review the "Solicitation Ordinance" passed by Cottonwood Heights, a copy of which is attached at Exhibit A. This ordinance purports to regulate door-to-door solicitors in Cottonwood Heights.

The Cottonwood Heights ordinance is not new to us. This ordinance is a newer "model" ordinance that has been passed by Cottonwood Heights and several other Utah cities. (See examples attached at Exhibit B.) This model ordinance came about, at least in part, as a result of a lawsuit filed by the distributor of Kirby Vacuums against eleven Utah cities, including Murray City. The lawsuit alleged several violations of the United States Constitution, including a violation of the First Amendment right of free speech. Several of the challenged ordinances were, themselves, based on an older "model" ordinance.

Two cities received unfavorable Court rulings declaring their door-to-door solicitation ordinances unconstitutional. The Federal District Court enjoined Pleasant Grove from enforcing its door-to-door solicitation ordinance. On appeal, the Tenth Circuit Court of Appeals agreed that the injunction was proper. (See attached, the Tenth Circuit Court of Appeals decision affirming the Federal District Court's decision to enjoin Pleasant Grove City from enforcing its ordinance, at Exhibit C.)

Kaysville City also unsuccessfully defended its ordinance in Federal District Court. Kaysville City drafted four variations of door-to-door solicitation ordinances to avoid further litigation and each was ruled unconstitutional. (See Federal District Court decision at Exhibit D.)

We believe that each of the eleven Utah cities ultimately settled out of court, paying significant sums of money. New ordinances were passed, including the model ordinance passed by Cottonwood Heights, to replace the old model ordinances that were found to be unconstitutional.



To our knowledge, the new model ordinance passed by Cottonwood Heights has not yet been challenged in court.

As a result of the litigation, the City chose to repeal its existing solicitation ordinance (known as the "Transient Merchant" ordinance) and decided not to pass a new (model) ordinance. The City believed that it was prudent to limit its exposure to further lawsuits and that there were laws existing that would provide citizens protection. (See excerpted Council Minutes for February 20, 2007, at Exhibit F.) For example, the law of trespass prohibits one from remaining on private property after the person has been asked to leave. Further, a sign at the door of an occupant prohibiting solicitation must also be obeyed under the same trespass law.

The law of door-to-door solicitation is a complex area of municipal law that has undergone significant challenges over the last thirty years. Cities across the country have been grappling with how to balance the governmental interest of protecting its citizens' privacy and protecting them from crime, against the rights of merchants to disseminate information and goods and the rights of citizens who welcome door-to-door solicitations to receive information and goods. (See a sample of articles from across the country, at Exhibit E.) The United States Constitution requires that, in this area of the law, regulations must be narrowly tailored to restrict no more speech than is necessary and they may not violate the rights of those wanting to engage in door-to-door solicitations, whether that be the solicitor or the recipient of the solicitation.

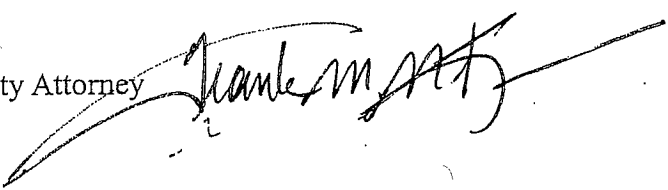
We believe nothing has changed in the law of door-to-door sales since the repeal of the City's ordinance. However, if the Council wishes to adopt an ordinance similar to Cottonwood Heights, the Council should know that there is a risk that any such Ordinance may be found unconstitutional.

Please contact our office with any questions or concerns.

## **APPENDIX 2**

**ATTORNEY - CLIENT COMMUNICATION****MEMORANDUM**

**TO:** Murray City Municipal Council

**FROM:** Frank M. Nakamura, City Attorney 

**DATE:** January 16, 2007

**RE:** Door-to-Door Solicitation Ordinance

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On September 1, 2004, Pacific Frontier and other sales distributors (hereinafter referred to as "Kirby") filed suit against the City alleging that the City's door-to-door solicitation ordinance had constitutional flaws that resulted in damages to them. Similar lawsuits were filed against twenty-one other Utah cities. Following the filing of the case, the Murray City Municipal Council amended the City's door-to-door solicitation ordinance to remove any constitutional concerns, including providing for prompt judicial review of a license denial or revocation.

It is important to note that prior to the lawsuit, the City had not denied a license, nor had anyone been cited for violation of the door-to-door solicitation ordinance.

The City was advised that the law firm of Snow, Christensen and Martineau was handling the Kirby case for Farmington City, Centerville City, Draper City, Orem City, Cedar City, South Jordan City, and Sandy City. Following service of the lawsuit, Snow, Christensen and Martineau suggested to our office that it would be cost effective if they handled the Kirby case for all of the cities because the issues were the same. In discussion with the Finance Director and Mayor, the City retained Snow, Christensen and Martineau to represent the City along with seven others. A copy of the communication from Snow, Christensen and Martineau to our office regarding the case is attached for your information. The attached memorandum discusses the issues in the Kirby case. It was the opinion of this office that since no person or business had been denied a license by the City or had been cited for violation of the City's door-to-door solicitation ordinance, there were no damages and, therefore, no case.

There were fifteen Kirby cases pending against other Utah cities prior to the date the case was filed against the City. Snow, Christensen and Martineau was monitoring the progress of the

Re: Door-to-door Solicitation Ordinance  
January 16, 2007  
Page 2

lawsuits filed against the other fifteen cities. Unfortunately, the Federal Court issued rulings favorable to Kirby and against the other cities. With the Federal Court decisions, we needed to assess the lawsuit against the City differently despite the absence of damages.

In a letter to this office from Snow, Christensen and Martineau, dated September 19, 2006, a copy of which is attached, we were advised that thirteen cities settled for damages, attorney's fees and costs in the amount of approximately \$1,000,000. The settling cities included Kaysville and Pleasant Grove. We were advised in the September 19, 2006 letter that St. George, American Fork and Salt Lake County were also in the process of settling their cases. We, however, wanted to stand by our position since there were no damages and thus no case. Furthermore, any constitutional flaws in our ordinance were immaterial and cured.

In December, 2006, we were advised by Snow, Christensen and Martineau that Sandy had settled its case for a nominal amount. We are still interested in knowing why Sandy was able to settle although five other cities remained. Nonetheless, we were also advised that the other six cities represented by Snow, Christensen and Martineau decided to settle leaving the City to stand alone. Subsequently, our office had discussions with the Mayor, the Finance Director, the Chief of Police, and the City Recorder to decide how we should proceed. In order to settle, we would need to pay to Kirby \$37,000 and agree to adopt Kirby's model door-to-door solicitation ordinance or have no ordinance. We advised Snow, Christensen and Martineau that we cannot bind future City Councils in regards to legislation. Accordingly, if we were to adopt Kirby's model ordinance, we could not agree that a future City Council would not amend it. Further, there is no guarantee that other distributors would not sue the City under Kirby's model door-to-door solicitation ordinance. Additionally, it is the opinion of Snow, Christensen and Martineau and our office that Kirby's model ordinance is of no value. The other alternative is to adopt a model ordinance proposed by Snow, Christensen and Martineau, however, there are no guarantees that Kirby or other distributors or sales people would not file a similar claim against the City under that ordinance. It is our belief that Kirby would not likely file additional lawsuits upon settlement nor do we anticipate others, however, there will always be that risk.

A final alternative is to have no ordinance licensing or directly regulating door-to-door solicitation. Chief Fondaco and City Recorder Carol Heales advised us that very few persons or businesses have applied for licenses from the City under the door-to-door solicitation ordinance. Further, the City has never issued a citation under the ordinance. Finally, if there are issues related to unruly sales people, the City has other laws such as those prohibiting trespassing or harassment that would allow law enforcement to deal with the problems. With no ordinance, there is no risk that the City would be sued by other sales people or distributors. Accordingly, we will be presenting to you legislation repealing the door-to-door solicitation ordinance.

Re: Door-to-door Solicitation Ordinance  
January 16, 2007  
Page 3

Like the alarm ordinance, the public may misunderstand the repeal of the door-to-door solicitation ordinance. They may feel that the City has decided not to protect the residents from the door-to-door sales people. Although the ordinance had no effect in the past, the public may not understand it. We will be prepared to state for the record the reasons and provide assurances that the public will receive the same protections they had in the past regarding door-to-door sales.

Finally, we are disappointed with the result of the Kirby case. In the last eight years, we have not paid more than \$25,000 on a claim. The lesson we have learned is that even if there is a savings in attorney's fees, joint representation of several cities together may not be the best for our City.

If you have any questions, please feel free to contact us.

## CHAPTER 5.32

### RESIDENTIAL SOLICITATION

#### SECTION:

- 5.32.010 Purpose
- 5.32.020 No Other City License or Approval Required
- 5.32.030 Definitions
- 5.32.040 Exemptions from Chapter
- 5.32.050 Solicitation Prohibited
- 5.32.060 Registration of Solicitors
- 5.32.070 Application Form
- 5.32.080 Written Disclosures
- 5.32.090 When Registration Begins
- 5.32.100 Issuance of Certificates
- 5.32.110 Form of Certificate and Identification Badge
- 5.32.120 Maintenance of Registry
- 5.32.130 Non-Transferability of Certificates
- 5.32.140 Denial, Suspension or Revocation of a Certificate of Registration
- 5.32.150 Appeal
- 5.32.160 Deceptive Soliciting Practices Prohibited
- 5.32.170 "No Soliciting" Notice
- 5.32.180 Duties of Solicitors
- 5.32.190 Time of Day Restrictions
- 5.32.200 Buyer's Right to Cancel
- 5.32.210 Penalties

#### 5.32.010 Purpose:

A. Residents of the City have an inalienable interest in their personal safety, well-being, and privacy in their residences, as well as their ability to provide or receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce. The City has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its citizens, which includes the ability to protect citizens from unwanted intrusions upon residential property. The City also has a substantial interest in protecting citizens from fraud or otherwise unfair consumer sales practices as well as criminal activity.

There must be a balance between these substantial interests of the City and its citizens, and the effect of the regulations in this Chapter on the rights of those who are regulated. Based on the collective experiences of City officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to the inquiries of citizens regarding Door-to-Door Solicitation, the experience of its law enforcement officers and those affected by Door-to-Door canvassing and solicitation, as well as judicial decisions outlining the boundaries of constitutional protections afforded

and denied persons seeking to engage in Door-to-Door Solicitation, the City adopts this Chapter to promote the City's substantial interests in:

1. respecting citizen's decisions regarding privacy in their residences;
2. protecting persons from criminal conduct;
3. providing equal opportunity to advocate for and against religious belief, political position, or charitable activities; and
4. permitting truthful and non-misleading Door-to-Door Solicitation regarding lawful goods or services in intrastate or interstate commerce.

B. The City finds that the procedures, rules and regulations set forth in this Chapter are narrowly tailored to preserve and protect the City interests referred to herein while at the same time balancing the rights of those regulated.

**5.32.020: NO OTHER CITY LICENSE OR APPROVAL REQUIRED:**

A. Registered Solicitors and persons exempt from registration need not apply for, nor obtain, any other license, permit, or registration from the City to engage in Door-to-Door Solicitation.

B. Any business licensed by the City that uses employees, independent contractors, or agents for Door-to-Door Solicitation in an effort to provide any tangible or intangible benefit to the business, shall be required to have such Solicitors obtain a Certificate, unless otherwise exempt from registration.

C. Those responsible persons or entities associated with registered Solicitors need not apply for, nor obtain, any other license, permit, or registration from the City, provided they do not establish a temporary or fixed place of business in the City.

D. Nothing herein is intended to interfere with or supplant any other requirement of federal, state, or other local government law regarding any license, permits, or certificate that a registered Solicitor is otherwise required to have or maintain.

**5.32.030: DEFINITIONS**

For the purposes of this Chapter, the following definitions shall apply:

"Advocating": speech or conduct intended to inform, promote, or support religious belief, political position, or charitable activities.

"Appeals Officer": the City Mayor or designee responsible for receiving the information from the City and Appellant regarding the denial or suspension of a Certificate and issuing a decision as required by this Chapter.

"Appellant": the person or entity appealing the denial or suspension of a Certificate, either personally as an Applicant or registered Solicitor, or on behalf of the Applicant or registered Solicitor.

"Applicant": an individual who is at least sixteen (16) years of age and not a corporation, partnership, limited liability company, or other lawful entity who applies for a Certificate permitting Door-to-Door Solicitation.

"Application Form": a standardized form provided by the City to an Applicant to be completed and submitted as part of registration.

"B.C.I.": an original or copy, dated no older than 180 days prior to the date of the Application, of either: (1) a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the Applicant; or (2) verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the Applicant.

"Business": a commercial enterprise licensed by the City as a person or entity under this Chapter 5.32, having a fixed or temporary physical location within the City.

"Certificate": a temporary, annual, or renewal Certificate permitting Door-to-Door solicitation in the City applied for or issued pursuant to the terms of this Chapter.

"Charitable Activities": Advocating by persons or entities that either are, or support, a charitable organization.

"Charitable Organization"

A. Charitable Organization includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity that is:

1. a benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious, or charitable, social welfare or advocacy, public health, environmental or conservation, or civic organization;
2. for the benefit of a public safety, law enforcement, or firefighter fraternal association; or
3. established for any charitable purpose; and
4. is tax exempt under applicable provisions of the Internal Revenue Code and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.

B. Charitable Organization includes a chapter, branch, area, or office, or similar



affiliate or any person soliciting contributions within the State for a charitable organization that has its principal place of business outside the City or State.

“Competent Individual”: a person claiming or appearing to be at least eighteen (18) years of age and of sufficiently sound mind and body to be able to engage in rational thought, conversation, and conduct.

“Completed Application”: a fully completed Application Form, a B.C.I, two copies of the original identification relied on by the Applicant to establish proof of identity, and the tendering of fees.

“Criminal Convicted”: the final entry of a conviction, whether by a plea of no contest, guilty, entry of a judicial or jury finding of guilt, which has not been set aside on appeal or pursuant to a writ of habeas corpus. The criminal conviction is that offense of which the Applicant or registered Solicitor was convicted, without regard to the reduced status of the charge after completion of conditions of probation or parole and charges dismissed under a plea in abeyance or diversion agreement.

“Disqualifying Status”: anything specifically defined in this Chapter as requiring the denial or suspension of a Certificate and any of the following:

A. The Applicant or registered Solicitor has been criminally convicted of:

1. felony homicide,
2. physically abusing, sexually abusing, or exploiting a minor,
3. the sale or distribution of controlled substances, or
4. sexual assault of any kind.

B. Criminal charges currently pending against the Applicant or registered Solicitor for:

1. felony homicide,
2. physically abusing, sexually abusing, or exploiting a minor,
3. the sale or distribution of controlled substances, or
4. sexual assault of any kind.

C. The Applicant or registered Solicitor has been criminally convicted of a felony within the last ten (10) years;

D. The Applicant or registered Solicitor has been incarcerated in a federal or

state prison within the past five (5) years;

E. The Applicant or registered Solicitor has been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:

1. moral turpitude, or
2. violent or aggravated conduct involving persons or property.

F. A final civil judgment been entered against the Applicant or registered Solicitor within the last five (5) years indicating that: (i) the Applicant or registered Solicitor had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the Applicant or registered Solicitor was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19);

G. The Applicant or registered Solicitor currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;

H. The Applicant or registered Solicitor has an outstanding arrest warrant from any jurisdiction; or

I. The Applicant or registered Solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

"Door to Door Solicitation": the practice of engaging in or attempting to engage in conversation with any person at a residence, whether or not that person is a competent individual, while making or seeking to make or facilitate a home solicitation sale, or attempting to further the sale of goods and/or services.

"Entity" includes a corporation, partnership, limited liability company, or other lawful entity, organization, society or association.

"Fees": the cost charged to the Applicant or registered Solicitor for the issuance of a Certificate and/or Identification Badge, which shall not exceed the reasonable costs of processing the application and issuing the Certificate and/or Identification Badge.

"Final Civil Judgment": a civil judgment that would be recognized under state law as a judgment to which collateral estoppel would apply.

"Goods": one or more tangible items, wares, objects of merchandise, perishables of any kind, subscriptions, or manufactured products offered, provided, or sold.

"Home Solicitation Sale": to make or attempt to make a sale of goods or services by a Solicitor at a residence by means of Door-to-Door solicitation, regardless of the means of payment or consideration used for the purchase; the time of delivery of the goods or

services; or the previous or present classification of the Solicitor as a solicitor, peddler, hawker, itinerant merchant, or similar designation.

"Licensing Officer": the City employee(s) or agent(s) responsible for receiving from an Applicant or registered Solicitor the Completed Application and either granting, suspending, or denying the Applicant's Certificate.

"No Solicitation Sign": a reasonably visible and legible sign that states "No Soliciting," "No Solicitors," "No Salespersons," "No Trespassing," or words of similar import.

"Political Position": any actually held belief, or information for, against, or in conjunction with any political, social, environmental, or humanitarian belief or practice.

"Registered Solicitor": any person who has been issued a current Certificate by the City.

"Registration": the process used by the City Licensing Officer to accept a completed application and determine whether or not a Certificate will be denied, granted, or suspended.

"Religious Belief": any sincerely held belief, or information for, against, or in conjunction with, any theistic, agnostic, or atheistic assumption, presumption or position, or religious doctrine, dogma, or practice regardless of whether or not the belief or information is endorsed by any other person or public or private entity.

"Residence": any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the land use laws of the City, together with the lot or other real property on which the living unit is located. This does not include the sidewalk, public street or public rights of way.

"Responsible Person or Entity": that person or entity responsible to provide the following to an Applicant, registered Solicitor, and the competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale:

- A. maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any sale of goods or services, paying the sales taxes, and filing any required returns or reports;
- B. facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and
- C. refunding any monies paid or reversing credit card charges to those persons who timely rescind any sale pursuant to applicable contractual rights or law.

"Sale of Goods or Services": the conduct and agreement of a Solicitor and the competent individual in a residence regarding a particular good(s) or service(s) that entitles the consumer to rescind the same within three days under any applicable federal, state, or local law.

"Services": those intangible goods or personal benefits offered, provided, or sold to a competent individual of a residence.

"Soliciting, or Solicit, or Solicitation": means any of the following activities:

- A. Seeking to obtain sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;
- B. Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;
- C. Seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity;
- D. Seeking to obtain orders of prospective customers for goods or services.
- E. Seeking to engage an individual in conversation at a residence for the purpose of promoting or facilitating the receipt of information regarding religious belief, political position, charitable conduct, or a home solicitation sale.
- F. Other activities falling within the commonly accepted definition of Soliciting, such as hawking or peddling.

"Solicitor or Solicitors": a person(s) engaged in Door-to-Door solicitation.

"Submitted in Writing": the information for an appeal of a denial or suspension of a Certificate, submitted in any type of written statement to the City offices by certified, registered, priority, overnight or delivery confirmation mail, facsimile, or hand delivery.

"Substantiated Report": an oral, written, or electronic report:

- A. that is submitted to and documented by the City by any of the following:
  - 1. A competent individual who is willing to provide law enforcement or other City employees with publicly available identification of their name, address, and any other reliable means of contact;
  - 2. City law enforcement or Licensing Officer; or

3. Any other regularly established law enforcement agency at any level of government;
- B. that provides any of the following information regarding a registered Solicitor:
1. Documented verification of a previously undisclosed disqualifying status of a registered Solicitor;
  2. Probable cause that the registered Solicitor has committed a disqualifying status which has not yet been determined to be a disqualifying status;
  3. Documented, eye-witness accounts that the registered Solicitor has engaged in repeated patterns of behavior that demonstrates failure by the registered Solicitor to adhere to the requirements of this Chapter; or
  4. Probable cause that continued licensing of the registered Solicitor creates exigent circumstances that threaten the health, safety or welfare of any individuals or entities within the City.

"Waiver": the written form provided to Applicant by the City wherein Applicant agrees that the City may obtain a name/date of birth BCI background check on the Applicant for licensing purposes under this Chapter, and which contains Applicant's notarized signature.

5.32.040: **EXEMPTIONS FROM CHAPTER.**

A. The following are exempt from registration under this Chapter:

1. Persons specifically invited to a residence by a competent individual prior to the time of the person's arrival at the residence;
2. Persons whose license, permit, certificate or registration with the State permits them to engage in Door to Door solicitation to offer goods or services to an occupant of the residence;
3. Persons delivering goods to a residence pursuant to a previously made order, or persons providing services at a residence pursuant to a previously made request by a competent individual;
4. Persons advocating or disseminating information for, against, or in conjunction with, any religious belief, or political position regardless of whether goods, services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase; and

5. Persons representing a charitable organization. The charitable exemption shall apply to students soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs, provided that the solicitation has been approved in writing by the school administration, and that such student solicitors carry current picture student identification from the educational institution for which they are soliciting.

B. Those persons exempt from registration are not exempt from the duties and prohibitions outlined in Sections 5.32.170, 5.32.180, and 5.32.190 while advocating or soliciting.

#### 5.32.050: SOLICITATION PROHIBITED:

Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this Chapter, the practice of being in and upon a private residence within the City by solicitors, for the purpose of home solicitation sales or to provide goods or services, is prohibited and is punishable as set forth in this Chapter.

#### 5.32.060: REGISTRATION OF SOLICITORS

Unless otherwise exempt under this Chapter, all persons desiring to engage in Door-to-Door solicitation within the City, prior to doing so, shall submit a completed application to the Licensing Officer and obtain a Certificate.

#### 5.32.070: APPLICATION FORM:

The Licensing Officer shall provide a standard Application Form for use for the registration of solicitors. Upon request to the Licensing Officer, or as otherwise provided, any person or entity may obtain in person, by mail, or facsimile, a copy of this Application Form. Each Application Form shall require disclosure and reporting by the Applicant of the following information, documentation, and fee:

A. Review of Written Disclosures. An affirmation that the Applicant has received and reviewed the disclosure information required by this Chapter.

B. Contact Information.

1. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;
2. Applicant's telephone number, home address and mailing address, if different;
3. If different from the Applicant, the name, address, and telephone number of the responsible person or entity; and

4. The address by which all notices to the Applicant required under this Chapter are to be sent.

C. Proof of Identity. An in-person verification by the Licensing Officer of the Applicant's true identity by use of any of the following which bear a photograph of said Applicant:

1. A valid driver's license issued by any State;
2. A valid passport issued by the United States;
3. A valid identification card issued by any State;
4. A valid identification issued by a branch of the United States military. Upon verification of identity, the original identification submitted to establish proof of identity shall be returned to the Applicant.

D. Proof of Registration with Department of Commerce. The Applicant shall provide proof that either the Applicant, or the responsible person or entity, has registered with the Utah State Department of Commerce;

E. Special Events Sales Tax Number. The Applicant shall provide a special events sales tax number for either the Applicant, or for the responsible person or entity for which the Applicant will be soliciting;

F. Marketing Information.

1. The goods or services offered by the Applicant, including any commonly known, registered or trademarked names;
2. Whether the Applicant holds any other licenses, permits, registrations, or other qualifications required by federal or state law to promote, provide, or render advice regarding the offered goods or services.

G. BCI Background Check. The Applicant shall provide:

1. An original or a copy of a BCI background check as defined in section 5.32.030; and
2. A signed copy of a waiver whereby Applicant agrees to allow the City to obtain a name/date of birth BCI background check on Applicant for purposes of enforcement of this Chapter.

H. Responses to Questions Regarding "Disqualifying Status." The Applicant shall be required to affirm or deny each of the following statements on the Application Form:

1. Has the Applicant been criminally convicted of: (a) felony homicide, (b) physically abusing, sexually abusing, or exploiting a minor, (c) the sale or distribution of controlled substances, or (d) sexual assault of any kind.
  2. Are any criminal charges currently pending against the Applicant for: (a) felony homicide, (b) physically abusing, sexually abusing, or exploiting a minor, (c) the sale or distribution of controlled substances, or (d) sexual assault of any kind.
  3. Has the Applicant been criminally convicted of a felony within the last ten (10) years;
  4. Has the Applicant been incarcerated in a Federal or State prison within the past five (5) years;
  5. Has the Applicant been criminally convicted of a misdemeanor within the past five (5) years involving a crime of: (a) moral turpitude, or (b) violent or aggravated conduct involving persons or property.
  6. Has a final civil judgment been entered against the Applicant within the last five (5) years indicating that: (a) the Applicant had either engaged in fraud, or intentional misrepresentation, or (b) that a debt of the Applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6) or (a)(19);
  7. Is the Applicant currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
  8. Does the Applicant have an outstanding arrest warrant from any jurisdiction, or
  9. Is the Applicant currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.
- I. Fee. The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application and issuing the Certificate and/or Identification Badge.
- J. Execution of Application. The Applicant shall execute the Application Form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the Applicant, the information provided is complete, truthful and accurate.

5.32.080: **WRITTEN DISCLOSURES:**



The Application Form shall be accompanied by written disclosures notifying the Applicant of the following:

A. The Applicant's submission of the Application authorizes the City to verify information submitted with the completed application including:

1. the Applicant's address;
2. the Applicant's and/or responsible person or entity's state tax identification and special use tax numbers, if any;
3. the validity of the Applicant's proof of identity;

B. The City may consult any publically available sources for information on the Applicant, including but not limited, to databases for any outstanding warrants, protective orders, or civil judgments.

C. Establishing proof of identity is required before registration is allowed;

D. Identification of the fee amount that must be submitted by Applicant with a completed Application;

E. The Applicant must submit a BCI background check with a completed Application;

F. To the extent permitted by State and/or Federal law, the Applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection;

G. The City will maintain copies of the Applicant's Application Form, proof of identity, and Identification Badge. These copies will become public records available for inspection on demand at the City offices whether or not a Certificate is denied, granted, or renewed.

H. The criteria for disqualifying status, denial, or suspension of a Certificate under the provisions of this Chapter

I. That a request for a temporary Certificate will be granted or denied the same business day that a completed Application is submitted.

#### 5.32.090: **WHEN REGISTRATION BEGINS:**

The Licensing Officer shall not begin the registration process unless the Applicant has submitted a completed application. The original identification submitted to establish proof of identity shall be returned after the Licensing Officer verifies the Applicant's identity. A copy of the identification may be retained by the Licensing Officer. If an

original B.C.I. background check is submitted by the Applicant, the Licensing Officer shall make a copy of the B.C.I. and return the original to the Applicant.

#### 5.32.100 ISSUANCE OF CERTIFICATES:

The Licensing Officer shall review the completed Application submitted by the Applicant and issue a Certificate in accordance with the following:

##### A. Temporary Certificate.

1. A temporary Certificate shall issue allowing the Applicant to immediately begin Door-to-Door solicitation upon the following conditions:
  - a. Applicant's submission of a completed Application;
  - b. Applicant's submission of the required fee;
  - c. Applicant establishes proof of identity;
  - d. the Applicant's representations on the Application Form do not affirmatively show a disqualifying status;
  - e. the B.C.I. does not affirmatively show a disqualifying status; and
  - f. the Applicant has not previously been denied a Certificate by the City, or had a Certificate revoked for grounds that still constitute a disqualifying status under this Chapter.
2. A temporary Certificate will automatically expire after twenty-five (25) calendar days from issuance, or upon grant or denial of an annual Certificate, whichever period is shorter.

##### B. Annual Certificate. Within twenty-five (25) calendar days of the issuance of a temporary Certificate the City shall:

1. Take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by the Applicant, including, but not limited to those disclosed with the Application Form.
2. Issue written notice to the Applicant and the responsible person or entity, if any, that the Applicant either:
  - a. will be issued an annual Certificate, eligible for renewal one year from the date of issuance of the temporary Certificate; or

- b. will not be issued an annual Certificate for reasons cited in section 5.32.140 of this Chapter.

C. **Renewal Certificate.** An annual Certificate shall be valid for one year from the date of issuance of the temporary Certificate and shall expire at midnight on the anniversary date of issuance. Any annual Certificate that is not suspended, revoked, or expired may be renewed upon the request of the registered Solicitor and the submission of a new completed Application and payment of the fee, unless any of the conditions for the denial, suspension or revocation of a Certificate are present as set forth in section 5.32.140, or a disqualifying status is present.

#### 5.32.110: **FORM OF CERTIFICATE AND IDENTIFICATION BADGE:**

A. **Certificate Form.** Should the Licensing Officer determine that the Applicant is entitled to a Certificate, the Licensing Officer shall issue a Certificate to the Applicant. The Certificate shall list the name of the registered Solicitor and the responsible person or entity, if any, and the date on which the Certificate expires. The Certificate shall be dated and signed by the License Officer. The Certificate shall be carried by the registered Solicitor at all times while soliciting in the City.

B. **Identification Badge.** With both the temporary and annual Certificates, the City shall issue each registered Solicitor an Identification Badge that shall be worn prominently on his or her person while soliciting in the City. The Identification Badge shall bear the name of the City and shall contain:

1. the name of the registered Solicitor;
2. address and phone number of the registered Solicitor, or the name, address, and phone number of the responsible person or entity is provided;
3. a recent photograph of the registered Solicitor; and
4. the date on which the Certificate expires.

#### 5.32.120: **MAINTENANCE OF REGISTRY:**

The Licensing Officer shall maintain and make available for public inspection a copy or record of every Completed Application received and the Certificate or written denial issued by the City. The Applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection. The Licensing Officer may furnish to the head of the City's law enforcement agency a listing of all Applicants, those denied, and those issued a Certificate.

#### 5.32.130: **NON-TRANSFERABILITY OF CERTIFICATES:**

A. Certificates shall be issued only in the name of the Applicant and shall list the responsible party or entity, if any. The Certificate shall be nontransferable.

B. A registered Solicitor desiring to facilitate or attempt to facilitate home solicitation sales with different:

1. goods or services; or
2. responsible person or entity,

from those designated in the originally submitted Completed Application, shall submit a written change request to the Licensing Officer. A new Certificate based on the amended information shall issue for the balance of time remaining on the registered Solicitor's previous Certificate before the amendment was filed. Before the new Certificate is given to the registered Solicitor, the registered Solicitor shall obtain a revised Identification Badge from the City, after payment of the fee for the Identification Badge.

**5.32.140: DENIAL, SUSPENSION OR REVOCATION OF A CERTIFICATE OF REGISTRATION:**

A. Denial. Upon review, the Licensing Officer shall refuse to issue a Certificate to an Applicant for any of the following reasons:

1. Denial of Temporary Certificate
  - a. the Application Form is not complete;
  - b. the Applicant fails to
    - (i) establish proof of identity,
    - (ii) provide a B.C.I. or
    - (iii) pay the fees;
  - c. the Completed Application or B.C.I. indicates that the Applicant has a disqualifying status; or
  - d. the Applicant has previously been denied a Certificate by the City, or has had a Certificate revoked for grounds that still constitute a disqualifying status under this Chapter.
2. Denial of Annual Certificate.

- a. The information submitted by the Applicant at the time of the granting of the temporary Certificate is found to be incomplete or incorrect;
- b. Since the submission of the completed Application, the Applicant is subject to a previously undisclosed or unknown disqualifying status;
- c. Failure to complete payment of the fees;
- d. Since the submission of the Application, the City has received a substantiated report regarding the past or present conduct of the Applicant;
- e. Since the submission of the Application, the City or other governmental entity has either criminally convicted or obtained a civil injunction against the Applicant for violating this Chapter or similar Federal, State, or local laws in a manner rising to the level of a disqualifying status; or
- f. Since the submission of the Application, a final civil judgment has been entered against the Applicant indicating that: (I) the Applicant had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19).

### 3. Denial of Annual Certificate Renewal.

- a. The information submitted by the Applicant when seeking renewal of a Certificate is found to be incomplete or incorrect;
- b. Since the submission of the renewal Application, the Applicant is subject to a previously undisclosed or unknown disqualifying status;
- c. Failure to complete payment of the fees;
- d. Since the submission of the Application or granting of a Certificate, the City has received a substantiated report regarding the past or present conduct of the Solicitor;
- e. The City or other governmental entity has either criminally convicted or obtained a civil injunction against the Applicant for violating this Chapter or similar Federal, State, or local laws in a manner rising to the level of a disqualifying status; or
- f. Since the submission of the Application, a final civil judgment has been entered against the Applicant indicating that: (I) the Applicant

had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19).

B. Suspension or Revocation. The City shall either suspend or revoke a Certificate when any of the reasons warranting the denial of a Certificate occurs.

C. Notice of Denial or Suspension. Upon determination of the Licensing Officer to deny an Applicant's completed Application or to suspend a registered Solicitor's Certificate, the City shall cause written notice to be sent to the Applicant or registered Solicitor by the method indicated in the completed Application. The Notice shall specify the grounds for the denial or suspension, the documentation or information the City relied on to make the decision, the availability of the documentation for review by Applicant upon one (1) business day notice to the City, and the date upon which the denial or suspension of the Certificate shall take effect. It shall further state that the Applicant or registered Solicitor shall have ten (10) business days from the receipt of the notice of denial or suspension to appeal the same. The denial or suspension of the Certificate shall be effective no sooner than two (2) calendar days from the date the notice is sent, unless that suspension is because of exigent circumstances outlined in Section 5.32.030; a substantiated report, (B)(4), in which case, the suspension is effective immediately. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal the suspension of a Certificate automatically results in its revocation.

#### 5.32.150: **APPEAL**

A. An Applicant or registered Solicitor whose Certificate has been denied or suspended shall have the right to appeal to the City Mayor or designee. Any appeal must be submitted by either the Applicant, the responsible person or entity, or legal counsel for either who:

1. documents the relationship with the Applicant or responsible person or entity; or
2. is licensed or authorized by the State of Utah to do so, and makes the assertion of an agency relationship.

B. The following procedures and requirements shall apply:

1. Any appeal must be submitted in writing to the City Recorder with a copy to the License Officer within ten (10) business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of and the grounds for appeal.

2. Upon request of the Applicant or registered Solicitor, within one (1) business day, the City will make available any information upon which it relied in making the determination to either deny or suspend the Certificate.
3. The Appeals Officer shall review, de novo, all written information submitted by the Applicant or registered Solicitor to the Licensing Officer, any additional information relied upon by the Licensing Officer as the basis for denial, suspension or revocation, and any additional information supplied by the City, Applicant or registered Solicitor. Any additional information submitted by any party to the appeal to the Appeals Officer shall be simultaneously submitted to the opposing party. If desired, any party shall have three (3) business days to submit rebuttal documentation to the Appeals Officer regarding the additional information submitted by the opposing party.
4. The Appeals Officer will render a decision no later than fifteen (15) calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event that any party to the appeal submits rebuttal information as allowed in Section 5.31.150(B)(3), the fifteen (15) calendar days shall be extended to include the additional three (3) days for rebuttal.
5. The denial or suspension of the Certificate shall be reversed by the Appeals Officer if upon review of the written appeal and information submitted, the Appeals Officer finds that the Licensing Officer made a material mistake of law or fact in denying or suspending the Applicant or registered Solicitor's Certificate.
6. If the written appeal and information submitted indicates that the Licensing Officer properly denied or suspended the certificate of the Applicant or registered Solicitor, the denial or suspension of the Certificate shall be affirmed and constitute a determination that the suspended Certificate is revoked.
7. The decision of the Appeals Officer shall be delivered to the Applicant or registered Solicitor by the means designated in the completed Application, or as otherwise agreed upon when the Appeal was filed.

C. After the ruling of the Appeals Officer, the Applicant or registered Solicitor is deemed to have exhausted all administrative remedies with the City.

D. Nothing herein shall impede or interfere with the Applicant's, registered Solicitor's, or City's right to seek relief in a court of competent jurisdiction.

**5.32.160: DECEPTIVE SOLICITING PRACTICES PROHIBITED:**

A. No Solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.

B. A Solicitor shall immediately disclose to the consumer during face-to-face solicitation:

1. the name of the Solicitor;
2. the name and address of the entity with whom the Solicitor is associated; and
3. the purpose of the Solicitor's contact with the person and/or competent individual. This requirement may be satisfied through the use of the Identification Badge and an informational flyer.

C. No Solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.

D. No Solicitor shall represent directly or by implication that the granting of a Certificate implies any endorsement by the City of the Solicitor's goods or services or of the individual Solicitor.

**5.32.170: "NO SOLICITATION" NOTICE:**

A. Any occupant of a residence may give notice of a desire to refuse Solicitors by displaying a "No Solicitation" sign which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence.

B. The display of such sign or placard shall be deemed to constitute notice to any Solicitor that the inhabitant of the residence does not desire to receive and/or does not invite Solicitors.

C. It shall be the responsibility of the Solicitor to check each residence for the presence of any such Notice.

D. The provisions of this section shall apply also to Solicitors who are exempt from registration pursuant to the provisions of this Chapter.

**5.32.180: DUTIES OF SOLICITORS:**

A. Every person soliciting or advocating shall check each residence for any "No Soliciting" sign or placard or any other notice or sign notifying a Solicitor not to solicit on the premises, such as, but not limited to, "No Solicitation" signs. If such sign or placard is posted such Solicitor shall desist from any efforts to solicit at the residence or



dwelling and shall immediately depart from such property. Possession of a Certificate does not in any way relieve any Solicitor of this duty.

B. It is a violation of this Chapter for any person soliciting or advocating to knock on the door, ring the doorbell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a "No Solicitation" sign or similar sign or placard for the purpose of engaging in or attempting to engage in advocating, a home solicitation sale, Door-to-Door soliciting, or soliciting.

C. It is a violation of this Chapter for any Solicitor through ruse, deception, or fraudulent concealment of a purpose to solicit, to take action calculated to secure an audience with an occupant at a residence.

D. Any Solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.

E. The Solicitor shall not intentionally or recklessly make any physical contact with, or touch another person without the person's consent;

F. The Solicitor shall not follow a person into a residence without their explicit consent;

G. The Solicitor shall not continue repeated soliciting after a person and/or competent individual has communicated clearly and unequivocally their lack of interest in the subject, goods or services of the Solicitor;

H. The Solicitor shall not use obscene language or gestures.

#### 5.32.190 TIME OF DAY RESTRICTIONS:

It shall be unlawful for any person, whether licensed or not, to solicit at a residence before 9:00 a.m. or after 9:00 p.m. Mountain Time, unless the Solicitor has express prior permission from the resident to do so.

#### 5.32.200: BUYER'S RIGHT TO CANCEL:

In any home solicitation sale, unless the buyer requests the Solicitor to provide goods or services without delay in an emergency, the seller or Solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel within the third business day after signing an agreement to purchase. Such notice of "Buyer's right to cancel" shall be in the form required by § 70C-5-103, Utah Code Annotated, 1953, or a current version thereof or any State or Federal law modifying or amending such provision.

#### 5.32.210: PENALTIES:

Any person who violates any term or provision of this Chapter shall be guilty of a Class B Misdemeanor and shall be punished by a fine of not to exceed \$1,000.00 and/or a jail sentence of not to exceed six (6) months.



**Adjournment**

# Council Meeting

6:30 p.m.

Call to Order

Opening Ceremonies:

Pledge of Allegiance

# Special Recognition #1

# Murray City Municipal Council

## Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items each Tuesday in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 107, no later than 5:00 p.m. on the Tuesday one week before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages.

1. **TITLE:** (State how it is to be listed on the agenda)

**CONSIDER A JOINT RESOLUTION OF THE MAYOR AND MUNICIPAL COUNCIL OF MURRAY CITY, UTAH DECLARING SEPTEMBER 8<sup>th</sup> - 14<sup>th</sup> 2013 as PUBLIC POWER WEEK.**

2. **REQUESTED:** (Check all that apply)

☐ Discussion Only

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? ☐

☒ Resolution (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? ☐

☐ Appeal (explain) \_\_\_\_\_

☒ Other (explain) Special Recognition through Joint Resolution

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
September 3<sup>rd</sup> 2013

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)  
Joint Resolution attached

6. **REQUESTOR:**

Name: Dan Stireman

Title: Energy Services Manager

Presenter: Dan Stireman

Title: Energy Services Manager

Agency: Power Department

Phone: 264-2706

Date: August 21<sup>st</sup> 2013

Time: \_\_\_\_\_

7. **APPROVALS:** (If submitted by City personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Blaine Haacke

Date: August 21<sup>st</sup> 2013

Mayor: 

Date: August 21<sup>st</sup> 2013

8. **COUNCIL STAFF:** (For Council use only)

Number of pages \_\_\_\_\_

Number of copies submitted \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

9. **NOTES:**

Dan Stireman will be there to receive the Passed, Approved and Adopted Document and make a Special Presentation regarding Public Power Week and the Power's 100 Year Celebration.

A JOINT RESOLUTION OF THE MAYOR AND  
MUNICIPAL COUNCIL OF MURRAY CITY, UTAH  
DECLARING  
SEPTEMBER 8<sup>th</sup> - 14<sup>th</sup> 2013  
PUBLIC POWER WEEK

WHEREAS, Murray's citizens in 1913 voted and approved the formation of the community's own municipal electric utility; and

WHEREAS, The citizens of Murray City have owned and operated an independent electric utility, Murray City Power, for 100 years, providing our community with safe, reliable and reasonably priced electricity; and

WHEREAS, Murray City Power is one of over 2,000 consumer-owned electric utilities that comprise the American Public Power Association (APPA), an organization that annually promotes "Public Power Week"; and

NOW, THEREFORE, WE, the Mayor and Murray City Municipal Council, do hereby declare

September 8<sup>th</sup> - 14<sup>th</sup> 2013  
as  
PUBLIC POWER WEEK

BE IT THEREFORE RESOLVED, that we hereby encourage the citizens of Murray City to participate in the Public Power Celebration event on Thursday, the 12th of September, to honor 100 successful years of Public Power in Murray; and

BE IT FURTHER RESOLVED, that our community acknowledges that the success of Murray City Power has been achieved through the combined and cooperative efforts of our employees, citizens, Power Advisory Board, fellow city departments, elected officials, and industry partners, including the Utah Associated Municipal Power Systems (UAMPS), the Intermountain Power Agency (IPA), and the American Public Power Association (APPA).

PASSED, APPROVED AND ADOPTED by the Mayor and the Murray City Municipal Council this 3<sup>rd</sup> day of September, in the year 2013.

MURRAY CITY CORPORATION

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Daniel C. Snarr, Mayor

\_\_\_\_\_  
Brett Hales, District 3, Chair

\_\_\_\_\_  
Dave Nicponski, District 1

\_\_\_\_\_  
Darren V. Stam, District 2

ATTEST:

\_\_\_\_\_  
James A. Brass, District 3

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

\_\_\_\_\_  
Jared A. Shaver, District 4

HAPPY 100 YEARS MURRAY PUBLIC POWER!

# Citizen Comments

Limited to three minutes, unless otherwise approved by the Council.



# Consent Agenda

# Murray City Municipal Council

## Request for Council Action

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1. **TITLE:** (State how it is to be listed on the agenda)  
Consider confirmation of the Mayor's reappointment of **Steven E. Meyer** to the **Murray Power Advisory Board** for a second three-year term in an **At-Large** position while residing in District 5 effective **June 1<sup>st</sup> 2013** to **June 1<sup>st</sup> 2016**

2. **ACTION REQUESTED:** (Check all that apply)

☐ Discussion Only

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Resolution (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? ☐

☐ Appeal (explain) \_\_\_\_\_

☒ Other (explain) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
September 3<sup>rd</sup> 2013

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)  
None

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)  
Resume attached

6. **REQUESTOR:**

Name: Blaine Haacke

Title: General Manager

Presenter: Dan Snarr

Title: Mayor

Agency: Power Department

Phone: 264-2715

Date: August 21<sup>st</sup> 2013

Time: \_\_\_\_\_

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Blaine Haacke

Date: August 21<sup>st</sup> 2013

Mayor: 

Date: August 21<sup>st</sup> 2013

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_

Number of copies submitted: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

9. **NOTES:**

Steve Meyer will continue serving on the **Power Advisory Board** effective **June 1<sup>st</sup> 2013** to **June 1<sup>st</sup> 2016**

Steven E. Meyer  
498 East Edindrew  
Murray, UT 84107  
801-266-3341

**SKILLS/QUALIFIERS:**

Thirty plus year career in the telecommunications industry  
Voice and data networking, customer premise equipment  
Consulting  
Premise Selling  
Customer Service  
Sales Management  
Team Leader  
Group Presentation Abilities  
Account Planning  
Supervision of Management and Non-Management Employees

**PROFESSIONAL EXPERIENCE:**

PRIORITY TELECOM  
STEVEN E. MEYER CONSULTING, INC.  
Owner, President, Consultant  
April 2002-Present

Consult and advise large business and government customers pertaining to their telecommunications needs. Work closely with CarrierSales.com and CarrierServices as a sub-agent to provide Voice, Data, Long Distance and Internet solutions. Participate as a business partner with Qwest Inc., as well as agency relationships with Integra, X/O , TNCI, Airespring, Paetec, MCI, ATT, Sprint, Telecom Recovery, and others.

SALT LAKE ORGANIZING COMMITTEE  
RADIO CERTIFICATION ENGINEER  
SPECTRUM ENFORCEMENT SPECIALIST  
January – March, 2002

Tested, measured, checked, and certified radio frequency devices for the Olympic and Paralympic National Organizing Committee's at the Olympic Village .  
Trained and supervised security personnel to discover unauthorized radio devices at venue check-points.

U S WEST COMMUNICATIONS SERVICES  
ACCOUNT MANAGER  
1989 - 1999 Retired from U S WEST in 1999

Team Leader in Large Business Services, managing large business customers including Intermountain Health Care, Matrixx Marketing, Kennecott Corp., United Parcel Service,

# Murray City Municipal Council

## Request for Council Action

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1. **TITLE:** (State how it is to be listed on the agenda)  
Consider confirmation of the Mayor's reappointment of Darin Bird to the Murray Shade Tree and Beautification Commission for a second three-year term in an At-Large position while residing in District 2 effective retroactively June 30<sup>th</sup> 2012 to June 30<sup>th</sup> 2015

2. **ACTION REQUESTED:** (Check all that apply)
- ☐ Discussion Only  
☐ Ordinance (attach copy) Has the Attorney reviewed the attached copy? ☐  
☐ Resolution (attach copy) Has the Attorney reviewed the attached copy? ☐  
☐ Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy? ☐  
☐ Appeal (explain) \_\_\_\_\_  
☒ Other (explain) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
September 3<sup>rd</sup> 2013

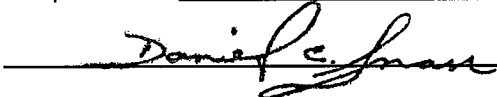
4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)  
None

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)  
Resume Attached

6. **REQUESTOR:**
- |  |                           |
|--|---------------------------|
| Name: Bruce Turner                               | Title: Operations Manager |
| Presenter: Dan Snarr                             | Title: Mayor              |
| Agency: Shade Tree and Beautification Commission | Phone: 264-2716           |
| Date: August 21 <sup>st</sup> 2013               | Time: _____               |

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Blaine Haacke Date: August 21<sup>st</sup> 2013

Mayor:  Date: August 21<sup>st</sup> 2013

8. **COUNCIL STAFF:** (For Council use only)
- Number of pages \_\_\_\_\_ Number of copies submitted: \_\_\_\_\_  
Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_

9. **NOTES:**  
Darin Bird will continue serving on the Shade Tree and Beautification Commission effective June 30<sup>th</sup> 2012 to June 30<sup>th</sup> 2015

# Darin G. Bird

748 Walden Hills Drive ★ Murray, Utah 84123 ★ (801) 263-6988 ★ Cellular (801) 440-4322

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## PROFESSIONAL EXPERIENCE

### LEGISLATIVE:

- **15 years as the chief Department of Natural Resources liaison with the Utah State Legislature.**
  - Coordinate efforts for DNR during the legislative session and during interim days.
  - Represent director when needed to testify on legislation concerning DNR at applicable committees.
  - Brief DNR Leadership and Boards on legislative issues and concerns.
  - Organize legislative tours and briefings for resource issues.
- **15 years as the department primary Congressional liaison with the Utah Delegation.**
  - Instigated annual Congressional staff tour to Utah by key staff members from leadership and committees in conjunction with federal partners.
  - Conducted regular briefings for Utah Congressional members and staff on Natural Resource Issues.
  - Facilitated site visits for administration officials and Congressional Staff.
- **7 years Congressional experience in both chambers.**
  - Served as Senior Policy Advisor for U.S. House Committee on Resources during 107<sup>th</sup> Congress.
  - Gained experience and understanding in all aspects of legislative process including bill drafting, committee work and floor action.
  - Developed a network of professional relationships with key administration and Congressional officials that will continue to benefit Utah during the Bush administration.
  - Represented Senator Bennett for six years in state office as an advisor for all resource, agriculture and energy issues.
  - Utilized knowledge in formulating reasonable positions and policies to represent Senator Bennett's point of view.
  - Assisted Senator Bennett in securing federal funding for a myriad of Utah Projects.
  - Developed a close working relationship and trust with federal land managers, industry representatives, local elected leaders, state government officials and interest groups to facilitate cooperation in developing and implementing solutions to natural resource issues.
- **3 years as Policy Assistant to former Utah Governor Norman Bangerter.**
  - Represented Governor Bangerter with the legislature on agriculture, insurance and veteran's issues.

### PUBLIC AFFAIRS/COMMUNICATION:

- **6 years as Spokesman and Public Information Officer for DNR.**
  - Coordinated media interaction with DNR personnel (DNR employees are interviewed daily).
  - Administered development and advancement of DNR web sites that include web purchases.
  - Revamped DNR Public Affairs staff after budget cuts and downsizing.
  - Supervised the Take Pride in Utah volunteer program that received a national award in 2004.
  - Coordinated activities associated with the Governor's Watershed Initiative in 2004.
  - Organize and coordinate public events and fairs where DNR participates.
  - Administer community outreach programs for DNR.

### CONSTITUENT SERVICES:

- **24 years of Constituent Service Experience.**
  - Worked entire career as an at will employee for elected officials in assisting the public through problems with government agencies.
  - Became Director of Constituent Services for Governor Bangerter six months after office was created and developed a strong working knowledge of all state agencies.

## WORK EXPERIENCE

**Utah Department of Natural Resources**      *Deputy Director*      1/05 - Present  
Deputy Director of an agency with over 1,200 employees and an annual budget of over \$200 million. Supervise the Divisions of Wildlife Resources, Water Resources and the Utah Geological Survey as well as administrative functions and legislative/federal issues. Represent Executive Director at numerous functions as well as board and committee positions.

**Utah Dept of Natural Resources      *Communication/Legislative Affairs Director*      11/98-3/02 & 12/02-1/05**  
Managed Department Public Affairs Team, Legislative Team, and served as Olympic Coordinator and member of the State Olympic Coordinating Council. Represented department at the Utah State Legislature and at meetings and boards statewide. Coordinated departmental publications.

**Office of Lt. Governor Olene Walker      *Transitional Information Officer*      (Temp. Assignment)      10/03 - 11/03**  
Requested by Governor's office to assist Lt. Governor Walker with media and speaking events during transition from the Leavitt to Walker administrations. Began work on the Governor's Watershed Initiative as part of the Walker Works Program.

**U.S. House of Representatives, Committee on Resources      *Senior Policy Advisor*      3/02 - 12/02**  
Worked directly with the Chairman of the House Resource Committee to complete the legislative agenda during the 107<sup>th</sup> Congress. This committee has oversight on all public lands, forests, parks, Native American and U.S. Territories, wildlife, fisheries and marine issues.

**Utah State Olympic Office      *Special Projects*      (Temp. Assignment)      1/02 - 3/02**  
Requested by State Olympic Coordinator Lane Beattie just prior to and during the 2002 Winter Olympics to coordinate special projects including torch lightings at the Utah State Capitol for the Olympics and Paralympic events. Hosted VIP visitors at the Soldier Hollow Olympic Venue.

**Office of U.S. Senator Robert F. Bennett      *Special Assistant*      1/93 - 11/98**  
Represented Senator Bennett in Utah dealing with issues, policy and legislation regarding the Departments of Interior, Agriculture & Energy as well as all natural resource, rural issues, healthcare and 2002 Olympic issues. Briefed the Senator on issues and case work within area of responsibility. Completed special projects and tasks as assigned by Senator.

**Office of Governor Norman Bangerter      *Director of Constituent Services/Special Assistant*      6/89 - 1/93**  
Directed Office of Constituent Services including all services for the general public offered by the Governor's office. Advised, briefed and wrote speeches for Governor Bangerter on issues, policy and legislation regarding the state Departments of Agriculture, Insurance, Utah National Guard, Military and Veterans Affairs.

## EDUCATION

***Southern Utah University* - Cedar City, Utah 1989      Full Academic or Leadership Scholarships/two years**  
BS: Communication, Public Relations/Advertising Emphasis/Minors: Business Administration and Political Science

**LEADERSHIP:**      *President, Southern Utah University Student Association*  
                         *Chair, Utah Council of Studentbody Presidents*, Led an effort that registered over 30,000 new student voters statewide for 1988 election.  
                         *President, Utah Student Association*, Represented over 100,000 college students in Utah.  
                         *Member, Southern Utah University Board of Trustees*

**AWARDS:**      *Male Contributor of the Year Award - 1988 (Thunderbird Awards)*  
                         *Thunderbird Special Recognition Award for Outstanding Service - 1989*

***Dixie State College* - St. George, Utah 1986      Full academic scholarship/two years**  
Associate of Science: Business Administration; Congressional Internship, Rep. James V. Hansen 1986

## COMMUNITY SERVICE AND AWARDS

*Roadless Area Conservation National Advisory Council*, Member, Appointed by the U.S. Secretary of Agriculture, 2006-present  
*Murray Shade Tree & Beautification Commission*, Appointed by the Mayor & Confirmed by the City Council, 2009-present  
*Best State Program in the Nation Award*, 2004, Take Pride in America, U.S. Department of the Interior  
*Olene S. Walker Nonpoint Source Watershed Improvement Award*, 2004, For leadership with Watershed Initiative  
*Young Alumni Award*, 2002, Southern Utah University (First recipient of the award)  
*Board of Advisors*, 2000-present, Michael O. Leavitt Center for Politics and Public Service, Southern Utah University  
*Alumni Chapter President*, Southern Utah University, Salt Lake Chapter, 2006-08  
*Board of Trustees*, This Is The Place Heritage Park  
*Board of Directors*, Bonneville Resource Conservation & Development (RC&D) 1998-2002  
*Board of Advisors*, Red Butte Garden & Arboretum; University of Utah, 1999-2002  
*True Friend of the Veteran Award*, 1992, presented by the Utah Council of Veterans Affairs  
*Member, Board of Directors*, Sons of the Utah Pioneers, Twin Peaks Chapter, 1998-2002  
*The Great Salt Lake Chili Affair Committee Member*, Fund raiser for Salt Lake Homeless Shelter, 1994-96  
*Utah Special Olympics Winter Games Volunteer*, 1996-97  
*State Delegate*, 1992-94-96-98-2000 Republican State Conventions, *Precinct Vice Chair*. 2000-04

# Murray City Municipal Council

## Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items each Tuesday in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 107, no later than 5:00 p.m. on the Tuesday one week before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages.

1. **TITLE:** (State how it is to be listed on the agenda)  
Consider confirmation of the Mayor's reappointment of Jay Hazelgren to the Murray Shade Tree and Beautification Commission for his fifth three-year term in an At-Large position while residing in District 1 effective 6/30/2013 to 6/30/2016

2. **ACTION REQUESTED:** (Check all that apply)

☐ Discussion Only  
☐ Ordinance (attach copy) Has the Attorney reviewed the attached copy? ☐  
☐ Resolution (attach copy) Has the Attorney reviewed the attached copy? ☐  
☐ Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy? ☐  
☐ Appeal (explain) \_\_\_\_\_  
☒ Other (explain) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
September 3<sup>rd</sup> 2013


4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)

6. **REQUESTOR:**  
Name: Bruce Turner Title: Operations Manager  
Presenter: Dan Snarr Title: Mayor  
Agency: Shade Tree and Beautification Commission Phone: 264-2716  
Date: August 21<sup>st</sup> 2013 Time: \_\_\_\_\_

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Blaine Haacke Date: August 21<sup>st</sup> 2013

Mayor:  Date: August 21<sup>st</sup> 2013

8. **COUNCIL STAFF:** (For Council use only)

Number of pages \_\_\_\_\_ Number of copies submitted: \_\_\_\_\_  
Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_

9. **NOTES:**

Jay Hazelgren will continue serving on the Shade Tree and Beautification Commission effective June 30<sup>th</sup> 2013 to June 30<sup>th</sup> 2016 for his fifth three-year term

# Murray City Municipal Council

## Request for Council Action

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**1. TITLE:** (State how it is to be listed on the agenda)

Consider confirmation of the Mayor's reappointment of Geneal Nelson to the Murray Shade Tree and Beautification Commission in an At-Large position while residing in District 3 for her first full three-year term effective June 30<sup>th</sup> 2012 to June 30<sup>th</sup> 2015

**2. ACTION REQUESTED:** (Check all that apply)

☐ Discussion Only  
☐ Ordinance (attach copy)  
Has the Attorney reviewed the attached copy? ☐  
☐ Resolution (attach copy)  
Has the Attorney reviewed the attached copy? ☐  
☐ Public Hearing (attach copy of legal notice)  
Has the Attorney reviewed the attached copy? ☐  
☐ Appeal (explain) \_\_\_\_\_  
☒ Other (explain) Consent Calendar

**3. WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
September 3<sup>rd</sup> 2013

**4. FUNDING:** (Explain budget impact of proposal, including amount and source of funds)

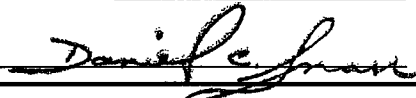
**5. RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)  
Resume attached

**6. REQUESTOR:**

Name: Bruce Turner Title: Operations Manager  
Presenter: Daniel Snarr Title: Mayor  
Agency: Shade Tree & Beautification Comm Phone: 264-2716  
Date: August 21<sup>st</sup> 2013 Time: \_\_\_\_\_

**7. APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council Action)

Head of Department: Blaine Haacke Date: August 21<sup>st</sup> 2013

Mayor:  Date: August 21<sup>st</sup> 2013

**8. COUNCIL STAFF:** (For Council use only)

Number of pages \_\_\_\_\_ Number of copies submitted: \_\_\_\_\_  
Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_

**9. NOTES:**

Geneal Nelson will continue serving on the Shade Tree and Beautification Commission effective from June 30<sup>th</sup> 2012 to June 30<sup>th</sup> 2015



1/26/2011

My name is Geneal Nelson. Our family has been Murray residents for the past six and a half years. My husband has established a private practice here in Murray and our children attend Murray schools. We love the community here and feel very settled.

I have been a stay at home mother for sixteen years raising our five children ranging in ages from 16 to 3 years of age. I also serve as a board member of our Parkside Elementary PTA committee and have filled positions such as art literacy coordinator, teacher appreciation and red ribbon week committees. I also volunteer in my children's classrooms assisting where needed. My hobbies in addition include reading, sewing, snow and water skiing with my family, gardening and interior decorating. I am always looking for ways to beautify our home through textures, paint and color.

Serving as a member of the Murray Shade Tree Commission would be a fulfilling position for me and complement things I am already interested in. I was asked to help judge the posters made by the elementary school children in last year's Arbor Day Celebration and enjoyed that very much. I would be an asset to the committee as a new voice and helping hand. I am a confident and social person who gets along with others easily. This position would allow me to contribute to the community in a small but meaningful way.

Thank you,

Geneal Nelson  
4746 Glenridge Way  
Murray, UT 84107  
801-281-1559

# Murray City Municipal Council

## Request for Council Action

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1. **TITLE:** (State how it is to be listed on the agenda)  
Consider confirmation of the Mayor's reappointment of Jim Hendrickson to the Murray Shade Tree and Beautification Commission for a another three-year term in an At-Large position while residing in District 4 effective 6/30/2013 to 6/30/2016

2. **ACTION REQUESTED:** (Check all that apply)

☐ Discussion Only  
☐ Ordinance (attach copy)  
Has the Attorney reviewed the attached copy? ☐  
☐ Resolution (attach copy)  
Has the Attorney reviewed the attached copy? ☐  
☐ Public Hearing (attach copy of legal notice)  
Has the Attorney reviewed the attached copy? ☐  
☐ Appeal (explain) \_\_\_\_\_  
☒ Other (explain) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
September 3<sup>rd</sup> 2013

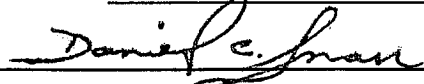
4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)

6. **REQUESTOR:**

Name: Bruce Turner Title: Operations Manager  
Presenter: Dan Snarr Title: Mayor  
Agency: Shade Tree and Beautification Commission Phone: 264-2716  
Date: August 21<sup>st</sup> 2013 Time: \_\_\_\_\_

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Blaine Haacke Date: August 21<sup>st</sup> 2013  
Mayor:  Date: August 21<sup>st</sup> 2013

8. **COUNCIL STAFF:** (For Council use only)

Number of pages \_\_\_\_\_ Number of copies submitted: \_\_\_\_\_  
Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_

9. **NOTES:**

Jim Hendrickson will continue serving on the Shade Tree and Beautification Commission effective June 30<sup>th</sup> 2013 to June 30<sup>th</sup> 2016 for (we think) his 12<sup>th</sup> or 13<sup>th</sup> three-year term (we've lost count...BUT, what we do know, Jim just belongs on this commission! He began serving on this commission on September 27<sup>th</sup> 1976...37 years ago!)

# Murray City Municipal Council

## Request for Council Action

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1. **TITLE:** (State how it is to be listed on the agenda)  
Consider confirmation of the Mayor's reappointment of Ian Wright to the Murray History Advisory Board in an At-Large position to a second three-year term effective 8/1/2013 to 8/1/2016

2. **ACTION REQUESTED:** (Check all that apply)
- ☐ Discussion Only  
☐ Ordinance (attach copy) Has the Attorney reviewed the attached copy? ☐  
☐ Resolution (attach copy) Has the Attorney reviewed the attached copy? ☐  
☐ Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy? ☐  
☐ Appeal (explain) \_\_\_\_\_  
☒ Other (explain) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
September 3<sup>rd</sup> 2013

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)  
N/A

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)  
BIO/Resume attached

6. **REQUESTOR:**
- |  |   |
|--|---|
| Name: <u>Mary Ann Kirk</u>               | Title: <u>Cultural Programs Coordinator</u> |
| Presenter: <u>Dan Snarr</u>              | Title: <u>Mayor</u>                         |
| Agency: <u>History Advisory Board</u>    | Phone: <u>264-2638</u>                      |
| Date: <u>August 21<sup>st</sup> 2013</u> | Time: _____                                 |

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Doug Hill Date: August 21<sup>st</sup> 2013

Mayor:  Date: August 21<sup>st</sup> 2013

8. **COUNCIL STAFF:** (For Council use only)
- Number of pages: \_\_\_\_\_ Number of copies submitted: \_\_\_\_\_  
Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_

9. **NOTES:**  
Ian Wright will continue serving on the History Advisory Board effective August 1<sup>st</sup> 2013 to August 1<sup>st</sup> 2016

# Resume

## IAN WRIGHT

Apartment: 311 East 4800 South #2, Murray, UT 84107; Cell PH: 801-913-3837; Email: [kingtintic@hotmail.com](mailto:kingtintic@hotmail.com)  
Permanent Contact Info: 4585 Bernada Cir, Salt Lake City, UT 84124; Ph 801-278-4019

### QUALIFICATIONS & BACKGROUND

- 2011 accepted for Utah State Museum volunteer program – assignment TBD
- Sept-Dec 2010 Survey Assistant (paid) on various projects, Southern Utah & Nevada locations: William Self Associates in Archeology & Historic Preservation, UT/AZ/CA/TX; and EnviroSystems Management, Inc. (environmental consulting firm), Flagstaff, AZ
- June 2010 Archaeological Field Methods study, Zion National Park, Kanab, UT – Upper level course in archaeological excavation, survey, and lab techniques while working at actual archaeological site.
- May 2010 Study Abroad Program: Political Science & Criminal Justice in Europe – Study of Comparative Judicial Systems in Europe (in France, The Netherlands, Germany)
- Iron Mission/Frontier Homestead State Park, Cedar City, UT – 2008, 2009; volunteer cataloging archiving; helping with special events
- Grundy County Museum, Trenton, MO – summer 2007; volunteer maintenance & displays assistance
- EMT Basic Certified (Emergency Medical Technician) – certification current; EMT Intermediate course
- CNA (Certified Nursing Assistant) course

### ACADEMIC & PERSONAL BACKGROUND

- BS History, Southern Utah University, May 2010; political science minor, Magna Cum Laude
- Gamma Sigma Alpha National Greek Academic Honor Society, Southern Utah University Chapter
- Phi Alpha Theta Honor Society (history), Southern Utah University Chapter
- Sigma Chi Fraternity (SUU chapter), Vice President 2009-10
- 2008 AS degree, Snow College
- Phi Theta Kappa Honor Society for College Academic Achievement
- 2004 graduate, Skyline High School; Churchill JH, Oakridge Elementary, Salt Lake City, UT
- Eagle Scout recipient; Order of the Arrow, Duty To God, National Scout Jamboree participant
- Skills: Basic Student Computer Skills/word processing, internet, email; Equipment Operation/building & maintenance tools, driving fork-lift, backhoe and operating a variety of landscaping equipment.
- Hobbies: reading, motorcycling, skiing/water & snow, hiking, camping

### EMPLOYMENT HISTORY

- **National Energy Foundation (NEF), 4616 South 700 East, Suite 100, Salt Lake City, UT 84107**  
**Office Manager/Admin Asst: Oct 2010 – current** (full time staff position):  
Contact: Robert Poulson, Pres. or Dari Scott, VP: 801-908-5800  
NEF is a nonprofit educational organization dedicated to the development, dissemination, and implementation of educational materials relating to energy, water, natural resources, science and math, technology, conservation, and the environment. Responsibilities include office management and accounting duties, shipping, receiving, presentation and national teacher training assignments.
- **Chrysalis, Cedar City, UT & Salt Lake City, UT**  
**Resident Aid: Fall 2009 – summer 2010** (part-time 18-38 hrs per week):  
Contact: Joe Reed, supervisor: 435-590-9537  
Assist and supervise individuals with disabilities in a supported living environment.
- **Presidential Ambassador, Southern Utah University, Cedar City, UT 84720**  
**Student leadership scholarship:** August 2008 to May 2010  
Under the Direction of the Office of the University President; ph 435-586-7702  
On Ambassador Executive Council; represent SUU by conducting campus student-parent tours, and at college fairs around the state.

- **Murray City School District, Murray, UT**  
*Grounds Maintenance Crew:* Summer 2009 (seasonal employment full time)  
Contact: Rod Pace or Murray District offices: 801-264-7400  
Landscaping & building maintenance duties for school district properties; mowing, weeding, etc.
- **C.A.L-Ranch Stores, 750 South Main Street, Cedar City, UT**  
*Sales Associate:* August 2008 – Spring 2009 (part-time 12-24 hrs per week)  
Contact: store HR; Ph 435-586-4826  
Sales services, cashiering, receiving merchandise and stocking
- **Zion Ponderosa Ranch Resort, 5 Miles Up North Fork Rd., Mount Carmel, UT 84755**  
*Event Planner:* May 2008 to August 2008 (seasonal employment full time)  
Contact: Michael Kane, general manager; Ph 800-293-5444  
Schedule, plan, coordinate and lead activities/outdoor experiences for groups; also worked on waiter/serving staff, provide customer service support for guest needs.
- **CO Building Systems Inc., 215 W. 100 N., Ephraim, UT 84627**  
*Shop & Construction Assistant:* Dec 2006 to May 2008 (part-time 12-20 hrs per week)  
Contact: HR; Ph 435-283-4040  
Assist in construction of pre-engineered steel buildings; ranch-related work such as driving fork-lift, backhoe and operating a variety of equipment.
- **Washington Street Food & Drink, 1843 E. 28th St, Trenton, MO 64683**  
*Server, full service menu:* Summer 2007 (part-time seasonal)  
Contact Greg Geib, owner/manager; Ph 660-359-9800  
**Stage Clothing Store, 405 Park Lane, Chillicothe, MO 64601**  
*Sales Associate/Men's Wear Dept.:* Summer 2007 (part-time seasonal)  
Contact Mike Acklin, store manager, Ph 660-646-7800
- **SAC (Service and Activities Council) TEAM, Snow College, Ephraim, UT 84627**  
*Student leadership (full) scholarship:* August 2006 to May 2008 graduation  
Contact: Lindsay Fields, adviser; Ph 435-283-7164  
Organizing and providing support for college events and activities.
- **Perschon's Landscape Management, Ephraim, UT 84627**  
*Landscaping assistant:* August 2006 – November 2006 (seasonal employment)  
Contact: Mandon Franks, owner; Ph 435-851-4299  
Landscaping duties for Ephraim city properties; mowing, weeding, etc
- **San Bernardino Mission, San Bernardino, California**  
*Missionary: The Church of Jesus Christ of Latter-day Saints:* 2003 – 2005
- **Media Play, Brickyard location, Salt Lake City, UT**  
*Sales Associate:* May 2000 – August 2003 (part-time student job)  
Contact: Michael Reagan, store manager; Ph 801-712-5057  
Responsibilities included sales services, cashiering, receiving merchandise and stocking.
- **Boy Scouts of America, Great Salt Lake Council, Utah; Uinta Region Camps**  
*Camp Counselor:* Summers 2003 & 2004 (lived on-site for the seasons full-time)  
**Council Office, 525 Foothill Blvd, Salt Lake City, UT 84113; Ph 801-582-3663**  
Counselor for Archery/Camp Evergreen (2004); Indian Lore instructor/Camp Steiner (2003)

**Personal References: IAN WRIGHT**

- Brad Bishop, Southern Utah University Alumni House Director of Annual Giving  
Ph 435-865-8656; Email [bradleybishop@suu.edu](mailto:bradleybishop@suu.edu)
- Ryan Paul, museum curator  
Iron County Parks and Recreation, 581 N Main St, Cedar City, UT 84721  
Ph 435-867-2758; Fax 435-865-7938
- Lorin Barker, family friend & attorney  
Ph (work) 801-321-4843; (cell) 801-231-2662; Email [lbarker@kmclaw.com](mailto:lbarker@kmclaw.com)

- Michael Reagan, store manager (former supervisor)  
Ph 801-712-5057; Email [michaelreagan@msn.com](mailto:michaelreagan@msn.com)

# Murray City Municipal Council

## Request for Council Action

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1. **TITLE:** (State how it is to be listed on the agenda)  
Consider confirmation of the Mayor's reappointment to the **History Advisory Board of Peter Steele** in an **At-Large** position while living in **District 3** for a second **three-year** term **effective 8/1/2013 to 8/1/2016**

2. **ACTION REQUESTED:** (Check all that apply)
- ☐ Discussion Only  
☐ Ordinance (attach copy) Has the Attorney reviewed the attached copy? ☐  
☐ Resolution (attach copy) Has the Attorney reviewed the attached copy? ☐  
☐ Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy? ☐  
☐ Appeal (explain) \_\_\_\_\_  
☒ Other (explain) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
September 3<sup>rd</sup> 2013


4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)  
N/A

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)  
Resume/Bio-attached

6. **REQUESTOR:**
- |  |   |
|--|---|
| Name: <u>Mary Ann Kirk</u>               | Title: <u>Cultural Programs Coordinator</u> |
| Presenter: <u>Dan Snarr</u>              | Title: <u>Mayor</u>                         |
| Agency: <u>History Advisory Board</u>    | Phone: <u>264-2638</u>                      |
| Date: <u>August 21<sup>st</sup> 2013</u> | Time: _____                                 |

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Doug Hill Date: August 21<sup>st</sup> 2013

Mayor:  Date: August 21<sup>st</sup> 2013

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Number of copies submitted: \_\_\_\_\_  
Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_

9. **NOTES:**

**Peter Steele** will continue serving on the **History Advisory Board** effective **August 1<sup>st</sup> 2013 to August 1<sup>st</sup> 2016**

# Peter Steele

340 E. Vine St. #24 Murray, UT 84107 • (801) 602-2689 • [pg2berlin@yahoo.com](mailto:pg2berlin@yahoo.com)

## Education

**Brigham Young University**  
Anthropology (Archaeology)  
B.A. April 2007

2002-2007  
Provo, Utah

**State University of New York at Binghamton**  
Anthropology (Archaeology)  
M.A. May 2009

2007-2009  
Binghamton, New York

## Professional Qualifications

Member of the Register of Professional Archaeologists (RPA).  
Permitted Archaeological Principal Investigator in Utah (Permit No. 232).

## Additional Experience

### Volunteer

Museum of Peoples and Cultures Provo, Utah  
Catalogued and analyzed archaeological artifacts.

2007

### Archaeological Technician

Office of Public Archeology St. George, Utah  
Excavated and recorded archaeological sites.  
Worked as part of a crew of 5-10 persons.

2007

### Assistant Curator of the Visual Resources Collection

SUNY Binghamton Binghamton, New York  
Created, catalogued and cared for visual resources in the Art History department.  
Supervised other student employees.  
Created training materials for new employees.

2008-2009

### Regional NEPA/NHPA Specialist

Utah Department of Transportation Salt Lake City, Utah  
Coordinated compliance with NEPA, NHPA and other federal laws.  
Conducted archaeological surveys.  
Coordinated National Register of Historic Places eligibility determinations.  
Prepared and reviewed environmental documents.

2010-Present



# Murray City Municipal Council

## Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items each Tuesday in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 107, no later than 5:00 p.m. on the Tuesday one week before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages.

1. **TITLE:** (State how it is to be listed on the agenda)  
Consider confirmation of the Mayor's new appointment of **Sara Keil Roach** to the **History Advisory Board** in an **At-Large** position while residing in **District 3** for a **three-year** term effective immediately - **9/3/2013 to 8/1/2016**.

2. **ACTION REQUESTED:** (Check all that apply)
- ☐ Discussion Only  
☐ Ordinance (attach copy) Has the Attorney reviewed the attached copy? ☐  
☐ Resolution (attach copy) Has the Attorney reviewed the attached copy? ☐  
☐ Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy? ☐  
☐ Appeal (explain) \_\_\_\_\_  
☒ Other (explain) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
September 3<sup>rd</sup> 2013

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)  
N/A

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)  
Resume/BIO attached

6. **REQUESTOR:**
- |  |   |
|--|---|
| Name: <u>Mary Ann Kirk</u>               | Title: <u>Cultural Programs Coordinator</u> |
| Presenter: <u>Dan Snarr</u>              | Title: <u>Mayor</u>                         |
| Agency: <u>History Advisory Board</u>    | Phone: <u>264-2638</u>                      |
| Date: <u>August 27<sup>th</sup> 2013</u> | Time: _____                                 |

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Doug Hill Date: August 27<sup>th</sup> 2013

Mayor:  Date: August 27<sup>th</sup> 2013

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Number of copies submitted: \_\_\_\_\_  
Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_

9. **NOTES:**

**Sara Roach** will begin serving immediately on the **History Advisory Board** (to fill the vacant spot left by David Adams as he chose to serve 1 term only that expired 8/1/2013) effective today, **September 3<sup>rd</sup> 2013 to August 1<sup>st</sup> 2016**

SARA KEIL ROACH  
4791 Atwood Blvd, Murray, UT 84107  
Cell: (801)979-4054 Work: (385)468-1748  
e-mail: [sroach@slco.org](mailto:sroach@slco.org)

August 15, 2013

Mayor Dan Snarr  
Murray City  
5025 S. State Street, 2nd Floor  
Murray City, UT 84107

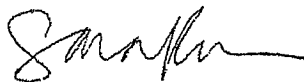
Dear Mayor Snarr,

I am submitting this letter of interest to serve on the History Advisory Board for Murray City. I purchased a home in Murray in February 2012 and am currently employed at Wheeler Historic Farm. I have spent over fifteen years in museum and history related fields. I have lived on three historic sites as caretaker and served on the Board of the Lake Tahoe Historical Society and the Sierra State Parks Foundation. I bring with me a knowledge and passion for history and historic structures and interpreting the past for our current generations. I look forward to continuing to learn more about our Utah history and finding ways I can contribute.

In my position as Executive Director of the North Lake Tahoe Historical Society I authored a book on Lake Tahoe history as well as numerous in-house publications specific to the collections we housed and characters that used them. As a recent addition to Wheeler Historic Farm I am thrilled to put my museum expertise to work.

I am familiar with the challenges of preserving and restoring historic structures, artifacts and stories of our past and I would love to be able to contribute to our local community.

Respectfully submitted,



Sara Keil Roach

SARA KEIL ROACH  
4791 Atwood Blvd, Murray, UT 84107  
Cell: (801)979-4054 Work: (385)468-1748  
e-mail: [sroach@slco.org](mailto:sroach@slco.org)

## **EDUCATIONAL BACKGROUND**

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**Undergraduate:** Bachelor of Science, Anthropology  
Minor: Spanish  
Santa Clara University, 1994

**Graduate:** Master of Arts, Anthropology  
Special Emphasis: Museum Studies MA Thesis: Senior Volunteer Motivation  
California State University Chico, 1999

## **EMPLOYMENT EXPERIENCE**

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April 2013 – Present *Museum Curator*  
Wheeler Historic Farm, Salt Lake County Corporation

### *Highlights of Accomplishments:*

- Installed clothing exhibit in Activity Barn
- Reorganized artifact storage areas in Activity Barn
- Authored a successful MAP Grant through the American Alliance of Museums
- Made changes to the interior of the historic house, in keeping with the Victorian time period
- Created maintenance plan for historic house

Feb. 2009 – Apr. 2013 *Director of Public Events*  
Thanksgiving Point Institute, Lehi, UT

### *Highlights of Accomplishments:*

- Charged with bringing Public Events department in line with Thanksgiving Point Institute policy and procedure including venue rental pricing and regulations for clients; repairing and renewing client relationships and meeting budget for each event
- Planned and executed several large scale events a year while overseeing all public events on property (average of 52 events/year with attendance ranging from 300 to 40,000 each)
- Improved client relationships with major clients and solicited and secured new clients
- Developed and managed to department budget of up to \$750,000
- Recruited an intern staff of 4-6 each semester to assist with event planning
- Worked with volunteer corps in executing events

2001 – August 2008 *Executive Director, North Lake Tahoe Historical Society*  
Gatekeeper's Museum, Tahoe City, CA

### *Highlights of Accomplishments:*

- Developed expertise in small business/nonprofit development effectively tripling NLTHS income, increasing staff levels and membership support.
- Advised local museum groups through strategic direction, product recommendations and executive support.
- Created and implemented strategic planning process for the NLTHS.
- Developed Gift Acceptance Policy, Employee Handbook, and Collections Policy.

- Authored the *Tahoe Tattler* – the museum newsletter –, which resulted in an endowment gift of \$500,000.
- Worked with local and national press, including television interviews for Reno and Sacramento stations and ABC's *Good Morning America* to publicize the museum and talk about the local history.
- Cultivated donors through friend-raising events, personal communications, and private events and tours.
- Authored grants to local and national granting agencies.
- Cultivated members, selected membership management software, created member events and maintained an 85% retention rate in renewing members.
- Processed all incoming artifact donations and deaccessions

1998 – 2001

*Program Manager, Tallac Historic Site*

Tahoe Heritage Foundation, South Lake Tahoe, CA

In this position I was primarily responsible for planning fundraising and public relation events for thousands of visitors; scheduling and training volunteers; donor cultivation. Trained all incoming volunteer and staff on collections management and accessioning of donated materials.

#### **VOLUNTEER AND COMMITTEE EXPERIENCE**

Founder, Tahoe Area Historical Organizations (TAHO); Past President, Lake Tahoe Historical Society (South Lake Tahoe, CA); Past Secretary, Sierra State Parks Foundation (Tahoma, CA)

# Mayor's Report and Questions

# Adjournment