



MURRAY CITY MUNICIPAL COUNCIL COUNCIL INITIATIVE WORKSHOP

A Murray City Council Initiative Workshop was held on Tuesday, October 1, 2013 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

Brett Hales	Council Chairman
Dave Nicponski	Council Vice Chairman
Darren Stam	Council Member
Jim Brass	Council Member
Jared Shaver	Council Member

Others in Attendance:

Frank Nakamura	City Attorney	Janet M. Lopez	Council Staff
Jan Wells	Mayor's office	Kim Fong	Library Director
Ted Eyre	Resident	Justin Zollinger	Finance Director
Tim Tingey	ADS Director	Jennifer Brass	Resident
Diane Turner	Resident	Kellie Challburg	Council Office
Doug Hill	Public Services Director	Greg Bellon	Power
Blaine Haacke	Power, General Manager	Blair Camp	Resident

Mr. Hales called the Council Initiative Workshop to order at 4:30 p.m. and welcomed those in attendance.

Discussion Item 1.1

City Boards, Commissions and Committees should be treated in equitable manner- Jared Shaver

Mr. Shaver stated that there were several issues that had come to the attention of the Council in the last few weeks. He appreciates the Council's willingness to listen and discuss the issues.

Mr. Shaver said that in the last three years as a Council Member, he noticed a lack of equality in the different boards and commissions, including the amount of work performed and the compensation.

Mr. Shaver printed out the different committees and boards and their functions. There are some boards or commissions that receive compensation, minimal as it might be, and others that do not. The dollar amount ranges from \$15, \$25 up to \$75. The comparison included not only the compensation in pay, but the duties and work performed, as well as the authority that the board or committee members

have.

Mr. Shaver would refer to the boards, committees and commissions as groups for the remainder of the discussion. Some of the groups have legislative capability, others do not, and therefore are treated differently. As an example, the Planning and Zoning Commission has a very specific function. The Library Board hires the Library Director, without any type of oversight by the Mayor or Council. Some groups have power to do certain things according to the statute. Other groups have limited power, and are only advisory boards. The Arts Board advises and promotes, but has no real authority to change policy or procedures. It doesn't seem to be a level playing field, noted Mr. Shaver.

The first group on the list is the Arts Advisory Board and the language is that the group promotes, encourages, advocates, and supports, and there is no compensation.

The Building Code Board of Appeals is created to hear and decide appeals of orders, decisions or determinations. That group actually has deciding power, and it states that the group shall render all decisions and findings in writings to the Director of Public Works with a duplicate copy to the appellant. That group makes a decision and renders that decision, but receives no compensation.

The Heritage Center Advisory Board has advisory capacity to the Heritage Center Director, Office of the Mayor, and the City Council. That group states specifically that they are only advisory and receive no compensation.

The Parks and Recreation Advisory Board promotes, reviews and recommends. This group is also only an advisory group, no compensation.

The History Advisory Board advises the Mayor and officials of the City. They encourage and oversee, but receive no compensation.

The Personnel Advisory Board hears appeals and can render a decision. They advise the City on matters concerning personnel administration, including career and public safety rules. They represent and hear certain appeals and grievances for other actions, but receive no compensation.

The Power Advisory Board is advisory only. They give advice and do not oversee, but yet receive compensation. Mr. Hales asked if the Power Advisory Board gives any direction at all. Mr. Shaver replied that the group is purely advisory and receives \$75 per month that a meeting is held.

The Shade Tree Commission studies, assists and promotes, and receives no compensation.

The Public Library Board is a group that spends hours of time and makes decisions. They are simply reimbursed any necessary expenses, but receive no compensation. This group actually hires the Library Director and assists in creating the contract and is responsible for the maintenance and care of the facility. It also states the Library board shall make and adopt rules and regulations. Mr. Brass said that they also can levy a tax, with the approval of the City Council. No other group has that authority, even those that are compensated.

Murray Center City District group promotes, and requires those to adhere to the design review, but receive no compensation.

Planning and Zoning Commission makes binding decisions, albeit those decisions can be overridden by the Council. That group receives \$25 per meeting as a reimbursement for expenses incurred in performing the official duties.

Board of Adjustment group hears and decides on special exceptions. That group receives a \$15 compensation per meeting.

Mr. Shaver stated that as per his request, Ms. Lopez asked the department heads for information on the number of meetings attended, and hours of service that the board or commission requires. Some groups meet once a month, others meet on a regular basis. For example, the Planning Commission meets approximately ten hours a month, the Board of Adjustment meets four hours per month; Design Review is one hour per month; and the Board of Appeals is four hours annually.

Mr. Shaver asked Mr. Haacke about the Power Advisory Board and clarified that the group is compensated and receives travel benefits. It states that they can attend one out of state conference every three years that is paid for by the City. Mr. Hales asked how often they meet. The answer was once a month.

Mr. Shaver had a note from the Library Director stating that each member of the Library Advisory Board spends about 30 hours of service per year and there are no additional perks.

Mr. Shaver noted that there are decisions that need to be made before this Council. There are decisions that Mr. Haacke needs to make regarding the Power Advisory Board. When the Power Department needs to enter into a contract, the business is brought before the Council for the decision.

Mr. Shaver stated that Mr. Tingey has a marvelous group in the RDA (Redevelopment Agency). The agency makes decisions and gives guidance on how to proceed. Eventually those decisions come before the Council if money or expenditures are needed. The Council serves as that agency, in another form.

Mr. Shaver commented that it seems to him that either all or none of the groups should be compensated. Mr. Stam asked if he meant all of the groups that make decisions or all of the groups. Mr. Shaver used Planning and Zoning as an example. There are expenses incurred on their part as it is incumbent upon them to go and look at properties, so the compensation makes sense. He believes there is a problem with compensation just simply for attending a meeting.

Mr. Hales asked if he was including travel as part of the compensation. Mr. Shaver believes travel would fall under compensation. One of the group is authorized to travel to specific places, within the state and out of the state. That travel is seen as a perk, yet that same group is attending the same functions that the Council attends. The Council makes the binding decisions in the contracts. For

example, if a change occurred in a UAMPS (Utah Associated Municipal Power Systems) contract, that change would come before the Council, and the Council would make a decision on the contract. The Power Advisory Board has no authority to make those decisions.

Mr. Shaver has some recommendations but would love to hear some feedback first. Mr. Stam commented that the Parks and Recreation Board has out of state conferences also, and those members did not have the opportunity to attend. He believes Planning and Zoning Commission members get the chance to attend land use training when it is sponsored by the Utah League of Cities and Towns. That training is necessary for them to be able to do their job. Many of the other advisory boards may not have specific training opportunities available to them, other than training by the City Officials that oversee them. Mr. Brass commented that the Planning and Zoning Commission is also a legislative body.

Mr. Hales asked Mr. Haacke what the duty of the Power Advisory Board is, if they don't have any authority, Mr. Haacke said he sometimes takes their advice.

Mr. Stam mentioned the Parks and Recreation board as an example, the board presents different ideas, which then go to the Council for a vote. The board can make a positive recommendation or no recommendation at all, and that is their purpose. The Power Advisory Board can do that also, but has no more authority than the other boards. Mr. Shaver said that the language in the statute is to advise and promote, in a non-binding manner. He used an example as to when Mr. Tingey presents an issue to the Council, he might say that the Planning and Zoning Commission recommends something, while the engineering team is against it. The Council then becomes the arbitrators, with a no on one side and a yes on the other side. Mr. Stam commented that the Planning and Zoning Commission has more authority than the Parks and Recreation board. Mr. Shaver agreed that the advice of some groups could be totally ignored, but that is not the case with the Planning and Zoning Commission.

Mr. Nakamura said the Council makes the binding decision, in rezones for example. There are other issues that are decided by the Planning and Zoning Commission that don't go before the Council. The Planning and Zoning Commission can make binding decisions. Mr. Brass said the Planning and Zoning Commission is the legislative body for site plan reviews, conditions, and permits. The Council is the legislative body for ordinance changes, ordinances and zoning changes. He said the Planning and Zoning Commission meetings are long and contentious, and it is a difficult position.

Mr. Haacke said the word advisory is key to this. He gives heady issues to the Power Advisory Board and gets their advice. He usually follows the recommendation and takes it back to the Council. Years ago, there was a rate increase, and a lot of time and effort was spent on deciding the rate increase, it was brought to the Council, and the Council changed it just a little bit. Another example is the upcoming IPA (Intermountain Power Authority) issues. He has spent hours with the Board to get them up to speed. The Council hasn't had that much time with the issue. It was under the direction of the Council last year, to let the Power Board do the footwork. It is difficult for him to be between two masters, or three masters including the Mayor.

Mr. Shaver said his first recommendation would be to make the compensation equal between the boards.

The second recommendation would be that the Library Board is similar to the Planning and Zoning Commission, in that it is a legislative body and should also receive compensation. The individuals on the library board spend a lot of time and effort, and should be compensated as such.

The third recommendation would be that the Council serve as the Power Advisory Board. The Council serves as the RDA, and similar to that meeting, the Council would have a Power Advisory Board meeting before a Council meeting. Those issues come to the Council anyway, and this would alleviate Mr. Haacke having to address the same issue multiple times. Mr. Stam asked if Mr. Haacke would spend those hours, previously spent with the Power Advisory Board, getting the Council up to speed on power issues.

Mr. Hales said he had been asked why the Council and the Power Advisory Board both attend certain meetings and conferences. He would welcome the idea of knowing more about power issues, since it is his signature on the documents. Mr. Shaver commented that at times, for example, at an APPA (American Public Power Association) meeting, certain meetings could be divided among the Council members with a sense of direction in covering all the meetings.

Mr. Nakamura commented that the Library Board is statutory and implies that they serve without compensation under State law. Mr. Shaver thanked Mr. Nakamura for that comment, and apologized to Ms. Fong.

Mr. Stam commented that if the Council became the Power Advisory Board, and that compensation was gone, the other boards receiving compensation are expense reimbursements only, so a change may not be needed. Mr. Shaver said the compensation should be equal, instead of \$15 for one, and \$25 for another. Mr. Brass said that the difference makes sense when looking at the agendas and the number of properties handled. That cost is simply to cover the cost of driving around and looking at properties. Mr. Brass said equalizing is also a budgetary issue and the Power Advisory Board is an enterprise fund, whereas, the other boards are out of the general fund. It would take some budget and ordinance changes, commented Mr. Brass.

Mr. Shaver stated that he isn't necessarily saying these are changes that should be made or will be made, but simply a discussion that is needed. He would be happy to come up with a plan on how to do that in the next few months. Mr. Nicponski asked Mr. Shaver to repeat the three points that he was making. Mr. Shaver stated they were: first, equal compensation, second, Library Board compensation, but that is no longer relevant, and third to make the Council the Power Advisory Board.

Mr. Brass stated that under the rules of engagement of the CIW (Council Initiative Workshop), it is a decision for the Chairman to decide whether or not to move forward with this issue.

Mr. Hales asked Mr. Haacke his opinion before deciding to move forward. He wanted Mr. Haacke to feel comfortable with this decision. Mr. Haacke replied that there is a value to a second set of ears for advice, but he does see other cities of similar size or larger, that do not have a Power Advisory Board, such as Idaho Falls and Logan. Mr. Stam asked if the Council acted as the Power Advisory Board in those cities. Mr. Zollinger replied that in Logan, the Council acts as the Power Advisory Board.

Mr. Nicponski said he would like more time with the issue to be considered. Mr. Stam stated that the consensus was that Mr. Shaver would do some research and revisit this issue later. Mr. Shaver said he would be happy to do the research and visit with Councilmembers individually and get their opinions.

Mr. Hales agreed the consensus was to move forward and research the issue.

Discussion Item 1.2

Zoning Amendments- Jared Shaver

This topic became of interest in the last several months because had the Council taken the initiative to make a change to R-N-B (Residential Neighborhood Business) for example, it would have saved a lot of problems. If the Council had taken the initiative, it would have prevented the developer or property owner from coming in with their requests. He believes there are places within the City that it would behoove the Council to move forward and make decisions on zoning. A prime example of this, was the last issue discussed, Winchester Blvd. If you look at the City plans, that street is going to become busier, not slower. Every person along that street is going to have to face that issue on an individual basis.

Mr. Shaver would propose that the Council meet with Mr. Tingey and Mr. Nakamura and look at areas in the City where the Council could make the zoning change. He is aware that there could be a change in the tax liability if the property is changed from residential to residential/business. Mayor Snarr commented that the property between Vine Street and 4800 South on Center Street, the residential portion that is zoned commercial, has been that zone over 30 years is still taxed residential. He said that changing the zoning doesn't necessarily impact the residential houses. Mr. Stam commented that it did change for one lady that lived on the corner of Wheeler Farm. Mayor Snarr said that was correct, but that was due to the agricultural zoning. If there is a pre-existing structure on the site, he believes that the tax is assessed on a residential basis. Mr. Tingey said that changing the zone can increase the value, but they do receive a tax break.

Mr. Shaver would like to recommend different places in the City that would be possible zone change prospects and look at what would happen with the taxes, etc. Mr. Brass commented that the heartburn on that issue is that the City doesn't rezone property unless it has been requested, with the exception of the MCCD (Murray City Center District). Mr. Tingey added that mixed use changes have been done also. Mr. Stam noted that he agreed with Mr. Shaver on the issue when three properties come to have zone changes, and leave a little strip that wasn't included. Mr. Shaver said that flaglot that would have remained residential was his concern also.

Mayor Snarr said he has been anti-change when it is just to develop properties to get them working in their existing state. If you consider the property that Carol Smith purchased, that property will sit there forever, and never be anything. She can't build residential, and really can't do anything commercial either. There would be opposition in anything that she did. She took the initiative to buy the other residential houses that were in deplorable condition to give access to the property from the adjoining street. She even tried to give the property to the LDS church, but they couldn't do anything

with it either. Mayor Snarr commented that he likes Mr. Shaver's idea to take those heavily trafficked corridors that are no longer one lane in each direction, that were originally identified as R-N-B, but yet allow residents to remain there in a residential setting.

Mr. Shaver remarked on a comment made by Mr. Brass stating that was the intent of the R-N-B to allow residential and business to reside within specific parameters. Mr. Hales asked if the citizens would still have the right to go through the appeal process. Mr. Shaver said absolutely.

Mr. Brass noted that he is a bit indifferent due to the fact that it is master planned. His only issue with Winchester was that the particular project didn't meet the intent. He didn't have a problem with the rezone. Mr. Nicponski said that would be fine if Mr. Shaver wanted to work with the master plan. Mr. Stam said there are a few houses over there in disrepair that are still zoned residential. If the zoning was changed to R-N-B, the chances are better that a buyer would be interested. Mayor Snarr said there are certain requirements that they need to adhere to anyway.

Mr. Tingey commented that he had been involved in a couple of city initiated rezones, and they are much more controversial. He is willing to move forward, but does believe they are always more controversial.

Mr. Hales adjourned the meeting.

Kellie Challburg
Council Office Administrator

