



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

---

---

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, January 18, 2011, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

**Members in Attendance:**

Jim Brass	Council Chairman
Jeff Dredge	Council Vice Chairman
Darren V. Stam	Council Member
Jared A. Shaver	Council Member

**Member Excused:**

Krista Dunn	Council Member
-------------	----------------

**Others in Attendance:**

Dan Snarr	Mayor
Jan Wells	Mayor's Chief of Staff
Frank Nakamura	City Attorney
Michael D. Wagstaff	Council Executive Director
Janet M. Lopez	Council Office
Peri Kinder	Valley Journals
Tim Tingey	Comm & Econ Dev Director
Angela Price	Comm & Econ Dev
Zachery Fountain	Mayor's Office
Jennifer Brass	Citizen
Bill Finch	Citizen
Pete Fondaco	Police Chief
Carol Heales	City Recorder
Jennifer Kennedy	Business License
Craig Burnett	Police
Craeg Wallentine	Citizen
Lynne Wallentine	Citizen

Chairman Brass called the meeting to order at 5:30 p.m. and welcomed those in attendance. He mentioned that Krista Dunn was excused for out of town travel.

**Minutes:**

Mr. Brass asked for action on the minutes from the Committee of the Whole meeting held on January 4, 2011. Mr. Stam moved approval as written. Mr. Dredge seconded the motion. The motion carried 4-0.

**Business Item #1: 2011 Utah General Legislative Session Update**  
**Zachery Fountain**

Mr. Fountain commented that he would brief the group on some matters that would be coming up during the session, which would begin the following Monday. There are some significant changes regarding politics, specifically with the House of Representatives where a new Speaker would be replacing Speaker Clark. This has resulted in changes of topics held in different committees and the ability to work on municipal legislative issues. Some items have been buried at the request of the Speaker. A more conservative group of individuals has been appointed to committees that focus on things like land use, the role of municipal government, and privatization. The Rules committee is an important area where things can be directed.

Mr. Fountain informed the Council that Mel Brown, former representative from Murray, will be the Budget Chair, which will help Murray in accessibility to him.

In prior years, some items were held up, however, with new positions, significant areas of control have been lubricated so that negotiations will take place in areas not favorable to Murray. He stated that he is working closely with the Utah League of Cities and Towns (ULCT), and with David Stewart, who has a good ear on the Republican side of the isle.

One overwhelming issue that will continue through the entire session is the State Budget. Public comments say that the budget is in a better position than the previous year, however, there is a \$340 million structural deficit, that is only quietly discussed. It has been called an imbalance, because the Utah Constitution does not allow for a deficit. This money will need to be made up for through other ways, possibly transportation projects, education, and other programs.

The \$340 million does not include growth for new students in the state. In 2010, there were 11,000 additional students in the public education system, which were not funded. This year, another 12,000 new students are projected to enter the system for a total of 23,000 students to be funded. Over the next decade, these numbers are anticipated to increase.

The Republican caucus is looking at another 7% cut in all departments, and no tax increases to balance the budget, Mr. Fountain expressed.

Some efforts to work on the sales tax on food have been seen. Some representatives say that if the legislature decides to go that route, then other taxes should be lowered to off set the increase.

Mr. Fountain has seen immigration issues that could impact the City in a huge way.

The definition of a public service is under discussion, to define what a public service consists of, what the verification processes may be, and the cost of implementation. This is broader than standard police discussions.

Another bill of interest is a sales tax redistribution bill that was written to go solely toward population base. The bill has not been public; it is by a new representative in Bountiful, Representative Nielson.

A couple of alcohol related issues are being followed in terms of development that could be beneficial to the City in attracting new restaurants. Real estate brokers are interested in bringing in some national organizations. The instability relating to alcohol licenses is turning some businesses away from Utah. Some adjustments that have been discussed include converting tavern licenses into restaurant licenses. This is a one-time effort, which would net only 40 licenses. An ebb and flow exists on a monthly basis for available licenses, and currently there is a negative number available.

In closing, Mr. Fountain noted that the UCLT holds its Legislative Policy Committee meetings on Monday afternoons. In the past, Ms. Dunn, Ms. Wells, Mr. Wagstaff and he have attended. He stated that he will continue to send legislative updates on Fridays in the Council Communications. Additionally, Mr. Fountain asked for Council support when he needs someone to attend a meeting on a particular legislative matter.

Mr. Shaver asked if Mr. Fountain had a sense of what was happening on the sales tax distribution. He responded that currently there does not seem to be enough support for this bill to go forward. It would really take a lot of ground work.

Mr. Brass mentioned that a couple of cities were concerned about the expiration of the floor amount on sales tax revenue. He asked if there was any talk of extending that compensation yet. South Salt Lake has talked to a couple of legislators about it, but Mr. Fountain feels it would be monumental to have that happen.

Mr. Shaver asked why there is a question on the public service definition. Mr. Fountain explained that some immigration bills have application on a broad basis for business licenses and other matters. It could impact the City in far reaching ways.

Mr. Brass commented that if an undocumented person is stopped in a traffic violation, and if police become required to take them to jail, then there is a cost for that. Murray is close but for other entities it could be quite costly. Mr. Fountain said the latest version of the Sandstrom bill may not require transportation to be to the 3300 South facility.

It is hard to tell where things will go at this point, however, as bills develop, Mr. Fountain will keep the Council updated.

**Business Item #2: Good Landlord Program Discussion**  
**Tim Tingey**

Mr. Tingey thanked the Council for the opportunity to discuss the work his staff has done over the last couple of months related to the Good Landlord Program and the Murray Rental Enhancement Program. Much research, involving a number of departments (recorder's, police, attorney, and mayor's offices) assisted to help evaluate

some of the issues he will talk about. A lot of the research came from GIS along with the police department.

He explained that his proposal is still evolving, however, there is an important framework to work toward, and he would like the Council's input on issues related to this. Developing this program came about after having Paul Smith present information on the Good Landlord Program, which some communities have adopted. Other entities have adopted their own version of the program, and that is what Mr. Tingey is proposing for Murray.

Partnering with GIS and the police department he has analyzed data in order to obtain an understanding of where the City stands related to apartments, landlords and their properties. Crime statistics have been used as a baseline, with more than 400 categories of crimes. The categories have been trimmed down so that issues can be analyzed related to the rental properties. Creating the baseline will help the City see how the program helps in affecting crime.

The police callout statistics have been considered by City Council districts, and have been broken down into two major categories. The first are violent crimes: fighting, domestic, or child issues, and, secondly, ordinance issues: property maintenance. The focus is on residential areas and the posted numbers relate to that. The percentage of occurrences is broken down by multi-family, single-family, and owner-occupied rentals.

Mr. Tingey detailed that in District One, multi-family occurrences were higher, however, it was only slightly higher, and that was the case overall. He went over the percentages quickly, adding that he could provide more detail to Council members if they would like it. This is to create the baseline and understand the issues. There was not a huge difference comparing number of units of single-family areas versus multi-family areas. With density you probably will have more crime in those areas.

In summary of the statistics, there is not a large disparity in crime between owner occupied, and multi-family rentals. Single family rentals did seem to have the highest crime rate and ordinance violations. Violence and theft had the highest incidences of the crime categories.

Mr. Shaver asked if the percentage of rental units per district was computed. This might help in showing a relationship to the population that might affect what the numbers are. Mr. Tingey indicated that he does have that information. He pointed out the maps posted that show where rental units are located.

Based on the crime statistics, the Rental Enhancement program was developed to have a community-based approach to crime reduction and prevention in the neighborhoods, Mr. Tingey explained, encouraging landlords to conduct thorough screenings of tenants and take immediate action if crime occurs on their property. These are the two key elements, and to encourage compliance with City codes through incentive programs.

It is important to be very direct and aggressive up front in getting information from landlords when they are licensed in the community. We would obtain contact information for the owner and the property manager. As they get licensed landlords would be required to sign an affidavit stating that they agree to:

- Maintain the property, including site elements;
- Provide contact information for tenants annually;
- Conduct background checks on all tenants;
- Address crime in a timely manner;
- Pay applicable fines associated with crime on the property;
- Register utility service in the property owners' name, rather than the tenant.

Currently, Mr. Tingey commented, there is a base fee to register rental properties. It is \$100 plus \$6 per unit. In the upcoming months, a Disproportionate Fee Study would be conducted, as is required by state law. A new fee structure would be based on the study. Landlords would receive a fee reduction if they register in a timely manner, and attend a landlord training. Responding to a question from Mr. Dredge, Mr. Tingey stated that once a company is on board to conduct the study, it would take a couple of months to complete.

Mr. Shaver asked if the utility commitment would be for all utilities or only Murray City utilities. Mr. Tingey answered that it is Murray City only.

An important part of the program is if a property owner experiences a criminal offense on the property, as defined in state code, the property owner is required to evict the tenant. An example is if there is a drug problem. Murray City police enforce this now. If the landlord refuses to evict the tenant, the police department will institute criminal penalties on the property owner. These are very strict consequences related to the Utah Code section, and it is something the City can continue to enforce.

Mr. Dredge asked for examples of other crimes that would be a reason for eviction. Drug houses and issues, gambling, criminal activity committed in concert with two or more persons, and party houses. A nuisance under the section includes tobacco smoke that drifts into any residential unit. Renting as a hotel type room is also prohibited.

If an owner has a violation to Chapter 8 or 17 of the City code, relating mostly to property maintenance issues, a notification letter will be sent to the tenant and property owner. If three violations occur, the City will aggressively pursue civil and criminal action through the court process. That deals with the two types of issues.

Murray will host a landlord training symposium twice a year to educate landlords on current City code, federal codes and fair housing issues. This is something that was conducted once this past year, and it was very successful. He stated that it could be paid for with federal dollars through the CDBG program. If property owners attend the

training and register their property, then the City would look at reducing their license fees. This would be an incentive to make sure the properties are being managed effectively.

Mr. Shaver asked where the licensing money would go. Mr. Tingey responded that it goes into the General Fund, and is already in place. The study will determine if fees should be increased, and the incentive amount would be decided as well.

The bottom line is that this program is different from what the Good Landlord program offers, and what other communities adopted. He feels this is a good start. It addresses serious crime issues, provides some incentives, and provides up-front information that the City wants. From there, the program would be monitored regularly.

Future action outlined by Mr. Tingey includes:

- Input from the Council;
- Creating a landlord focus group for insight;
- Meeting with stakeholder groups, such as the Utah Apartment Association, and the Housing Coalition;
- Conducting the Disproportionate Fee Study;
- Continuing to refine the program; and
- Returning to the Council with an Ordinance for adoption.

The timing that he is looking at would be to have everything worked through by sometime in the summer months.

Mr. Dredge commented that he values the fact that Mr. Tingey and his staff have worked hard to come up with something that works for Murray. He said that the two of them had met a few days before, and he wanted to review their discussion for the entire Council. He requested that the stakeholder meetings also include the residents around the rental properties, who are impacted by crime and maintenance issues, to gain their input. Mr. Shaver asked how large he sees that group as being. Mr. Dredge was unsure about that, however, he felt strongly that both sides of the issue be able to provide input. It would be of value for some of the rental property owners to hear what the neighbors have to say.

Secondly, Mr. Dredge referred to the section to conduct background checks on all tenants. He would like input from the police and legal department to see if it would be possible to reject renting to anyone who has had a certain amount of criminal activity on their record in the recent past. Any history of problems would disqualify a rental candidate from renting in the Murray community. He is aware that a clause such as this might cause problems for anyone truly trying to turn their life around. His concern is that all of this is reactionary to someone breaking the law, and he would prefer to see something that might prevent harm being done. He admitted that he is not sure where to draw that line, but part of the agreement would state that after the background check is complete, if a level of criminal activity criteria is met, then the landlord would not

lease to that individual.

Mr. Shaver would be interested to see language in the ordinance similar to that as well. Based on the program outline, the responsibility falls on the landlord, not the tenant. It is not a good tenant agreement. The punishment, fees, citations fall on the landlord. How to clear the background check is a question. Murray must take the landlords' word as to what that background check said. The City cannot police that.

Mr. Dredge added that if a crime is committed, then one step in the process is to review the background check, and see if the landlord rented to someone they should not have. The penalty could be a little stiffer if this occurred. Mr. Shaver agreed. Mr. Dredge thought the police department could help in this area. He would like to be proactive in the process.

Mr. Stam commented that some landlords do not have a resource for obtaining background checks. If we can help them in this, they will be making decisions based on the information contained in the background check. If a property owner wants to rent to someone with a history, who is trying to turn their life around, they will know that up front. He has heard from people who do not know an individual has a history, and by learning of issues in advance, they can make an educated decision.

Mr. Dredge likes the education program. Another problem he mentioned relates to other cities that have clauses in ordinances rejecting renters with a certain level of criminal activity. If people are rejected in other places, then they may end up here.

His request is that going forward, during the fee study, to also research and determine what parameters can be set without having the legislature come down on Murray for being too aggressive. Mr. Dredge asked for input from other Council members.

Mr. Shaver said that the first assumption is that if our ordinance is too lenient then a criminal element may end up here, and second, if there is an ordinance that has been challenged, or withstood any kind of judicial review it makes our position a little easier to stand behind.

Mr. Dredge asked for support to go forward looking at modifying that section. Mr. Stam voiced agreement with looking at that.

Mr. Brass thanked Mr. Tingey, and asked for a staff report. There being none, the meeting was adjourned at 6:05 p.m.

---

Janet M. Lopez  
Council Office Administrator