



MURRAY CITY MUNICIPAL COUNCIL COUNCIL INITIATIVE WORKSHOP

A Murray City Council Initiative Workshop was held on Thursday, June 7, 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
Krista Dunn	Council Member

Others in Attendance:

Frank Nakamura	City Attorney
Michael D. Wagstaff	Council Executive Director
Janet M. Lopez	Council Office
Gabe Johns	Finance
Jan Wells	Mayor's Chief of Staff
Doug Hill	Public Service Director
Tim Tingey	Comm & Econ Dev Director
Jennifer Brass	Citizen
Dan Barr	Library Director
Bruce Cutler	Library Board of Trustees
Mike Terry	Human Resources

Mr. Brass called the meeting to order at 4:00 p.m. and welcomed those in attendance.

Minutes:

Mr. Shaver moved approval of the minutes from the Council Initiative Workshop held on May 17, 2011. Mr. Dredge seconded the motion, which carried unanimously.

Business Item #1: Smoke Shops - Krista Dunn

Ms. Dunn mentioned that a citizen asked about smoke shops in a Council meeting, which compelled her to look into how many are in the City currently. She stated that there are six different smoke shops now, and one and a half years ago there

were only two. Her idea is to limit smoke shops by population in a way similar to what was done with check cashing stores. The attorney's office has created some language for an ordinance, but first, she would like to talk about what she has learned in her research.

She chose three of the smoke shops and interviewed businesses around them. One was on 900 East and 5600 South near Fresh Market. It is next door to a beauty salon and bank. She discovered that staff in surrounding businesses are afraid of the people in the smoke shops due to threatening and other activities. The beauty salon employees have called the police on numerous occasions. Assistant Chief Burnett pulled up the information on calls for service there. Many things do not rise to the level of police reports. The most common occurrence is kids standing outside surrounding businesses asking their patrons to go in and buy tobacco for them. All three indicated this problem and numerous police calls. Because there is nothing the police can do, calls have subsided.

Mr. Nakamura stated that some research on problems in the community related to this needs to be done, Ms. Dunn noted. She said there are consistent reports from surrounding businesses in all three locations, indicating the underage people trying to get adults to purchase tobacco for them, and they become hostile when refused. There are also fights reported. The smoke shop on State Street has been robbed five times in three and a half years. The owner stated that he would close if there were one more robbery.

Ms. Dunn said that there is a perceived threat to the people who frequent surrounding businesses. She said that some reported writing letters to shop landlords requesting that they not lease to those folks. She has kept documentation of the calls that were made.

Mr. Nakamura confirmed that there must be health, safety and welfare reasons to proceed with this issue. Shops that already exist would be non-conforming, however findings meeting that criteria do follow the pattern of what was done with the payday loan businesses.

Mr. Shaver asked if any spice had been found like was publicized on 900 East and 4500 South. Ms. Dunn stressed that one is not in Murray, and there had not been complaints or reports of any spice sold, to her knowledge. Her information is one month old and other calls could have been made in the mean time. Vagrancy, loitering, solicitation and verbal abuse are the complaints, Mr. Shaver detailed.

Mr. Nakamura noted that they would not be banned in the City, although, close proximity to schools would be regulated and the numbers would be limited by population.

Ms. Dunn said that with six in the City, and a population of 46,000, that is probably plenty to cover the residents of Murray City. Her thought was to get some feedback about the idea and see what other Council members thought of it. Mr. Shaver, Mr. Stam, and Mr. Brass all indicated their interest in going forward.

Mr. Wagstaff stated that it would be scheduled at Committee of the Whole in ordinance form for the Council to review.

Mr. Nakamura informed the group that this issue should go through the Planning and Zoning process also.

Business Item #2: _____ Staffing Document Discussion - Jared Shaver

Mr. Shaver commented that this item is coming back after a previous discussion because both Mr. Dredge and Ms. Dunn were excused from the former meeting. For clarification it has been brought up again. Mr. Nakamura has created a staffing document that would become part of the ordinance for adoption of the budget. The language that is included with the meeting documents is exactly what that language would represent. The back sheet contains the reasoning behind the document. He would like to move forward with this as part of the budget if there is agreement.

Mr. Hill asked for explanation on how it would be handled for the seasonal employees. His understanding is that the staffing document would identify specific numbers of positions and before that could change it would come back before the Council. He has no objection, however, the Council should be aware, with seasonal employees some work fewer hours than others and if there are restrictions to a certain number of seasonal employees based on a staffing document it would sometimes be difficult. He wondered if the Council wants to be involved in every seasonal employee that is changed, and if so, that is fine. The second issue is the time it would take to get approval to change a seasonal employee, such as a lifeguard or recreational leader. They would not want to exceed the amount approved in the staffing document until approval of changes. He repeated his willingness to work with the staffing document, however, it becomes a bit of an unknown circumstance with seasonal employees.

Mr. Stam said that had been discussed, and the emphasis behind seasonal staffing would be to set the budget based on a particular number of seasonal employees. That gives a dollar amount to the line item and in the end it does not matter how many seasonal people are hired as long as it stays under that amount. Mr. Hill stated that if it is tied to a dollar amount, he is fine with that, as that is how it is done currently. He said the language does not read that way. Mr. Stam said that there is no separation between employee categories.

Ms. Dunn suggested that the Council needs to define what it is they are trying to do. The Council may need to define the difference between seasonal, temporary and

hourly. Are they three different things or the same thing? Once that is decided, the Council needs to decide what they need from the staff. She described an entire computer program that Salt Lake City has for staffing that Murray does not have. Something needs to be created or find the best way possible to do it. Salt Lake does not account for hourly employees, however, there is a definition of seasonal, hourly and temporary workers. She feels that everyone is lumped together in Murray, which makes it difficult for the Council to know what they are budgeting.

Mr. Shaver said that in reading through the language, the only question is on seasonal or temporary employees. He asked Mr. Nakamura if he could advise on proper language taking that into consideration. Mr. Nakamura confirmed that he could easily do that, defining seasonal employees. The budget does define and limit the number of employees because hiring additional people would exceed the budget. Ms. Dunn said that with attrition savings, additional employees could be hired. Mr. Shaver stated that the Council thinking is that the budgeted dollars in seasonal employees can be split any way the departments desire. Mr. Nakamura said that the current language does not allow that, however, he pointed out that if that is the rationale then it applies to all positions. Mr. Nakamura can add that to give discretion to the department heads on seasonal only. Ms. Dunn said that it would apply to seasonal, temporary and hourly positions only and the staffing document would be in effect for other full time employees.

Ms. Wilson commented that the HTE budget module has salary lumped together as one sum, however, she does include the spreadsheet which shows itemization for individual full time employees and a lump sum for temporary or seasonal staff. She is not sure how that would change with the staffing document being discussed.

Mr. Nakamura will change the language to reflect a dollar amount for seasonal employees.

Mr. Dredge pointed out that one difference would be to see the staffing on one document rather than spread out between the departments.

Mr. Brass added that extraordinary times compel the Council to look at things that have never been analyzed before. Certainly staffing is the largest part of the budget and considering reorganization changes, it is good to see where everyone goes. He is getting a better feel for it. For future Councils this is not a bad idea.

Mr. Nakamura asked if this would be incorporated as part of the budget adoption. Mr. Shaver responded that is the intent. Ms. Dunn asked when that would go into effect. The key staffing document would be put together by human resources.

Since the Council will look at opening the budget following the retirements, Mr. Brass questioned if that would be the time to come up with the staffing. To do it by June

21 would be too rushed.

Mr. Nakamura commented that his office is in the process of preparing the budget documents and asked if the Council wanted this by June 21. Mr. Shaver said that he did not need to have it by the 21. Mr. Brass confirmed that as this is an entirely new process, and the Council needs to wait until the reorganization is completed. He would like to get that far first. Ms. Dunn said that if it could be in place by midyear budget, then that would be fantastic. By then the reorganization would be completed and the Council would know of replacements. That would make it better timing.

Mr. Shaver asked Mr. Nakamura if that would work, as he noted that the Council would not have a chance to review it by the 21st, therefore, midyear would be easier.

Business Item #3: Board & Commission Interface - Jared Shaver

This item was passed and would be addressed later in the meeting once Dan Barr arrived.

Business Item #4: Council Internal Assignments - Jim Brass

Mr. Brass explained that there was a misunderstanding on a committee assignment and this item is to discuss how Council members are selected to serve on particular committees. In the past a committee was discussed between Mr. Stam and Mr. Dredge and then it was brought up during Mr. Brass' time as Chair and he expressed an interest in the committee work. When the first committee met Mr. Brass was not available and asked Mr. Dredge to sit in and then some confusion arose regarding who would actually sit on the committee. How the Council should go about these less formal committees and assigning positions should be decided.

Mr. Stam mentioned that the Murray Fiber Committee has two main functions. One is to evaluate the City and give UTOPIA direction on where they should build because the committee knows the City better. Second, and Mr. Dredge's idea was to go through the departments and see where the City can better utilize the fiber and show a benefit to the citizens of the implementation of fiber. Once there is a benefit shown, it was suggested to call it Murray Fiber to eliminate the stigma of the UTOPIA name. Helping it succeed versus the constant struggle is the goal.

Mr. Dredge thought the impetus, from his prospective, was that people were not too happy and he thought if the City branded itself to get away from it would help. He thought a couple of committees were needed, one, to see how it could be used internally. He found out the prior day that grant money is available for public safety to use technology. It is \$30 million. Second, another committee would focus on branding the Murray Fiber and try to get citizens and businesses on board. At the time, it was all delayed because of the unknown position on future funding.

Mr. Shaver asked about the fiber committee to address these two specific issues. He wanted to make it clear. Because only two Council members can be on the committee, if a committee is formed is it something that members volunteer to be a part of, is it assigned or based on purview, he asked.

This is the question now. It needs to be decided how that happens as a general rule, Mr. Dredge indicated. Ms. Dunn said that in the past Council members have always just volunteered based on interest or background. She felt that if three people want to be on the committee, then it should be a noticed meeting. Mr. Stam mentioned that on this particular one, it needs to be held without competing interests present.

Ms. Dunn asked more details of the committees. Mr. Brass mentioned that it was in a Council/Administration meeting that it was discussed and several department heads were interested in participating. She agreed that they should be involved. Mr. Brass did not know how it could be branded Murray and not discuss the other matters. The bottom line is, in his opinion, that a potential \$60 million bill must be paid over time, and the best thing the City can do is to show what can be done for that money. The City does that with everything else. It is a benefit and needs to be utilized. Some businesses need to be targeted.

Mr. Shaver brought the topic back to how committees are formed. What is the internal decision making?

Mr. Dredge said that during Committee of the Whole business when a committee is formed it could be decided at that time.

Mr. Wagstaff asked for some clarification of how that decision should be made in the Committee of the Whole. Should the Council Chair assign, or should there be a vote, how will that come about? Mr. Nakamura asked if the Council Rules address that, and they do not. Ms. Dunn said that what has always taken place is that someone has volunteered when the committee is formed.

Mr. Dredge mentioned the RFP (request for proposal) on the strategic plan and it will take a committee to work through that. He asked how that will be structured and who will be on it? Mr. Shaver offered that usually someone volunteers, however, something could come up and none of the five want to do it. Someone has to step forward to serve. There should be some assignment made. Ms. Dunn observed that in 12 years she has not seen that situation. Someone takes the responsibility to serve. She added that Council Rules can be created to take care of it. Mr. Shaver said that it should be included in the Rules that without a volunteer the Council Chair assigns the duty. There must be a way to decide.

Mr. Brass proposed that if that happens, will the assignee attend the meetings? For this reason it works better for volunteers to take responsibility. Mr. Dredge pointed

out that the Chair is the voice of the Council; members are a board of equals. If a problem comes up on committee assignment, then it needs to be discussed until a decision is made.

Mr. Wagstaff asked if every position for committee membership needs to come before the group during business at Committee of the Whole. Ms. Dunn does not think this is an issue. The problem comes when more than two people want to serve and there can be only two. Mr. Brass said there are some committees that the Council does not need to be on. Council members agreed that they will get someone to attend meetings.

Mr. Stam came up with a scenario of a 911 committee to see how things would be decided. He asked if you go to the VECC committee representative to see if they would serve, due to their knowledge of the topic. Mr. Stam might say that he is the VECC representative, he would participate, because it makes sense for him to be there. She said another one might volunteer and if more than two offer, then it is discussed and decided. Mr. Stam said that is his point, how the two are selected. Ms. Dunn said that because the Council members are reasonable people, they would decide; someone would agree to step back.

Ms. Dunn said that who will be on the fiber committee needs to be finalized.

Mr. Dredge said that at a minimum the topic for committee representation should come before the entire group for discussion. If more than three people want to participate and no one steps back, then it can be up for a vote.

Back to the fiber committee, Ms. Dunn related that Mr. Stam, Mr. Dredge and Mr. Brass all would like to participate. She said that she and Mr. Shaver agree to whoever would like to serve. Mr. Dredge said that he feels he should be involved because he attends the UTOPIA Board meetings and can bring information to the group from those meetings. If that is not perceived as a value, then he would agree not to serve. Mr. Stam would like to serve because he brought up the idea to give direction and he wants to participate to see that it happens. Mr. Brass stated that he would agree to Mr. Dredge and Mr. Stam serving on the committee. Ms. Dunn asked each of them to make sure and get a substitute if they are unable to attend. Mr. Dredge said this is really exploratory and may not be a long term situation.

Mr. Wagstaff would like to add something to the Council Rules and he asked if this would be the process for anything of this nature.

Business Item #3

Board and Commission Interface - Jared Shaver

Mr. Shaver pointed out the last line on the Memorandum created by the

Administration, dated the 27th of October 2010. This states that no changes to the Library Board of Directors are proposed at this time as there are discussions taking place with them and the ex-officio member from the Council. This document changed the make up of the boards by removing the district representation except on the Planning and Zoning commission. He proposes that the Library be similar to other advisory boards by removing the district requirement and removing the ex-officio Council member from the Board. They would be reporting to the Council when necessary and not make a Council member a part of that Board. He supports that as far as the Library Board is concerned.

Ms. Dunn asked if any other board levies a tax. Actually, the Council levies the tax and she feels the Council had representation due to that reason. Mr. Shaver said that language is not in the code requiring the ex-officio member, there is no state mandate for representation and the Council would have the right to change that. He concluded that if there are issues, the Library Board should bring it before the Council for discussion. Other committees handle their issues that way. That difference is out of sorts. It should be uniform across the boards.

Ms. Dunn expressed her concerns, stating that having a Council representative attend the Board is a huge advantage to the Library system. They get to know a Council member, they have the opportunity for someone to represent them to the Council and understand the justification for decisions made by the Board. It has improved the relationship between the Council and the Library to have that position fulfilled. The current Council has three members who have served in that position, therefore, a better understanding for how it all works exists. When they come to the Council they have an ally and it is a positive factor for them and the Council.

Mr. Stam asked if it is necessary to have it as it is or should all the boards be handled in the same manner with rules in the Council to show and give support. The Library is different, Ms. Dunn responded. Mr. Shaver disagreed and stated that he feels it is no different from the Planning and Zoning, Arts Board or Shade Tree Commission. The Council is involved all the way through the Planning and Zoning process. Mr. Brass mentioned that the Planning and Zoning Commission is a legislative body itself. Mr. Dredge said that he agrees with Mr. Shaver. There is no vote by the Council representative and they could come in and report as the other department heads do. Mr. Dredge added that it would be more effective because information is relayed to all Council members. Mr. Barr or another representative could update the Council as necessary. The boards and commissions Committee of the Whole quarterly reports are for boards that the Council members sit on, appointed by the Mayor. Mr. Brass pointed out that these legislative boards do make decisions for the City.

Mr. Shaver reviewed the purpose of representation on the Library Board, as argued by Ms. Dunn. He stressed that he is not advocating to get rid of the Council ex-officio representation. His point is that all the boards should be treated the same. Ms.

Dunn said that the boards have different needs. He asked for someone to help him understand the needs of the Library that are different from the other boards. Ms. Dunn feels it is the connection. Mr. Brass stated that the Library shows up on the property tax bill; they levy tax. He feels there was concern about that and because of that it is probably good to have representation on that board to answer questions of our constituents.

Mr. Stam reiterated that he had previously reported the intent of the person who wrote the ordinance. The purpose was to make sure the board met, ensure citizen involvement and bring up ideas, not because of the tax issue. The Council will vote on the taxes anyway. It was new, Murray was the only city with a library, and now that it has continued for so many years, it could be time for a change.

Mr. Stam added that he has discussed the possibility of having Council members attend other City board meetings. It was noted that board members might temper or change their comments and votes due to the presence of a Council member at the board meeting. Ms. Dunn said that there is a difference in someone sitting on a board and showing up at a board meeting.

Mr. Barr introduced Bruce Cutler, President of the Library Board. Mr. Barr added that when Jack DeMann was involved there was no Committee of the Whole meeting. When he learned about these meetings and their purpose, he felt reporting here would meet the same need for a communication opportunity.

Mr. Cutler acknowledged that there is no problem with a Council member on the Library Board, however, there is the risk that the member present represents the Council viewpoint, which they do not. He confirmed that there are not many serious issues discussed, outside of the budget, which is probably addressed once or twice a year. That comes to the Council anyway. Occasionally, a policy has been set, usually they pat Mr. Barr on the back, and say good job. There is not much need for supervision and reporting can be done at the Committee of the Whole.

Mr. Shaver asked about the fact that the Library Board actually hired Mr. Barr, without administrative approval. Mr. Nakamura confirmed that and added that it is their main function. He said they do not handle the financial side of operation. The Council does that. They can make recommendations to the Council. Mr. Shaver reviewed that representing the Library would be the president of the Board, not Mr. Barr, as opposed to Mr. Haacke, who represents the Power Department. That is a distinction between how others are handled.

Mr. Wagstaff asked for direction on the ordinance for the Library. Council members agreed to eliminate Council representation on the Board. Then the ordinance would have to be amended, Mr. Brass stated. Mr. Nakamura has submitted a proposed ordinance to that effect.

There being no additional business, Mr. Brass adjourned the meeting at 5:00 p.m.

Janet M. Lopez
Council Office Administrator