



**MURRAY CITY MUNICIPAL COUNCIL
COUNCIL INITIATIVE WORKSHOP**

A Murray City Council Initiative Workshop was held on Tuesday, September 4, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

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

Others in Attendance:

Briant Farnsworth	City Attorney	Janet M. Lopez	Council Staff
Jennifer Kennedy	City Recorder	Zach Fountain	Mayor's Office
Tim Tingey	ADS Director	Chad Wilkinson	CommED Manager
Jennifer Brass	Citizen	Jan Wells	Mayor's Office
Pete Fondaco	Police Chief		

Mr. Brass called the Council Initiative Workshop to order at 3:50 p.m. and welcomed those in attendance. Mr. Hales was excused.

Minutes:

Mr. Brass asked for any changes, corrections or additions to the minutes from the Council Initiative Workshop on August 21, 2012. Mr. Stam moved approval, Mr. Shaver seconded. The motion passed 4-0.

Discussion Item #1 Beekeeping in Residential Zones - Jared Shaver

Mr. Shaver noted that he had sent an article from the Deseret News to the Council Members about what was happening with the bee population locally and nationally. Bees are an integral part of the growth of plants and farming due to pollination. A decrease in the number of hives and the number of bees in each hive has been experienced. Additionally, some growth of the aggressive African bee has been noticed. It caused some concern but actually became important to him when a citizen voiced his desire to run some hives. He mentioned that the Murray Code allows an

apiary in agricultural zones; however it does not contain clarity so far as residential zones are concerned. He has completed some research on line, talked with the Wasatch Beekeepers, and with Chris Bench the county inspector for bee hives. He has looked at other local cities' ordinances and wanted to consider what Murray might be able to do in this area. He had also met with Mr. Tingey and G.L. Critchfield. He was not pushing to have the ordinance changed at the present. He pointed out that because people have gardens, bees are in Murray and do not behave according to zoning laws. They cross the lines and are needed. If it can be controlled and regulated it would be better for the City. His goal was to have this further discussed to see if options might be presented.

Mr. Tingey commented that he had looked at ordinances from several communities that allow for beekeeping and he admitted that it would take some research. One big question would be the lot size, as many cities restrict based on lot size. Some ordinances site ten thousand square feet as the lot size necessary to have hives and some allow more hives above that number. Some communities leave that vague and do not address lot size. Salt Lake County has a 20,000 square foot lot size for an apiary. He mentioned that as far as enforcement is concerned he only knows of one complaint regarding illegal beekeeping in residential areas and that was a concern because of the close proximity to children in the backyard. A number of people have contacted the Community Development office with an interest in having bees and they have been informed of the zoning laws. He suggested looking at it a little closer.

Mr. Shaver said that he would like to have it looked into a little more and see what Murray could do. The County's ordinance is a little more broad than some because they cover a very large area. He would like to have the department come back to the Council with an ordinance proposal.

Mayor Snarr said that the liability should be looked at as it is like dogs, where dogs sometimes bite people, bees might sometimes sting people.

Mr. Stam pointed out that he has run into a lot of wasps trying to establish residency on his property and he asked if more bees in the area eliminate wasps. Mr. Shaver stated that according to Mr. Bench they are two completely different insects that one does not eliminate or chase away the other. Wasps have a tendency to be much more aggressive and are territorial. Bees are domesticated in hives. The gentleman from the Wasatch Beekeepers says that his bees are so used to him that he does not wear protective clothing. He goes in slowly and does what he needs to without being bothered. They are not aggressive until they are attacked. It does not mean it will eliminate stings.

Mr. Stam said that he does not have a problem with it.

Mr. Brass commented that frequently he sees articles touting urban farming. With the economy the way it was, people started raising more of their own food; he

thinks that is when chicken raising became popular. The County pushes it and it seems to be the passion of one councilman. The City is going to get more pressure because it is all around Murray. On beekeeping and chickens there are two sides: pro and against, both with equal passion. He said he read articles on bees and the necessity of honey bees and if that population disappears people will starve. It would be very difficult to pollinate crops without bees. One article Mr. Brass read related to an individual who was licensed to raise bees in a California community that allowed bees. The individual had five registered hives and ended up with 60 million bees. The government ultimately had to intervene and remove the bees, who were in bad shape, because the owner was stripping the hives of too much honey. The bees need a certain percentage of honey to survive the winter. He feels that the City needs to look at this and if Murray decides to go forward he would like to hold several hearings for residents to comment. He realizes that often no one shows to comment; however on something with the polarity of these issues he thinks that is called for.

Mr. Shaver added that his concern and Mr. Tingey's, as well, is that the bees do not stay on a lot, they travel. They have specific routes that they travel to food and water and they pollinate in all sorts of places with no way to confine them. It is important to allow citizens to be aware and comment and know that the Council is considering it.

Discussion Item #2

Chickens in Residential Zones - Darren Stam

Mr. Stam stated that he had received numerous calls wanting the City to allow chickens and he felt that the other Council Members had too. He felt that raising chickens and beekeeping was essentially the same ordinance and the same question applies. Do we want to take the time and really get into what other cities are doing and if there are possibilities or does the Council want to just let people continue to call for awhile?

Mr. Brass felt that this discussion does go along with looking at beekeeping. He said he gets as many complaints as requests and there seems to be a lot of chickens living in Murray illegally. He would like to do the same research for both issues. He pointed out that it would be interesting to put this on a ballot and see if a better turn out resulted during elections.

Mayor Snarr said it would be interesting to have people voice their opinion as they vote for candidates on the national level. He said some on his street want chickens.

Mr. Stam asked if it would be feasible to put it on a ballot for vote.

Mr. Brass said that he feels meetings for public comment would be adequate and he noted that there would surely be a house full of people when it is voted on by the Council. An election runs about \$60,000.

Discussion Item #3 **Report on Budget Review Request - Jared Shaver**

Mr. Shaver distributed a report, as requested by Mr. Nicponski, to review three areas related to the budget and each City department. (This report is included below in total, as read and explained by Mr. Shaver.)

August 28, 2012

*Re: CIW Request
Assigned by Jim Brass Council Chair*

Gentleman,

A request was made by District 1 representative Dave Nicponski that the Murray City Council (Council) hold a meeting to review three areas which include:

- 1) To better understand the budget of each City Department*
- 2) To meet with and discuss the budget with each Department Head*
- 3) To invite employees to meet with the Council and introduce themselves so we might better know them*

The assignment was given by the Council Chair Jim Brass to the budget Chair to determine if it was possible under current Utah State and City Statute and what the parameters might include. The Budget Chair and Vice-Chair reviewed the request and discussed the means as well as the statues that might allow us to comply with the request.

These are our findings:

- 1) The Council is given broad scope in its review and approval of the city's budget. This process is well established however to be clear there are specific areas it might do well to rehearse.
 - a. The Mayor submits a budget for each budget year (July through June) which we review with the administration and department heads in a formal process with which we are all familiar. This budget must be formally accepted/adopted by the Council at a date specified in the Murray City Code.*
 - b. Each increase in an adopted budget amount that requires additional funding from reserves is reviewed by the Council in an open City Council meeting.*
 - c. Additional money received (grants, etc.) is also reviewed in the same process.*
 - d. An option to review any and all financial matters as we so choose by Council vote.**
- 2) Each year the Council requests an outside Audit of the City's finances by a certified municipal auditor. This audit is presented before the Council, first in a Committee of the Whole (COW) and then in an open City Council meeting.*

- 3) *A budget review is scheduled twice each year; at mid-year and at year end.*
- 4) *Department Heads make request through the Administration and Council Chair to present future expenditures to the Council either in a COW or City Council meeting with the intent of informing the Council of their intentions and budget expectations.*
- 5) *A Capital Improvement Plan (CIP) has been implemented as a vital part of the budgeting process which includes a regularly constituted CIP committee, including at least two (2) Council members, to review department submitted requests.*

As instructed we reviewed and discussed the procedures already established, the statues as pertaining to the Council authority in these matters and had discussion with Frank Nakamura Murray City Attorney and the Murray City Finance Director, Justin Zollinger. We have determined the following and make recommendation accordingly.

- 1) *The current process to review the budget is well established and meets the necessary requirement to review the City's budget. No additional meeting is required. Obviously if the Council as a whole feels we should proceed with a meeting (see 1d above) we will participate in that discussion.*
- 2) *Each year the department heads are invited on 2 separate occasions (see 3 above) to review their budgets with the Council in a COW. We feel this is sufficient to meet the second request.*
- 3) *As for the employees, according to Murray City code we have no authority formal or informal to request to meet, review, query or peruse resumes of the city employees. According to code this rests completely within the scope of the Mayoral duties.*
- 4) *We do have the authority of "advise and consent" to the Mayor's appointment of department heads but that does not fit within the requested review as stated above.*

Hopefully, this will meet with your expectations.

Faithfully submitted,

*Budget Chair
Jared A Shaver
Vice-Chair
Brett Hales*

Further information concerning the code and statute are available upon request.

(This concluded the document submitted and read by Mr. Shaver.)

Mr. Brass said that Mr. Nicponski had talked with him about this and there may have been some confusion on the review part. His understanding was that this request was more of a learning experience not a critique of the budget. We have two new Council Members and two other relatively new Council Members and a budget that is getting thicker. There are a lot of line items that could be looked at. Mr. Nicponski was just trying to figure out, for example in Police, there are X number of employees; how are they broken out. We are not questioning who they are and whether they are doing their job; moreover, 75% of the budget is payroll and he feels no Council Member knows how they are broken out. He asked Mr. Nicponski if his request was more of a learning process.

Mr. Nicponski responded that the idea was educational and tutorial to give the department heads an opportunity to present what it is they do, why they need the requested funds to do it. The employee presenting was a chance to showcase themselves, not for the Council to grill them. Other cities do it by having a retreat and they get to know their department heads activities, why they have the people they do, why the fleet is a certain size and get a sense of what kinds of tasks public works crews are engaged in, why it takes X number of days and why the costs for supplies run a specific amount. Doing this in a retreat enough times and you get really smart about how you are spending people's money. He posed that two Councilmen are sent off to go and meet with the Finance Director to digest this thing and then the entire Council gets a stack of line items with the task to be knowledgeable on behalf of the constituents. He does not feel he is educated enough through that process and he felt a retreat would be a good way to do it. He knows he can only do what the majority of the Council wants to do.

Mr. Brass confirmed that he likes the educational aspect of it, even after being with the City a very long time. He would be interested to hear more.

As well, Mayor Snarr thought it was a great idea to have the Council better appreciate and understand how the money is being expended and why a certain number of employees are staffed. People question him as to why so much work is done in house with the street department. He tells them he also needs this personnel to plow the roads in the winter. It is a year round business and the City tries to have the resources available for all the work to be done.

Mr. Nicponski said that with the knowledge Mr. Shaver and Mr. Hales have a format could be put together that would be applicable to each department head that they could go through as they present. Why are different street applications used, what are the costs and why? These are the things he is interested in learning.

Mr. Stam suggested that the Utah League of Cities and Towns (ULCT) has that sort of information at some of their conferences. It is the pavement management program and they need to have that on the agenda. Classes are also given on water and other pertinent topics. The question is whether Murray holds its own classes or

relies on the ULCT to give that information.

Mr. Brass added that the ULCT can give general information but not specific to Murray. Nobody can explain things like Doug Hill, Mr. Nicponski complimented. You really become very well informed after listening to Mr. Hill.

Murray has in the neighborhood of \$20 million of poor and failing roads and it would be interesting to see that map again.

Mr. Shaver said that the Council has four opportunities each year to meet with employees: two MCEA dinner and the Mayor's Ice Cream Social. It is an informal setting with an opportunity to introduce themselves and find out what people do for the City. He appreciated Mr. Nicponski's comment. He had no problem with an opportunity to meet with the department heads and visit with them in a less formal setting about their people and activities. Mr. Terry created a specifically detailed list of the employees, how many of what in each department in order to create the new departments. What each individual does and their names are not part of that. He thinks he is hearing Mr. Nicponski say he wants to know the names, not just the numbers.

Mr. Brass said that is not it; he is more curious about who goes where. He is aware of the separation of powers and this is not a critique of the departments. It is an informational piece so smarter budgeting can be done.

Mr. Nicponski said that he liked the Mayor's idea that each department has maybe three people they want to showcase and perhaps a driver of one of the trucks let us know what they do summer and winter.

Mr. Shaver asked what would he do with that information. Mr. Nicponski said that it is his education and he would be in a better position to answer questions. He has a responsibility to his constituents to know and understand the \$30 million budget; knowledge and education are the goals. He would like to get a strong comparative analysis of what one department head does versus another one. He would get a realistic view of the trouble with pavilions.

Mr. Shaver insisted that when he learns that one department head is more effective than another, what would he do with that information. Mr. Nicponski said that processes of continued improvement are implemented. Mr. Shaver said that is the problem that is the bailiwick of the administration. When the Council reviews and wants to step in it is past just educational. If the Council looks at the numbers and asks if certain work could be done with three rather than four employees then that is part of the budgeting process and action that the Council is given to do, as a review of a department. Education is wonderful, but the question becomes what is to be done with the information received.

Mr. Brass said that is the problem with any type of education, what will you do

with your education? Some people build bombs and destroy others. He thinks it needs further discussion.

Mr. Nicponski asked Mr. Shaver if he would want to do this retreat if it were strictly educational. Mr. Shaver responded he would. Mr. Nicponski asked him to set the parameters, as the Budget Chair. However, Mr. Shaver feels this is beyond the Budget into the workings of the City. He feels the knowledge of the working of the City is wonderful. Mr. Nicponski thinks things may be falling apart and he is not getting the education he needs.

Mr. Brass suggested Mr. Shaver and Mr. Nicponski work on the format parameters and report back to the Council.

Mr. Stam said that the concern about things falling apart and the Council not knowing about it is the point to the Capital Projects Program (CIP). The projects that still need to be addressed go into the CIP so the City Officials know what needs to be done the next year and in the long term. One issue is there has not been the opportunity to fully adopt and to incorporate the CIP, which would answer a lot of questions just brought up.

Mr. Shaver mentioned his willingness to work together to come up with a retreat format. Mr. Nicponski reiterated his desire to meet and learn what the City people are doing and become educated; it is an opportunity that should not be missed.

There being no further business the meeting adjourned at 4:27 p.m.

Janet M. Lopez
Council Office Administrator