



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, September 3, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

Brett Hales	Council Chair
Dave Nicponski	Council Member
Darren V. Stam	Council Member
Jim Brass	Council Member
Jared A. Shaver	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	Doug Hill	Public Service Director
Pete Fondaco	Police Chief	Craig Burnett	Police
Morgan Selph	SL County Parks	Diane Turner	Resident
Michele Nekota	SL County	Callie Birdsall	SL County
Bob Van Bebber	Murray Parks	Kellie Challburg	Council Office
Jennifer Kennedy	Recorder	Dani Murakami	Murray Parks
Michael Erlacher	Citizen	Dana Dmitrich	Murray Parks
Ted Eyre	Citizen	Blair Camp	Citizen

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

Minutes

Mr. Hales asked for corrections or action on the minutes from the Committee of the Whole meetings held on July 16, 2013 and August 6, 2013. Mr. Shaver moved approval and Mr. Brass seconded. All were in favor.

Business Item 2.1

Salt Lake County Parks and Recreation Needs Assessment- Doug Hill

Mr. Hill introduced the members of the Parks Board and mentioned that it was also a

joint meeting of the Murray Parks Board. Morgan Selph resides in District 1 and is a County employee, as a landscape architect. Bob Van Bibber is a member of the Murray Parks Board and resides in District 5. Dani Murakami is also a member of the board and resides in District 2. Mr. Hill appreciated the presence of the Board members.

Prior to 2008, the Mayor and City Council funded an update to the Parks and Recreation Master Plan. The previous plan that was operated on was from 1994 and was outdated. Mr. Hill noted that all the recommendations from that plan had been done. In 2008, the economy took a downturn and that update had to be removed from the budget.

Mr. Hill attended a meeting with the County a few months ago, and the County presented their recently completed needs assessment. Mr. Hill recognized good information that would assist Murray City in deciding their needs. There are often questions from residents about skate parks, dog parks, and more soccer fields, for example. As part of the proposed Master plan for the City, a survey was to be included to determine the needs of the City. The needs assessment done by the County was fairly specific to Murray City and Mr. Hill asked them to present the results to the Council.

Ms. Nakota and Ms. Birdsall presented the findings of the County needs assessment. Mr. Shaver asked if the City was considering a new Master Plan. Mr. Hill replied that a new master plan was presently on the five year capital plan. As soon as the funding is available, the Parks and Recreation Department would begin the study. Mr. Shaver commented that this needs assessment could influence what the new plan would be. Ms. Nakota also noted that the County will do a master plan in 2014, and that would include the Murray area.

Ms. Nakota presented Mr. Hill with a token of their appreciation for his great work and mentoring over the years.

Ms. Birdsall, the PR Communications Director, explained the results of the survey, particularly in the East planning area. Ms. Birdsall said that although the assessment was done county wide, it is broken down by zip codes, specifically those in Murray.

The needs assessment is necessary because often the wants and needs of the residents are surprising to staff.

The County partnered with Utah State University and the University of Utah to complete this assessment. The University students were beneficial in constructing the questions, as well as the tabulation of the results.

Salt Lake County has over one million residents. In order to get a statistically valid needs assessment, there needed to be over 600 surveys returned and done properly. Most surveys average a 10% rate of return. This would mean distributing about 6,000 surveys to get the average rate of return; the County sent out 20,000 surveys. The County received 3,000 surveys returned, of which 2500 surveys were usable.

The County divides the areas by zip codes into the following areas: Northeast, Southeast, Southwest and West.

The remaining presentation given would be specific to the east area.

The respondents in the Murray area were mostly older residents. The surveys were all done by direct mail, which required people to fill them out manually. The next survey would

probably be done online, and possibly encompass a younger age group. Of the respondents, 44% were over the age of 55, and 64% were over the age of 45. The second largest return was the age 35 to 44, which is a good demographic to hear from. Females are more likely in any survey to return them.

The first question asked was regarding the travel to and from Parks and Recreation facilities. The leading answer was travel by car, public transportation to the facilities was quite low. Murray is a bike friendly area, so the report of 30% of people riding a bike to the facility was not surprising.

The highest priority of the residents was to have open and un-programmed lawn areas, followed closely by children playgrounds, both traditional and nature. Mr. Nicponski asked about the rating of the skate park. Mr. Shaver asked if the numbers were separated by demographics. Ms. Birdsall reminded the Council that the respondents were mostly older and that would cause a certain trend. Mr. Selph mentioned that most of the respondents represent the families living in the area. Mr. Nicponski asked if the respondents chose from a list. Ms. Birdsall said they did and that every option was rated. The outdoor basketball courts ranked surprisingly high with Murray residents, higher than the County respondents. Mr. Stam commented that the basketball courts in Murray are always full.

Mr. Hill noted that the surface of the basketball court in Hidden Village was burnt this weekend by a fire set in a garbage can.

Recreation amenity levels always list running, hiking, biking trails as the number one priority across the board. This fact was helpful when funding the Park bond. Nature education facilities also ranked very high. In the Murray area, 80% of respondents listed trails as the number one priority.

Ms. Nakota commended Murray City that Murray Park has all the great amenities.

The highest priority youth program in the east area, was the youth learn to swim program. Mr. Hales commented that he was glad to see that programs for teens were highly ranked in importance also.

The highest priority in adult fitness was senior fitness, keeping in mind the age of the respondents. Mr. Shaver commented that the Heritage Center has many exercise programs tailored to seniors. Mr. Selph commented that the County also offered senior specific fitness programs.

Farmers Markets ranked very high in importance as a service priority. Following closely were programs for people with disabilities. The third priority was opportunities to volunteer.

The top action priority was to build new walking, hiking and biking trails. Also ranking highly was a higher level of park maintenance, and improving regional trails. Another high priority item was to purchase more land for parks. Mr. Shaver commented that it is difficult in the metropolitan area to purchase more and more land for open space and parks.

Mr. Selph commented that there had been a lot of recent work done on the Bonneville Shoreline trail.

The top reason that prevents the respondents from using the facilities is that they aren't aware of what they have to offer. Mr. Shaver asked what the statistics show as to why the

respondents are not aware of the programs available. Ms. Birdsall said that most of the respondents hear of programs through the neighborhood journals and local papers. Mr. Hill said that Murray Parks and Recreation tries to cover the bases and advertise everywhere that they can, including the Journal.

The next question referred to the cost of the programs and if they should be paid with taxes or fees, or a combination of both. The program with the highest response to be paid with taxes were the programs for people with disabilities. Most of the adult programs, child care, and space rental was decidedly to be paid for by the user with fees. Adult organized athletics was the program with the lowest response for a tax based program.

The needs assessment can be found on the Salt Lake County website. The results of those that responded are shown by percentage of zip codes.

Mr. Brass asked Ms. Nakota what factors are looked at when considering land acquisition. Mr. Brass has an area in his district that residents have expressed interest in developing a park there.

Mr. Selph stated that Mayor Coroon passed a park bond about six or eight years ago to purchase open space for park land. That money was spent and as a result of that, Murray City received the money to purchase the National Guard area. He is unsure of the amount of money spent in Murray for open space. There were some properties purchased for the Bonneville Shoreline Trail. That was the last of the projects spearheaded by the County. The latest bond is for the development of the land that was purchased with the previous bond. Ms. Nakota said that is the purpose of the \$47 million park bond. Mr. Selph noted that even with that money, only one half of the land purchased will have parks built on them. Mr. Shaver commented that at least the other half would remain open space, which is desirable also. Mr. Selph stated that the process would begin next year, and the County would come to Murray with the desire of matching the County master plan to the City master plan.

Mr. Shaver commented that the wonderful Murray Park is adjacent to a County owned rugby field, as well as a County owned ice skating rink. It is often a combination of efforts by the County and the City. Mr. Shaver said he hopes that the proposed downtown area would still have a lot of open space, and possibly the County could have a park or trail area.

Mr. Hill commented that Ms. Nakota has been great to work with and is amenable to new ideas.

Mr. Shaver stated that Murray has mass transit available and would like to develop pedestrian access to those areas and include a park nearby and facilitate bike riding and walking/hiking.

Mr. Hill introduced Dana Dmitrich and Ted Eyre also.

Mr. Hales thanked Ms. Nakota and Ms. Birdsall and complimented their presentation.

Business Item 2.2

Residential Door to Door Solicitation- Darren Stam, Frank Nakamura and Chief Fondaco.

Mr. Stam mentioned that this topic was previously discussed, but the Council ran short on time and decided to finish the discussion at another time. He commented that most of the adjacent cities have implemented the model ordinance, and hears comments that solicitors are coming to Murray instead of the cities that have adopted the model ordinance. Mr. Hales asked if that was because Murray was more relaxed on the restrictions. Mr. Stam replied yes.

Mr. Shaver noted that he had not heard those comments, but has talked to residents about solicitors. The majority of those residents felt imposed upon. The solicitors were aggressive and wouldn't take no for an answer. About half of those residents that Mr. Shaver spoke to felt uncomfortable with the door to door solicitors. Mr. Stam asked if Mr. Shaver thought the registration requirements would eliminate some of the aggressiveness. Mr. Shaver commented that the residents would not really know who was properly registered. Mr. Hales asked if the solicitors would feel a greater responsibility to behave, knowing that they were registered. Mr. Stam stated that typically the bad solicitor would not pass the background check and therefore, would not be going door to door.

Mr. Hales asked Chief Fondaco for his opinion. Chief Fondaco said he doesn't really think the model ordinance makes a difference. The Police Department responds to 45,000 to 50,000 calls a year. In the last three to four years, there have only been 55 calls regarding a door to door solicitor. This won't impact the calls for service to the Police Department. The residents that call because the solicitor won't go away, will still call whether the solicitor is registered or not. Chief Fondaco doesn't believe this model ordinance has a lot of teeth to it.

Mr. Nicponski recalled the solicitors coming to his door selling day old fruit, and carrying a knife to cut the fruit. The Police responded to those calls very quickly.

Mr. Hales clarified that the Chief doesn't really think it makes a difference, and that Mr. Tingey had mentioned that it would be a lot more work for his department. Mr. Hales commented that he didn't want to implement something that caused more work for the City without any benefit.

Chief Fondaco restated that Mr. Tingey had said that the solicitors would want their license issued immediately. Background checks, and fingerprinting can only be done by the Police, and can't be immediate. This ordinance was written without a lot of teeth because of the possibility of lawsuits. Chief Fondaco stated that there wasn't anything in the law that made it possible to deny someone a soliciting license if there had been an arrest. It would simply make the Police aware that a solicitor had previously been arrested. Mr. Brass asked if that would increase the City's liability if something were to happen. Mr. Nakamura said that it could.

Mr. Shaver asked if there was any reciprocity between the Cities. For example, would a background check from Midvale be acceptable in Murray, he asked. Mr. Nakamura said an interlocal agreement could be entered in to for that kind of cooperation. He isn't aware that any cities are currently sharing information like that.

Mr. Shaver agreed with the Chief that the number of calls for service may not be affected. He believes that Mr. Stam is trying to keep those undesirable solicitors out of the City, rather than reduce the number of calls. The number of calls now is so minute that it wouldn't really make a difference, he stated.

Chief Fondaco stated that whatever this body decides, the Police will enforce the ordinance. The question should be what the goal is, and what the desired impact is, he asked.

There is nothing in the ordinance that prevents a person that had been arrested from getting a solicitation license. The solicitors will come and want an immediate license to go sell their product, and will create a burden on the City to produce.

Mr. Nakamura stated that the license could be denied if the solicitor had a previous arrest. The question is whether you are getting to the real person behind the group of solicitors, he asked. Mr. Brass asked if each individual needed to go through the process, or if a company could get one license. Mr. Nakamura said each individual going door to door would need to have their own registration. He stated that the model ordinance is narrowly drafted, due to the litigation previously mentioned. The old ordinance in place was more stringent and required fingerprints. The court had difficulty with that, as well as the different fees involved. The court based their decision on the First Amendment, as a constitution challenge.

Mr. Hales said he was not interested in moving this issue along. Mr. Brass said he was present for the earlier lawsuit, and would prefer not to go through that again.

Mr. Stam said this issue was mentioned to him a lot while recently going door to door. Mr. Shaver asked Mr. Stam if the residents have the means at their disposal to curtail the solicitors. If a person puts a sign on their door stating "no solicitation", and someone comes to the door, the resident can simply close the door and call the police. The citizens can step up and decide whether or not they want that in their neighborhood. In Mr. Shaver's neighborhood, there is a neighborhood watch and the residents talk to one another and chase unwanted people out of the neighborhood.

Mr. Stam mentioned that he had seen signs that read "no solicitors, except girl scouts, high school sports, etc." He noted that a sign that reads simply "no solicitors" would eliminate the girl scouts, etc.

Chief Fondaco replied that it is only a problem for them, if the call is made. Most likely, people are not going to call on the girl scouts or neighbor kids. They will make the call if the solicitor is unwanted or aggressive, and that is when the Police would respond to the call. The Police will enforce the ordinance, if it is passed.

Mr. Shaver mentioned he has an upcoming door to door fund raiser, and there are certain neighborhoods that they will avoid. He is not necessarily in favor of the ordinance at this time.

Mr. Nicponski said he doesn't feel like the additional legislation is necessary.

Mr. Hales commented that it doesn't look like the topic would move forward. He adjourned the meeting at 6:01 pm.

Kellie Challburg
Council Office Administrator II

