



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, July 19, 2016, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Council Members in Attendance:

Blair Camp, Chair	District #2
Diane Turner, Vice-Chair	District #4
Jim Brass	District #3
Brett Hales	District #5

Excused:

Dave Nicponski	District #1
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Others in Attendance:

Ted Eyre	Mayor	Jan Lopez	Council Administrator
Jan Wells	Chief Admin. Officer	Janet Towers	Exec. Asst. to the Mayor
Pattie Johnson	Council Office	Jennifer Kennedy	City Recorder
Tyler Warren	Murray Journal	Frank Nakamura	City Attorney
Jared Hall	Community & Econ Dev	Brian Shiozawa	State Senator
Craig Burnett	Police Chief	Jennifer Brass	Resident

Mr. Hales called the Budget and Finance Committee to order at 6:00 p.m. and noted Dave Nicponski was excused.

Budget & Finance Committee: Brett Hales, Budget Vice-Chair, conducting.

1. Approval of Minutes

Mr. Hales asked for corrections and approval on the minutes from the May 18, 2016 budget meeting. Mr. Camp approved the minutes, Ms. Turner seconded and all were in favor.

2. Adjournment

Committee of the Whole: Blair Camp, Council Chair, conducting.

Chairman Camp called the Committee of the Whole meeting to order at 6:00 p.m. and welcomed those in attendance. Mr. Nicponski was excused and Senator Shiozawa was welcomed.

3. Discussion Item

3.1 Planning Commission Geographic Requirement – Jared Hall

Mr. Hall addressed a geography requirement when planning commissioners are appointed. Additional requirements related to how the commission is formed, how it functions, what type of duties are expected and how to choose qualified candidates were also addressed. Possible candidates are presented to the council, by the mayor, after selections are made based upon merits, good qualities, experience and good land use decision making.

The proposed amendment would eliminate location requirements in the city, specifically tying commissioners to the council districts. Mr. Hall explained current code for each planning commission, states: *there shall be one planning commissioner who will come from each council district*. A map was shown depicting council districts and a slide projected the requirements, which appeared to be pulling candidates from all over the city. He explained, however, because Murray districts are carved up, another slide shown revealed commissioners were actually living in close proximity to each other, even though they are in separate districts or serving at-large. For example, two commissioners living on the west side of the city are located nearby, although in different districts. In addition, an at-large commissioner lives relatively close to two other commissioners, representing districts four and five; all of them in the same basic area.

Mr. Hall reported Commissioner Dancy resigned from the commission, got married and would be moving away; the position would need to be filled. Looking forward, it was decided the timing was good to review the set standards and amend the code, which would allow them to focus on not just residential location but abilities, experiences and background. Striking section 17.12.030 from the requirement would be helpful in finding qualified and willing people to serve on the commission. It would be a decision for the council.

Ms. Turner asked if Commissioner Nay was in District 4 or at-large. Mr. Hall confirmed he represented District 4 and explained the at-large position in this situation was Commissioner Patterson and Commissioner Swaney represents District 5. Mr. Hall explained reasons behind the amendment was commissioners generally do not represent districts, in the same manner city council members do. Council members represent a certain segment of the population, whereas, commissioners are not set up to function that way. Land use decisions and recommendations are made to the council, by planning commissioners.

Mr. Hales asked if the change would be similar to what happened with hearing officers and if they could all be from one area. Mr. Hall confirmed, potentially that could be the case, although the proposal would not remove the idea of getting representation from various areas of the city. Ideally, having representation from each part of the city would be helpful, however, it was not the only important factor. He explained it was the only absolute requirement, however, as depicted on the map, it was not truly giving equal representation throughout the city when

commissioners live in close proximity and are clustered in one general area. He said by removing the geographic mandate, it would allow staff to consider applicants regardless of where they abide; he believed the makeup of the commission would be better if qualified applicants could be brought forward for other reasons.

Ms. Turner agreed it was important the whole city be represented and expressed her concern, at the same time; each district should be well represented.

Mr. Hales shared the same sentiment and struggled with losing those guidelines in the requirements for representation in specific districts.

Mr. Brass agreed and said he had the pleasure to serve on the planning and zoning commission, as well as, the city council. The idea of representing districts was very important; his desire was always to maintain a good balance. The planning commission operates under land use law, which presents restrictions on the commission and their rulings.

Mr. Nakamura agreed but stated the planning commission, unlike the council, would not get involved in policy and must adhere to the laws of the state, as well as, code approved by council. He believed the issue had always been to ensure the city had quality candidates for the planning commission, in addition to proper background due to dealing with difficult issues. He reiterated, the difference and the effort was to select a pool of qualified applicants for the job because their responsibility was to apply the laws only, not make policy decisions like the council.

Mr. Camp asked Mr. Hall if he was proposing the elimination of the geographical requirement section only or would a substitution to the code be provided. Mr. Hall reported initially the proposal was elimination, with the desire to get a full representation of the city on the planning commission. In some ways, he believed attaining better qualified applicants could be achieved if they were not screened geographically. However, the planning commission asked the Administrative and Development Services to reconsider that condition and change the language of the code rather than omit it entirely. The new language would provide another option as well:

Currently code says:

In order to promote geographical representation on the commission, there shall be at least one member from each designated council district.

The modified proposed language would state:

Balanced representation from different neighborhoods of the city provides important insight to land use issues. In order to promote diverse geographic representation, special consideration should be given to appoint commission member from diverse areas of the city.

Mr. Brass stated when he was appointed he did not believe he was necessarily *qualified* in respect to any certain background, other than picking up a book, reading and gaining understanding. To say a candidate needs to have a construction, architectural or land use background, would create too tight of a scope. Attaining someone from the city who is primarily educated, but might think in a different fashion, was a good thing. He would hate to see the council lean towards the goal of just being able to draw from a more qualified pool of candidates

because he would not want to limit the city's many citizens. Getting citizens involved is much better for the city. His concern is seeing the requirement limit candidates to a certain type.

Mr. Camp shared the same thoughts and also felt it was similar to hearing officers when requiring a certain expertise; responsibility was basically taken out of the hands of the lay citizen, the neighbor next door who is looking out for their neighbors. He expressed concern about what it meant to be "qualified" also.

Mr. Brass said he was serving today because he occupied a seat on the planning commission and got involved.

Mr. Hall stated these were all good thoughts and felt all would agree that some of the best commissioners he worked with had been similar, for instance, a teacher. By the same token, he felt from a staff perspective, the thought was not intended to no longer consider where candidates are from in the city, but a desire to look at other factors as well.

Ms. Turner asked what other factors would determine their choice and what was meant by that. Mr. Hall explained, in every group there is a dynamic where at times one might look at a candidate and wonder how they could fit in, as the commission was currently functioning. It is much like a family in a way, personalities should be considered, as well.

Mr. Hales said this was exactly what he liked about the current code. Finding candidates who would all go the same direction on issues was not always positive. Providing someone with a totally different perspective was the beauty of the current law.

Mr. Nakamura said his concern was, as far as the language was concerned, Murray does not have a dividing line like other cities, for example, certain ethnic, social and economic citizens grouped in certain areas. This was not the impression the city wanted to give. The land use laws apply fairly and are not much different in all the districts. He would not want to give anyone the impression that for some reason, representation from one district would be better or different than another one. He believed this was not the case in Murray. The west side, east side mentality does not exist. Careful choices in moving forward, in whichever direction is take are most important.

Mr. Brass stated the bigger problem was finding residents to fill a seat and take responsibility. Ms. Wells agreed finding people who would spend the time and energy was difficult and was the reason behind the administration wanting to amend the code. Seeking the council for assistance in finding a good balance of candidates within all districts was their desire.

Mr. Nakamura wanted to be clear and apologized for making it sound as though the highest priority was finding candidates in terms of qualifications. The idea was to open up a larger pool of applicants, which would allow the mayor and staff to consider various factors in selecting new appointments, due to the difficulty in filling the position.

Mr. Brass, speaking from experience, stated it was one of the toughest boards and positions to sit on, due to the fact that no matter what you do, there would always be a group of people who would be against it. Many sleepless nights occur and it is tough duty.

Mr. Nakamura agreed it was the only board which makes decisions that are binding and it is a very critical board.

Ms. Turner asked how recruitment was achieved for the planning commission. Mr. Hall stated it was complicated.

Mayor Eyre reported most candidates come by recommendation from others with suggestions for qualified experienced persons. He added, however, if the council approved the language change, maybe they would want him to pay more attention to what part of the city a candidate came from, as opposed to just qualifications.

Ms. Turner suggested if there was difficulty in recruiting candidates, perhaps advertisements in the Murray Journal would be helpful. Mr. Hall replied it was a good idea, however, timing would not always line up with openings. He reported efforts had been made at various open house gatherings. The most important qualification was finding a person who wanted to be involved. Filling the most recent spot was a challenge and went several months without a commissioner.

Mr. Camp inquired what other cities were doing in respect to finding candidates. Mr. Hall replied it was usually a straight up mix, some cities followed certain rules similar to Murray's code and others acquired all at large commissioners.

Mr. Camp stated he was not opposed to alternate language to gain flexibility, however he preferred the geographical requirement from each district. Mr. Brass suggested using the word "prefer" in the language would be helpful. Ms. Turner suggested some commissioners could be from districts and some at-large. Mr. Camp agreed and thanked Mr. Hall for presenting to the council and closed the meeting.

4. **Adjournment:** 6:30 p.m.

Pattie Johnson
Council Office Administrator II