



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, April 18, 2017, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Council Members in Attendance:

Diane Turner, Chair	District #4
Dave Nicponski, Vice-Chair	District #1
Blair Camp	District #2
Brett Hales	District #5

Absent:

Jim Brass	District #3
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Others in Attendance:

Ted Eyre	Mayor	Jan Lopez	Council Administrator
Janet Towers	Chief Admin. Officer	Jennifer Kennedy	City Recorder
Pattie Johnson	Council Office	Frank Nakamura	City Attorney
Tim Tingey	ADS Director	Jim McNulty	Development Services Manager
Craig Burnett	Police Chief	Steve Roberson	Fire Department
Kory Holdaway	KMH Consulting, LLC	Rees Davidson	Legislative Intern
David Stewart	LEC Consulting, LLC		

Ms. Turner called the Committee of the Whole meeting to order at 5:30 p.m. and welcomed those in attendance.

1. Approval of Minutes

Ms. Turner asked for corrections and approval on the minutes from March 7, 2017. Mr. Camp moved for approval and Mr. Hales seconded the motion. All were in favor.

2. Discussion Items

2.1. 2017 Legislative Session Update – Representative Bruce Cutler

Representative Cutler reviewed a summary of the 2017 Legislative Session, where he shared a few perspectives and mentioned various house and senate bills. (See Attachment #1.)

Public Education - Since 50% of the state budget is related to public education, 60% of new revenue was applied in ways such as, increasing weighted pupil units, (WPU), fully funding enrollment growth, licensing, and bonuses for teachers in high poverty areas, as well as, reimbursements for teacher's supplies. He noted 60% was historically significant this year.

Public Education Legislation - Representative Cutler mentioned his personal bills, House Bill 35 (HB35), related to funding out-of-state tuition for Utah kids, who live closer to bordering state schools; and HB114, which related to amending and repealing outdated language for local school entities. Additional senate and house bills related to operations, higher education and scholarships can be found in the attached summary.

Poverty, Homelessness and the Justice Reinvestment Initiative (JRI) - HB441 passed on the last day of the session, adding funding of \$9.85 million for a new homeless resource center.

Mr. Hales asked if HB441 was the bill taking rights away from the cities located in Salt Lake County. Representative Cutler said the bill first came out in 2016, which affected the Midvale homeless shelter. He spoke out against the bill in the past and believed those decisions should remain at the local level and not the state level. If a city decided a shelter should be open for nine months or year round, the state should not tell cities what to do, just because a city is a subsidiary of the state. The rationale for declaring 'a city is an entity of the state, and therefore, the state could tell cities what to do', first began because cities are licensed under state charter, although he did not agree with that concept. He explained, due to continued delays regarding homeless shelters, HB441 would require Salt Lake County to make a decision on location by March 30, 2017. Ms. Turner affirmed the bill did not include subsidy to cities. Representative Cutler confirmed and admitted it was challenging dealing with homelessness.

Public Safety - An item was noted to lower the drug and blood-alcohol driving level from .08% to .05%, where Utah would be leading the way with the lowest limit in the country. The bill was approved by the governor who also proposed a special session to address related issues. Mr. Camp noted the decrease did not go into effect until 2018.

Transportation Bonding – Funding of one billion dollars was significant this year for highways. The consensus during caucus discussions was, if improvements were going to be done, now was the time to make them, not just because of good credit ratings but considering inflation and rising interest rates. Great need was the main reason, for example, the freeway between 9000 South and 7200 South on Interstate 15, where heavy traffic is exiting, entering and merging all at once needs great improvement. The renovation of Bangerter Highway was noted as a major improvement project as well.

Clean Air – In an effort to incentivize refineries to start developing tier three engines and tier three fuels, Senate Bill 197 (SB197) was passed, which would provide a 90% reduction in emissions and would have significant impact for clear air issues.

Ms. Turner asked if rebate incentives were removed for electrical vehicle purchases. Representative Cutler was unclear, however, he said incentives were removed for rooftop solar purchases because the industry was thriving and incentives were no longer necessary. As a result, the more prominent need of

funding became clear for public education. Solar incentives were put in place when the industry was struggling years ago and choosing solar incentives now would mean taking funding from public education, therefore, it was a choice between clean air and education. When income tax incentives are given, funds are taken from public education; when sales tax incentives are given, funds are taken from cities. Either way, Representative Cutler felt both were costly, however, the new incentive, provided by SB197 regarding tier three engines and gasoline, would provide a more significant impact on clean air.

Public Lands – Hole in the Rock and Little Sahara were created as two new state parks. House Concurrent Resolution 11 (HCR11), a resolution urging the president to rescind the Bears Ears National Monument, and HCR12, a resolution reducing the size the Grand Staircase Monument were noted.

Mayor Eyre inquired about medicinal marijuana and asked whether it would be discussed again during the interim. Representative Cutler said there would be no further discussions about the issue this year.

Ms. Turner inquired about bills related to opioid abuse. Representative Cutler noted HB50, which limits the number of days in which an opiate may be prescribed for certain individuals. According to the doctor who promoted the bill, medication could not be prescribed for less than 30 days. However, with the new bill, a weekly dosage could be prescribed and monitored week by week. By avoiding the usual 30 day supply, which can typically be wasted, misused or fall into the hands of someone else, the bill allows better control of a substance.

Mr. Camp said *one size fits all*, does not always apply to all cities and noted Representative Cutler's great support as a huge benefit to Murray. He appreciated Representative Cutler's hard work related to the interests and rights of the city and was grateful for his continued efforts.

Representative Cutler mentioned HB164, the Municipal Enterprise Amendment, which he spoke out against and felt was not needed.

Ms. Turner thanked Representative Cutler for always being a great support to Murray City.

2.2. 2017 Legislative Session Update – Kory Holdaway, David Stewart, Rees Davidson

Mr. Holdaway agreed the city was well represented and commended Representative Cutler for looking out for Murray's best interests and also noted Senator Shiozawa, as excellent representation.

Mr. Holdaway shared a *Cheat Sheet* document created by the Utah League of Cities and Towns (ULCT), which provided information from the 2017 General Legislation Session. He praised the ULCT for a great document and continuing on with excellent determination, despite a difficult situation with the recent resignation of the executive director, prior to the session starting. He appreciated their input and in-depth involvement with legislation and behind-the-scenes work to ensure cities interests were always at the forefront.

Particular bills were noted as listed below:

- HB164 - The Enterprise Fund initiative resulted in what became a transparency notice, better informing citizens of how funds are utilized.
- SB16 - Sales and Use Tax Exemption Changes, passed.

- SB197 - Refinery Sales and Use Tax Exemption Amendments, passed.
- SB110 – A bill by Senator Bramble, did not pass again, regarding remote sales and sales tax protection of remote sales. Mr. Holdaway felt the issue would continue to be discussed year after year, until the government decided to address it.

Mr. Stewart added, over the last 15 years more and more companies gradually began collecting sales tax. Of the top 100 on-line companies, 90 % participate in e-commerce and he believed the practice would continue, especially since Amazon recently voluntarily began remitting sales tax. Therefore, as a result, the anticipated massive revenues would in fact be significantly less, because over time companies had already been paying sales tax to states.

- HB441 - Housing and Homeless Reform Initiative Amendments appropriated a one-time \$9.8 million. The downside of HB441 was HB445, which was the funding portion of the bill and did not pass. The hope was to see ongoing funding, instead of one-time funding appropriated for the homeless issues. Continued efforts are expected during the interim.

Mr. Stewart explained the underlying concept of HB445 was to collect funding from all cities in the county to assist in the construction of homeless shelters. Since the county was unable to site facilities as planned and in the time frame expected, and especially when Draper city plans were unsuccessful, he believed funding would come about again by participation from each city. Until funding is met, homeless shelters cannot be built and his encouragement would be for all cities to be supportive regardless of where shelters were built.

- SB81 - Local Government Licensing Amendment, would protect home based businesses from paying licensing fees.

Mr. Nicponski asked if the bill meant cities could not enforce licensing on home based businesses. Mr. Holdaway said the city could enforce licensing only on certain home businesses.

Mr. Nakamura confirmed a fee could be charged if a business had impact, although, in many instances, the definition of a home based business was not very clear. Mr. Holdaway asked if SB81 needed further review. Mr. Nakamura said Murray would solve any confusion because the city defined exactly what type of home occupations were allowed in specific zones, based on the number of employees and traffic. As far as a definition in SB81, in terms of off sight impact, Mr. Nakamura was not clear how standard fees could be established.

- SB250 - Food Truck Licensing and Regulations. Previously, each city required a separate license. The notion came that food trucks should have some reciprocity from one city to the next city if licensing was granted.

To better understand how to be fair and accurate, the city will further analyze home based business licensing issues, as well as, food truck concerns with help from the legal department. Development Services Manager, Mr. McNulty stated it was discovered after benchmarking, several cities planned not enforce licensing until called out on noncompliance. Mr. Holdaway said Murray was ahead in accountability. Mr. Nakamura reiterated defining a home based business was impossible. Mr. Holdaway agreed.

- HB188 - Local Historic District Amendments, along with HB30 would allow a city to create a local historic district.
- HB253 - Short-term Rental Amendments. The bill prevents a political subdivision from prohibiting a citizen from listing short-term rentals on the internet. No significant change would be seen from what is currently allowed in Murray.
- SB87 - Civil Asset Forfeiture Revisions. Described as two competing bills in opposition that eventually came together. The Thatcher bill was a compromise with law enforcement.
- HB277- Highway General Obligation Bonds Authorization. Carried by Senator Harper, the one billion dollar bond bill was recognized as being useful and helpful.

Mr. Stewart noted the one billion dollar bond would be prioritized by the Transportation Commission providing funds to accelerate the core I-15 project. Murray would receive approximately \$1.5 million in funds sometime after July 1, 2017, as an Interlocal Agreement from the county, along with an additional \$200,000 for the amphitheater. Mr. Stewart would continue to follow up and keep the city informed.

2.3. Open and Public Meeting Act Training – Frank Nakamura

As a public body, the council is required by law to receive yearly training on the Open and Public Meetings Act and Mr. Nakamura reviewed the requirements. Similar to the Government Records Acts and the Management Act, the laws for the Open and Public Meetings Act are transparency laws, therefore, intended to conduct training in public. Mr. Nakamura said some governments get into trouble because transparency is avoided and the benefits are not well understood. He believed transparency solves issues, especially when controversial and difficult topics need to be addressed, because in the end, it's an issue of trust. He recognized other governments who decide against bringing issues before the public or governing bodies, only to realize the public is upset because trust levels are gone. Overall, the public has a way of finding out the details and it is better to get public input.

He commended the city for maintaining great transparency, for example, he specified the council decided to include a public hearing during a council meeting regarding the canal trail, which was a difficult topic to discuss. Choosing to invite public comments was better in the long run, because whether the public agreed or disagreed with the outcome, trust levels remain.

He explained, unlike other municipalities, who provide a broad category of discussion items for the public, Murray has been careful to disclose detailed agendas and publications in a timely manner because of a great commitment to transparency laws. Murray does not hold frequent closed meetings and adheres to the rules of closed meetings, which contributes to Murray's good reputation. Overall, by providing transparency, better government and trust are achieved. He thanked the council for their compliance because transparency in government means everything.

Should the question arise about whether an issue should be brought to the council, or what concern might be considered a public hearing, the city always errs on the side of disclosure.

Mr. Nakamura said laws have a difficult time keeping up with technology, for example, when using social media. Communication by email, Facebook and texting, should be carefully considered. He encouraged the council to keep in mind the purpose for using social media and how its use relates to city affairs.

Since all council decisions are entrusted by the public, the council should avoid meeting together with three members or less, at a specific time, because all decisions are to be made in the open. For detailed information regarding the Open and Public Meetings Act see Utah Code Section 52-4-101 to 52-4-210.

3. **Announcements:** Ms. Lopez made the following announcement:

- Open Enrolment for PHEP Health Insurance would be held during the month of May.

4. **Adjournment:** Ms. Turner adjourned the meeting at 6:21 p.m.

Pattie Johnson
Council Office Administrator II