

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Wednesday, the 19th day of June, 2013 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Dave Nicponski,	Council Chair
Jim Brass,	Council Member
Darren Stam,	Council Member
Jared Shaver,	Council Member
Brett Hales,	Council Member

Others who attended:

Tim Tingey,	Mayor Pro-Tem
Jan Wells,	Chief of Staff
Brent Davidson,	Deputy City Recorder
Frank Nakamura,	City Attorney
Gil Rodriguez,	Fire Chief
Justin Zollinger,	Finance Director
Michael Williams,	Court Administrator
Mike Terry,	Human Resources Director
W. Paul Thompson,	Municipal Court Judge
Jackie Sadler,	MCEA President
Karen Gallegos,	Municipal Court
Scouts	
Citizens	

5. OPENING CEREMONIES

5.1 Pledge of Allegiance- Tim Tingey, Administrative & Development Services Director

5.2 Approval of Minutes

5.2.1 Approval of minutes for March 5, 2013.

Mr. Shaver made a motion to approve the minutes.

Mr. Brass seconded the motion.

Voice vote taken, all "ayes."

5.3 Special Recognition:

5.3.1 Murray City Council Employee of the Month, Karen Gallegos, Municipal Court Clerk III.

Mr. Hales stated that this is the sixth month that they have presented this award and it is very exciting. Mr. Hales presented Ms. Gallegos with a \$50.00 gift card and a certificate for the Employee of the Month and added that her name has been placed on the plaque in the Council Chambers.

Staff presentation: Michael Williams, Court Administrator.

Mr. Williams stated that Ms. Gallegos has been with the Court for thirteen years. The Court opened in 1999 and she has been there the vast majority of time that the Court has been open. She and Jackie Sadler, Assistant Court Clerk III are the in-court clerks. Ms. Gallegos is a case manager for the DUI and Drug Court as well. She is always on top of getting the reviews in and making sure that everything is up to par for the Court and Judge Thompson.

Mr. Williams said that he appreciates this opportunity to have Ms. Gallegos here and working for the Court. He turned the time over to Ms. Gallegos.

Ms. Gallegos stated that she really enjoys working for the City. She has been here for thirteen years and it has been a really good thirteen years. She is hoping to be here for many more years and really enjoys working with the people that she works with. She enjoys listening to the defendants who come in and if they can get one person to say that they have made a difference in their lives and that they won't drink and drive, then they have done their job and that is what she really cares about.

6. CITIZEN COMMENTS (Comments are limited to 3 minutes unless otherwise approved by the Council.)

Frank Nickel, 5024 Comanche Circle, Ogden, Utah

Mr. Nickel stated that he is trying to open an electronic cigarette store here in Murray. He understands that electronic cigarettes are a very new subject and it is a very confusing subject, even for people who are in the business selling the product. He wanted to point out that the State of Utah has put electronic cigarettes in a zoning situation the same as tobacco stores, which he doesn't really feel is right. Electronic cigarettes are trying to solve the problem, not be a part of the problem. Honestly, it is the best way to stop smoking. Your chances of stopping smoking with electronic cigarettes are 300% better than anything else and it is logical because you are still smoking although it is something that doesn't hurt you. It is not in the same category as tobacco. It has nothing to do with tobacco. It is basically a mixture of vegetable glycerin and propylene glycol. It looks like smoke, no question. There is no smell; you don't smell like a smoker. He can tell you that it is the only thing that stopped him from smoking. He smoked for 50 years and tried everything else. The reason that he went into this business is because he stopped smoking as soon as he went to electronic cigarettes. You feel better, all the good attributes are there from stopping smoking and you can do it inside. It doesn't create the problems of smoke. If you have ever been in a house that smokers were in, you know what he is saying. Electronic cigarettes do not have the same thing, there is no after effect.

The tobacco industry was on a real campaign to stop this. He thinks they have given up on that and are now going into the business. That situation is going to change where they were putting out a lot of bad publicity on it. If you go on the internet and research it, there are some unknowns. But, 95% of what you find on the internet is all positive. They have doctors sending people to their store to help them to quit smoking. He feels that this is an upcoming thing and really doesn't think that the City would want to eliminate the tax revenue that it would bring to it when stores come in. It is going to be a very popular subject. At some point in time it is pretty much going to eliminate smoking for anybody. That is a tough issue.

Mr. Hales has been very curious about this issue, as he doesn't know much about it. He noted that Mr. Nickel had stated that electronic cigarettes helped him quit smoking. He asked Mr. Nickel if he still uses the electronic cigarette.

Mr. Nickel said that he does but he could stop it right now. For the research that he has done, he will not do that. You can get the liquid with all different levels of nicotine, even down to zero. He won't even go off the zero because the research that he has done shows that nicotine is a brain stimulant. He read one research where they went into a home for people with dementia and they gave half of the people there a placebo for eight months and the other half they gave nicotine to. They retested all of these people after eight months and the half that had the placebo was 26% worse in their dementia and the half that they gave the nicotine to was 46% better with their dementia. There are problems with brain stimulants, it is a chemical, but with the age that he has at, he is not going to stay at a high level of nicotine.

Mr. Nicponski interjected stating that to answer Mr. Hales' question, Mr. Nickel still use the e-cigarette.

Mr. Nickel responded that he does.

Mr. Hales asked what the drawback was. Where the people do not want this, what do you find? Why do they not want it? Mr. Nickel stated that that the government didn't want this at first, what was the reasoning.

Mr. Nicponski added that Mr. Nickel said that the cigarette industry did not want it.

Mr. Nickel said that the State of Utah put zoning requirements for tobacco shops. They put electronic cigarettes into the same category which puts those zoning requirements on shops.

Mr. Hales asked if electronic cigarettes can be smoked inside, in such places as the mall.

Mr. Nickel said he would have to say no. As far as businesses go, a lot of people are letting people smoke electronic cigarettes inside of the business establishments.

Mr. Hales stated that he had seen people smoking these inside before. He wasn't sure where it was at, but he saw a younger person smoking one inside a business.

Mr. Nickel said that you will see that taking place in a lot of places. They did allow them to be used on airplanes but they stopped that because it looks like a cigarette. Just due to the fact that it has the same appearance as smoking is a problem in that regard.

Mr. Shaver said that this issue has come before them recently as a Council. The issue they have before them is that the State, at the present time, has labeled this as a tobacco product and therefore it is not up to the City as to whether they can change it or not. That is up to the State. Therefore, because they are still handled as a tobacco product, they still follow the zoning ordinances that the City has in regulating how many, where they are, the stores and the types. As much as the Council may want to change it, until the Legislature changes it, the City is still tied to what the Legislature have decided at the present time.

Mr. Tingey said that our ordinances right now regulate tobacco retailers and that is what the City will be looking at a little bit later on is allowing us to research this issue more fully and look at the regulation elements of e-cigarettes.

Citizen comment closed

7. CONSENT AGENDA

7.1 None scheduled.

8. PUBLIC HEARINGS

8.1 Public Hearing #1

8.1.1 Staff and sponsor presentations, and public comment prior to Council action on the following matter:

Consider an Ordinance adopting the Final 2013 – 2014 Fiscal Year Budgets for Murray City including the Library Fund Budget.

Staff presentation: Justin Zollinger, Finance Director.

Mr. Zollinger stated that the City has worked for about the last five months on the budget and here we are, ready to adopt. We have created for our citizens and those who have come to be a part of this project, a balanced budget. The City has worked very hard to balance the different needs. If anyone would like to look at the budget, a digital copy can be located on our City website under the Finance Department. He would be happy to answer any questions that anyone has, but otherwise, he is ready to move forward with adopting the budget.

Public Hearing opened for public comment.

None given.

Public comment closed.

8.1.2 Council consideration of the above matter.

Mr. Brass made a motion to adopt the Ordinance.
Mr. Shaver 2nd the motion.

Call vote recorded by Brent Davidson.

A Mr. Stam
A Mr. Brass
A Mr. Shaver
A Mr. Hales
A Mr. Nicponski

Motion passed 5-0

8.2 Public Hearing #2

8.2.1 Staff and sponsor presentations, and public comment prior to Council action on the following matter:

Consider an Ordinance amending the City's 2012-2013 Fiscal Year Budget.

Staff presentation: Justin Zollinger, Finance Director.

Mr. Zollinger stated these are some final housekeeping items for the end of Fiscal Year 2013. Many things are good news such as grants. Mr. Zollinger will go

through the items that they need to do a budget opening for.

The Fire Department has received two additional grants. One was from FEMA for \$6,329.00 for communication equipment. This grant required the City to do a City match for \$2,110.00. One thing that he was thinking that they could do is take a little bit of the money from our non-departmental and move it to the Fire Department so that they can make this purchase of these items. For this one, they have had to move fairly quickly as they have actually already received the money back from FEMA. They were able to respond to this quickly and get it in the budget.

The next grant was from the Utah Department of Public Safety in the amount of \$5,000.00 which is a pass-through. This is a scholarship to one of our Murray City residents, a high school student. We have also received that money as well and will get that one paid out.

The next amount is money that the City is requesting reimbursement from the Jordan Canal Company for emergency response. The total amount was \$29,331.00. Of that, \$26,680.00 was in the Public Works department. The Parks and Recreation department was \$788.00, the Police department was \$772.00 and the Fire department was \$1,091.00. We have requested that but have not received the check for that yet. It has been requested.

Mr. Nicponski asked Mr. Zollinger to repeat the total amount again.

Mr. Zollinger stated it was \$29,331.00. The City has already sent the invoice to them for that amount.

Mr. Shaver said that the City had to pay the employees for the overtime which comes out of our budget for this year. We have to figure out how to pay for that and get that money back.

Mr. Zollinger said that it increased our cost and this will help us to respond to those increased costs.

Mr. Shaver said it was worthwhile.

Mr. Zollinger agreed and said that there can't be enough good things said about how our employees responded so quickly and thoroughly to that situation.

Mr. Zollinger said that this is the third time that he has come for this grant. A lot of credit needs to be given to Doug Hill's department, particularly to Trae Stokes, City Engineer. The number that was previously given to the Council was \$105,000.00 for the Cottonwood/Winchester Street Intersection Grant. The money came in a little higher at \$107,293.00. That what the City received in grant money. We were not planning on receiving any of this money. This is additional

money that we received and had planned on paying out of our Class C Funds and we didn't have to. We will probably have a little more money to work with this next year after we get all of the numbers tied down, but Trae Stokes worked very hard and coordinated with UDOT to get that additional money.

Mr. Shaver asked about the comment made about having more money. Will that money go back into a CIP or does that go back into the General Fund, Class C or where will that money go back to?

Mr. Zollinger said that it will go back to the Class C Fund balance. That is a restricted fund balance because the State law requires us to have that. He will figure out what the ending balance will be in the Class C and they can re-appropriate it next year.

Mr. Shaver said that essentially then, there is \$2,900.00 some-odd more than the City had anticipated.

Mr. Zollinger said that the big thing here is that the \$107,000.00; the City was going to have to pay for all of that, but we got it in the grant. That was really good news.

The Library Fund received a grant from the Library Services and Technology Act for \$2,228.00. This was awarded for after school literacy programs and for the purchase of computers for that program.

The Recreation Center has had a lot of citizen involvement, more so than it has had in the past. The City paid \$30,000.00 more for uniforms than what we have budgeted. The great thing is that we have more than \$30,000.00 in revenue. There is revenue to cover this increased cost but we need to do a budget opening to help provide the budget so that the Recreation Center can pay for that.

Mr. Shaver asked if that was uniforms for ball players, soccer, baseball, and things like that.

Mr. Zollinger said that our youth involvement has been really great. In addition to this, they have also had credit card fees in this division that has gone up by about \$3,000.00. This portion, the \$3,000.00, will be paid by sales tax which is the funding mechanism for that.

The Park Center has had some HVAC system upgrades and repairs that needed to happen, actually breakdowns, not upgrades. The total amount of the repair was \$13,300.00. They would like an additional \$10,000.00. They are going to cover the \$3,300.00 but the \$10,000.00 would make it so they are, for the most part, whole. They are covering the other shortfall. This one would also be funded by our positive sales tax variance.

The ADS Department purchased an IBM mainframe server but we purchased it on a lease purchase. There are some accounting rules that require us to budget the amount as if we had bought it out of our own pockets, but you have to budget the full amount. As Mr. Zollinger was reviewing things for another lease that the City is looking at for next year, he discovered that we need to do that budget. It was already approved to make the purchase and purchase it through a lease purchase, but now we need to handle the budget. What we are going to do is increase the budget in equipment by the \$95,795.00 and increase proceeds from bonds/leases so it really is not an increase in money but it needs to be handled this way with the budget.

Mr. Shaver asked if this was a CIP.

Mr. Zollinger said that it was a CIP and was approved through a CIP process and through our budget process last year. It just wasn't budgeted for the full amount. What we budgeted for was a payment. You have to do that but you also have to budget as if you had received all of those proceeds.

Mr. Shaver said that you have the equipment but you are still paying for it as a portion yearly. So what fund does this get paid from?

Mr. Zollinger said that this one slipped through. It is out of the CIP and the first two years have been funded out of the four year lease.

Mr. Shaver said that each year they look at the CIP money and say that this money is to continue for this item.

Mr. Stam said that the hard part about this is that you have to account for all of it this year, which makes it confusing.

Mr. Zollinger stated that these are all of the items for this budget opening. He added that he appreciates the Departments communicating to the Finance Department on a quick basis to be able to respond to these grants. Some of them, the departments called him in the middle of May and said that they had to have this in May and needed to do a budget opening for it. By their good communication with the Finance Department, they were able to bring it before the Council and capitalize on this opportunity.

Public Hearing opened for public comment.

None given.

Public comment closed.

8.2.2 Council consideration of the above matter.

Mr. Stam made a motion to adopt the Ordinance with a change of the Public Works UDOT Grant from \$105,000.00 to \$107,293.00.
Mr. Hales 2nd the motion.

Call vote recorded by Brent Davidson.

 A Mr. Stam
 A Mr. Brass
 A Mr. Shaver
 A Mr. Hales
 A Mr. Nicponski

Motion passed 5-0

9. UNFINISHED BUSINESS

9.1 None scheduled.

10. NEW BUSINESS

10.1 Consider an Ordinance adopting the rate of Tax Levies for the Fiscal Year commencing July 1, 2013 and ending June 30, 2014.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that the certified tax rate for this year went down slightly because the City has experienced positive growth in the valuations of the properties in Murray, which is great. It increased by 4.82% in real property. Of that percentage, a portion was new growth. Since our property tax doesn't go up with inflation, there is no inflationary adjustment to it; the only way it really goes up is with new growth. Our car dealerships that were renovated and made nice and beautiful are considered new growth. Our new hotel that is going to be built at 5300 South is new growth. We had a good amount of new growth that occurred in the City this last year and it is affecting our property taxes. It is providing a little bit more revenue; approximately \$130,000.00 in revenue. Mr. Zollinger has placed that budget in non-departmental so that if we have any studies or things that we need to do this next year for whatever reason, that money will be there for us if we so choose.

In addition to that, our City Attorney, Frank Nakamura, wanted to discuss the judgment levy. Mr. Zollinger turned the time over to Mr. Nakamura.

Mr. Nakamura stated that under State law, we have the right to levy if there is a mandate either judicial or administrative order. If you do though, it would result in a Truth in Taxation hearing because it exceeds the certified tax. He would like to change that language slightly so that you can go ahead and levy any judicial order or administrative order if the Finance Director deems it necessary. If it is minimal we can absorb that in

the budget and there would be no need to have it as part of the property tax thus resulting in a Truth in Taxation hearing and all of the notices that go with that. That would be a slight change in the ordinance.

Mr. Shaver asked Mr. Nakamura if that is something that the Finance Director would be able to make a choice on based on whatever that rate is without necessarily coming before the Council. That is what they are trying to avoid with this.

Mr. Nakamura stated that was correct, if it is minimal.

Mr. Shaver asked if Mr. Nakamura had an idea of what “minimal” would be.

Mr. Nakamura said that they will be very specific in how much they are talking about.

Mr. Zollinger said that this was a new experience for him and something he had never seen this before. The City had a judgment levy that showed up on a letter from the County Auditor of \$11,975.00. His understanding of this, and he is still trying to wrap his head around it and learn, but if someone was to challenge the Board of Equalizations and say that their property valuation is too high and they win, it allows the City to do a change in our levy equal to that dollar amount. You are required to go through Truth in Taxation though. What happens is that the City is collecting less money, less property tax revenue so this would allow us to collect the same amount. But, \$11,975.00 to go through Truth in Taxation.....

Mr. Shaver interjected saying that is where his question lies. In other words, if you give the example of the property, if the property value is 1/2% or 1/4% or 1% or if it is 10%, somewhere in there that it has to say if it is this, we aren't going to worry about it. If it is at another point, then we have to go through Truth in Taxation just to make sure that it is a public record, that we see it and recognize it, which is what this whole Council is about. Do you have an idea, like with this particular \$11,000.00, where did it come from?

Mr. Nakamura said that was the problem. These are mandates that we are just totally unaware of and have no control over. Part of it went through the judicial process and a week ago they tell us that there is this judgment levy. We can go through the year and this could happen. The court issues an order because somebody challenged the amount. He is thinking that is what happened, that a property owner challenged the property tax and prevailed in court. As you know, the court process can be very slow, it can be quick; we just get these mandates and have no control over them.

Mr. Shaver asked if the word ‘minimal’ is a part of the language.

Mr. Nakamura said that he did not use the word ‘minimal.’ He was using that granting to the Finance Director, his discretion and judgment on whether it would be something that the City would go out and levy rather than absorbing it in the budget. He used that just as allowing the Finance Director to exercise that discretion. It would only be in regards to

these mandates that we have no control over and are just presented to us without any notice.

Mr. Shaver thanked Mr. Nakamura for his explanation and asked if that particular portion is a part of this tax levy piece that they are looking at.

Mr. Nakamura said it is. If the Finance Director determines that it is of such an amount that the City will have it as part of the levy and go through Truth in Taxation, he can determine that.

Mr. Shaver asked if it was correct that these are usually judicial mandates.

Mr. Nakamura said that was correct, judicial or administrative mandates. It could be the Board of Equalization or it could be the Tax Commission.

Mr. Stam said that being somebody who has always been a party of having two people make every judgment and decision, would it be wise to include the Council Budget Chair in making that decision?

Mr. Nakamura said that would be fine. Again, it is timing. They never know when these are going to come through.

Mr. Stam said that if the City is going to make a decision to adjust the levy....

Mr. Zollinger stated that he can never adjust the levy. The fact that we have to go through Truth in Taxation, he has to come to the Council before he could do that. His view is that if he sees this, and this is the first time he has ever experienced this, he would want to come and talk to every Councilmember and say this was a judgment levy. They actually only have one shot at levying a tax to pick this up. Next year it is gone and you can no longer levy any more for that. He does not want it to only have his stamp on it; he wants all of them to have a discussion before that decision is made.

Mr. Nakamura noted that they could add that.

Mr. Stam said that if they are going to change language to add that, they need to make it say the right thing.

Mr. Nakamura said that they can add the Council Budget Chair into the language as well.

Mr. Zollinger said it should really be the Council as they are the ones that have to pass the resolution or ordinance.

Mr. Shaver said that the circumstance that they are describing is such an unusual thing. Rather than create whole language to deal with something that is unusual, we are saying that this is the discretionary power given to the Finance Director who in best judgment with the Council Budget Chair could make that decision.

Mr. Nakamura agreed saying that we have not seen this in at least the fifteen years that he has been with the City. It is unusual and it has caught us off guard.

Mr. Shaver wanted to make sure that he has the language right because if they are going to adopt an ordinance, they need to adopt it with the correct language.

Mr. Nicponski asked if we are talking about the \$11,000.00.

Mr. Nakamura stated that was correct. The language, as he proposes, is paragraph three of the proposed ordinance: "The Murray City Municipal Council hereby further levies a tax if deemed necessary by the Finance Director." If the Council wants to add the Council Budget Chair or the Council he will do that.

Mr. Shaver feels it should be the Council Budget Chair or else we would have to wait time-wise to take care of it and if it comes up quickly they want to deal with it quickly. If they do it with one member as opposed to all members it would be better.

Mr. Zollinger stated that he only found out about this eight days ago when he received the letter.

Mr. Shaver said that it still allows him to go to the City Attorney and the Council Budget Chair once he learns about it and he would be able to go forward with it. That would be the language that he would recommend for this.

Mr. Nakamura asked Mr. Stam if he feels that would work.

Mr. Stam said that is what he was asking for and it would protect all parties.

Mr. Nakamura said that they did not want to inadvertently levy that tax through this ordinance and be called for all the notices and hearings.

Mr. Hales commented that when they talked about the property taxes and all the revenue that comes in and everything from the dealerships, he helped his mother-in-law who lives on 20th East outside of Murray. A home comparable to hers right below 20th East was being evaluated at \$1,000.00 less per year in taxes than hers. He wishes that this room had 150 people in at like with another issue so that they can hear that. He was impressed at how much those businesses subsidize the taxes.

Mr. Zollinger agreed saying that is Murray City's advantage over other cities. That is why businesses like to come here.

Mr. Shaver made a motion to adopt the Ordinance to include language as described specifically by Frank Nakamura, City Attorney, to the inclusion of judicial, administrative or legislative mandates that are unexpected.

Mr. Brass 2nd the motion.

Call vote recorded by Brent Davidson.

A Mr. Stam
A Mr. Brass
A Mr. Shaver
A Mr. Hales
A Mr. Nicponski

Motion passed 5-0

10.2 Consider an Ordinance establishing a temporary land use regulation pursuant to Utah Code Ann. Section 10-9a-504 relating to E-Cigarette retailers.

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that this was prompted from a discussion that they had on land use issues on June 4, 2013. Some of the issues that were discussed did relate to e-cigarettes. The biggest issue that the City is looking at with this temporary land use Ordinance, and it is something that we are allowed to do through State law, is to understand this issue a little bit better. To understand what the health risks are and do some research to ascertain what the City needs to do as far as regulating e-cigarettes. It is not eliminating but it is regulating and it particularly relates to minors. Right now there are no age regulations related to these and the City wants to look into this and evaluate it. Based on that, this Ordinance addresses that. What it would do is it would mean that, if it is enacted by the Council, the City would not accept, process or approve any application for any proposed e-cigarette retailer in the City for a period of six months beginning June 5, 2013. That is what the proposal is and it will allow the City time to evaluate this and come back to the Council with a proposed Ordinance to regulate these issues after they study it and understand it a little more fully. They are recommending approval of this temporary land use regulation ordinance.

Mr. Shaver said that the idea is that we do the research relative to Murray City to craft an Ordinance as far as distance from minors, high schools, schools, etc. that would in some way mirror the ordinance for tobacco in some method or manner or whatever it happens to be.

Mr. Tingey said possibly. They are going to try to understand the issue a little bit more fully as far as the health risks and how that relates to minors and then possibly come back with an Ordinance that could include distance requirements related to facilities that house minors.

Mr. Shaver said that it could be left to say that e-cigarettes are combined with.... and we just add it to the ordinance that already exists. Somehow they are going to look at that and say that this is the best move for Murray.

Mr. Tingey said that was correct.

Mr. Nicponski asked if this effectively puts on hold any applications that the City may have pending.

Mr. Tingey said it would. It would put on hold any application that was not submitted prior to June 5, 2013.

Mr. Nicponski asked how many applications they had prior to June 5, 2013.

Mr. Tingey stated that there was one application that was submitted prior to June 5, 2013.

Mr. Nicponski asked how they would handle that application.

Mr. Tingey said it can move forward as long as it moves forward within a 90-day time frame. There is an allowance for a potential extension if they are moving forward with a lease. If not, it cannot move forward.

Mr. Shaver asked if Mr. Tingey had spoken with any other cities regarding this particular issue.

Mr. Tingey said that they have not had a conversation with any at this point, but they will.

Mr. Shaver asked Mr. Nickel if there is an Ordinance in Ogden that addresses this issue that he is aware of.

Mr. Nickel said that the Ordinance that basically all of the cities have adopted at this time is not by their choice, it is what the State that has done already. There is requirement in Utah, which is 19 here for all cigarettes and e-cigarettes. The zoning has been done by the State. It puts up parameters as to where you can be located because it put it in the same category as tobacco. This becomes restrictive because this State and tobacco is a very harsh subject. He doesn't think that electronic cigarettes should have been put into the same category, but it has been. He thinks that once the City looks into it, the requirements that the State has already put on you are going to be restrictive enough to satisfy anything that the City of Murray needs. The City doesn't have a choice but to go by those requirements but he doesn't think that the City will see a need to make more restrictive requirements.

Mr. Brass made a motion to adopt the Ordinance.

Mr. Hales 2nd the motion.

Call vote recorded by Brent Davidson.

 A Mr. Stam

 A Mr. Brass

A Mr. Shaver
 A Mr. Hales
 A Mr. Nicponski

Motion passed 5-0

- 10.3 Consider a Resolution approving the revised polling locations specified by the Salt Lake County Clerk's Office, Elections Division, for the City's 2013 elections.

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that in April, 2013, the Council approved the polling locations. Since that time the County found out that some of the locations would not work for them so they had to switch those polling locations. This means that the City needs to revise what was approved by the City Council. This would affect Districts 3, 4 and 5 as far as locations and staff is recommending approval of this minor modification. The City will also make sure that the candidates are aware of these changes as well.

Mr. Shaver asked Mr. Tingey to repeat which ones will be changing.

Mr. Tingey said that in Districts 3, 4 and 5 is where there are some changes. The Discovery Christian Community location as a polling place has been eliminated and would move to the Utah Association of Counties. A portion of those districts will also be moved to Wheeler Historic Farm.

Mr. Shaver noted that it would mainly affect the eastern portions.

Mr. Tingey stated that was correct. Districts 3, 4, and 5 are the districts that are impacted.

Mr. Shaver made a motion to adopt the Resolution.
Mr. Stam 2nd the motion.

Call vote recorded by Brent Davidson.

 A Mr. Stam
 A Mr. Brass
 A Mr. Shaver
 A Mr. Hales
 A Mr. Nicponski

Motion passed 5-0

- 10.4 Consider an Ordinance imposing a temporary ban on the discharge of fireworks and firearms in specific risk areas.

Staff presentation: Phil Roberts, Fire Marshal

Mr. Roberts said that as everyone has heard on the news fire risk is getting high throughout the State and the Country. This is a similar Ordinance to the one put in last year to protect these certain areas: Murray Park, Murray Parkway, the Jordan River and all those areas that are a high fire risk and Murray Park being an attraction for the public to display fireworks. They are asking that this ban be put into effect for the extreme fire danger season for this year. The exception that they have added to the Ordinance would be so that the City can have their 4th of July fireworks display. All that this is saying is that when the City has a public fireworks display it is permitted. It is done by professional pyrotechnics company and the Fire Department personnel are on standby to watch that.

They get a lot of questions as to why if the City can do it, why can't the public. There is an area of fallout that the Fire Department has to anticipate. They have to do maps and distances and they survey those areas to make sure they are safe or wetted down. It is a little bit different than a single family fireworks display in a cul-de-sac. They want to protect those areas. They also have some private industry that wants to do a display of fireworks and they will fall under the same regulations, needing a permit, contract with a professional pyrotechnic company and work with the City to supply fire protection, a brush truck and personnel to protect that area. Those are the exceptions that they have added to this so that they can go ahead and have some public display of fireworks but minimize the risks. The other would be that it would need to be 300 feet from the perimeter of the park and the perimeter of the Murray Park Trail.

Mr. Nicponski verified the distance was 300 feet.

Mr. Roberts stated that was correct. What they are trying to prevent is mainly the aerals that were adopted several years ago. They are trying to give that fall out distance. Sometimes the wind carries them a little bit but they are hoping that doesn't happen. In the past years they have had a number of fires down on the Parkway, and some of were not created by fireworks, but it is just an attractive nuisance.

Mr. Shaver pointed out that the City doesn't actually service Wheeler Farm, but that Mr. Roberts is saying that we are going 300 feet out from there because the County deals with that.

Mr. Roberts said that the City does actually service Wheeler Farm. We do the fire protection for that and respond to those areas. He failed to mention Wheeler Farm but the City protects that even though it is owned by the County. Unified Fire does not protect it, Murray City protects it.

Mr. Stam said it was interesting that it this ordinance also includes the discharge of firearms. Isn't discharging a firearm already illegal?

Mr. Roberts stated that they are following some State rules with this. On some of the hillside ordinances, they are trying to combine items because of some target practicing

last year that started some hillside fires. Within the State regulations it is worded in there and they are trying to mirror the State Code. They understand that the City has ordinances regarding discharging firearms but it is just easier to mirror the code than trying to manipulate it that much.

Mr. Stam explained that he wasn't sure if they were including BB guns or other things that wouldn't necessarily be illegal.

Mr. Shaver said that firearm was the specific term as BB guns are pump action.

Mr. Nakamura asked for clarification in that Wheeler Farm is regulated by the City and not by Unified Fire.

Mr. Roberts said that anything that happens there, if it is fire or medical, our City would respond to that.

Mr. Nakamura asked if we would need to put restrictions on Wheeler Farm itself.

Mr. Roberts said it does not say that in the ordinance.

Mr. Nakamura said that will be changed to specify that it includes Wheeler Farm and within 300 feet of the Farm.

Mr. Hales added that it was included in the ordinance last year.

Mr. Shaver reiterated that it would include within the boundaries of Wheeler Farm and within 300 feet of the Farm.

Mr. Roberts said it should be worded the same as it is for Murray Parkway.

Mr. Nakamura felt that it just needs to say Wheeler Farm and within 300 feet of that.

Mr. Hales made a motion to adopt the Ordinance with the addition of Wheeler Farm and within 300 feet of the farm.

Mr. Brass 2nd the motion.

Call vote recorded by Brent Davidson.

 A Mr. Stam

 A Mr. Brass

 A Mr. Shaver

 A Mr. Hales

 A Mr. Nicponski

Motion passed 5-0

Mr. Roberts added that the GIS Department did put together a PDF and they will get together so that the public will be very knowledgeable of what is going on and where the boundaries are. The Police Department stopped him and said that they had barely had a call on the boundaries. They will get together and get that information out there so that it is more palatable for the public.

11. MAYOR

11.1 Mayor's Report

None.

11.2 Questions of the Mayor

12. ADJOURNMENT

Jennifer Kennedy, City Recorder