

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
April 9, 2019

City Building
55 South State Street
Clearfield City, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Nike Peterson Vern Phipps Tim Roper Karece Thompson	Councilmember Councilmember Councilmember Councilmember
EXCUSED:	Kent Bush	Councilmember
STAFF PRESENT:	JJ Allen Stuart Williams Kelly Bennett Scott Hodge Mark Baird Adam Favero Eric Howes Curtis Dickson Spencer Brimley Lee Naylor Trevor Cahoon Nancy Dean Wendy Page	City Manager City Attorney Police Chief Public Works Director Public Works Deputy Director Utility Superintendent Community Services Director Community Services Deputy Dir. Community Development Director Accountant Communications Coordinator City Recorder Deputy Recorder
EXCUSED:	Summer Palmer Rich Knapp	Assistant City Manager Finance Manager

VISITORS: Kathryn Murray, Brady Jugler – Planning Commission Chair, Ruth Jones

Mayor Shepherd called the meeting to order at 6:03 p.m.

DISCUSSION ON THE DRAFT COUNCIL RULES OF ORDER AND PROCEDURES

Nancy Dean, City Recorder, stated the Council had been provided a draft copy of the Council Rules of Order and Procedures at its retreat meeting January 17, 2019. She mentioned staff had added some revisions since that time and wished to obtain feedback from the Council on the drafted document. She pointed out Utah Code required the City Council to adopt rules of order and procedure. Ms. Dean mentioned the City had a limited version included in its Code; however, staff felt an in-depth review would be helpful. She reported a draft document had been

prepared which addressed some of the following items: scheduling of meetings, preparation of the agenda, a serious moment of reflection, decorum, and compliance and enforcement.

Ms. Dean indicated the proposed document would be adopted by resolution and the City Code updated so the document could be adjusted more easily when necessary. Councilmember Phipps questioned if there would be a reference to the document in the City's Ordinance. Ms. Dean answered yes it would be referenced in the City's Code. She explained State law also required a copy be available at City Council meetings and staff was working on what that format would look like. Stuart Williams, City Attorney, mentioned many cities had a copy available on its website.

Ms. Dean began her review of the drafted Council Rules of Order and Procedure. Councilmember Phipps questioned how he should address his notes, some of which were substantive and others were related to editing issues. Ms. Dean suggested he email his editing issues and address the substantive items during the discussion.

There was a discussion about the section on scheduling and calling of meetings. Councilmember Phipps recommended if references were made to State Code rather than including the language in quotes it be specifically cited with the State Code reference. He also suggested the types of meetings be clearly defined for those that might not understand the differences between a work or policy session. There was a discussion about the public perception of how meetings operated and how some of the purposes and types of meetings the City held differed from other municipalities. Councilmember Peterson requested the meeting definitions be spelled out to be easily understood by the public and future members of the Council. Mr. Williams responded all types of meetings could be updated to provide clearer definitions and where applicable reference the State Code.

Councilmember Phipps pointed out some of the formatting would need to be updated with numbering in sequential order. Ms. Dean asked if there were any other questions about the meetings section. There was a discussion about the special session meeting noticing efforts. Councilmember Phipps suggested language could be added to include electronic noticing was a possibility as well. Ms. Dean agreed it would be a good idea to add that language as an option.

She continued with her review of the draft document. Ms. Dean pointed out staff had made changes in some of the terminology included in the opening ceremonies so it would allow the opportunity for other individuals to participate with a serious moment of reflection. Councilmember Phipps said he thought it was great to list various methods for an individual to lead the serious moment for reflection. He wondered if wording should be added to articulate that a member of the Council was able to delegate his/her assignment to another individual without prior notice or without having to follow the formal request process required of those not on the Council. Mr. Williams indicated language could be added. There was a discussion about allowing opportunities for members of the community to participate in the opening ceremonies and the standards for participants.

Councilmember Phipps suggested Section VI, Subsection A, Item 2, of the document be updated to better correlate with the previous discussion about the serious moment of reflection so both

sections were aligned. He requested in Subsection B of Section VI the word draft be added when referencing the minutes prior to adoption. Ms. Dean asked if there were any other concerns with that section and continued her review of the draft document.

There was a discussion about voting and what constituted a majority or super majority vote and when that type of voting would be necessary in various situations. Councilmember Phipps asked if it would be required to have a roll call vote to move into a closed session meeting and if that language should be added for clarification in this voting section. Ms. Dean responded adding language could help provide additional clarification. She continued with the review.

Ms. Dean commented the section on decorum was drafted as a starting point for a discussion on matters so the Council could determine its own desired rules and measures for its own accountability. Councilmember Roper stated Subsection A was a good reminder for him that City Council members should avoid using City Council meetings as an opportunity to campaign personal views or draw attention to personal websites or social media platforms. Ms. Dean pointed out it was getting closer to an election season and social media was a forum more frequently used than in prior years. There was a discussion about having the public information officer (PIO) respond on the City's social media platforms rather than elected officials and if any level of involvement from the Mayor and Council would be acceptable such as comments or likes. Mayor Shepherd expressed his concern with redirecting the public to private website and the perceived messages that could accompany it. Councilmember Thompson expressed his opinion there should be unified messaging when it came to the City's social platforms.

There was a discussion about the conduct of City Council members pertaining to City social media platforms. Mr. Williams commented staff was in the process of preparing a Social Media Policy that would be much more detailed. Councilmember Peterson reported not being engaged with the City's social media platforms would disrupt her algorithms and she currently used the City's social media as one method to stay informed. There was a discussion about public perception, proactive approaches to staying informed through social media, and comments about remaining unified from the City and its PIO. Mr. Allen stated the Council had been encouraged to share posts from the City's social media platforms. Mr. Cahoon advised the Council members they could get an official button from Facebook on their own City Council page identifying them as the elected official for an area. Ms. Dean encouraged those running for re-election to keep their campaign websites separate from their elected official websites.

There was a discussion about good practices related to a separation of campaign and elected official websites until a Social Media Policy was formalized as well as those efforts which could draw attention to an individual rather than the effort of the Council as a team. Mr. Cahoon pointed out many of the items of concern would be addressed in the Social Media Policy.

Ms. Dean commented the rules of order and procedure would be a guiding document as Council positions were rotated to help train and spur questions from those that might be new to the Council. Councilmember Phipps expressed appreciation for having a source of information to point people to who might have questions about the Council Rules of Order and Procedures.

Councilmember Peterson moved to adjourn the work session and reconvene in policy session at 6:57 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper, and Thompson. Voting NO – None. Councilmember Bush was not present for the vote.

The meeting reconvened at 8:09 p.m.

Ms. Dean asked if there were any concerns or questions about the section on decorum. Councilmember Phipps pointed out in Subsection C there were a few word changes he felt would provide clarity and better explain the intent for the conduct of residents and attendees at City Council meetings. Councilmember Peterson mentioned there had been recent examples where there was dialog exchanged between members of the Council and the public during the open comment period, rather than it being handled by the Mayor and used as a forum for the public to bring things to the attention of the Mayor and Council. She stated if that practice were to continue the City could be at risk of discussing items that were not on the agenda and had not been properly noticed. She expressed her opinion the decorum of the open comment period should be addressed in the document. There was a discussion on the decorum during the portion of the meeting identified as communication items. Mayor Shepherd remarked the intent of that portion of the meeting was to allow for Council members to report on related business of the other boards and commissions where the Council participated. Ms. Dean suggested a new paragraph could be added to Section IV to address the communication items.

Councilmember Peterson wondered if the Council Rules of Order and Procedure could be displayed on the screen prior to Council meetings once the new A/V system was operational in the Council Chambers. Mr. Williams reported the Court had something similar it presented prior to court sessions. Mr. Cahoon indicated staff could create a short video for display.

Councilmember Peterson questioned if the violations of decorum were intentionally vague. Mr. Williams said affirmed they were. He explained any decorum violations would be addressed in whatever manner the Council determined as appropriate and identified in Section XII. There was a discussion about whether or not violations of decorum by a member of the Council could or should be discussed during a closed meeting.

Councilmember Phipps expressed his opinion public hearing comments should be addressed in the document to provide clarity on the format and formalities for receiving comments. There was a discussion on what the appropriate decorum of the Mayor and Council should be during the public hearings. The consensus of the Council was to include language in the document to provide better understanding of the procedures and conduct expectations during public hearings.

Councilmember Phipps asked if it would be appropriate to add a section to this document about proper cell phone usage during a meeting. There was a discussion about the Council being able to set its own rules and the various reasons for using or not using cell phones during a public meeting. Mayor Shepherd expressed his opinion a rule would not need to be added regarding cell phone usage but encouraged common sense to be used.

Councilmember Peterson requested an edit to the section on decorum so it clarified any designated decorum that was expected during the meeting. Mayor Shepherd wondered if the Council wished to have the City Recorder handle any roll call votes rather than the Mayor as it was currently practiced. Councilmember Roper asked if there was an expectation or rule about when you could step out of a meeting rather than voting. There was a discussion about the current and common practices for roll call voting procedures, addressing absences from meetings, and procedures for being excused during a meeting. Ms. Dean asked if the Council would like any language added to address any of those concerns. The consensus of the Council was to have staff make the necessary changes to the language as discussed. Mayor Shepherd expressed his opinion there did not need to be a policy about absenteeism. Ms. Dean requested the City Recorder's office, in addition to the Mayor, be notified in advance of the meeting if someone would be absent. She stated the information would be helpful to ensure a quorum would be present during the meetings.

Councilmember Peterson pointed out there was reference to personalities in the section on decorum and wondered if it should have said personal attacks instead. Ms. Dean responded staff would look at it. Councilmember Thompson expressed his opinion the word personalities did seem to fit and applied in the expressed context.

Ms. Dean asked if the Council was comfortable having the Council's comments period referred to as Council's reports. The Council appeared favorable to it. There was a discussion about keeping the procedure for consent agendas in the document in case there was a future Council that desired it.

Stuart Williams, City Attorney, mentioned the compliance portion of the rules of order and procedure would be self-enforced to ensure staff was not put in an uncomfortable position. There was a discussion on the proper procedure if there were a compliance issue which needed to be addressed.

Councilmember Phipps pointed out the reference to chairs of boards, committees, and commissions seemed out of place in the compliance and enforcement section because the document was setting up the rules of order and procedure for the Mayor and Council. There was a discussion about whether or not it should be included. The consensus of the Council was to remove the reference to the boards, committees, and commissions because each group would regulate itself, also the Mayor or multiple members of the Council could request for the member to be removed from the board, committee, or commission if they were not adequately representing the City. Ms. Dean asked if there were any additional questions.

Councilmember Phipps noted there were various references throughout the document for the Mayor and Mayor Pro Tem. He requested language be added somewhere in the document to clarify all rules or procedures for the Mayor would apply to the Mayor Pro Tem in the absence of the Mayor. He also suggested language be added to specify that electing a Councilmember to serve as the Mayor Pro Tem in the absence of the Mayor and Mayor Pro Tem be required during an open meeting so it was clear when that nomination, voting, and duration of the responsibility would be necessary.

Councilmember Phipps wondered how soon the minutes needed to be available to the public because he was under the impression it was sooner than 30 days following the meeting. Ms. Dean responded the recording would need to be available immediately following the meeting and the policy session minutes would need to be published three days following the meeting of their adoption. She expressed her concern with the current challenges of producing the draft minutes in final form within the 30 day time period following the work session meetings. She noted rough draft minutes could be produced within that time frame upon request. Mayor Shepherd stated the Council preferred to see the minutes sooner but felt things would be fine as long as the City was meeting State Code.

Mr. Allen pointed out one of the elected officials was not present at the meeting. He mentioned the Council Rules of Order and Procedures would be coming back to the Council for final consideration and asked the Council if the discussion warranted another work session. There was a discussion about how to proceed with the corrections, review, and if another work session would be necessary. The consensus of the Council was to have staff make the changes discussed, send the redlined version and updated version of the document to the Mayor and Council for a review, allow a period of time for feedback, hold another work session meeting only if there were items warranting a discussion beyond grammatical content, and setting a date for consideration on a future policy session agenda.

Ms. Dean expressed appreciation to the Mayor and Council for its in-depth review of the document and the feedback which was provided.

DISCUSSION ON THE FISCAL YEAR 2020 BUDGET

JJ Allen, City Manager, stated the current discussion on the budget was meant to allow time for questions on any line items in the drafted Fiscal Year 2020 (FY20) budget. Councilmember Peterson asked if there was a line item in the budget for the Council's float for the Fourth of July. Lee Naylor, Accountant, pointed out it was a line item in the Fourth of July budget account.

Councilmember Phipps stated he had some questions but due to the lateness of the hour would not want to consume the Council's time on it, so he would get with staff for answers to his concerns and address them if necessary at a later date during the budgeting process.

Councilmember Roper indicated he currently had no concerns to discuss.

Councilmember Thompson expressed his concern about the continued and growing net loss of the Clearfield Aquatic and Fitness Center (CAFC). He questioned if there was anything that could be done to mitigate the loss to help with concerns for its fiscal sustainability. There was a discussion about the amount of money that was provided each year to subsidize the CAFC in comparison to its benefits and the efforts towards cost recovery.

Councilmember Thompson expressed his concern and worry the City's surplus was decreasing. Mayor Shepherd pointed out the City had a conservative budget and typically held more in reserves than was allowed; therefore, its surplus funds were being used towards one-time capital projects.

Mayor Shepherd commented many decisions previous councils made affected future council decisions. He explained a previous council's decision to commit funds from the Community Development and Renewal Agency (CDRA) to subsidize the CAFC likely impacted the development opportunities for the City. He reiterated the decisions made by that council affected people for several years down the road. He stated the questions asked were good and evidence of concerns for the future. Councilmember Thompson stated he understood the CAFC had value and added to the community. Mr. Allen indicated there were only a few functions of the City which were revenue generating, but most were either entirely or partially subsidized. He continued budgeting was an exercise in prioritization to determine the core governmental functions and balancing those priorities with the available resources.

Councilmember Peterson moved to adjourn at 9:11 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmember Peterson, Phipps, Roper, and Thompson. Voting NO – None. Councilmember Bush was not present for the vote.

**APPROVED AND ADOPTED
This 23rd day of July, 2019**

/s/Mark R. Shepherd, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, April 9, 2019.

/s/Nancy R. Dean, City Recorder