
Minutes of the **Special Meeting** of the **Riverdale City Council** held Tuesday, **October 26, 2010** at 6:32 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Bruce Burrows, Mayor
 David Gibby, Councilor
 Shelly Jenkins, Councilor
 Don Hunt, Councilor
 Norm Searle, Councilor
 Alan Arnold, Councilor

Others Present: Larry Hansen, City Administrator; Steve Brooks, City Attorney; and Marilyn Banasky, City Recorder.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all those present. He noted that all Councilmembers were present.

B. Action Items

1. Consideration of Resolution #2010-13 establishing Council Rules and Procedures.

Mayor Burrows reported that they will be starting with Section 4.

4.2 Conflict of Interest: Mayor Burrows reported that State law permits a Councilmember to vote as long as their conflict is declared. He inquired if they want to be more restrictive than the State law and feels they have the right to vote. Steve Brooks replied that he doesn't think it is good practice to vote on an item when a Councilmember has a conflict of interest. He stated that maybe they could stay in the meeting, but not vote as he feels that gives a bad perception to the public. Councilor Gibby stated there are different kinds of conflicts of interest. Mr. Brooks stated that they could make a distinction as to a conflict of interest or give the Councilmember the option to vote or not, but he wouldn't personally recommend that. A discussion was held as to whether or not a Councilmember should leave the meeting and/or vote on a declared conflict of interest and what constitutes a conflict of interest. Councilor Jenkins inquired if the ethics code contained in the state statutes should be included in the rules and procedures and be used as training for new Councilmembers. Mr. Brooks replied that he would prefer adding a reference to the state law rather than putting in a code reference as codes change and become out of date. Councilor Gibby suggested the following language: 1) add "shall comply with" before the first period; 2) delete the second sentence to the phrase "state law"; 3) delete the phrase "and city ordinances" in the second sentence. **Mayor Burrows asked for consensus to change 4.2 as suggested by Councilor Gibby. Consensus was reached.**

4.3 Right of Appeal: Councilor Jenkins comment asked for an example of a ruling of the chair. Mr. Brooks stated that this is a Roberts Rule of Order and that the body can always overrule the Chair if the motion is seconded. **Mayor Burrows asked for consensus to leave section 4.3 as written. Consensus was reached.**

4.8 Excusal from Attendance. Councilor Jenkins commented that “and the chair” should be added to the paragraph. Mayor Burrows reported that is unnecessary as the chair is a member of the Council. **Mayor Burrows asked for consensus to add “and the chair”. Consensus was not reached.**

5.1 Chair: Mayor Burrows reported that Riverdale’s Mayor Pro Tem has been appointed with the advice and consent of the Council. He suggested changing the spelling of Mayor Pro Tem to Mayor Pro Tempore. Councilor Jenkins stated that the language does not state how they currently appoint a Mayor Pro Tempore and feels the document should have as much in it as possible. Councilor Searle suggested adding how the Mayor Pro Tempore is currently appointed and how long they serve. Mr. Brooks replied he thinks that is outlined in the Riverdale City Code. Mayor Burrows asked Mr. Brooks to find out what the code states as to how the Mayor Pro Tempore is appointed and for how long. Councilor Gibby suggested adding that the Mayor Pro Tempore is appointed by the Mayor with the advice and consent of the Council for a period not to exceed 2 years. It was decided to come back to this item later in the meeting.

5.3 Preservation of Order: Councilor Jenkins comment was to add “or the parliamentarian” to the paragraph. **Mayor Burrows asked for consensus to add “or the parliamentarian”. Consensus was reached.**

5.5 Call for Recess: Mayor Burrows comment was to delete “10 minute”. **Mayor Burrows asked for consensus to delete “10 minute”. Consensus was reached.**

6.1 Agenda (a) Preparation and distribution (1): Mayor Burrows comment was to add “as early as practicable” and Councilor Jenkins comment was to add “no later than Friday prior to the meetings.” Mayor Burrows stated that the current practice is to have the agenda to the Council by the Friday afternoon before the meeting. A discussion was held regarding the timeframe to post the agenda and amend the agenda. **Mayor Burrows asked for consensus to add “as early as practicable but normally no later than close of business the Friday prior to the meeting”. Consensus was reached.**

6.1 Agenda (a) Preparation and distribution (2): Councilor Jenkins feels that the Mayor isn’t the only one who can recommend a policy item for the agenda. Mayor Burrows stated that they have agreed that any two Councilmembers can put something on an agenda. A discussion was held to delete “relating to policy items”. **Mayor Burrows asked for consensus to delete “relating to policy items”. Consensus was reached.**

6.1 Agenda (a) Preparation and distribution (3): Mayor Burrows comments were to remove the word “delete” in regard to deleting things from an agenda. Councilor Gibby stated that to add something to an agenda is one thing and feels that the entire Council should have the opportunity to discuss an item before deleting it from an agenda. Councilor Hunt stated that sometimes items get deleted before work session and feels they should not do that. Larry Hansen stated that he would rather have the Council discuss in an open meeting why they want to remove an item from the agenda as that is doing the public’s business in front of the public. **Mayor Burrows asked for consensus to remove “or delete” from both places in the paragraph. Consensus was reached.** A discussion was held regarding how to add an item to the agenda either before it is officially posted or after, which would require amending it. Councilor Searle suggested adding a new sentence, “Once posted, amendments may be made to the agenda in the same manner, up to 24 hours prior to

the meeting or as prescribed by state law”. **Mayor Burrows asked for consensus to add the suggested language by Councilor Searle. Consensus was reached.**

6.1 Agenda (b) Briefing – Planning session meetings (3) Removing Items: Mayor Burrows stated that he feels this should also be done in front of the public and that the item could be tabled or removed during the open meeting. **Mayor Burrows asked for consensus to delete the paragraph. Consensus was reached.**

6.2. Presentations by Members of Council (a): A discussion was held regarding if two or more Councilmembers request an item to be placed on an agenda, how many councilmembers would it take to withdraw an item. **Mayor Burrows asked for consensus to leave “two” in the first sentence. Consensus was reached.** It was discussed to change the last sentence to read “Unless the request is withdrawn by either of the requesting members...”. **Mayor Burrows asked for consensus to change the last sentence as proposed. Consensus was reached.**

6.3.Citizen Speakers (Open Communications) (a): Larry Hansen’s comment was to change “must sign in” to “should sign in”. He stated that they want to be liberal in Open Communications and should seek participation. Councilor Gibby suggested changing “must” to “may”. **Mayor Burrows asked for consensus to change “must” to “may”. Consensus was reached.** Mayor Burrow’s comment was to delete the word “daytime” from telephone number. **Mayor Burrows asked for consensus to delete “daytime”. Consensus was reached.**

6.3.Citizen Speakers (Open Communications) (b) Speaker Rules: Councilor Jenkins inquired if the Rules governing Open Communications should be made available to those in attendance at a meeting. She suggested placing them on the back of the agenda. Mayor Burrows suggested having them available on the sign-in table. **Mayor Burrows asked for consensus to provide a printed set of rules for the public. Consensus was reached.**

6.3.Citizen Speakers (Open Communications) (b) Speaker Rules (2): Councilor Gibby suggested adding “is encouraged” after pooling of speakers and deleting “may be allowed”. The sentence would then read, “In an effort to reduce replication and to save time, pooling of speakers is encouraged, wherein...” **Mayor Burrows asked for consensus for Councilor Gibby’s suggested language. Consensus was reached.**

6.3.Citizen Speakers (Open Communications) (b) Speaker Rules (3): Larry Hansen’s comment was to replace “must” with “may” and delete “rather than individual” and add a comma after “chair”. Councilor Jenkins comment was that speakers address their comments to the governing body. It was decided to change the word “must” with “should”, add “governing body”, and delete “chair rather than individual City Council members or staff. The sentence would read: “Speakers should address their comments to the governing body. **Mayor Burrows asked for consensus to change the paragraph as suggested. Consensus was reached.**

6.3.Citizen Speakers (Open Communications) (b) Speaker Rules (6): Mayor Burrows suggested allowing residents, property owners and business representatives to speak in Open Communications before non-residents. Councilor Arnold stated that he feels they shouldn’t give residents preference over non-residents. Councilor Hunt wondered how they would police it and suggested deleting the entire sentence. **Mayor Burrows asked for consensus to delete paragraph 6. Consensus was reached.**

6.3.Citizen Speakers (Open Communications) (c) Time Limits on Items (1): Mayor Burrows comment was to change the word “maximum” to “approximately”. **Mayor Burrows asked for consensus to change the word “maximum” to “approximately”. Consensus was reached.**

6.3.Citizen Speakers (Open Communications) (d): Mayor Burrows comment was to add “if recognized by chair”. **Mayor Burrows asked for consensus to add “if recognized by chair”. Consensus was reached.** It was discussed to delete the second sentence “Speakers will have one minute to respond”. **Mayor Burrows asked for consensus to delete the second sentence. Consensus was reached.** Mayor Burrows comment was to change “Mayor” to Chair”. **Mayor Burrows asked for consensus to change “Mayor” to Chair”. Consensus was reached.**

6.4 Communications to City Council: Larry Hansen’s comment was to delete the last sentence of the paragraph. **Mayor Burrows asked for consensus to delete the last sentence. Consensus was reached.** A discussion was held regarding the sentence that was added by Mr. Hansen regarding how and when Councilmembers can receive additional information. Councilor Jenkins inquired when is the appropriate time to ask for additional information. Councilor Gibby stated it would be during the review and comment timeframe and if they want more information then it should be approved by Council and not by one Councilmember. Councilor Jenkins stated that she is asking about information for supporting documentation. She wonders what staff reviewed to come to their recommendation and would like to see that information. She stated that she would like to see a findings of fact. Councilor Searle suggested that the Executive Summary could have more information with comments as to why approval is recommended. Mayor Burrows stated that not everyone wants more information, but is OK providing information. He feels the request should go through Mr. Hansen. Councilor Jenkins disagreed. She feels the Executive Summary has come a long way but wants more supporting facts. Mr. Hansen stated that staff is trying to improve the Executive Summaries to give the Council additional information. He stated that he has no problem with trying to improve what they are doing to provide a finding of fact. Mayor Burrows stated that if any two Councilmembers request additional information, they can get it. Councilor Jenkins inquired if she could send an e-mail to ask a question after reading an Executive Summary or would she need to get another Councilmember to request additional information also. Mr. Hansen stated that he will respond to an e-mail or have the appropriate Department Head respond for clarification and would then copy everyone in on the email so they all have the same information. He is concerned that the e-mails could violate the Open Meetings act as they would not be doing the public’s business in public. Mr. Brooks agreed and thinks everything should be done in the open. He feels everyone should have the same information and that is what is presented and ruled by majority. Mr. Hansen stated that if the e-mails are received before the packet is posted, he could include a copy of the emails along with packet information. Councilor Arnold stated that he feels they already covered this and was established that it must be a majority of the Council that asks for information. Councilor Searle stated that the Mayor just said that two Councilmembers can request additional information. Councilor Arnold stated that he would like that. Mr. Hansen stated that he can provide facts and information, but if they are asking for opinions, that should be done in open meeting. Mayor Burrows stated that the Executive Summary will be improved and the staff will be asked to put their expertise on it. Councilor Jenkins stated that the information on the Executive Summary should have the finding of the Department that it belongs to. **Mayor Burrows asked for consensus to add the sentence as suggested by Mr. Hansen. Consensus was reached.**

Mr. Hansen asked for clarification that it would now only take two Councilmembers to request additional information. Mayor Burrows stated that he wants everyone to have a comfort level when dealing with the public's business so that they know what they are talking about when they make decisions. Councilor Hunt stated that greater detail helps them make their decision. Mr. Hansen stated that there is a reasonable expectation for those facts to be presented. He reported that the Council appropriates money and during Strategic Planning they use their best guess for planning purposes when it comes to the budget. He stated that when it comes down to acting within the ordinances to approve an expenditure, the Council has a reasonable expectation to have the information needed to make a decision. Councilor Jenkins suggested that there is a more defined expectation during the budget process. Mayor Burrows stated that is fair and that staff will try to make the Executive Summary a more meaningful document. He wondered if they wanted to put in these rules under the Agenda section that two Councilmembers can ask for additional information. He stated that he feels it isn't much different than getting a motion and a second. Councilor Gibby stated that if two Councilmembers or the Mayor and a Councilmember request additional information, that it should be provided unless Administration deems the information sensitive and wishes for the request to go before the entire Council for a vote. Mr. Hansen stated that he is uncomfortable with an information request if it is before the Council meeting and that he has no problem with the public process side of this. He stated that if any two Councilmembers decide they want information then he will provide it. **Mayor Burrows asked for consensus to add a new sentence in 6.4(a) stating that if two Councilmembers feel more information is needed they may request it of Administration. Consensus was reached.**

The meeting recessed at 9:07 p.m.

The meeting reconvened at 9:11 p.m.

6.6 Public Hearings: Mr. Hansen's comment was to change "meetings" to "hearings". **Mayor Burrows asked for to change "meetings" to "hearings". Consensus was reached.** It was decided to make the grammatical change of deleting the "s" from the word "matter".

Section 8 Votes Required: A discussion was held on who many councilmembers make up a majority when the full Council isn't present. It was discussed that the phrase "City Council Members" should be changed to "the quorum". Mr. Brooks stated that he didn't feel the second sentence was necessary and recommended deleting it. **Mayor Burrows asked for consensus to change the phrase "City Council Members" to "the quorum" and delete the second sentence. Consensus was reached.**

Councilor Jenkins additional comments were discussed. She stated that she found items that were not included in the Council Rules and Procedures, and wondered if they should be.

Internal Committees and Boards: Councilor Jenkins discussed the time when the Council requested that the fence ordinance be looked at and come back to them, but instead it went to the Risk Management Committee. Mayor Burrows stated that staff was directed to look at it and then it came back to the Council with their recommendation that it didn't need to be changed. Councilor Arnold stated that Councilor Jenkins' concern has now been addressed by having anything put on the agenda if two Councilmembers want it. Councilor Jenkins agreed.

Budget: Councilor Jenkins suggested working on the budget by using a slower process. Mayor Burrows stated that the quarterly Strategic Planning meetings help streamline the budget process and

prepare them for the full day budget Strategic Planning meeting. Mr. Hansen stated that they can discuss having the budget in a different format. Councilor Jenkins stated that she liked the commentary of Washington Terrace City's budget.

Council Compensation and Benefits: Councilor Jenkins stated that as Councilmembers they don't fit into the mold of regular employees and feels that their compensation and benefits should be part of the Council Rules and Procedures document. Mr. Hansen stated that their compensation is in ordinance form but that they could amend the HR policy to clarify the Councilmembers compensation and benefits. **Mayor Burrows asked for consensus to amend the HR policy manual to reflect the Mayor and Council's compensation and benefits. Consensus was reached.**

Mission Statement and Council Goals: Mayor Burrows stated that he agrees that the Council Goals should be addressed and reviewed but he doesn't agree that the Mission Statement should be reviewed. Councilor Jenkins stated that sometimes the mission of the City changes just like the General Plan. Mayor Burrows stated that he will distribute the Mission Statement to the Councilmembers.

Strategic Meetings and Joint Meetings: Councilor Jenkins thinks the Strategic Planning and joint meetings with the Planning Commission could be better. Mayor Burrows agreed.

Council Department Liaisons: Councilor Jenkins suggestion was to have the Councilmembers serve as liaisons to establish greater understanding of City functions. Mayor Burrows stated that when he was part of the Council they did that and it was a mess. He stated that he would lobby against it as it was perceived that he was meddling in a department. Councilor Arnold stated that a department head should have the information on hand and reply with more than "yup" when they are presenting an item to the Council. Mayor Burrows inquired if the Council wanted to consider being a liaison with different departments or if they were comfortable with more information being included in the Executive Summary. Councilor Jenkins stated that she questions what she can't see from staff. She wants to become an advocate for the staff and know what is involved in their job. Councilor Gibby stated that he can see more harm than good as he feels they would be perceived by staff differently than they want. Mayor Burrows stated that opportunities could be made available for everyone to go at the same time to visit different departments. Councilor Searle stated that he has a lot of experience with the military and reserve officers and his opinion is stay out of the business and let staff do their job. Councilor Hunt stated that he is not opposed or for it, as he is not sure of the time commitment or the details. He feels it could be beneficial to find out of what goes on in a department but doesn't want to be counterproductive. He stated that he now knows more about the police department because he attended the Citizens Academy. Councilor Jenkins suggested exploring what works for other cities. Councilor Searle stated that when he was new on the Council he would like to have been taken around the City to the different departments.

Mr. Brooks stated that there are some items that came up for his clarification, during the first discussion of the Council Rules and Procedures, and would like to address those now.

5.1 Chair: Mr. Brooks stated that he is not sure how the practice of appointing the Mayor Pro Tempore came about. Mayor Burrows stated that he feels the Mayor has the appointment power. Mr. Hansen read Riverdale City Code 1.6.3(9) which outlines the Mayors ability to make appointments with the advice and consent of the Council. He feels this also includes the Mayor Pro

Tempore. Councilor Arnold stated that he thinks that is stretching it and the procedure should be added to the ordinances. Mr. Brooks stated that they can chose to do something different but that would need to be clarified. Councilor Gibby stated that he likes it how they are doing it now. **Mayor Burrows asked for consensus to leave the process to appoint a Mayor Pro Tempore as it is currently being done. Consensus was reached. Mayor Burrows asked for clarifying the procedure in the Riverdale City Code. Consensus was reached.**

1.4 Procedure in Absence of Rule: Mr. Brooks reported it would only take a full vote of the Council to override a temporary ruling. He recommended leaving it as it is written. **Mayor Burrows asked for consensus to leave Section 1.4 as written. Consensus was reached.**

2.2 Special Meetings: Mr. Brooks reported that Councilor Searle is correct in that it only takes two Councilmembers to call a special meeting. He recommended changing “three” to “two”. **Mayor Burrows asked for consensus to change “three” to “two”. Consensus was reached.**

2.1 Regular Meetings: The question was who can cancel a meeting. Mr. Brooks reported that State law only mandates that the Council hold one meeting per month, but that Riverdale City Code states they will hold two meetings per month. He stated that the Mayor and Council can decide who cancels meetings but it would be good to have something in place. He stated that it would be logical to have the Mayor cancel the meeting. Councilor Gibby stated that most of the time they vote on it in advance and he thinks it is fair to poll the Council. Councilor Arnold stated that when someone is trying to get something through on a Planning Commission or City Council agenda and a meeting is canceled, it is frustrating as timing can be critical. Jenkins stated that the last meeting of the year last year was canceled and it was the last time they would meet as that particular council. She reported that she had some business to discuss in discretionary during that meeting, but it was canceled. Mayor Burrows suggested that if any two Councilmembers say they want to hold the meeting and not cancel it, then they will hold the meeting. **Mayor Burrows asked for consensus to poll the council regarding canceling a meeting and if two Councilmembers object, the meeting will be held. Consensus was reached.**

I. Adjournment

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Arnold seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 10:30 p.m.

Approved: November 3, 2010

Attest:

Bruce Burrows, Mayor

Marilyn Banasky, City Recorder