

AMERICAN FORK CITY  
COUNCIL MEETING MINUTES  
SEPTEMBER 17, 2009

WORK SESSION

ATTACHMENT

**The purpose of City Work Sessions is to prepare the City Council for upcoming agenda items on future City Council Meetings. The Work Session is not an action item meeting. No one attending the meeting should rely on any discussion or any perceived consensus as action or authorization. These come only from the City Council Meeting.**

The American Fork City Council met in a work session on Thursday, September 17, 2009, in the City Administration Building, 51 East Main Street, commencing at 3:35 p.m. Those present included Mayor Heber Thompson and Councilmembers Sherry Kramer, Heidi Rodeback, Dale Gunther, Shirl LeBaron, and Rick Storrs.

Staff present: Acting Fire Chief Robert Chadwick  
Arts Council Director Lori England  
Chief of Staff Melanie Marsh  
City Attorney Kasey Wright  
City Recorder Richard Colborn  
Finance Director Cathy Jensen  
Library Director Sheena Parker  
Police Chief Lance Call  
Public Works Director Howard Denney

Also present: Caleb Warnock, Barbara Christiansen, and Leisa Hatch.

Robert Chadwick led the Pledge of Allegiance and Cathy Jensen offered a prayer.

Mayor Thompson introduced Caleb Warnock who was the Creative Writing Instructor for the Arts Council

Caleb Warnock explained that he was also the Director of Literate Programs for the American Fork Arts Council. He was present to make a presentation of twenty brand new hardback books from the Library's Wish List. Two years ago he asked Lori England that they have a community class where creative writing was taught. The request went to the Arts Council Board and they immediately gave it the go-ahead. For the past 20-months Mr. Warnock has been teaching a writing work shop every week. They also had a sold-out conference in April that was listed as one of the best Conferences of 2009 by the Utah Children's Writers which was especially nice because it was their first time. This month he had 15 students. That was the most he had ever had in the 20-months. It was becoming increasingly popular.

Mr. Warnock reported on some of the good work that was going on. There have been National Publications come out of the class. There have been two students who had been work shop novelists with him for the last six months that have made it onto the short list for publication on the 2010 schedule of a regional publisher. They were really excited about that. The class was making a big difference.

When Mr. Warnock heard that the Library had compiled a list of titles of books that they wished to have he felt it was something that the literary program could support. He and his wife went to the students and said for every brand new book that was on the Library's list they donated, he and his wife would match that donation. Today they were presenting 20 brand new books as a way to thank the City for hosting this class for the past 20-months and for allowing them to have the conference and the upcoming conference in April and for everything that American Fork provided for them. He added that they wanted to donate in Lori England's honor also because she worked tirelessly in helping them with the conference. There was general applause.

Mayor Thompson expressed that he was happy to accommodate Caleb Warnock today. He would have done this at a regular council meeting but that was when Mr. Warnock was at work. He commended Mr. Warnock for his motivation.

Councilman LeBaron suggested that the list be put on the City's Webpage.

Mayor Thompson asked Melanie Marsh to have the list be put in the newsletter that came out with the utility bills.

Sheena Parker noted that the list included 60 preferred books to add to the library holdings.

Mr. Warnock noted that Barbara Christiansen donated one of the books.

Mayor Thompson commented that it was amazing how people who had a certain skill and a certain interest have no trouble offering a service even if it cost them money to do what they thought was right.

#### DISCUSSION OF ITEMS FOR THE SEPTEMBER 22, 2009 CITY COUNCIL MEETING

Mayor Thompson noted that there would be a Community Service Award and an Employee of the Month. There would be an update on the I-15 CORE Project.

Richard Colborn asked for an amendment to the agenda to include a Class A Beer License to the new store where Albertsons currently was located. Also, Rodizio Grill would like to get an Alcoholic Beverage License. He noted that Albertsons was within 600 feet of a church and a school but a like license had been granted by a previous City Council.

Mayor Thompson agreed to an amended agenda.

Councilmember Rodeback asked for a change to the cover sheet on the Parking Ordinance background on the cover sheet.

Mayor Thompson asked that the cover sheet be exchanged.

#### DISCUSSION OF APPROVAL OF MINUTES

A model Ordinance relating to the approval of minutes as prepared by the Utah League of Cities and Towns was discussed. It is included in these minutes as an **ATTACHMENT**.

Mayor Thompson commented that there was a discussion in Council meeting in which Councilmember Rodeback suggested a change in the minutes as a whole so the context was able to be shown.

Richard Colborn noted that was easy to do, but changes would need to be provided a little bit earlier than what they had been in the past. He asked how much time the Council wanted to have to review the changes. If he had the changes by 5:00 p.m. Monday, he could have them out by Noon on Tuesday. He suggested that the timeframe for sending out the minutes be the same as in the State Law as the minutes would be available in a reasonable time after the meeting.

Mayor Thompson felt that reasonable amount of time was good.

Councilman Gunther commented that in last council meeting Leisa Hatch raised a question about the accuracy of minutes and amendments needed to be verbatim as to what was said.

Mayor Thompson thought that the recording was verbatim and if someone needed the verbatim they could go to the recording.

Councilmember Gunther asked Leisa Hatch what she thought the Council was doing wrong.

Leisa Hatch wanted to refrain from talking about what they were doing wrong right now. On the next agenda there was going to be an open discussion about the June 4, 2009 minutes. She had at home an analysis of those minutes. She was not saying that minutes needed to be verbatim, but when there were minutes that were verbatim from the Recorder and then changes made to that from the Council, that was where she had difficulty. She was not talking specifics, but wanted to see the City have a process in place to protect and preserve the accuracy of the minutes so that it did not violate the public trust in reporting what really happened in the meeting and not what someone hoped happened in the meeting.

Mayor Thompson commented that the model ordinance allowed for input from those other than the Council.

Kasey Wright explained that it was his understanding for the Federal Government for the Congressional Record, a congressman could say what they wanted, and if they said that 'the sky was blue' in the meeting they could come back and say, 'no I said the sky was red.' They could make that change to the minutes. That did not occur here. The State Law says that it has to be of record. It could be clarified. It was a narrow window. Because the minutes were a summary, something could be clarified that was not clear. A little could be added. One could not say anything that was not said in the meeting.

Mayor Thompson expressed that he understood that the first pass of the minutes was the substance in brief. A councilmember cannot amend the minutes to say what they had meant to say, but they could clarify.

Kasey Wright explained that the minutes were a brief summary and not meant to be word for word. The City Recorder did a good job on the minutes, but they could be briefer. It was not meant to be word for word, they had the audio for that.

Richard Colborn noted that they had the audio but under the State Retention schedule it was held for a year and then destroyed unless there was pending litigation.

Councilmember Rodeback asked that corrections to the minutes be in by 5:00 p.m. the day before the meeting so that if anyone had a substantive clarification, the little things were not a problem, then a redline draft could be sent out. That would give them all a chance to look at the changes in context. It prevented any possibility of someone saying that the 'sky is blue' when they had in fact said it was 'red.'

Kasey Wright will work with Councilmember Rodeback on the additional language.

Councilmember Rodeback clarified that if there were minutes on the consent agenda that needed to be changed, a request would be made at the meeting to take it off the consent agenda and address it under the action items.

Kasey Wright referred to the action item on approval of minutes on the agenda and noted that wasn't necessarily an open discussion. It was the Mayor's call.

Richard Colborn asked that Part II, number 6, regarding automatic approval of minutes be deleted.

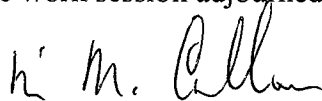
Mayor Thompson asked that it be deleted. The Council agreed.

Kasey Wright commented that if a Councilmember felt they misspoke at the meeting they could clarify at the next meeting. It would be in a new record.

The model ordinance will be ready for the October 13, 2009, City Council agenda.

#### ADJOURNMENT

The work session adjourned at 4:16 p.m.



Richard M. Colborn  
City Recorder

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ESTABLISHING A POLICY AND PROCEDURE FOR THE APPROVAL OF WRITTEN MINUTES FOR THE PUBLIC MEETINGS OF THE CITY COUNCIL AND OTHER PUBLIC BODIES OF THIS MUNICIPALITY**

WHEREAS, the Utah Code 52-4-101 et seq. the Utah Open and Public Meetings Act, requires that written minutes of the meeting of a Public Body be taken; and

WHEREAS, the written minutes of meetings of a Public Body are public documents that constitute the official record of this Municipality and need to be appropriately retained by this Municipality and made available to the public at reasonable times and at reasonable costs; and

WHEREAS, this Municipality desires to ensure that the written minutes of meetings accurately reflect the substance of the deliberations and the actual decisions of the Public Body; and

WHEREAS this Municipality wishes to ensure that the written minutes are accurate by establishing a policy and procedure for the approval of the written minutes before they become the official record of this Municipality; and

WHEREAS, the Utah Open and Public Meetings Act requires this Municipality to establish a policy concerning how written minutes are to be approved by a Public Body of this Municipality.

**NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THIS MUNICIPALITY AS FOLLOWS:**

**SECTION I. DEFINITIONS:** For purposes of this ordinance the following definitions shall apply so long as they are consistent with the definitions of the same terms found in the Utah Open and Public Meetings Act. If a term is defined differently in the Utah Open and Public Meetings Act, the definition found in that Act shall apply:

(1) "Convening" means the calling of a Meeting of a Public Body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that Public Body has jurisdiction or advisory power.

(2) (a) "Meeting" means the convening of a Public Body, with a quorum present, including a workshop or an executive session whether the Meeting is held in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the Public Body has jurisdiction or advisory power.

(b) "Meeting" does not mean:

(i) a chance meeting;

(ii) a social meeting; or

(iii) the convening of a Public Body that has both legislative and executive responsibilities where no public funds are appropriated for expenditure during the time the Public Body is convened and:

(A) the Public Body is convened solely for the discussion or implementation of administrative or operational matters for which no formal action by the Public Body is required; or

(B) the Public Body is convened solely for the discussion or

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implementation of administrative or operational matters that would not come before the Public Body for discussion or action.

(3) "Meeting Clerk" shall mean the City Recorder or Town Clerk (or their acting deputies) for a City or Town Council, or shall mean the person assigned by a Public Body, other than a City or Town Council, to record and to take the written minutes of a Meeting of a Public Body of this Municipality.

(4) "Minutes" of a Meeting is a written record of the Meeting that shall include:

- (a) the date, time, and place of the Meeting;
- (b) the names of members present and absent;
- (c) the substance of all matters proposed, discussed, or decided by the Public Body which may include a summary of comments made by members of the Public Body;
- (d) a record, by individual member, of each vote taken by the Public Body;
- (e) the name of each person who:
  - (i) is not a member of the Public Body; and
  - (ii) after being recognized by the presiding member of the Public Body, provided testimony or comments to the Public Body;
- (f) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(e); and
- (g) any other information that is a record of the proceedings of the Meeting that any member requests be entered in the minutes or recording.

(5) "Proposed Minutes" shall mean the written minutes prepared by the Meeting Clerk that have been given to the members of a Public Body for their review and approval.

(6) (a) "Public Body" means any administrative, advisory, executive, or legislative body of this Municipality that:

- (i) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
- (ii) consists of two or more persons;
- (iii) expends, disburses, or is supported in whole or in part by tax revenue; and
- (iv) is vested with the authority to make decisions regarding the public's

business.

**SECTION II. POLICY FOR APPROVAL OF MINUTES.** The following shall be the policy and procedure for the approval of Minutes for this Municipality.

(1) Written Minutes shall be taken for all public Meetings of any Public Body of this Municipality. The Minutes of all public Meetings of any Public Body of this Municipality shall be recorded and taken down by the Meeting Clerk during the course of any public Meeting of the Public Body.

(2) Within seven working days from the end of the Meeting, the Meeting Clerk shall prepare Proposed Minutes for the Meeting and give a copy of the Proposed Minutes to each member of the Public Body for his or her review and comments.

(3) Once the Proposed Minutes have been given to the members of the Public Body, the Meeting Clerk shall immediately make available to the public the Proposed Written minutes, which shall be a clearly identified as "awaiting formal approval" or "unapproved" or with some other appropriate notice that the Proposed Minutes are subject to change until formally approved

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and they shall become a public document available to any member of the public who requests to read or copy the Proposed Minutes.

(5) The Public Body shall consider the Proposed Minutes for approval at the first Meeting of the Public Body that immediately follows the Meeting Clerk giving the Proposed Minutes to the members of the Public Body. The members of the Public Body shall either approve the proposed written minutes as presented; or vote to correct and amend the proposed written minutes and then approve the corrected and amended written minutes at that Meeting.

(6) If the Public Body fail to consider the Proposed Minutes, or does not take any action to approve the Proposed Minutes at the first Public Meeting held by the Public Body immediately following the Public Body's receipt of the Proposed Minutes from the Meeting Clerk, the Proposed Minutes shall be deemed to have been approved by the Public Body and will stand as proposed.

(7) Once the Proposed Minutes have either been approved by the Public Body, or have been deemed to have been approved by the inaction of the Public Body, they shall become the official record of the proceedings of the Public Body and shall be signed by the Clerk of the Meeting and shall be retained in the official records of this Municipality and shall be a public document available for the inspection and copying by members of the public as appropriate under Utah law.

PART III. This Ordinance shall take effect upon posting or publication as may be required by law.

PASSED AND DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009.

\_\_\_\_\_  
Mayor/Council Chair

Attest:

\_\_\_\_\_  
Recorder/clerk