

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JANUARY 16, 2020; 5:30 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, TOM
DAY, DAWN FITZPATRICK, CLINT MORRIS,
AND DAVE THOMAS**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TERRY COBURN,
TRACY PROBERT, ED FRAZIER, CHAD
WILKINSON, LON CROWELL, AND KIM READ**

The meeting was held in the Council Conference Room of the Layton City Center.

Mayor Petro opened the meeting and turned the time over to Staff.

Alex Jensen, City Manager, introduced Staff to the new City Council.

AGENDA:

OPEN AND PUBLIC MEETINGS ACT TRAINING

Gary Crane, City Attorney, reminded the Council of the training it participated in provided by the Utah League of Cities and Towns, presented by David Church. Layton City was required by Utah Risk Management Mutual Association (URMMA) to provide training to its elected officials.

He shared a presentation with the Council on the following:

- Forms of Government

He cautioned the Council to avoid situations in which they would get “cornered” or make individual commitments to residents.

He informed the Council, the City’s six-member council form of government was established in February 1985 and stated this was the most common form of government used within the state. He indicated this provided the most flexibility in operating a municipality. He explained the difference between Legislative and Administrative powers and reviewed the roles of the City Manager, Mayor, and City Council.

He announced the Mayor was responsible for the flow of the meeting and reviewed the citizen comment portion of the meeting and suggested the Council answer questions, thank them, and move on. He cautioned against engaging in an argument.

Councilmember Bloxham requested clarification on removing an item from the Consent Agenda. Mr. Crane, Mr. Jensen, and Councilmember Day all provided a response and a discussion took place. Mr. Jensen emphasized Staff’s support of the Council.

- Open Meetings

Mr. Crane cautioned the Council against three members of the Council discussing City business and texting each another outside of a properly noticed City Council meeting. Mr. Jensen explained the difference between a meeting and a social occasion.

Mr. Crane reviewed the reasons, as identified in State Code, the Council could convene in a Closed Meeting. He also explained the importance of maintaining confidentiality of items discussed during a

Closed Session.

CONFLICT OF INTEREST TRAINING

Mr. Crane stated information obtained in a Closed Meeting cannot be discussed outside of the Closed Meeting. He cautioned the Council on the following:

- Don't tell secrets
- Don't line your pockets
- Don't sell your vote
- Don't sell your position

He informed the Council, City Policy prohibited Staff from accepting gifts.

Mr. Jensen also cautioned the Council on maintaining confidentiality on items discussed during City Council meetings and shared an example to illustrate his point.

Mr. Crane requested each Councilmember fill out the Conflict of Interest form he provided. He also provided instruction on what a Councilmember should do if he/she believes they have a conflict of interest related to an agenda item on the Council Agenda.

SEXUAL HARASSMENT TRAINING

Mr. Crane announced his time was quickly coming to an end and announced if there was time remaining at the end of the meeting he would continue with his presentation.

MISCELLANEOUS TRAINING

Mr. Crane informed the Council of some of those things which the City had implemented specific to transparency.

Mr. Jensen stated employees would lose their employment with the City for the following reasons:

- Lying or cheating
- Failure of a drug test
- Sexual harassment or other harassment of any kind

He reminded the Council the same standard with regard to harassment would also be applicable to elected officials and shared an example.

Councilmember Day mentioned members of the previous Council had expressed a desire to attend Staff meetings of departments to reinforce the Council's support of the City policy. Mr. Jensen responded either Councilmember Brown and/or Mayor Freitag attended Staff meetings to emphasize the point that they would also be held to the same standard.

DISCUSSION – LIVE STREAMING OF COUNCIL MEETINGS

Mr. Jensen addressed the issue of transparency with the Council and indicated the subject of live streaming Council Meetings had been discussed several times in the past. He informed the Council of the ways in which the City currently provided transparency specific to meeting agendas. He indicated Councilmember Fitzpatrick had suggested the entire agenda packet be placed on the City's website and stated Staff would begin providing the agenda packet which would include the Staff Report and supporting documentation for each agenda item. He added the City would use social media announcing when the packet was available on the City's website.

Councilmember Day believed that same practice should apply to Planning Commission agendas as well. Mr. Jensen responded that practice could also be implemented.

Mr. Jensen continued to review the City's transparency practices by informing the Council that in addition to the detailed minutes drafted by the City Recorder, there was an audio recording of every meeting. He explained the established review process for meeting minutes prior to approval during a City Council meeting.

Additionally, he explained, the verbatim audio recording of the meeting was placed on the City's website within a few days. He continued to explain how each agenda item is "bookmarked" allowing the listener the opportunity to designate which agenda item they want to hear, as opposed to having to listen to the entire meeting from beginning to end. He suggested publicizing this feature would also make the meetings more available to the public.

Ed Frazier, IT Manager, reiterated this was not the first time the "live streaming" media issue had been considered by the City. He informed the Council some cities and counties that had implemented streaming their respective meetings had stopped the practice for a few reasons. He reviewed the different options available in providing the streaming of City Council meetings.

He believed if the City decided to provide the streaming of meetings to the public, it had the responsibility to provide a quality product. He reviewed the different options available and pointed out the deficiencies with each one:

- Use of a webcam at the back of the Council Chambers – one fixed camera focused on the entire Council. He explained it was difficult to identify who was talking and what was being said when watching the meeting. He stated the meetings were then placed on Facebook or YouTube.
- Installation of a video recording system and a member of Staff would operate a camera from the audience focusing the camera on whoever was speaking during the meeting.

He stated the original purchase price Ogden City paid for installation of a video recording system was \$85,000. He indicated once the City created the video recording, it then became a record which would need to be maintained, which would require the City to purchase additional storage on the City's computer server.

He pointed out the issues the Council should consider:

- Body language of those sitting on the dais.
- The ability for the public to re-watch the video multiple times.
- The video recording could be used as a platform for a member of the public to attack the Council as a whole, or a Councilmember individually, or to make untrue statements altogether. He continued if the untrue statements weren't addressed at that time, it could be misconstrued as factual.
- Potential of having the meeting hijacked by a member of the public.
- Members of the public using the available streaming as a platform for their "5-minutes of fame" or the meeting resembling a reality TV show. He reported when one City eliminated live streaming of their meetings for this reason, not one complaint was received; leading the City to believe no one was watching the meeting.
- Since a discussion doesn't always occur, it could be misunderstood the Council hadn't thoroughly vetted each item.
- How the meetings would be broadcast to the public and how long would the City want to archive the video recordings.
- The training associated in moving forward.

He invited the Council to see what other cities were doing and determine if their product met the quality of what would be acceptable for Layton City.

Mayor Petro asked if Facebook was an option. Mr. Frazier responded most cities were using YouTube or Facebook.

Councilmember Fitzpatrick asked about the possibility of using Channel 17. Mr. Jensen responded that was a Comcast product and indicated that was what Ogden City used and there was a fee associated with using that. Mr. Frazier added the only residents that could access the meeting via Channel 17 would be those that subscribed to Comcast.

Mr. Jensen cautioned the Council into believing if the City didn't live stream its meetings, it wasn't being transparent and pointed out the Council had been elected to oversee a large budget. He suggested the Council also consider the efficiency factor associated with live streaming of meetings. He reported many City Managers had indicated the use of cameras during a meeting create a different dynamic amongst members of the Council as well as Staff. He also pointed out how the camera could affect how well the councilmembers articulated their thoughts and spoke fluently during the meeting. He also shared an example of a particular City that had made the decision to eliminate the streaming of meetings because it completely lost control of the Citizen Comment portion of the meeting on the basis of "free speech". He concluded there were many ways to accomplish transparency and suggested there would be pressures and expectations placed on members of the Council. He pointed out the difficult balance of being responsive and open to the public and responsibly managing a one hundred million dollar business to the City's citizens.

He asked if there questions from the Council.

Councilmember Day suggested if the City moved forward with live streaming, all meetings, including work sessions and Planning Commission's work and regular meetings should also be streamed.

Mayor Petro's stated she wanted to know actual costs to the City in moving forward and a discussion followed with Mr. Frazier explaining how Ogden City's meetings were recorded and those related costs.

Councilmember Bloxham asked about ongoing costs associated with Ogden's process and Mr. Frazier stated he didn't have that information.

Mr. Crane asked the Council if it would be interested to know what the listening or viewing rate was for those cities that were currently providing this type of service and the Council responded in the affirmative. Mr. Frazier indicated he had inquired about the number of residents that watched the "live streaming" of the meeting and the appropriate individual wasn't available to provide that figure. He reported Ogden City had, on average, approximately 200 people viewing the subsequent YouTube video. Mayor Petro believed the view rate after the fact increased, otherwise, if it was convenient residents would just come to the City Council meeting.

MAYOR'S REPORT

Mayor Petro briefly reviewed her proposed assignments for each Councilmember's assignments and requested they contact her with any concerns.

She reminded the Council of the Special Meeting with the Legislature on Thursday, January 23, 2020, at 7:30 a.m. and stated if they had specific agenda items for discussion they should be forwarded to either Mr. Crane or Mr. Jensen.

She requested Staff post the Planning Commission vacancy. Mr. Crane requested Councilmember Morris submit a letter of resignation.

She also requested the Council support Staff by attending programs offered by the City.

BUDGET MEETINGS PROCESS

This item was not addressed by the Council.

The meeting adjourned at 6:55 p.m.

Kimberly S Read, City Recorder