

Minutes of the Syracuse Planning Commission Work Session, December 1, 2015

Minutes of the Syracuse City Planning Commission Work Session held on December 1, 2015, at 6:00 p.m., in the Conference Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members:	Ralph Vaughan, Chairman Dale Rackham, Vice Chair TJ Jensen Curt McCuiston Grant Thorson Troy Moultrie
City Employees:	Paul Roberts, City Attorney Stacy Adams, Admin Professional Noah Steele, Planner
City Council:	Councilman Mike Gailey
Excused:	Planner Schow Commissioner Greg Day
Visitors:	Adam Bernard

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1. **Department Business:**
a. City Council Report

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Planner Schow was excused, Stacy Adams stated the Ice Rink is open at Founders Park and will remain open until the first of January and the City Christmas toy drive is accepting gift donations until December 18th.

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Commissioner Jensen stated since Planner Schow had to leave maybe Councilman Gailey could give them a quick rundown of what happened at the last City Council meeting. Councilman Gailey stated there have been some concerns expressed to him personally that he would like to address the Commission about that want to make sure it is clear what his role is at these meetings and what he would like to offer to the Planning Commission. Councilman Gailey wanted to thank the Commission and truly means it and had spoken to the Chairman that when stress is high and when decisions are being made that are high stakes things that sometimes people get into the mode of fight or flight, the adrenaline gets pumping. In that type of a setting people either as individuals depending on different personalities go to flight, becoming quiet, withdraw, do not interact, do not dialog, that is his response to stressful situations. The other one is the fight response, bear teeth, show claws and that is normal physiology and people are not always at their best when adrenaline is flowing really high. The last City Council meeting involving Title X had that type of setting and adrenaline was high and the reason is obvious because it is a very important document. Councilman Gailey stated he has heard it said that he was diengenious in relationship to thanking the Commission and the Committee that worked on it for their hard work during that time period and that is not true. Councilman Gailey stated he admires the product that was presented, it is much simpler and it seems to be managed administratively better than it was before. The only issue he had with it, Commissioner Rackham cleared up later. The Chamber of Commerce was really concerned about the fact that the Council had tied its own hands in relationship to anything under 10 acres and that was the big issue with the Chamber and that was just an honest mistake. The thing that happens sometimes is if someone hears or sees something, that hearing or seeing or that experience triggers personally the telling of the story. As an example tonight when got home from work he noticed his wife had cut and colored her hair and automatically he began to tell himself a story in his head, and these thoughts made him feel a certain way and he acted on those thoughts and feelings, being uncertain did she like it, did she not, what do I do, she appeared to be happy with it, so pretended for a moment that she is happy and feel happy for her which triggers his response. We all tell ourselves stories relating to situations and other people, just like seeing a small child with candy in his hand walking out of a store without an adult, you tell yourself a story, everyone is guilty of telling ourselves stories that make us feel a certain way that allow us to act the way we did that is a normal physiological response. What he would like to offer the Commission is an ear that hears and an ear that listens and even though his normal nature is not to get aggressive and may need some drawing out when things get really aggressive and may retreat and get silent and when people go to silence there is a lot lost in that setting. The big issue at the last City Council meeting regarding Title X and the Council has meet since that time and are considering the possibility of maybe a second read of things as a City Council that would have given them an opportunity to have reviewed things that maybe would not have had such a big issue. Councilman Gailey thanked Commissioner Rackham for the sterling product, Title X is a sterling product, and it is a great, great thing, so grateful for those who served on the committee. Councilman Gailey wrote all the committee members to thank them, one email address did return undeliverable.

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Commissioner Jensen asked Councilman Gailey to comment on the retreat they had and the meeting on November 20th that recertified the canvas. Councilman Gailey stated they held a retreat on November 17th, City Manager Bovero and the Administration did a wonderful job of leading the Council and the Council elect into a discussion of where they want to

go from here. They spent some time over the weekend, individually several hours, going through a survey that was presented wanting to know the opinions of the Council as to what they considered affordable, revamped the City mission statement slightly and out of that came some really great things and suspect that at the first of the year the Mayor and the City Manager will get the City Council and the Planning Commission together for a joint meeting to review and discuss the results. Councilman Gailey stated he personally got to know the new Councilmembers and was very impressed. They will be sharing the information from the retreat with the Commission, including a discussion on the North Davis Corridor going through on how to bring the city together instead of dividing it and believes the Planning Commission should be a part of the discussion. They went for a walk around Buffalo Point and walked to the top of the precipice down towards the bay. Councilman Gailey stated the retreat was very productive and successful and well done and felt really good after.

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Commissioner Jensen asked about the recertification of the election results. Councilman Gailey stated the vote was close enough that Doug Peterson felt that he would like to have a recount of the votes. That was recertified on Friday, 10 days after the vote. Present in the meeting was Dave Maughan and Dough Peterson and Corrine Bolduc, Karianne Lisonbee and Craig Johnson had prior engagements and once the vote was recertified the difference was 1 vote up and 1 vote down in two cases and the County is looking into it because they want to look and see and go back through all the ballots to figure out how that varied by that much, by one vote. The election did not change, the results were the same.

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Councilman Gailey stated he would like to sit down with Chairman Vaughan sometime and develop a protocol, like to be of service to the Commission, would like to have a corridor which they can have a better understanding of what is going on in the City Council and that the City Council can have a better understanding of what they are doing and would like to discuss what his role is and how he can be of service to the Chair. Councilman Gailey stated he is so grateful for what the commission does. Councilman Gailey stated the updates to Title X and the General Plan Map had good improvements and spoke with some of the residents in the last Commission meeting and nobody left upset over the decisions that were made and what he heard was a sensitive ear to lots of residents.

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Commissioner Jensen stated it is up to the City Council but would like to propose that the Council consider the January 19th meeting as the joint meeting. Councilman Gailey stated he would take that back to the Council, but would like to put things on hold until the new Council is seated.

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b. City Attorney Updates

Commissioner Jensen stated before they get into the Bylaws review something that the last couple of City Attorneys had been doing was provide the Commission with training and the Attorneys would come up with some topical items to basically educate the Planning Commission on things that would be relevant to what they would do and wondered if that is something the City Attorney would like to do as well. City Attorney Roberts asked if that is something the Planning Commission would like him to do. Commissioner Jensen stated he wasn't sure if other Commissioners felt it was valuable but he liked having the training. Commissioner Vaughan agreed and thinks they should give free reign to the City Attorney when he sees something that comes across his desk that they should be aware of is welcome to come to the Commission. Commissioner Jensen stated he thought they were expected to get some training throughout the year and not all Commissioners attend the ULCD conferences and so the Attorney is a great channel to provide some of that training. City Attorney stated he could prepare some items for the Planning Commission, he was aware of open meetings training and ethics training that is an annual requirement but is happy to get some land use issues together.

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City Attorney Roberts stated at a prior meeting they had discussed Bylaw changes and went through the Bylaws and identified some areas where they could potentially make some changes. Looking at the code the Planning Commission would make the recommendation for the City Council to approve. One item that was discussed was election of Chair and Vice Chair regarding moving the election from early July to late June, section II A. Commissioner Vaughan stated the idea for suggesting that would be that when they have had the election in July with the newly seated Commissioners they really don't know who the other players are and they are kind of voting in a vacuum, unfortunately it has been a pattern in the past that very few appointees to the Planning Commission come and sit into the meetings and watch them in advance of their appointment taking place, so by having the older established Commission they would have a better idea of seeing how everyone performed and contributed and who they think would be a good Chairman for the next year.

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Commissioner McCuiston stated he would propose to move it to early June that way they had a buffer of one Planning Commission meeting in case something happens and they can't take care of that item of business, run late or out of time give them two shots or bites at the apple and move it to early June effective early July.

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Commissioner Jensen stated he has a couple issues with that the reason they do it in July is they do not know what their membership is going to be until the Mayor appoints and having been on the Commission for a while now they have run into a situation once or twice where the new appointees were not appointed by July 1st, in fact one year it went into late August early September before their seats were filled and so while does not like the idea of Commissioners that are on their way out voting for the new Chairman, that rubs him wrong, think it needs to be the current body choosing the current Chairman, think that the July 1st date or the first meeting in July is problematic for a couple reasons. One, they might not have new Commissioners on board yet if they City council hasn't appointed the new ones, may have some

Commissioners that are asked to serve until their seat is filled and they may chose not to do that, certainly the current City code allows them to serve until the end of their term plus until replacement is actually chosen and so some have served an extra month or two. The issue with the first meeting in July it is the holiday weekend, July 4th, and some Commissioners would probably rather be planning their holiday than voting on a new Chairman. Maybe relax that requirement and say the Chairman may be chosen in July to give them an opportunity to do that at their second meeting if unable to do that at the first meeting in July, if they don't have a sufficient quorum or whatever reason. As far as going to June, Other Commissioners might be in favor of it, don't like that idea and think that is going in the wrong direction. Does like the idea of having new Commissioner getting an opportunity to get to know who is on the Commission and think that if they can postpone the Chairman vote because the Chairman is staying on board for another year for a meeting or two think that is enough time for the new Commissioners to get to know who is on the Commission and have a more informed decision as to who is chosen.

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Commissioner McCuiston stated he understands the desire to have the current sitting body make the vote but in the event when the new Planning Commissioners come on board after just one meeting they really can't develop a good sense of who each personality might be, so what ends up happening is the newer members just follow along with the group which kind of negates their input. So proposes to either move it early June or have a fully competent body that understands the issues and the personnel involved or move it to the end of the physical year maybe the end of December or last meeting in December and have the vote then, that way the new Planning Commissioners coming on board have had 6 months to be able to get to know everyone and can make a competent decision.

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Commissioner Jensen asked how about 3 months. Commissioner McCuiston stated that seems a little unorthodox to have a decision made in September or October, but that gives them a little time. Would prefer to have something more substantial like the end of the year going into a new year, kind of a clean break type of thing, but not vehemently opposed to the 3 month idea.

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Commissioner Vaughan stated basically 3 ideas for trying to do the right thing. Commissioner Thorson stated he thinks it would be best to move it to January and do it by calendar year. Doesn't like the idea of an outgoing Commission leaving a legacy chairman and so would leave it in July rather than move it to June. But would prefer to move it to January just for the reasons stated that they get to know the people. When he came into the Commission this year, there was zero discussion. It was a nominee, one nominee for each, no discussion and a vote. There was not even an opportunity, there wasn't even a give a one minute what they would do, how they would do it and usually there are one or two Commissioners that change a year anyway, so they really would have a majority that didn't know what they are voting for and would not agree on moving it to June, would agree with moving it to January and offset that process.

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Commissioner Moultrie stated he sees both points and doesn't know if having new Commissioners choose who should be Chair or Vice Chair because they just don't know the individuals. The Chairs going out, they would have more understanding or know of the individual character of who they are putting place. Not opposed to January but definitely opposed for the new Commissioners choosing who would be Chair or Vice Chair.

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Commissioner Vaughan stated one of the other options they have is to just leave things status quo until potentially they have a joint meeting with the City Council. Obviously they read the minutes and can see this and hopefully will have an opportunity to think about it and perhaps have a suggestion. After all they are the ones that officially approve the Bylaws for the Planning Commission even if they did change it to late June, if the City Council chose they could turn it down or change it to some other time or what they wanted to.

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Commissioner Rackham stated understanding sides of it and dealt with it for a few years, sees both advantages and disadvantages to all of them and his thought is either leave it as is or move it to January. Commissioner Jensen agreed with both those even though January can be a little long, but as long as they have some mechanism written in so if the Chairman is replaced July 1st then they can replace him at that point, think the Bylaws allow but want to make sure that is covered.

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Commissioner Vaughan stated there is great wisdom in collective decision makings at this point maybe they should leave it the way it is, status quo and then think about the other things and it is something they can always come back to, there is no gun to their heads so they do not need to make a decision either way and if it goes quietly into the night that is what happens and it can always be brought up at a later time. Commissioner Rackham stated they have a few dates proposed so he says through one out, 1st meeting in January and take a straw poll and see what they get. If they want to do it sometime in June, see what ya get, let's see if the other Commissioners are willing to go along with one of those dates. Commissioner Vaughan stated he has no objections his one concern is having it at the end of June or the beginning of July where they do not have an informed body, so there a strong argument for January. Commissioner Jensen stated his other issue is with that, if they have an experienced Commissioner that is returning might come in and might elect the Chair right off and doesn't want to cut off the new members to the opportunity to be Chair as well, which is a rare case but it is possible. Commissioner Rackham stated they would only have a 6 month wait. Commissioner Jensen stated he is not opposed to January and thinks it is not a bad choice.

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Commissioner Vaughan stated for the sake of discussion how does the Commission feel about January. All Commissioners were in favor of moving the election to January. Commissioner Vaughan stated they could tentatively move their election to January. Commissioner Jensen made the recommendation that if these changes are made in February and the City Council approves it, that they have their election at that time. City Attorney Roberts stated they could do that, he hates to write it into the Bylaws, but there is a way they could do that. Commissioner Jensen stated they could just have that added as part of the adoption of the updated Bylaws that the Planning Commission would have their election for Chairman immediately and then henceforth 1st meeting in January. City Attorney Roberts stated the direction he is getting from the meeting tonight he will get a draft together with the changes and bring them back at their meeting in January and can be ironed out at that point.

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City Attorney Roberts stated the next section II E & IV G, in reference to the duties of the Planning Commission Secretary, wanted to make it affirmatively very clear that if someone brings in a power point or bring in some document that it does need to get into the record and sometimes people bring in a power point, plug in their laptop, they display what they do and then they take the laptop away and we lose the ability to capture that. So this makes it really clear that the Planning Commission Secretary would be responsible to collect those documents and sort of be on the ball in getting the flash drive or I need them to email the power point to make sure the record put together. This happens occasionally and this would be one way to prevent that.

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Commissioner Vaughan asked what time frame in advance of the meeting. City Attorney Roberts stated during the meeting. Commissioner Jensen stated or leading up to the meeting, they could drop it off. City Attorney Roberts agreed, that could be added to the checklist for the applicant, to provide copies of any documents they will be presenting at the meeting in advance. City Attorney Roberts stated he will also be discussing deadlines for changes to items in section IV. Commissioner Jensen stated there is a Planning Commission Secretary but who that is, isn't necessarily spelled out as far as the City hierarchy and in the past it has always been the Administrative Assistant or whoever sits in the staff chair that handles all the documents of the Planning Commission, so it would be a good idea to formalize that position and define that. As far as citizens bringing physical copies of things into the meetings and is all for making sure that they get a copy of that for the record and the minutes. Think the Commissioners understand if it is something they get at the last minute they need to consider it as such, believes they are intelligent enough to look at stuff for what it is and if they have a question with it, question the authenticity, as a Commission they can always table the decision if they think it is important. When it was originally proposed they were proposing electronic copies of everything and there are just some documents that they won't have an electronic copy of, such as an old plat map or something that can be scanned in that the citizen did not have the ability to do so.

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Commissioner Vaughan agreed that it should also come through staff because if it sent to the Commission directly then in some ways it could be considered an ex parte communication. Commissioner Jensen stated he doesn't have a problem with citizens emailing Commissioners concerns that is kind of the point of them having emails, but think that they need to make sure that those do get into the public record in some way that the Planning Commission would submit and making sure a copy goes to the Secretary. City Attorney Roberts stated as long as it all gets into the record so if the Planning Commission does have communication with someone on a particular application make sure to submit that in the record that they received an email or a phone call or something like that. If someone tries to talk to the Commission on an issue, also invite them to the hearing and be on record or submit something in writing, it is better than a phone call conversation to try to convey at a later time. Especially if it is an applicant who has an application denied, there are going to challenge that. Commissioner Jensen stated as Commissioners it is their job to disclose those conversations, it is in their interest that whenever they have a conversation like that to make sure it is on the public record.

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City Attorney Roberts stated in section III A, Meeting Attendance, there has been some questions regarding whether they wanted to set up a standard, obviously they want everyone to be at every meeting but they know that is not realistic to make it mandatory because things come up. There was some question about should there be consequence for not coming, if they miss so many meetings is there a standing motion that would then be removed or it is sort of up in the air. It is up to the Commission as a body how often should they be attending and at what point is it an unacceptable level of absenteeism.

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Commissioner Rackham stated in the sentence 'any member desiring to be excused will notify the secretary and/or chair' think that should be changed to 'shall' notify and then add another sentence at the end of the paragraph that says 'unexcused absences may be cause for removal from Planning Commission' and leave it at that because later on it does talk about if the Mayor wants to remove a Commissioner or how to be removed.

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Commissioner McCuiston stated he likes that addition but doesn't know how they would ever, even excused absences are disruptive so too many of those starts to really cause the dynamic to shift in the Planning Commission and doesn't know if they need to have a mandatory of excused absences. Commissioner Rackham said he was making him feel guilty. Commissioner McCuiston stated he was excused from the last meeting so he understands but is that

something they want to look at too. Commissioner Rackham stated in there it talks about there are two ways, the Planning Commission can vote as a majority or the Mayor can do it but this gives them something to justify it by.

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Commissioner Moultrie stated what if they added something like more than 2 in a quarter or something. Commissioner Rackham stated life happens, that's why he was very careful to say 'may be cause for' and there are legitimate reasons. Commissioner Moultrie stated there are legitimate reasons, for as an example all of May he was absent for medical reasons. Commissioner Rackham stated all this is talking about is basically to notify someone that Commissioners are not going to attend. Commissioner Thorson asked if that was the only paragraph that addressed attendance. Commissioner Vaughan stated IV F quorum, meeting attendance and quorum go hand in glove. City Attorney Roberts stated also III D, Commissioner Removal, 'continuous unjustified nonattendance of Planning Commission work meetings and/or regular' meetings is one of the grounds for removal. Commissioner McCuiston stated then he is fine with the changes Commissioner Rackham proposed.

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Commissioner Jensen stated a good example was Commissioner Vaughan's family emergency when he was completely focused on his family and forgot to notify the Planning Commission that he would not make it, which is a totally justified reason and in those type of instance think they need to be lenient. If someone is just not showing up and at the next meeting are asked why they didn't send an email and they state they forgot, don't think that is acceptable, even if it was a work meeting, unless it is a crisis situation or that threshold, does have a problem with that. The thing that they need to understand is whatever criteria they set, what is binding is what, they serve at the pleasure of the Mayor at the consent of the City Council so if the Mayor asks for someone to be removed but the City Council does not consent to that removal, the person stays. It is the Mayor prerogative to put names up for removal or for appointment, but it is the Council that makes that recommendation. As to repeated attendance, under section III D unjustified nonattendance, the Commission is in the situation now where they have had multiple meetings where only 4 Commissioners have shown up. Doesn't have an issue even if a Commissioner misses 2 months in a row for a work situation if they can come back to the Commission and say look this was a onetime thing for work related travel and this will probably never happen again, that one little period in 4 years is fine, but if it is something that is reoccurring throughout their term that is the threshold they need to look at, not just the short term. Certainly would like to see something, just don't know how they would phrase it, because there is one Commissioner on this body who has missed a lot of meetings lately, don't want to be unfair to him but he is not present tonight, that would be Commissioner Day and he may have his reasons for that. Almost wouldn't mind seeing some language that if a Commissioner feels that he is unable to meet his obligations, he should be expected to submit a resignation or some language like that, it would be a Commissioner's option, they could reevaluate whether they feel they can serve and a resignation isn't calling anyone out, if there is some sort of language could be added to the Bylaws to phrase that.

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City Attorney Roberts stated they could add the language may in there and rather than encouraging through the Bylaws to resign, just say a Commissioner may resign if they feel that they are not able to meet their obligations or attend meetings. Commissioner Rackham stated that would better in Section III D, Commissioner Removal. Commissioner Thorson stated he doesn't have a problem adding different verbiage there that has been proposed but the problem isn't the wording in the Bylaws. The problem is that when it actually comes to being disappointed in the attendance of a member, as a Commission they are not willing to vote to remove them or recommend removal. The wording is all in there, if they decide to vote to remove Commissioner Thorson, they can, or to recommend to the Mayor to ask the City Council, it is all in there, the wording is okay, it is just that they are too nice, that is the bottom line. They don't want to offend someone and so they want to put a line of here is the line where they are offended in the Bylaws and they aren't going to follow that line honestly, they aren't going to decide that someone missed 3 meetings last month and now they are out and not feel bad about it. Doesn't have a problem with the way the Bylaws are now, wouldn't mind seeing something that as a goal they should make 80% or 90% attendance, in the Bylaws that every Commissioner is expected to attend 80% or 90% as a goal that they each can monitor, that if they miss 3 times for work and needs to tell work to hold off or needs to get out, including the goal. The wording is all in there for the Commission to solve the problem but the problem isn't the wording, the problem is they are too nice.

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City Attorney Roberts stated if they did put in objective standard, if they did put in a number or a percentage that would alleviate some of the guilt the Commission might feel and if it is in the Bylaws and someone hits the percentage cutoff and not attending half the time. Commissioner Jensen stated they have 24 meetings in a year, so that would be 2.4 meetings for 10%, 4.8 for 20%, they could probably put some language in there that if a Commissioner's attendance falls below 80% for the year that the Planning Commission shall at that point review or consider whether that is grounds for removal or not. Commissioner Rackham asked he wanted to add that to Section III A or D. Commissioner Jensen stated section III D, Commissioner Removal. Commissioner Rackham wanted to discuss section III A, first. Commissioner Thorson stated he would add in III A, each Commissioner is expected to attend. Commissioner Rackham stated it would be better in section III D. Commissioner Thorson stated D is the enforcement side and A is the job description side. Commissioner Jensen stated they could add it in both as long as they mirror each other.

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Commissioner Jensen asked if the other Commissioners were good with 80% attendance, missing 4.6 meetings out of a year. Commissioner Thorson stated that is hard to beat. Commissioner Vaughan stated he believes the main

objective is to maintain the integrity of the Commission, the Commission is supposed to have 7 active members. Does not think it looks good as a body when they are making some of the most important decisions that the City is making with only 4 members in attendance. Commissioner Jensen stated basically what he is proposing that if a Commissioner has missed 5 meetings in a year period that is when the Commission needs to look at it and it is not an automatic removal at that point but they at least need to discuss it. Commissioner Vaughan stated the meeting attendance has come to the attention of some members of the City Council, they have not discussed it as an agenda item that is aware of but they are aware that sometimes the Planning Commission is not doing as well in filling all the chairs that they should and am sure they have their own opinions on that. Do not believe any one of Commissioners thinks it would be possible to vote anyone off unless they did something illegal. Commissioner Jensen stated getting into the arbitrary issues that if there is a standard that everyone objectionably has to meet that is fine, instead of kicking out someone they don't like who doesn't show up verses someone they do like who also is not showing but keep him, those are the situations he wants to avoid. Commissioner Vaughan agreed and stated he missed a meeting in June and had a medical emergency and failed to contact the Planning Commission. Commissioner Rackham agreed and stated that is why the language proposed was 'may'. Commissioner Vaughan stated thinks the idea is they want to have as many people attending the meetings as they possibly can because everything that comes before them is important and they are the funnel, the sift for the City Council.

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Commissioner Thorson stated he is not ashamed to only have 4 people present. That is what the rules say, the rules say 4, they have 4, they meet the obligation. Does not disagree they should have more but is not offended is they only have 4 present and not going to accept blame for only 4, that is what the rules say. If they don't like it, they can change the rules but 4 is the rule. If they meet the rule be happy about it, if the rules stink then let's change the rules. Commissioner Jensen stated if a Commissioner forgoes decision making for that meeting by not attending then they have already, it is almost like they don't care but they have removed themselves from the decision by not showing up. City Attorney Roberts stated he can put in some draft language, very tentative.

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City Attorney Roberts stated next section III B, Conflict of Interest. What is in this section is a bit more than what is in State Code and not sure if that was deliberate, State Code has basically a disclosure requirement, if there is a conflict of interest in the State Code you would disclose it and then can participate if want. In the Bylaws it states a Commissioner is not allowed to participate in the action that have to abstain from voting and discussion if there is a conflict of interest. Some options are to go lock-step with State Code and just have a section that states will comply with the State Municipal Employee and Elected Officers Act. If do not go that route, think it would be helpful to have some definitions for this section. For instance, participating in the action, not sure what that means does that mean take no part from the very beginning sort of the nexus to the end or as soon as become aware of the conflict withdraw one's self, discussion and voting would be good to have definitions on those as well. Also states they can sit in the audience, or could they stay seated in their chair that is up to the Commission.

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Commissioner Jensen stated there are 3 Commissioner who were appointed when the Bylaws were approved. For the benefit of the City Attorney, the reason they wrote the bylaws the way they are was at the time the ULCT was giving direction that if there is a conflict of interest should not be involved in the decision because that gives a point of weakness for the City as far as litigation is concerned. However they wanted to give enough wiggle room so that if an applicant was putting a garage or accessory building on their house and they did not have anyone else to represent them they wanted to give them a channel, as long as they weren't up at the podium as a petitioner, petitioning the Commission but still have the ability to do that, yet encouraging them to have other people do it. They wanted to make sure the Commissioners had some sort of mechanism to still be able to address the Commission but did not want them on the dais, did not want them involved in the discussion, if they had declared the conflict of interest. Under section III B, 2 'A Planning Commissioner experiencing, in their opinion, a conflict of interest' that comes down to a personal Commissioner's call whether thinks there is a conflict of interest or not, it is not up to the body, it is up to the individual Commissioner.

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City Attorney Roberts asked the Commission if they wanted to leave it as it is. Commissioner Jensen stated he would like to see the definitions he had proposed. Commissioner Thorson stated he would like to see the State definitions, section III B, 1 could argue that any one of the Commissioner's has a conflict on everything by virtue of being a citizen of City and neighborhoods, the definitions in the Bylaws are really vague and would like to go towards the State law. City Attorney Roberts stated they can tighten it up a bit, since the language is a bit vague. Commissioner Thorson stated any person related to or friend or group or associations, that opens it up that if someone doesn't like them, they have a conflict, so would move towards the State rules rather than that open. Commissioner McCuiston stated it looks suspiciously like legacy or blood, somebody got stung by something at one point so they put something in and before they know it the paragraph became longer and longer and agrees taking in step with the State Code is the most prudent. Commissioner Jensen stated the State Code gives them a lot more latitude but thinks they were deliberately trying to tighten it up a little bit and believes the City Council has similar Bylaws as to the Planning Commission as to conflict of interest. City Attorney Roberts stated he can tone down paragraph 1 a little bit, trying to be a little more focused on what they are talking about and not such a broad brush. Commissioner Thorson stated he would like to see exactly what the State Code says and see that. Commissioner Vaughan stated the State Code is a nice fall back but thinks on a more local level is not only must they avoid impropriety but must also avoid the appearance of impropriety and his own personal feeling and has done it in the past, if it may look in any way, shape or form that he might be compromised, it is his duty to step down, even though knows he can be fair, knows can be fair, it is the people out there. Commissioner Thorson stated

the problem comes with someone else who disagrees with them, if they think you have a conflict and don't think there is a conflict, like an application being approved. Commissioner Vaughan stated it would have to have some sort of showing or cause behind it to make a challenge, if it was unwarranted, it wouldn't stand and believes the City Attorney would back them up on that, if there is any possible appearance then they have to stand down. Commissioner Jensen stated something they have done as matter of course whenever they had the weird situations where an applicant is 2 doors down from a Commissioner not immediately adjacent but in the neighborhood, Commissioners will often notify the other Commissioners regarding the possible conflict and let the other Commissioners decide and if the Commission as a whole does not have a problem with them remaining at the dais that might give them enough legal protection, not sure, it is not in the Bylaws . City Attorney Roberts stated it doesn't hurt, it shows at least they are conscious of it and sensitive to the potential bad feelings someone might have and then having the body decide, there is no problem doing that and could add that to the Bylaws if the Commission wanted to. Commissioner Vaughan stated if any of them had a concern over a conflict of interest and call upon the opinion of the City Attorney whatever he says, goes. Commissioner Jensen stated there have been a couple gray situations and has sat down with a previous City Attorney in regards to the location of property owned and having a sit down with the City Attorney before a meeting is very valuable since the City could be challenged but more specifically the Commissioner could be sued and could become the target of a lawsuit in the City.

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City Attorney Roberts stated in those cases where they do want an opinion as long as the Commissioner is the one coming to him is fine to talk with them about it, what he doesn't want to do is have one Commissioner point at the other and say he is being unethical and ask for an opinion, that can be pretty detrimental in relationships with the Commission as a body, if it is self-initiated that is fine but if it not will most likely recuse himself from the issue.

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City Attorney Roberts stated he can forward the Commission a copy of the State municipal Ethics Act to review what the floor is basically for ethics within the State and then tinker with paragraph 1 a little bit and get some definitions in and if the Commission likes them great, if not don't worry about it.

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Commissioner Rackham stated on Section III C, Gifts and Favors, where it says 'gifts, favors or advantages must not be accepted' think it should be 'or advantages should not be accepted' and strike out the rest of the sentence and replace that 'in connections with the duties of the Planning Commission.' Also, paragraph C, 1 in his opinion that should be stricken. Commissioner Jensen stated occasionally ULCT gives them free stuff at training and that could be considered a gift and ULCT lobbying them for their decisions in a way and they know it is not but think that is one of the reasons that paragraph is not so bad. Commissioner McCuiston stated paragraph C kind of gives direction to new Planning Commissioners as to what they should consider and keep in mind when confronted with that situation. Because when they do go to the panning meetings they do have lunch there, they do have other things there. Commissioner Vaughan stated in paragraph C and C, 1 the last two sentences are classic and should be adopted as far as a conflict of interest. In case of doubt, recuse. In cases of marginal doubt, recuse. Commissioner Vaughan stated he is inclined to go with the direction of the City Attorney. Commissioner Jensen stated he likes Commissioner Rackham's changes to the first paragraph, thinks 1 should stay, most of the Commissioners know this but it has some value for the new Commissioners to read that.

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City Attorney Roberts asked if the main concern that they might have an applicant or someone who is a potential applicant who is going to give them a gift, they could limit it to or have a specific sentence that they don't accept any sort of gifts whether it is bric-a-brac or a pencil from an applicant or a potential applicant maybe that would cover, believes that is what the goal of that paragraph was. Commissioner Jensen stated this is what they came with from what the State Code specifies, since State Code also talks about this. City Attorney Roberts stated State Code does have provisions that says as long as it is a nonpecuniary occasional gift of a value of less than 50 dollars the State Code doesn't apply, the City can go above and beyond that if want, that is the baseline for employees and Officers. Commissioner Vaughan stated if he could work that language in that might make it clearer.

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Commissioner Jensen stated since they talked about Commissioner Removal and changed paragraph A, maybe add language to the end of paragraph D, 1 'attendance that falls below 80% in a year can be considered as a threshold for removal' or however they want to phrase that. That is 5 meetings out of 24 so that is getting significant, that is almost a quarter of the meetings. City Attorney Roberts asked if that was excused meetings or just attendance period. Commissioner Jensen stated attendance period, if they are making three quarters of their meetings that is marginal if they are not maybe it would be better served to have someone else on the Commission. It is still up to the Commission that would just be the trigger threshold. Commissioner Rackham stated his only concern with that is now they set a limit and so now they are given free range to push it to that limit. Commissioner Jensen stated it is a concern but they do need to have some threshold somewhere. There are arguments both ways, if they don't have a standard and they have a Commissioner miss a third of the meeting that is problematic and it has been problematic, certainly 4 people can make a decision but there have been a couple times where they haven't even had 4 in attendance. Commissioner Rackham stated he is not opposed to some language but just need to be very careful how it is worded. City Attorney Roberts stated he will keep working on it. It is an important thing and knows the Council is interested in this too, so whatever deliberation they can put into this and come up with the best solution that works best for the Commission and thinks the Council will appreciate that.

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Commissioner Jensen stated they could also add language that states if a Commissioner falls below 80% you are immediately get scheduled a meeting with the Mayor to discuss it, since it will be the Mayor's recommendation. Commissioner Rackham stated that isn't a bad idea. Commissioner Rackham stated Section III E, Treatment of Information, numbers 1, 2 & 3 with the Planning Commission being an open public book where everything is recorded and everything is documented not sure 1, 2 or 3 have much relevance to them. City Attorney Roberts stated under GRAMA there may be some Planning documents that they could keep as confidential they could submit to the City, don't know if they would be submitted for the Planning Commission's review, would not get those confidential documents as a Planning Commission. Commissioner Jensen stated the one that they worry about and have had an issue with in the past, staff had submitted applications as part of the packet which included name, address, phone number and social security number and that is information that the Planning Commission doesn't need or should be public record. City Attorney Roberts stated that information should be redacted before it goes in the packet. Commissioner Rackham stated he wanted to amend the numbers, he meant paragraphs 2 & 3 that didn't apply, paragraph 1 is fine. City Attorney Roberts he can work on that section. Commissioner Thorson stated an example would be if a subdivision or a commercial development and they were asked to do a traffic study and parts of that traffic study were proprietary as far as the methods or a \$20,000 traffic study on an intersection and then a property kiddy corner says that is public information and wants to use that, they might not agree. Commissioner Rackham stated they are only going to see what is in the packet and presented to them, not how they did the study. City Attorney Roberts stated they can probably shorten it down to one paragraph with language that says private, controlled or protected records are governed by GRAMA and not public and then if it does come up they can fall back on GRAMA.

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City Attorney Roberts stated section IV, cancelation of meetings and thought they could address that in a rule where the majority could cancel it if it the meeting before with a majority vote or if there are no agenda items, which has been done before by the Chairman. Commissioner Jensen states that is how the have been doing it. City Attorney Roberts stated they could add it to the Bylaws, giving the Chairman the ability to cancel the meeting if there are no items coming up from the Planning Department and also if the Commission by majority vote wants to cancel the next meeting in meetings. Commissioner Jensen stated he just wants to make sure they have circumstances for when they may call of that next meeting, wants to avoid just calling off a meeting even if there are applications just because don't want to meet. Commissioner Moultrie stated he thinks they are all responsible enough that they wouldn't do that but if there are no agenda items it would be okay for the Chairman to cancel. Commissioner Vaughan stated with the experience they have with any sitting Chair and past Chairman on the body there is a little bit of understanding where this is kind of nice to have the decision vested in the Chair because the Chair works closer with staff than the rest of the Commission does and sometimes have a little more intimate knowledge of what is going and what needs to be done as far as time, work and coordinating with things being able to forwarded on to the Council and think it would be a good thing to have in the Bylaws and would like to hear the past Chairman's opinion on that same thing. Commissioner Jensen stated essential as Chairman his philosophy was the Planning Commission is a pretty important body so if there absolutely was nothing for the next meeting, would cancel it but if there was even one items, unless it was really minor would basically try to encourage keeping the meetings going since they only meet 24 times out of the year which sounds like a lot until they are in the middle of the year. Having an applicant wait 2 weeks just because they don't want to meet is problematic especially since they've got a timeline involved with any application and setting an applicant back 2 weeks can be a big deal sometimes. Commissioner McCuiston stated they have already looked at their 2016 schedule and cancelled the last meeting in December and put a question mark on the November election day meeting, they have already cancelled those meetings and should have the option to do it. Commissioner Thorson asked what the law is on how often they meet, on a previous Commission he sat on when development was slow they bumped the meetings to once a month just because there wasn't enough to justify, the cost of the meeting is several hundreds of dollars and to justify a meeting they had to bump applications to monthly, is there a rule for how often they have to meet and they meet twice a month to facilitate business. Commissioner Jensen stated that would be a Title III item. Commissioner Thorson stated they have to meet that requirement and they could cancel even if they are putting off applications as long as they meet the requirement if the Commission all agrees.

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Commissioner Rackham stated during their tenure on the Commission, 3 of them have attended 1 unscheduled meeting that they actually voted on, so if the language in section IV, D changing to regular scheduled meetings, does that mean there are no unscheduled meetings. City Attorney Roberts stated a regularly scheduled meeting which could be a work meeting and they don't normally vote at a work meeting so making it clear that it would be at a regular, business meeting. Commissioner Rackham stated it was a regular meeting, they voted to have an extra meeting that month because the workload was busy. So if they change the language to just reference regular meetings and unscheduled meetings are they not able to have any unscheduled meetings. City Attorney Roberts stated no they would have to schedule the unscheduled meetings during a regular meeting, not a work meeting. Commissioner Jensen stated essentially a regular scheduled meeting is something that is on the calendar. A regular meeting is specific language the Commission uses to vote, work session they really don't do any binding decisions, so it would be a regular meeting where they vote. Commissioner Vaughan stated one example would be if they timed out and they extended the meeting to 10 o'clock or later and people had to leave in that case they would still like to conduct business and the only way to do that would be to have a special scheduled meeting, an unscheduled meeting. City Attorney Roberts stated it is a minor change, they have the term of a regular meeting and the term of a work meeting and then they have regularly scheduled

meeting and is not really defined, just correcting the term. Unless they want to have the ability to schedule in a work meeting, they could put that in the Bylaws. Commissioner Jensen stated sometimes they do have a discussion in work session and decide in work session that they want to have that next meeting and sometimes they aren't making that decision in regular meetings, they have done that a couple times, they have a discussion in work session and vote on it in work session because it was not on the regular meeting agenda. City Attorney Roberts stated that was up to the Commission if they want to add the language that all the Commissioners in attendance at any meeting. Commissioner Rackham stated he is okay if they make the verbiage like the other paragraph and just call it a regular meeting.

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Commissioner Jensen asked about joint sessions and nothing in the Bylaws preventing the Planning Commission asking the City Council if they would like to have a joint meeting, there is nothing stopping them from doing that. City Attorney Roberts stated no they can always ask.

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City Attorney Roberts section IV, F, Quorum 'Four members of the Commission shall constitute a quorum thereof for the transaction of all business.' Removing the last part of the sentence, that just takes away the unanimous consent of all members required, or remove that and have the majority be the rule. In unscheduled meetings it does require a unanimous vote. Commissioner Jensen stated that is why they put that there to extend a meeting. City Attorney Roberts stated if they wanted to change that, they could, not saying they should, just a policy question for the Commission. Commissioner Rackham stated there is also one required for withdrawing a motion in V, C, where it is required unanimous. City Attorney Roberts stated part of the confusion is 4 members of the Commission shall constitute a quorum for the transaction of all business except for unanimous consent of all members is required, that makes it seem like they have to have the entire Commission present to have a unanimous vote. If that is not what was meant, if it unanimous consent of all members present then maybe they can make that clear. Commissioner Thorson stated the wording in unscheduled meetings is present, unanimous of present and the wording in V, C is unanimous in total. City Attorney Roberts stated he just wanted to make sure he understands what their expectations are. Commissioner Vaughan stated are they willing to concede to the lower number. Commissioner Jensen states it should be Commissioners who are present. Commissioner Vaughan stated so if there are only 4 Commissioners present, 3 carries. Commissioner Jensen stated or it would be 4 out of 4 for unanimous. Commissioner Rackham stated on V, C it says the unanimous consent of the Commission, not in attendance, so if they are going to change it then it needs to be changes throughout. Commissioner Thorson stated if they have 6 present, they can never withdraw a motion. Commissioner Thorson stated there are times when they want the whole Commission for a unanimous vote of total and of present.

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Commissioner Jensen stated he wanted to add one thing that the City Council does and makes sense, would like to give the option for the person who makes a motion to withdraw their motion without having a vote, if they are the one who made the motion, they should be able to withdraw their motion. Once it is voted on it is done, but until it gets voted on if they want to withdraw the motion it shouldn't require a vote of the Commission to do that. Commissioner Vaughan stated the easy way out is to on section V, C Withdrawing a Motion, adding unanimous consent of the Commissioners present. Commissioner Jensen stated also saying or at the option of the person making the motion as a second alternative to unanimous consent of the Commissioners present.

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City Attorney Roberts stated another potential change is having a deadline to submit changes for items that are being considered for final action, if it is a work agenda item or something like that maybe not so much of a stickler on the deadlines but staff wants to get the packets put together and make sure they have complete information so when preparing for the meeting aren't thrown off with new items coming at them. One thought is do they want to have a date for whomever, staff or applicant or members of the Commission and say in order for this to be considered for final action at the next meeting it must be submitted by the Thursday before or one of those dates, is that something the Commission is interested in putting in there so they aren't hit by items that were forgotten and this is important and just slipped it in. Commissioner Rackham stated in section IV, G, strike the last sentence and add a new paragraph H, Future agenda items may be added at the request of 2 or more Commissioners. The agenda and any applicable information shall be provided to the Commission a minimum of 5 days prior to a scheduled meeting and additional information may not be provided unless approved by the Chairman. Commissioner Jensen stated his issue with that is a lot of times they do not know what they are going to be approving until the packet comes out, so if they set a deadline as the packet, as a Commissioner that completely kills any chance for an amendment by doing that. By saying they don't agree with it and want to propose an alternate for the item they are considering. It comes down what the definition of an item is, if it is an application, Commissioner's come up with ideas after they look at the packet not before and so they shouldn't be limited, if a Commissioner has a good idea and if he wants to submit it in writing to the other Commissioners can see what it is that he is talking about there needs to be a mechanism for that. Commissioner Vaughan asked if they would want to differentiate that between a discussion item and an action item. A discussion item doesn't think there is a problem about anyone bringing it on but as far as something that requires action that might be different. Commissioner Rackham stated yes that was what he was referring to, so that 2 hours before the meeting they don't receive an amended packet that has information and have no idea what it is. City Attorney Roberts stated he was guilty of this at a previous meeting, they had talked about making changes, he had prepared the changes, and didn't get them to Planner Schow in the packet and brought them during the meeting and showed the changes they had talked about which wasn't fair since probably didn't have a chance to review them before asking to take action on it. Commissioner Jensen stated for big items he is in agreement but if it a small change that someone came up with over the weekend, they can try to get it into an amended

packet but a lot of times Commissioners don't see the packet until the night before for whatever reason and want to make sure that if a Commissioner has something they want to amend the item that they can. Commissioner Rackham stated that is in there, the Chair just has to review it and approve it. Commissioner Jensen stated but then it is up to the Chairman whether the Commission gets to review it and not the individual Commissioner. Commissioner Rackham stated they can change it to a vote. Commissioner Vaughan stated he thinks a Chairman would ask the question almost immediately to staff as to whether or not it is a game changer, whether it requires more action on them and also to the City Attorney whether or not it causes any legal issues as far as timing issues. That is what he would do and has done. City Attorney Roberts stated as long as all parties, an applicant, as long as they get, if it is going to be published to the Commission as long as they get access to it as well, it should be fine, it is important to have due process, people just need to be notified. If they want to have the ability for a Commissioner to submit minor modifications or changes they could write that in or they can just expect that the Chairman will only allow those minor items.

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City Attorney Roberts stated section IV, H Order and Decorum, share a story of a previous different City Council meeting they had an applicant who was wanting to vacate a street and the neighborhood had come out against it so the applicant had about 10 minutes or so to state their position and then the public got up and for an hour and half they accused the applicant of all sorts of things and said all sorts of horrible things, the applicants attorney got up to rebut all the accusations and they limited the Attorney to 3 minutes. That wasn't fair to the applicant or attorney and felt they were treated unfairly and if the Council had not approved the street vacation believes they would have had a due process challenge in that case. So one thought is why don't they have a section if they do have public that has questions or comments give the applicant an opportunity to address those during the hearing, not required, but from that one experience it was like a shot of the bow, just that wow it was a good thing it was approved rather than denied. Commissioner Jensen stated if they are going to add something like that it would go between F & G. Commissioner Jensen stated it should be at the Chairman's discretion applicant is given the opportunity to respond or applicant is given the opportunity to respond. Commissioner Thorson stated that is how it was done on a previous Commission he sat on, it was presentation by the applicant, nay, neutral, yay and then rebuttal and by definition time for rebuttal and would agree with adding that portion of the proceedings. Commissioner Jensen stated they don't want to encourage the back and forth where the applicant comes up and then they come back up again and it goes all night don't want to go that far but think the Commissioners are smart enough to understand to take both sides into account. Commissioner Thorson stated the applicant gets the last word. Commissioner Vaughan stated in his observation he thinks this Commission has been doing that, has been very fair in doing that. Commissioner Jensen stated under that section applicant and/or staff giving an opportunity to respond because there has been a couple times as Chairman where people has come up with questions and staff has been present and given staff the opportunity to respond.

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Commissioner Rackham stated in section V, G Substitute Motions, the paragraph leaves it hanging so it needs to be finished with something of the nature 'after a second vote is made to the substitute motion it then becomes the motion put to vote.' Commissioner Vaughan stated according to Robert's Rules they both get voted on, if they are dually made they are dually seconded they are both active. Commissioner Rackham stated the Bylaws state 'which shall replace the original motion'. Commissioner Jensen stated the Commissioners vote to accept the substitute motion and then they vote on the modified motion. City Attorney Roberts stated according to the Bylaws yes, they are always welcome to take whatever procedures they want and if Robert's Rules says one thing and the Bylaws say something more specific then they go with the Bylaws rather than Robert's Rules. If there is something contrary in Robert's Rules then this would supersede it by our rules. Commissioner Rackham stated in reading the Bylaws it leaves a loop all a Commissioner has to do is make a second motion and then that becomes the motion of vote, just wanted to close that loop. Commissioner Vaughan stated of course the Chair could cut whoever is making the motion off saying there is already a motion on the table and call for question on that. Commissioner Rackham stated he has never seen it used, but wanted to point it out. Commissioner Vaughan stated these are subtle nuances of Robert's Rules. Commissioner Rackham stated it depends on how much of Robert's Rules they follow or do they follow what is in the Bylaws. Commissioner Vaughan stated they have accepted to follow the Bylaws as our bible for conducting business. Commissioner Jensen asked how they handle that situation, do they want to write something in the Bylaws that if a substitute motion is proposed it must be voted on before action on the original motion is taken do they need to add that to the Bylaws. City Attorney Roberts stated if they want that to be the rule and it is contrary to Robert's Rules then they need to have that in the Bylaws, ultimately it comes to the Chair to enforce the rules so if he draws on Robert's Rules then would interpret with Robert's Rules in mind, they should make the rules the way they want them.

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Commissioner Jensen stated suggested they make a change. Commissioner Vaughan stated he's fine either way. Commissioner Rackham stated he made his proposal. Commissioner Vaughan stated it is whatever the City Attorney thinks would be in their best interest. City Attorney Roberts stated it is a question of procedure as long as they follow whatever procedure they adopt then they are good. Commissioner Vaughan stated they are good then.

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Commissioner Jensen stated section V, L Motion to Adjourn, do they need to differentiate a work session meeting and a regular meeting in that paragraph since they kind of do it in both. City Attorney Roberts stated it says each meeting. Commissioner Jensen asked if those are considered two separate meetings or one big long meeting. City Attorney Roberts asked if they are noticed separately, work meetings and regular meetings, or just published on one agenda. Commissioner Jensen stated the City Council publishes two separate agendas for their work session and the regular

meetings. Commissioner Jensen stated the Planning Commission combines all the information onto one agenda but they do technically have two meeting agendas. City Attorney Roberts stated they can have the Chair say the meeting is done or can have a Commissioner make the motion to adjourn. Commissioner Jensen stated they have been making a motion to adjourn. City attorney Roberts stated they can make it clear that it is regular and work session meetings.

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City Attorney Roberts stated section VI, Voting, this is something that spurred the discussion on the Bylaws originally. Voting, 'Except as otherwise specifically provide in these rules, a vote of four (4) members of the Commission shall be required and shall be sufficient to transact any business before the Planning Commission'. The questions was if they only had 4 present does that mean they need a unanimous vote and with this rule, yes they would. This is consistent with the City code, so they would need the majority of the Commission and 4 votes. So they can clarify that way and say they need the majority of the Commission and need 4 votes or could recommend a City code change that says they don't need 4 votes they just need majority of those present and that would go before the City Council. Commissioner Jensen stated essentially what it says is it has to be a vote of 4 members it doesn't say how those members voted it just says they have to vote and maybe the City Attorney can clarify, there has to be 4 people voting on a decision. City Attorney Roberts stated that is what that rule says. Commissioner Jensen stated they can certainly rephrase that a little better to make that clearer but knows City code states it must be supported by 4 members which is different and thinks supported means 'aye' in his mind. City Attorney Roberts stated correct. Commissioner Jensen stated thinks at the very least they need to change City code to allow them to have those 3-1's because it is going to be a 3-1 with 4 people, 2 people won't carry it and think 3-1 is sufficient, even 3-2 for a 5 member, don't think they need 4 people on a 5 member body. Supports adding the clarification of majority of members present. City Attorney Roberts stated that would need to go to the City Council as a code amendment change, change to 4 or just majority votes present. Commissioner Jensen stated majority of the 4 is what he would like to see. City Attorney Roberts stated change it to majority of those present. Commissioner Rackham and the other Commissioners agreed.

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Commissioner Jensen stated in section VI, A, Changing a Vote and they did this earlier in the regular meeting where they allowed Commissioner Vaughan to change his vote when they approved the minutes under section V, I To Reconsider a Motion the past City Attorney strongly recommended they limit that to the end of the meeting because under due process they can tell the applicants while they are here for the public hearing that they voted to say aye but 2 weeks later or whenever they approve the minutes they change that decision they are not present to rebut them changing that decision so it was the suggestion of the previous City Attorney that they take out the section on changing the vote when the minutes are approved. Commissioner Rackham stated strike out the last part 'or when the minutes containing that particular item are approved'. City Attorney Roberts stated when dealing with an applicant that is definitely a big problem if they are changing the votes and they aren't able to participate and in other cases such as a developer they are maybe going to take action like purchase property and are going to rely on that vote and that can be a problem. In the case of tonight, there was not an applicant it was more of a legislative recommendation so they did not have the same sort of due process concern. The idea is to remove that portion and say it needs to be done during the same meeting. Commissioner Jensen stated yes before the close of that meeting. Commissioner Thorson asked if there was an appeal time limit to their actions. City Attorney Roberts stated if they are the Land Use Authority, yes, they would need to appeal that to the appeal authority within 30 days. Commissioner Thorson stated so when they take action, approve a site plan or something the applicant, that approval could be appealed up to 30 days to the City Council or a neighbor who doesn't like it. Commissioner Jensen stated thinks it is limited to the applicant or affected parties. City Attorney Roberts stated thinks anyone who is adversely affected can file an appeal. Commissioner Thorson stated rather than be when the minutes are approved it would be limited to the time limit of the appeal so that even the Planning Commission can be include in the appeal if they change their mind within that timeframe rather than cut it off at the end of that meeting. The applicant shouldn't be acting until the end of the appeal time anyway and hasn't heard it mentioned to applicants that they need to wait.

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City Attorney Roberts stated if applicants are prudent and are really conservative as far as risk adverse then they would wait and make sure it is absolutely final before they proceeded and for instance if the City Council gets final approval there is always the possibility of referendum or something overturning that. Commissioner Jensen stated playing devil's advocate for an example where the Planning Commission might want to reconsider a motion is they have a meeting and give someone approval but then it comes to light that some of that information that the applicant gave them was not correct and were basing their decisions on that information which is now incorrect, that is a situation where the Planning Commission approved an item based on this but actually it doesn't meet the code so because the information presented was not accurate at that point the Planning Commission maybe wanting to reconsider the motion but once they get into reconsider, they are getting into dangerous territory. City Attorney Roberts stated those are dangerous waters and they would want to navigate those really carefully.

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City Attorney Roberts stated these are all good ideas and will come back in January after doing some more research and look at all the dates and other items and have a recommendation for them.

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City Attorney Roberts stated the in the last section VII, D, Progress Reporting, a proposed amendment is that the Chair could request specific information and reports if there is a subcommittee and could also require that they submit a

combined document as one submission rather than allowing multiple ones to go through. Commissioner Vaughan stated this came up in discussion as a result that they found out there was a break down in the system where sometimes reports were being submitted and had not been passed on. Commissioner Jensen stated he would suggest 'require final committee recommendations' because there will be interim reports as the committee is doing their work, but once it is final then all the documents should be combined, no sense in trying to combine it in the middle of the process. City Attorney Roberts stated at the end, even if there are interim reports that come out, at the very end there would be one document set would be submitted that has all of the minutes or anything that was produced by that body submitted one final document. Commissioner Rackham asked if they want to add the term 'minutes' to that sentence. Commissioner Jensen stated it says recommendations and findings. City Attorney Roberts stated if there were minutes it would be good to have those just whatever was produced essentially by the committee would be good. Commissioner Rackham asked if they wanted to add minutes to the text. City Attorney Roberts stated anything that was created by that body just put it in one packet. Commissioner Rackham stated the minutes normally are distributed all along but if they want everything that was ever provided, it doesn't quite cover that in the verbiage. Commissioner Jensen stated thinks there is some advantage to having the minutes as part of the final recommendation and the reason being is those minutes can be spread across multiple packets as the person does the interim reports to the Planning Commission if they chose to include the minutes with that as they did with the last committee but most of the Planning Commission decisions are pretty concise but this is something that can drag out over months so having everything in one place at the end think that would be helpful to the public so they can go to the final packet with the final recommendations and review all the minutes at that time so if they want to challenge the process they can.

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City Attorney Roberts stated he will put together some language on that as well. Commissioner Rackham stated he has another change on section VII, E, 'if committee was unable' should be 'if the committee was unable'. City Attorney Roberts thanked the Commission for indulging him by reviewing the Bylaws and will come back with some changes and more discussion points at the next meeting. Commissioner Vaughan stated the City Attorney is doing them a big favor by working on the Bylaws.

[8:13:19 PM](#)

c. Upcoming Agenda Items

Planner Steele stated he did not have any current applications, Planner Schow may have something that he is not aware of. Commissioner Jensen stated they had discussed it at their last meeting if there were some pending items they might want to consider having one more meeting this month but where there are no pending items think it is safe to cancel the last meeting for this year. Commissioner Vaughan stated there is no cause to have their next meeting, if there is something the City needs to get done they are more than amendable to do that but on the other hand they don't need to have a meeting just to have a meeting. Commissioner Jensen stated the City Council also cancelled their last meeting in December. City Attorney Roberts stated they are not aware of any applications pending and doesn't see the need to convene.

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2. Discussion Items:

Commissioner Jensen asked if they were putting the noise ordinance off until the joint session with the City Council in January. Councilman Gailey stated just until the new Councilmembers are seated, the Planning Commission can discuss it when they want but the Mayor wanted to have the new Council seated. Commissioner Jensen is fine with waiting until the new Council is seated.

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3. Commissioner Reports:

Commissioner Rackham stated he would like to propose that they look at the parking ordinance in the future. Commissioner Jensen stated there is one thing they discussed that they were requiring too many commercial spaces in larger developments and that kind of ties in with the parking thing.

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Commissioner Jensen stated the City has held 2 open houses with the citizens over the last month, they broke it down into areas and attended the first meeting which covered everything basically north of Antelope and east of 2000 W was part of that area and the purpose of that was to basically get citizen input as to what the people are thinking about their area and give the various department heads an opportunity to give a current state of the City. They had the Police Chief and Fire Chief and CED Director all basically talking about various aspects of the City. Thought it was worthwhile to the citizens to have that, it gave them an opportunity to give some input and certainly citizens had some concerns about a couple things which he brought up at the meeting which don't apply to the Planning Commission. One of the exercises they did was they had 4 maps in the front where the citizens could basically draw in their area and suggest what they'd like to see as far as zoning or whatever going into the future and sure the Mayor is cataloging all of that input and assuming they did that as well at the second meeting, overall thought it was pretty good. Police Chief reiterated that they have 20 police officers on staff and is finally fully staffed with what had been budgeted for of course there are over 27,000 residents currently and although the Chief is very adamant about saying doesn't believe in the one officer per 1,000 resident and justify the officers they have and doesn't like arbitrary numbers the fact that they are now 7 officers short of that recommendation and with the crime statistics they put forward indicate that they are starting to see a little more crime in Syracuse and there are a bunch of if/ands on that but it might be time for City Council to consider maybe hiring an extra officer or two and putting that into the budget. That dovetails into his second part, that Davis County Act of Transportation

Committee meet a couple weeks ago and they discussed the passing of proposition 1, which was the quarter cent sales tax increase as well as the one the State legislature passed which was the roughly four cent a gallon increase. The gas tax will come into effect January 1st and so the City will start seeing revenues basically towards the end of the first quarter. The County wants a little time to set up a mechanism for the quarter cent sales tax and so they are anticipating that will be on line by July, not sure what the gas tax benefit towards Syracuse would be but a significant chunk of change and the City may have an opportunity there after dipping into the general fund to try to get caught up on road construction, not that more money will be going into the B&C road funds they might be able to shift some of that to other projects which would be good. The big one is on the sales tax that is a lot more flexible on what the City can use it for, such as trails as well as for roads and the anticipated revenue for the City based on the numbers towards the end of this year was about \$278,000 a year the City can expect based on the current numbers and will go up as the population or sales tax goes up. Those are pretty significant numbers, the County has a big chunk they will receive as well and put the question to the body what the County should do with those fund and they are currently exploring maybe trying to get some joint maintenance agreements with the cities. For the cities that have trails that go through multiple cities, immigrant trail in our city is sort of an example because we share that with West Haven and West Point and a couple other cities but it doesn't go all the way through the County, but the rail trail certainly does and there might be some economies to scale there where the cities can partner with the County as far as maintaining those trails and putting down new asphalt or seal coating. The other thing they are discussing is whether they want to set up a grant program and think that where the County is leaning right now as far as their chunk around 2 million dollars a year so that is pretty significant chunk of change and they probably will look at getting the barnacle shoreline trail completed because up until now they haven't had the funding to really make it happen but now there are a bunch of forces coming together at once. The current plan that they showed the cities earlier this year, the trail they were trying to go with existing trails and weave that along the mountain sides uphill and downhill but after a conversation with the Forrest Service and they would prefer if they would pick one elevation, one bench and get that trail all the way across at that elevation. That would be easier on people using the trails because they wouldn't have all he switchbacks going up and down hill all the time and makes it easier for the County then they don't have to worry about existing trail situations and just put the trail they want in. There is certainly a unique opportunity for the County to get that trail done and did bring up a couple situations in Syracuse as did Scott Hess wo is currently with WFRC the possibility of trying to get some bike lanes along Antelope out towards Antelope Island, there is certainly enough right away width there that they could do a cycle track, but that is one of the trails they want to put on the County's radar and brought up the Great Salt Lake shore lands trail that is proposed in our trails plan also. Overall it is good news and since the proposition passed the Commissioners were pleasantly surprised that it passed and definitely some good opportunities for the County and there will be some opportunities for Syracuse along there.

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Commissioner Vaughan asked if any other Commissioners brought in any additional comments on noise that they had discussed previously. Commissioner Jensen stated he thinks they need to have a lower threshold at night. Commissioner Vaughan stated if they can review what was presented last time and then bring in any questions and comments and they can try to set it for a formal discussion item, not an action item. Commissioner Jensen stated it would be good to discuss it in work session before they meet with City Council so they kind of know where they are coming from. Commissioner Vaughan stated they can also discuss parking at the same time. Commissioner Jensen stated they should discuss it at their first meeting in January they put noise ordinance and parking as a work session discussion item. Commissioner Vaughan stated what he was proposing was to tackle one major area rather than bunch them up together but if the Commission would like to do that. First meeting in January be prepared to discuss in depth parking and noise. If anyone has any suggestion ideas get them into staff and then staff after reviewing them can circulate them out to the Commission.

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Commissioner Jensen asked Planner Steele if he had interesting projects he is working on that don't involve developers. Planner Steele stated the corner project on 2000 W Antelope they have shown some more interest and might have noticed a sign on the property and they haven't submitted a formal application yet but can tell you it is going to be a Pharmacy and there are rumors of what brand name that might be and then next week the general plan and the general plan map will be on City Council along with Architecture for Industrial buildings.

Commissioner Vaughan thanked staff and the City Attorney for all they do.

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4. **Adjourn**