

Minutes of the Syracuse Planning Commission Work Session, January 5, 2016

Minutes of the Syracuse City Planning Commission Work Session held on January 5, 2016, at 6:00 p.m., in the Conference Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

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

Visitors:

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1. Department Business:

Planner Steele stated there are two things. The City Council would like to schedule a joint meeting on Tuesday January 26th from 6-7pm and wanted to see if that works for them all. Commissioner Jensen stated they had talked in the previous meeting that they wanted to do it on their week. City Attorney Roberts stated yes, that is their week. Commissioner Jensen asked if they get paid their stipend for showing up. Planner Steele stated he doesn't know, he can find out for him. Commissioner day asked what the topic of the joint meeting. Planner Steele stated City Attorney Roberts could give a better explanation but it is a legal training. City Attorney Roberts stated it will be open meetings training, ethics training and maybe some administrative verses legislative procedures training and then maybe some discussion on the Bylaws depending on how far they get with them tonight and in 2 weeks.

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a. City Council Report

Planner Steele stated the other thing was an update on the Industrial Architecture, can't remember if he let them know that they had forwarded the recommendation to the City Council and it was tabled and it will be coming back to City Council not this next meeting but the meeting after that. Commissioner Jensen asked why they tabled it. Planner Steele stated he thinks, he came and said we want to change the Industrial Architecture Standards and they were like wait we have Industrial Standards and it opened up a big dialog of what those are and whether or not they are adequate and so they didn't really get to the actual specific changes and so think when he comes back he will have to take a step back and try to explain more of the context so that they can make a good decision there.

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Councilman Gailey stated the reason they did that was because of the new council members coming on, they felt it would be better for this new body to review.

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b. City Attorney Updates

City Attorney Roberts stated regarding the Bylaws there were a couple things that he sent to the Planning Commission. The first thing was the Municipal Ethics Act text because there was some question to review that to see where the base line is and secondly the proposed changes based on their discussion from last month also. A lot of them they have discussed previously so just going to review the highlights. Title 3.10.100 is associated with Rule 6 on voting. The discussion was do they want to keep it that they need 4 affirmative votes or would it be okay to have the majority of those present would could be as little as 3 if they only had 4 or 5 present. In order to do that they would need to have an ordinance change so they have put together an ordinance modification. Commissioner Jensen asked if striking the last line solves that problem. City Attorney Roberts stated yes and add in the new line 'Action may only be taken by the Planning Commission when it is supported by the majority of votes cast by the Planning Commission during a regular or special meeting.' Commissioner Jensen asked if the red text is being added. City Attorney Roberts stated the red text is being added, all the red is changes, underlined means new, struck means eliminated. Commissioner Vaughan asked if other Commissioners liked the added text, no one had objections.

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City Attorney Roberts stated they had the change which would have the election of the Chair and Vice Chair in January rather than in July as discussed. Commissioner Vaughan asked how the other Commissioners felt about January instead of July. Commissioner Jensen said he can go along with that. Commissioner Vaughan stated with the caveat that it may come up that someone that they select for Chair may lose a Chair half way through the year or they may have to select a new Chair or that would be the succession of the Vice Chair to the Chairmanship and at that time select a Vice

Chair. City Attorney Roberts stated that would be if they picked someone who was going to be done in 6 months, if they have someone who has another year or year and a half left in their period then it wouldn't be an issue unless they resigned. Commissioner Vaughan stated if they do go ahead with this and the Council does take it, what do they do with the current term of Chair, should that Chair be extended or would that automatically be extended or should they have an interim position because that is something that would happen if they send it forward to the Council and they pass it. Commissioner Jensen stated he thought they discussed it last time that if these Bylaws were put into effect that since the election was supposed to happen in January they would basically conduct another election so that would start the new year cycle, if they have someone who left in June according to their Bylaws under C, if the Chair resigns or is removed the Vice Chair automatically becomes the new Chair and then the Chairman or the Commission nominates a new Vice Chair that is how the Bylaws would work. If both of them go then obviously they would be nominating both but the bylaws do cover that situation under duties of the Vice Chair. Commissioner Vaughan stated of course they always have the City Attorney they can fall back on and accept whatever recommendation he has for them because he is operating in the City's best interest. City Attorney Roberts stated the Bylaws do contemplate having a person who leaves midterm so it covered either way there is no legal entanglement he foresees there.

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On the second page section E, Secretary rather than making it complicated it states 'shall be designated by the Community Development Director' and also a reminder that the Secretary's responsible to collect all the documents so if someone brings in something that the City doesn't have it needs to be made part of that record.

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City Attorney Roberts stated section III A, Meeting Attendance was one thing they talked about and not sure if the Commission was really settled on it but put in there was seemed to be the consensus at the time. Essentially they have the expectation the self-imposed expectation that they attend at least 80% of the meetings per year and when they looked at the total number of meetings per year that would mean that if they missed 5 then they would drop below that threshold. So 5 out of 22 meetings in a year or even up to 24, they would miss 4 and not violate that. Commissioner Vaughan stated in a year's period of time because they appoint half way through a calendar year, would that be a term year or a calendar year, thinks it should be a term year as opposed to a calendar year. Commissioner Jensen stated he was going to make the suggestion that they change that to any given 12 month period. Commissioner Vaughan stated so any running 12 month period. City Attorney Roberts stated a rolling year, that is fine, they could also do another option would be to put it in quarterly so they don't have, it was the hypothetical if they had perfect attendance then they could just miss the last 3 or 4 meetings of the year because was so good. Don't think anyone would do that but if they wanted to, they could put it in quarterly, but in that case if they missed 2 meetings in a quarter then they would fall below the threshold and that could happen to anyone. Commissioner Jensen stated he likes the flexibility of the 12 month period because sometimes people have extended leaves but if they are missing 5 meetings that is 2 and a half months of meetings, that is pretty significant but up until they hit that wall they could miss 4 meetings in a row and have wiggle room there. Commissioner Day stated as the most recent largest offender of this, he thinks perhaps this is the wrong path and is not really for this change in Bylaws, not that he is against attending meetings but people who are involved what they do often have to attend meetings outside of the current City and this is a volunteer position, the remuneration that they receive isn't significant and for anyone that is this industry really it is a resume builder per se and so by doing this they might potentially disqualify a lot of people in the City who would be able to serve and be able to help this Commission. They are all in different stages in life some have different employment situations, different activities in the Community outside of the Planning Commission that they are involved with that take their times, for example he is the Cub Master in his area and he is struggling to move PAC meeting to and appropriate date. Sometimes other people don't understand the situations that he has, non the less if they put a hard and fast rule in there such as this his fear is that it will be punitive outside of what, there might be some side effects perhaps that maybe they are un-intending to effect. If they have a serial offender thinks there is recourse that is currently available and maybe if they want something more automatic so they don't have to employ that maybe, those are some of his thoughts. He read the minutes from previous meeting and like he said he is the largest offended recently of this and so it has been on his mind. Commissioner Jensen stated they can talk about the remedies in subsection D, he came up with an interesting one on that but will hold off until then, don't think they want an automatic removal but thinks that there is a remedy on section D. Commissioner Vaughan asked if they have the City Attorney meet with the Mayor and discuss all of the concerns they have, the pros and cons, all of the options and let the two of them decide what they feel would be the best. As they all know, the Mayor has the ultimate say in fact technically he doesn't need a missed meeting he could just remove them because he is the Mayor and it is position as ratified by the Council. Is willing to 'pass the buck' to the City attorney and the Mayor and let them do it because he has faith in the City Attorney that he is going to faithfully represent all of the discussions on it and let him decide and then he can make his recommendation to the Council or through staff or however they want to do it. Everybody here on the Commission gets along well and certainly would not want to be in the position saying that he wants to vote someone off because would hate to do that because he likes everybody on the Commission. Commissioner Jensen stated his proposal on section D was simply that if attendance falls below 80% in a 12 month period that the City Council at that point would make vote to retain or dismiss. So they would make their case to City Council, the Planning Commission wouldn't be involved, it would be an automatic trigger and it doesn't mean that they are gone it just means that at that point it would be up to City Council whether they feel that they would want that person to stay or go. City Attorney Roberts stated they have in there that the Commission would consider it but rather than it going to the Commission it could just automatically go the Council. Commissioner Jensen stated it would automatically go to the Council is his suggestion. There are things that come up, like Commissioner Day stated it may be circumstances beyond their control and they could basically make their case to the Council and if the Council

thinks they are valuable and reasoning is fine then they could vote to retain but if the Council has an issue with it then they would just at that point dismiss that person and do an appointment. That would actually save a couple weeks in the process and the Commission wouldn't have to waste their time with it. Commissioner Day stated his preference would be that these matters be held more privately. Hypothetically speaking he wouldn't want to go plead his case to the City Council that he has PAC meetings on Tuesdays, if that's what it takes he doesn't think he would do it. Commissioner McCuiston agreed. Commissioner Day stated he thinks there is way they can do this privately, if the Mayor were to call him and say his attendance is below such and such what do you think, thinks he would be a lot more receptive to that than to have to go plead his case to the City Council in a closed meeting or open meeting with people around, just at that point he thinks they would lose good people that come serve. They are there to sort of punish people, they are all in different walks of life and different time availabilities. Commissioner Jensen stated he wanted to reiterate what had been mentioned to him a couple times, essentially when someone accepts an appointment to this position the assumption is of that appointment is that they are going to make all of the meetings that is kind of what the City Council expects. If someone is falling below the 80% threshold, they have missed 1/6, missed 4 meetings, missed essentially getting to the 80% they've missed 5 meetings, which is 2½ month's worth of meetings not counting any extra meetings they may have in a month, that is pretty significant and the Council does have an expectation that they are here to do business and it has been said to him by a couple people that they have real concerns with that because they think if someone is going to accept an appointment to the Planning Commission the assumption is that they understand that there is a time and commitment they need to meet. Want the Commission to know that there are people on the Council that have pretty strong feeling about this. As of late they have been very disappointed that they have been so lax with attendance, they have had multiple meetings where only 4 people have been there and a couple meetings where they had to wait half hour or even close to an hour before they had a quorum, that is a big deal and the Council certainly could change Title 3 to their liking to address the situation but they really do feel like the Commissioners, the Commission as a body has kind of been dropping the ball. Yes they only need 4 people to make a decision but that is not the point, they appointed 7, they kind of expect 6 or 7 people to be here every meeting that is what has been shared with him. Commissioner Day stated Commissioner Jensen brings up a good point and doesn't disagree at all, he just want to suggest the tact in which the approach is taken. City Attorney Roberts stated this is good discussion and as a body he would like to get their feel for it, ultimately it is going to be a City Council decision but appreciate the deference that they give to them but ultimately thinks this body should get a strong recommendation to the Council or at least a majority a recommendation that is something that they want or something that they think is not appropriate and then the Council will decide how they will decide but think it would be very helpful for them to know what the Commission as a body since it is their rules how they think it should work. City Attorney Roberts thinks they should keep having the discussion until they get to a consensus as a Commission or at least a majority.

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Commissioner Vaughan stated there is one other comment that hasn't been mentioned yet and doesn't know if they can get a quick consensus on that. There are a lot of times where it would help if they had an alternate that could step in at the last minute particularly for those meetings where they had only 4 Commissioners then they would have at least 3/2 as opposed if they had a split decision 2/2 obviously the motion fails because they can't make a decision, there is nothing worse than a hung jury or a hung Planning Commission. Commissioner Jensen stated he has mentioned it before and for the benefit of the City Council members in the attendance, they did have an alternate for a while under Mayor Nagle and the alternate participated generally over half the time, they were up at the dais the entire time and they certainly had a lot of valuable input that the Commission benefitted from but that flexibility of having an alternate, they voted over half the time and there are different opinions on the Council as to whether they should have that or the alternate voting at all but it did serve the Commission well and felt that the alternate that they had at the time did a very good job and they were lucky to have them and thinks the City benefits a lot by having that alternate in place. Essentially the Planning Commission is not as nearly as high of profile position as the City Council, as Commissioner Day pointed out they are a volunteer position, they are volunteering their time to the City to be there for 3 hours every 2 weeks and so the alternate give them the flexibility where they can maintain a good discussion and thinks it is a good thing. Commissioner Vaughan stated he thinks with their words the City Council understands how serious they are about trying to be an active and full Planning Commission, they all understand life happens but they would prefer to have 7 people there at a time. Commissioner Moultrie stated he doesn't think they should be punished and yes it volunteer and things do happen, in his book family is first and that will come before this position and there are some instances that they will miss, just thinks it is courtesy and has been guilty of this of not informing the Chair of when absent but think that if the Chair knows why they are absent, why not attending that way if Council has question of their attendance the Chair can say this is why he missed, it is not because he is being negligent or doesn't care he just has things coming up and thinks that is really all that needs to be done. Commissioner McCuiston stated for one the alternate it seems a stretch for them to ask the City Council to give them an alternate if they can't make the members show up consistently and doesn't know if they would do that or not. It would be good to have one but maybe what if they said they want 3 or 4 alternates to fill in for when the regular guys can't come, at what point does it get silly, so don't know if they will entertain that or not. Maybe they will, maybe they won't, he was the alternate for a long time and he participated and got on full time or graduated but just think that might be a stretch to ask the Council. Commissioner Jensen asked Commissioner McCuiston if there was an alternate after him. Commissioner McCuiston stated there was one. Commissioner Jensen stated that was one thought behind the alternate position it gave a person an opportunity to get training so to speak so when they get moved into a full time Planning Commission position that they would be up to speed. Commissioner McCuiston stated he thinks they do need to have at least a minimum amount or at least something that triggers, everybody on this Commission doesn't want to be the bad guy and say let's have a talk about so and so not showing up, they don't want to do that. Maybe they should be a little bit tougher about

self-regulating but nobody really wants to be the bad guy and it is a volunteer position and doesn't know if that is really a good thing to place 7 somewhat angry men in a room to do that. Thinks there does have to be a minimum standard met, is half of the meetings, if they can't make half of the meetings at what point does that line go, doesn't know, understand that everybody has things to do but if those things take over half the year then maybe shouldn't be on the Planning Commission. Or is it 75% or 25% thinks there does have to be a line in there but thinks they need to discuss where that line is going to be. Commissioner Vaughan asked City Attorney Roberts if that gave him enough. City Attorney Roberts stated he can see there is no consensus and thinks they should put a pin in that and come back to it, keep thinking about it and thinks there may be a middle ground or and know Commissioner Rackham and Commissioner Thorson had opinions on this too so it would be good to have them chime in as well. One easy change if they wanted to remove the 80% or any percentage, just take out the first clause of that sentence and keep in the parts that say if life circumstance change should consider resigning and then unexcused absences may be cause for removal, which is the existing procedure now. Think it would be helpful, if they can't get a consensus lets at least find out who is where and maybe they could have groups of 3, take it to the Council and let them know this is not something they agree on, it is an issue they all agree is important that they all attend but just different ways of solving the problem. Commissioner Jensen stated 75% would be 6 meetings, if they miss more than 6 meetings, if they miss more than 6 meetings that would be below 75%, because they generally have about 24 meetings in a year. City Attorney Roberts stated essentially, there is the Election Day and the Christmas Holiday so 22 would be more common.

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City Attorney Roberts stated section B, Conflict of Interest, had forwarded the Commission the Ethics Act, again that is the baseline, in addition to that if there is a person who is an applicant and before the Commission for a subdivision plan approval or conditional use approval, something that is not legislative in nature, then they do have due process requirements so if there was some sort of conflict of interest say if an applicant is a direct competitor with their business or something they would need to recuse themselves even if the Ethics Act didn't necessarily apply. So there is, they would need to consider would they be impartial because a person is entitled to an impartial decision maker under just the basic notions of due process and when they come to the Commission with an application. In this case though there was some concern that it was a little too broad some private benefit may come to someone. So instead of that added personal economic interest being furthered, thinks that is what they really aimed at and that is where they have the most problems with ethics is when people are enriching themselves through an appointment. In this case if they are going to have an economic interest that is substantially furthered by an action then they would want to remove themselves.

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Commissioner Jensen stated this applied to him recusing himself today and probably should have stated that on the record and it will be on the minutes now. The reason he recused himself is he owns a property that is basically across the street from the subdivision that was being approved tonight and although he has no tie what so ever with the people that own that property in his mind the argument could be made by raising the property value across the street that affects his property value so was thinking it was a gray area but for the benefit of the Commission he recused himself because there is the argument buy him approving that subdivision he increased his property value, it is not a direct thing but it is an economic consideration. So it was gray and basically went with being safe than sorry. City Attorney Roberts stated generally it is not going to come up that someone says they don't want to recuse themselves and there are sort of forced to do it, generally it is going to be a self-recusal which is appropriate.

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City Attorney Roberts stated they also have in there membership in a group or organization is not a per se conflict bit only applies if a reasonable person would conclude that membership would prevent objective consideration and added ' a generally applicable ordinance which confers a benefit upon the community to which the Commissioner belongs is not considered a per se conflict of interest.' So if there was a text change to the zoning in which they live that doesn't mean that all of the ones who live in R-2 zoning would have to recuse themselves.

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City Attorney Roberts stated on a similar vein section C, Gifts and Favors, they are emphasizing again if they are getting a gift from someone who someone who is an applicant or a prior applicant and it is in connection with their duty as a Planning Commissioner that would be inappropriate and they should decline that gift or that favor just to ensure not giving off an appearance that they are being bought off. Commissioner Jensen stated he did note that he mentioned prior applicants that means that after the decision has been made they should still refuse a gift from the applicant that has already gotten their approval. City Attorney Roberts stated correct, the concern there is a deferred gift or a deferred bribe is still a bribe. Commissioner Jensen stated essentially scratch your back and a couple weeks down the road you scratch my back kind of thing. City Attorney Roberts stated it would also apply if they were trying to butter them up, that should raise the hairs on the back of their necks and could talk to him about it as to inquire why this person is buying them random things, probably a good bet is because they are a planning Commissioner. Commissioner McCuiston stated he thinks 1 and 3 are kind of in conflict unless he is reading in wrong. City Attorney Roberts stated there are maybe some inherent conflicts they could tighten it up a bit. 1 is addressing directly applicants and prior applicants and then 3 is just saying generally for instance around the Holidays they'll bring in a box of apples to the City staff, no one know who they are from, they eat them, they are not being influenced by it, but materialistic items are different and would be a problem.

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City Attorney Roberts stated section D, Commissioner Removal thinks they should table it and keep thinking it about it. This section is the teeth in that attendance policy whether it goes to the Commission or if it goes to the Mayor or goes to the Council or whether they eliminate the number or reduce it, let's keep thinking about that.

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City Attorney Roberts stated section E, Treatment of Information they changed that so it basically says they comply with the GRAMA law rather than having our own sort of standard there, so we will follow Utah law as it relates to GRAMA requests. They talked a little bit about alternates that was a comment he had if they wanted to put in a rule, he would add it under rule number 5 on alternates when they would be needed, when they would sit, when they vote and that is a question for another day as well.

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City Attorney Roberts stated subsection H, agenda ad submitted documents. This is dealing with the problem where sometimes they applicants who bring in stuff the day before or the day of the hearing and they want them to consider it, in this case. Commissioner Vaughan stated as tonight. City Attorney Roberts stated in this case he was just bringing an outline so they could sort of follow along with him and didn't mean any harm and think it was handled okay, he understood. But this rule would make it really clear and could say there is a rule that specifically addresses this, thank you for bringing this but are just going to go off what the application is. This does allow 2 Commissioners to make the request to put things on the agenda. It also says that things that need to be submitted to the Commission 4 days prior to the meeting so that would be Friday unless the Chair approves it. If it is scheduled for final action then staff and applicant have the same standard they need to have things in time, at least 5 days prior to the meeting to the Secretary so the Secretary has time to put it in the packet and make sure that it is delivered appropriately so they have time to review it. Additional things that come from the Commissioners as was suggested by Commissioner Jensen after getting the packet and have ideas and thoughts and want to put things in the packet for consideration by the Commission as a whole if they do that submit it to the Secretary and the Chair and then they are disseminated to everyone including the applicant so they have fair opportunity to read it along with the Commission.

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City Attorney Roberts stated section I, Order and Decorum, that allows staff or the applicant to opportunity to respond and that was based off of his horror story of an hour and half of public clamer and the applicant had 3 minutes to try and rebut it. Commissioner Jensen stated they have been doing that anyways at least the last couple Chairmen. City attorney Robert stated putting it in the rules makes it, if they had an applicant they didn't like they would just need to comply with the rules so. Commissioner Vaughan stated it is good to have it codified.

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City Attorney Roberts stated section V, C Withdrawing a Motion, the Commissioner who makes the motion can withdraw it at any time before a vote is taken. G, Substitute Motions, just clarifying if they make a substitute motion then that is voted on if it fails then go back to the original motion that was not substituted.

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City Attorney Roberts stated section I, Reconsideration a Motion, they have 15 days to appeal a decision so in some cases they would be able to bring it up within that appeal period but the safer way to go is to just, it needs to be in the same meeting rather than at a meeting when the minutes are approved. The problem there is they have given approval and they have moved forward and relied on that then then there is going to be some challenges and lawsuits most likely. If they are going to reconsider just do it during the same meeting rather than afterwards and there is also the problem of wondering why a Commissioner changed their mind, maybe it was some sort of ex parte communications that they weren't parte to or communications amongst the Commission afterward. If they do make the motion to reconsider and the applicant is present they would give them an opportunity to address it to try to talk the Commission out of reconsidering or talk into it to vote in favor of something.

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City Attorney Roberts stated section VI, Voting rule, which would be the majority of Commissioners participating in the Vote rather than the 4.

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City Attorney Roberts stated the last one on section VII, E, for Committees and bring in a final report they would gather up all their documents and include it with that final report that they give to the Commission so there is no question of do they have anything which they have experienced before.

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City Attorney Roberts asked if there was any additional changes or sections that they would like him to give attention to in the next couple weeks. Commissioner Vaughan stated he had none as did the other Commissioners.

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c. Upcoming Agenda Items

Planner Steele stated he has one on the agenda for later, regarding CVS. They do have a rezone request along Antelope.

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Commissioner Jensen stated he has kept Commissioner Vaughan in the loop on this, over the Holidays and this is something he has been talking about for over a year and a half now about consolidating Title X and moving some of that information to charts. So he basically submitted a proposal to staff which details this and what it does essentially is it

moves all of the Conditional Uses out of the individual chapters and moves them into the Conditional Use chapter on a table so essentially all of the Conditional Uses will be in one place and something he noticed while doing this, there are a couple places where the Conditional Use chapter was in conflict with the individual zones with how it was phrased, so it will help solve that. The second part of that was moving as much information as possible into the section immediately before where the A-1 chapter begins and basically as much information to charts. Such as setbacks and if like an Architectural Review Committee is required and things like that, moving as much of that to the table or into the front section and the purpose of that is to move a lot of information out of the individual chapters and kind of unify the code a little bit and it also makes, gives the opportunity to unify the code so they are not having 6 different standards for 6 different zones so it is all under the same general umbrella with the difference noted in the individual zones still but with everything that is generally similar to all the other zones being in one place. Commissioner Rackham unfortunately is not here but if the Chairman is amenable he would like to suggest that at their next meeting that they do a first reading on that where he basically shares with the Commission what they have come up with so far. He has been trying to work with staff on that as well so between now and that time if staff has any additional suggestions they want to put in. He does recognize that staff is short staffed right now but the suggestion he has right now is more of a consolidation of code without any changes although there may be some changes the Commission will want to discuss after the first reading. So if the Chairman is amendable would like to bring that to Commission next time.

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Commissioner McCuiston stated he was lost and doesn't know what he is talking about, didn't see it on the agenda. Commissioner Jensen stated it is not on the agenda, he is approaching it as an upcoming agenda item. Commissioner Vaughan stated he intended to leave it under Commissioner Comments because it is just bringing it up for the very first time as opposed to setting it for an agenda item. Commissioner Vaughan stated he also wanted to speak with staff and the City Attorney whether or not they feel that the City Council is looking for changes to Title X. Commissioner Jensen stated if two Commissioners ask for it to be put on the agenda then it is on the agenda, he stated that is not their official rule yet but that is generally how it has been done. Commissioner Vaughan stated that is why he wanted to find from staff particularly from the Director as to whether or what the status of staffing is and don't want to dump something else on Planner Steele who are shorthanded and hoped that the Director would have been there so they could have gotten a real update on it but they just got finished with the General Plan which went through rather briskly when they finally got close to it and now to launch into X, he would like to find out first and one of the things he directed staff is to send a message to their committee representative from City Council to have him go back to Council to find out what the opinion of Council is as to whether or not there even interested in them looking at Title X. Commissioner Vaughan stated he recognizes that anybody on the Commission can submit anything they want, but as far as doing anything that potentially has a massive taking of time efforts and energy of staff particularly when they are shorthanded needs to be reviewed by those people that are affected. Personally as Chairman he is not disposed to open a committee based with examining X to try to save time from staff from doing that, so he thinks at this particular time it might be rather premature. Staff does have a copy of what Commissioner Jensen proposed as far as a version 1 and the modification that came out the other day and for them to take a look and for them to get back especially with him to decide how they would like to hand it up on an agenda. The initial feeling, conversation when he called this to the attention to Director Mellor was that he wants to take a look because he had not had a chance to digest everything that had been submitted thus far himself. Commissioner Jensen stated he was provided a copy this afternoon after asking for it. Commissioner Vaughan stated that is what he is saying, that he is reluctant to put anything before this Commission until staff knows exactly what is going on. Commissioner Jensen stated his suggestion was to basically was to show the suggestions to the Commission at the meeting in two weeks that's why he called it a first reading and then if the Commission thinks it is a good idea then they would direct staff to start working on it, but would like to have the chance to present it. Commissioner Vaughan stated that is why considering it as a Commissioner report or Commissioner comment sure absolutely more than welcome to bring it up. Commissioner Jensen stated he is actually asking for a reading to be formally on the agenda that is what he is asking for.

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Councilman Gailey stated this is important to the City Council and one of the things that happened today and thinks that by in large the reception he has seem from the City Council is they are very appreciative of the self-starter that he is, they love that in him. Director Mellor surveyed the Council today by email and doesn't have the results of that about whether they felt like at this point in time they wanted to commission them with that task or whether there were other things that they needed to be addressing at this time that took a greater priority than that. Don't know the results of that survey but knows what he said and his comments were similar to Commissioner Vaughan's with the short handiness of staff they have right now and the joint meeting they would like to have on the 26th there are several other topics they would like to address at that time. So not exactly sure the opinion, could ask Councilwoman Anderson. Councilwoman Anderson stated that she read from a couple email replies but it seems to be that everyone is okay with doing it, not everyone but those who have replied are okay with putting it on the agenda but it probably won't get looked at until Spring. Commissioner Jensen stated he figured it would take multiple meetings for them to work through the purpose of the first meeting is to get people a feel of what it would be and then over multiple work sessions after that they would actually start looking at the ordinances and seeing exactly what they like and what they'd like to change and that, that is his intent. His intent was not to have this passed by March. Councilman Gailey stated they understand that but think there are some critical things happenings, one is what they were just discussing tonight the Bylaws of the Commission and they are doing the same thing with the City Council and one of the things they would like to look at is doing a due diligence that if they have a project they begin and start and the scope and everything that they have some pattern they are following. That is

the concern of the Council that they may have the cart before the horse, not that the outcome and this is not a good thing to do, they just would like to meet with the Commission on the 26th before they get going too fast. Commissioner Jensen stated he can live with that, he just feels it is important because right now do feel that Title X is a bit of a mess and would like to see it cleaned up and so that is why he did what he did.

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Commissioner Vaughan stated they have 5 minutes left on the clock and unless they choose to extend. Commissioner Day stated he is against extending but would like to add to the conversation, he feels that one of the challenges they have as a Planning Commission is really thinks their main purpose here is to do the business of the citizens, they need vet applicants for compliance with codes and then help them move along, that should their number one priority that comes before them. Thinks sometimes in the past and has personally felt this way with the Planning Commission that they spend so much time revamping code that it seems like they are always doing something, they never let anything, the opportunity to kind of roll out and kind of see and not saying this particular time that Commissioner Jensen suggested falls under that but it is really hard for applicants, people in the community to really know, when they are always readjusting Tittle X or zonings or whatever sometimes they just need to let it go and let it proceed for a few years or a little while and that is his take on it, these things take a long time and they really burn up energies this body has. Commissioner Jensen stated for the benefit of the Commission the reason he hasn't shared this with the other Commissioners yet is first he didn't want to start the conversation until they had this meeting although Commissioner Rackham is in the loop on this and including the Chairman so he is aware of what they are talking about and also included staff in his communications although Director was out of the loop and is now in. His whole goal with this is to try to make Title X so it an easier product for the citizens to use because right now thinks it is rather dysfunctional, having to look in multiple places to find a lot of information when they don't need to.

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City Attorney Roberts stated he worked on a similar rezone at his last place of employment and it took them 2 years and they did it themselves without consultants and they started at the beginning and said they are going to look at each section, get policy direction from the Commission, they got the policy direction then they did text amendments and drafts so he tends to prefer that method where they get policy direction and then they draft rather than starting with text amendments and then saying are these the ones you like. Sometimes they get focused on what is before them so sometimes stepping back and looking at what do they want to accomplish through a text change or an entire overhaul of the code might be helpful just so they get a good vision of what they have in mind. Think it is good to go through the code and change it but let's do it with getting as much policy direction from the Commission as a body.

[8:56:16 PM](#)

2. **Discussion Items:**

Commissioner Vaughan withdrew discussion on a noise ordinance for tonight since he proposed it and is willing to allow the City Council to put that on their things they might be doing for their consideration, believe basically what is in the packet tonight is basically an ordinance that is ready to go whether or not it just needs their approval, just wants to show spirit and support of trying to accommodate and if the Council is concerned about what they are doing and how much time things are taking he is willing to allow this to sit until the joint session meeting and try to get some input. Commissioner Jensen stated this could actually tie in to some of the stuff he did because some of these standards are set into some of the zones already, neighborhood Services and Industrial and supports holding it off until they get direction from Council.

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Planner Steele stated he needs to poll the Commission very quickly on the last work session item about CVS, it is a subdivision, it is 2 lots and needs to know if they would be willing to accept Preliminary and Final at the same time because it is two lots. Commissioner Vaughn stated he supports staff. Commissioner Jensen asked if they just did that with minor subdivisions or was that only residential. Planner Steele stated they as only residential, this would be Commercial. Commissioner Day stated it doesn't make sense to do them separate. Planner Steele stated he would be presenting the exact same thing twice.

3. **Commissioner Reports:**

Skipped due to time

[8:59:32 PM](#)

4. **Adjourn**