



## **City Council Meeting/Monticello 101**

**Tuesday, January 27, 2026 at 6:00 pm**

Attendees: Mayor Kevin Dunn, Councilmember Kirk Crowley, Councilmember Ron Skinner, Councilmember Nathan Chamberlain, Councilmember Shane Brewer, Councilmember Todd Westcott, City Manager Kaeden Kulow, Assistant City Manager Megan Gallegos, City Recorder Melissa Gill, Deputy Recorder Jasmine Nielson

### **City Council Meeting/Monticello 101**

**Meeting Location: Hideout Community Center 648 S Hideout Way**

- 1. Call To Order**
- 2. Councilmember Training on Meetings and Communication**

**Attachments:**

- **2026-01-27 OPMA -- Robert's Rules -- Land Use** (2026-01-27\_OPMA\_--\_Rober  
t's\_Rules\_--\_Land\_Use.pptx)

- 3. Adjournment (action)**

### **Audio File**

### **Notice of Special Accommodations**

THE PUBLIC IS INVITED TO ATTEND ALL CITY MEETINGS In accordance with the Americans with Disabilities Act, anyone needing special accommodations to attend a meeting may contact the City Office, 587-2271, at least three working days prior to the meeting. City Council may adjourn to closed session by majority vote, pursuant to Utah Code §52-4-4 & 5. The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.

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Contact: Melissa Gill ([melissa@monticelloutah.org](mailto:melissa@monticelloutah.org) 435-587-2271) | Agenda published on 01/23/2026 at 1:16 PM

# Monticello City – Council Training

## OPMA, Robert's Rules & Land Use

*Presented by:*

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HAYES  
GODFREY  
BELL  
LAWYERS

# Utah Open and Public Meetings Act

Utah Code Ann. § 52-4-101, *et. seq*

**“conducts its deliberations openly.”**

# ***All meetings are open unless lawfully closed***

## **Meetings**

Utah Code Ann. § 52-4-201

- All meetings open to the public unless closed
- Includes “work meetings” and “executive sessions”

## **Quorum**

Utah Code Ann. § 52-4-103(11)

- Quorum in Monticello = 3
- Members present in person or by electronic telecommunications

# *A public meeting requires:*

## **Public Notice**

Utah Code Ann. § 52-4-202

- 24 hours notice: agenda; date; time & place
  - Exception: emergencies
- Agenda: “reasonable specificity of topics”
- Topic raised by the public – discretion of chair
- Notice: post at principal office; Utah Public Notice Website; and to newspaper or local media correspondent. Other electronic means encouraged.
- Annual notice of scheduled meetings

## **Orderly Conduct**

Utah Code Ann. § 52-4-301

- Disruption of meeting: may remove person if “orderly conduct is seriously compromised”

# ***Minutes and Recording Required of All Meetings***

## **Written Minutes Required**

Utah Code Ann. § 52-4-203(1)

## **Written Minutes Include:**

Utah Code Ann. § 52-4-203(2)

- Written minutes and a recording shall be kept of every meeting
- Date, Time and Place
- Names of members present and absent
- The “substance” of all matters proposed, discussed or decided
- Record (by person) of votes – Roll Call vote for Ordinances, Resolutions, and matters where liability is incurred.
- Name of each person providing comments & the substance of comments received
- Any other information from meeting that a member requests be included
- Pending minutes – reasonable time
- Approved minutes – 3 business days after approval → official record
- Permanently retained

# *Minutes and Recording Required of All Meetings*

## **Recording**

Utah Code Ann. § 52-4-203(3)

- “**COMPLETE UNEDITED RECORD**” of all open portions – from beginning to end
- Properly labeled: date, time & place
- Available within 3 business days of meeting
- **PERMANENTLY RETAINED**

# ***Closed Meetings: Purposes and Record***

## **Closed Meeting**

Utah Code Ann. § 52-4-204

- Quorum + 2/3 vote
- Must meet subject matter requirements §205
- Publicly announced and record: the reason for closed meeting; location; and each member's vote for or against the closed meeting

## **Closed Meeting – Purpose**

Utah Code Ann. § 52-4-205

- Discuss individual's character, professional competence, or physical or mental health
- Strategy session – litigation
- Strategy session – real property (value, best possible terms); Sale = prior notice; terms disclosed before final
- Deployment security measures
- Investigative proceedings – criminal misconduct
- Deliberations; procurement evaluation committee; protest; appeals
- Procurement: trade secrets; misc.

# ***Closed Meetings: Purposes and Record***

## **Prohibitions**

Utah Code Ann. § 52-4-205(3)

- Interview – elected position; discuss filling interim or temporary vacancy

## **Closed Meeting – Record**

Utah Code Ann. § 52-4-206

- Recording required: beginning to end; date, time, place; names present and absent & names of others who attend
- Minute allowed (if taken, details above)
- Permanently retained

Exceptions: Recording/minutes not required: character, competence, health; security measures. Presiding officer - affidavit

# ***Emergency Meeting***

## **Emergency Meeting**

Utah Code Ann. § 52-4-202(5)

- “Emergency” is not defined
- Attempt to notify all members
- Best notice practicable
- Majority members approve of the meeting

## *Other issues . . .*

### **Chance Meeting – Social Gathering**

§ 52-4-208

- Act does not apply
- Don't conduct any City business

### **Criminal Penalty for Violation**

- Class B misdemeanor: 6 months jail; \$1,000 fine

### **Electronic Messaging?**

Utah Code Ann. § 52-4-210

- Text messages? Emails?
- Purposes of act
- Not restricted when meeting not convened
- Interplay with the Government Records Access and Management Act

# Rules of Order

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# Basic Parliamentary Rules

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- 1) The meeting is governed by the agenda and the agenda constitutes the agreed-upon roadmap for the meeting.
- 2) Any matter that requires a decision (must be on agenda) shall be brought by motion.
- 3) One question at a time and one speaker at a time.
- 4) The chairperson may use General Consent (aka Unanimous Consent) with all motions except those where the votes are used for purposes of the meeting minutes and require a roll call of the council.
- 5) There are only three basic forms of motions allowed: initial motions, motions to amend, and substitute motions.
- 6) There should be no more than three motions on the floor at the same time.
- 7) The debate/discussion can continue as long as members wish to discuss an item, subject to the chairperson determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a council member to limit the debate

# Basic Parliamentary Rules (cont'd)

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- 8) Three yes votes are required to pass any item, with certain items requiring more than three votes (e.g., 2/3 for closed session).
- 9) A motion to reconsider any item requires a majority vote to pass (NOTE: there are very specific rules for a motion to reconsider – must be made during same meeting).
- 10) The chairperson and members shall adhere to bylaws and code of conduct.

# Types of motions

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- **Main motion** – Introduce a new item
- **Subsidiary Motion** (motions to amend or substitute motions) – Change or affect how to handle a main motion (vote on this before main motion)
- **Incidental Motion** – Questions procedure of other motions (must consider before the main motion)
- **Motion to Table** – Kills a motion
- **Motion to Continue/Postpone** – Delays a vote (can reopen debate on the main motion).

# Every motion has (at least) six steps

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- 1) Motion** – A member rises or raises a hand to signal the chairperson
- 2) Second** – Another member seconds the motion
- 3) Restate motion** – the chairperson restates the motion
- 4) Debate/Discussion** – the members debate/discuss the motion
- 5) Vote** – the chairperson restates the motion, and then first asks for affirmative votes, and then negative votes
- 6) Announce the vote** – The chairperson announces the result of the vote and any instructions

# How the vote is taken

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- **Role call vote:**

- Ordinances;
- Resolutions; or
- Any action which would create a liability against the City

- **Simple “yes” or “no”:**

- All other matters

# Points of things

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- **Point of order** – Draws attention to breach of rules, improper procedure, etc.
- **Point of information** – A member may need to bring up an additional point or additional information so that the other members can make fully informed votes
- **Point of inquiry** – A member may ask for clarification to make better voting decisions
- **Point of personal privilege** – A member may address the physical comfort of the setting, such as temperature or noise

# Public Hearings

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- Residents of the City have a right to be heard.
- Members of the public body are not required to respond to questions or comments.
- Public hearings are opened by motion and vote.
- On land use decisions, the applicant has a right to respond to public comment with information and argument.
- Public comment may be limited to a reasonable amount of time (e.g., a few minutes per person/topic)
- Public hearings are closed by motion and vote.
- No member of the public shall be heard until recognized by the chairperson.
- Speakers must state their name and address for the record.
- Any resident requesting to speak shall limit their comments to matters of fact regarding the issue of concern.
- Personal attacks made publicly toward any person, official, or employee are not allowed and are grounds for removal.

# State law – Land Use Development and Management Act (“LUDMA”)

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The City is a political subdivision of the State of Utah

All land use decisions in the City must comply with LUDMA

# What does IUDMA do?

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## AUTHORIZES

The City may adopt its own land use standards so long as they are consistent with federal and state law

## MANDATES

Creation of a Planning Commission  
Establishment of a Land Use & Appeal Authorities

Adoption of a General Plan & a process for considering land use applications

# Ludma – General themes

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Respect for private property rights

Cities may regulate private property

Once written and duly established, land use regulations are binding

Land use ordinances must be plainly written to be enforceable

Process matters

Tie goes to the applicant/property owner

# LUDMA – Roles & RESPONSIBILITIES

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LEGISLATIVE  
BODY

LAND USE  
AUTHORITY

APPEAL  
AUTHORITY

# Legislative Body (city council)

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Only a Legislative Body may enact a land use regulation

Shall adopt a land use regulation to create or amend a zoning district and designate general uses allowed in each zoning district

May establish or modify other restrictions or requirements, including the configuration or modification of uses or density, through a land use decision that applies certain criteria or policy elements

Shall consider (but may adopt, reject, or revise) each proposed land use regulation that the planning commission recommends

May establish a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

# Land use authority (city council, planning commission, or staff)

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Shall apply the plain language of land use regulations

In the absence of a “plain” restriction, shall interpret and apply the land use regulation to favor the land use application.

Shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

# Appeal authority

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Hears and decides requests for variances and appeals from decisions applying the land use ordinances/fees

May not entertain an appeal of a matter in which the Appeal Authority, or any participating member, had first acted as the Land Use Authority

May be an individual or a multi-person board, body, or panel

# MUNICIPAL Land use ACTIONS

	LEGISLATIVE	ADMINISTRATIVE	QUASI-JUDICIAL
CHARACTERISTICS	<ul style="list-style-type: none"> <li>- Promulgation of laws of general applicability</li> <li>- Based on the weighing of broad, competing policy considerations</li> <li>- Subject to voter referendum</li> </ul>	<ul style="list-style-type: none"> <li>- Applying the law to particular individuals or groups based on individual facts and circumstances</li> <li>- Decision is bound by the law and cannot be based on public opinion</li> </ul>	<ul style="list-style-type: none"> <li>- Defers to established law and Legislative/Land Use Authority</li> <li>- Review limited to error, illegality, or abuse of authority</li> </ul>
RESPONSIBLE BODY	<b>City Council or General Electorate</b>	<b>City Council, Planning Commission, or Staff</b>	<b>Appeal Authority or Court</b>
EXAMPLES	<ul style="list-style-type: none"> <li>- Zoning Ordinances (including a site-specific zoning ordinance)</li> <li>- General Plan</li> <li>- Rezones</li> <li>- Annexation</li> </ul>	<ul style="list-style-type: none"> <li>- Conditional Uses</li> <li>- Site Plans</li> <li>- Development Agreements</li> <li>- Subdivisions</li> </ul>	<ul style="list-style-type: none"> <li>- Variance</li> <li>- Appeal</li> <li>- Judicial Review</li> </ul>

# LIMITATIONS ON LAND USE DECISIONS/REGULATIONS

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Only a legislative body may amend the number, shape, boundaries, area, or general uses of any zoning district; any regulation of or within the zoning district; or any other provision of a land use regulation

A legislative body may not make any amendments to a zoning district unless it first submits the amendment to the planning commission for the planning commission's recommendation

# Best practices

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Understand the nature of the decision  
(administrative/legislative/quasi-judicial)

Know your role and responsibility (legislative  
body/land use authority/appeal authority)

Follow procedural requirements exactly

Document your decision in writing

State the reasons for your choices

For legislative decisions, consider public  
hearings as opportunities to learn

For administrative decisions, know the law and  
apply it exactly

Delegate whenever reasonable

If you are delegating authority, give clear  
directions

# Practical pitfalls

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“that’s outside the scope of our review tonight”

Site visits

Hi, I’m the developer of the site that’s on the agenda tomorrow night. Can we talk for second?

I get that this meets the ordinance standard, but I really prefer...

“I’ve had so many people from this neighborhood call and talk to me about this”

Text communication during a meeting

Pre-meeting commitments

# Questions?

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