

PAYSON CITY
PLANNING COMMISSION MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, August 9, 2017 7:00 p.m.

CONDUCTING John Cowan, Chair

COMMISSIONERS Kirk Beecher, Adam Billings (7:04 p.m.), Ryan Frisby, Taresa Hiatt, Harold Nichols (7:08 p.m.), Blair Warner

STAFF Mark Sorenson, City Attorney
Daniel Jensen, Planner II
Kim Holindrake, Deputy Recorder

CITY COUNCIL

OTHERS

1. Call to Order

This meeting of the Planning Commission of Payson City, Utah, having been properly noticed, was called to order at 7:03 p.m.

2. Roll Call

Five commissioners present.

3. Invocation/Inspirational Thought

Invocation given by Commissioner Beecher.

4. Consent Agenda

4.1 Approval of minutes for the regular meeting of July 12, 2017

MOTION: Commissioner Beecher – To approve the minutes. Motion seconded by Commissioner Billings. Those voting yes: Kirk Beecher, Adam Billings, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

5. New Business

5.1 Selection of Planning Commission Chair and Vice Chair

MOTION: Commissioner Beecher – To re-elect John Cowan as Chair. Motion seconded by Commissioner Warner. Those voting yes: Kirk Beecher, Adam Billings, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

MOTION: Commissioner Billings – To nominate Kirk Beecher as the Vice Chair. Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Adam Billings, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

6. Public Forum (7:07 p.m.)

No public comment.

7. Land Use Training (7:08 p.m.)

Mark Sorenson trained the commission on the following items. He presented code references to the Utah State Code, Utah Municipal Code section, and the Payson City Municipal Code.

Municipal Officers' and Employees' Ethics Act – UCA 10-3-1301

Public Officers – Open and Public Meetings Act - UCA 52-4-101

- This includes every agency and group across the board.
- The focus is to have things transparent so the public knows what is happening.

Government Records Access and Management Act – UCA 63G-2-101

- This includes anything that transpires and becomes a record whether it is paper or electronic.
- Emails are records. It is so important to use your city email for all city related correspondence. Your personal or business computer could be accessed for the search of records. If someone emails you through your personal email, replay and ask them to email you through your city email address. This is for your own protection.
- Any person can make a request for records.

Municipal Land Use, Development, and Management Act – UCA 10-9a-101

- UCA 10-9a is the core authority given to municipalities.

Municipal Land Use, Development, and Management Act – UCA 10-9a-301

- This section establishes the planning commission.

Payson City Municipal Code, Title 19 Zoning Ordinance, Title 20 Subdivision Ordinance, and other applicable Payson City Ordinances

The commission viewed a training video from May 2017 by Meg Ryan with the Utah League of Cities and Towns (ULCT) under the Land Use Academy of Utah (LUAU) on what the state requires for meetings and compliance. Government has traded efficiency for transparency because we are doing the public's business in public, which includes noticing, hearings, and outreach. Four laws were reviewed regarding conduct, meeting procedures, how you do the public's business in the public, and what records you need to keep.

- Required to have rules and procedures – UCA Title 10 Chapter 3
 - The content of your rules and procedures is up to you. It was recommended to have an attendance policy.
 - Rules and procedures should be reviewed at least annually.
- Open and Public Meetings Act – UCA Title 52 Chapter 4

- Annual training is required for all elected and appointed officials. These regulations must be followed by everyone.
- Meetings are either open to the public or closed. A closed meeting is never held by a planning commission.
- Minutes and recordings are required.
- Notice requirements include the newspaper, city website, and state website.
- Agendas are required. Determine who sets the agenda whether it is the mayor, council, or staff.
- Public meetings vs public hearings. A meeting is a quorum of a public body that meets in person or electronically to discuss or act on a matter under its authority. You should err on the side of transparency. A chance or social gathering is not a meeting. An electronic meeting requires a policy.
- GRAMA Title – UCA 63G Chapter 2 – Most communications from the city is a public document. Your home computer can be searched for records. You should consider all electronic communication to be the same as a memo or letterhead. Use your city email for all correspondence. GRAMA includes records access, retention, fees, and a timeline.
- Ethics Act – UCA Title 10 Chapter 3 – An elected or appointed official must disclose interests on a written form, which is public. A gift cannot be accepted over \$50. An elected or appointed official must disclose a conflict of interest whether financial or political prior to the discussion then they can participate and vote. If you can't, you should step away from the table and become a part of the public. Ex-parte communication is not talking to people outside of the meeting. You should do the public's business in public. If someone does speak to you outside of a meeting, share the information at the meeting. If a complaint is filed against you, it is addressed by either the municipal ethics committee or state ethics committee. Payson is a member of a local ethics committee, which was set up by an interlocal agreement. There is a penalty involved for ethic violations.

The commission viewed a training video from February 2016 by Dave Church, general counsel with the Utah League of Cities and Towns, on Ethics.

- Municipal Officers and Employees Ethics Act – This act doesn't define ethics or set and ethical standard. The act does two things. It creates crimes you can now commit that you couldn't commit prior to being in office and sets the general level of disclosure for conflicts of interest.
 - Crimes – It is a crime to use your office to feather your own nest in an economic way, to use your office to obtain special privileges for yourself or others, to sell your vote, to tell secrets that advantage you in an economic way, and to ask, seek, solicit, or take gifts worth more than \$50 with the exception of public awards and campaign donations.
 - Disclosure – You are required to disclose whether you or your close family members have an economic interest in a business that is regulated by your community and any personal interest that conflicts with your public duties. The disclosure is in two forms, written filed with the city and oral when an issue comes up in a public meeting. You are not required to recuse yourself or not vote. Cities by ordinance can adopt a more restrictive policy. The person decides for themselves to disclose. If there is a violation, it is brought to the state or local ethics committee. Disclosure never gets you out of the criminal side.

Mark Sorenson instructed the commission on available training videos on the LUAU site under the land use button, which is a great resource. There is also a land use handbook, Handbook for Planning Commissions and Land Use Authorities, which he will email to the commission. The disclosure forms

are available from the city recorder. He also has copies of the laws and ordinances discussed if any commissioners would like them.

8. Commission and Staff Reports (8:06 p.m.)

No reports.

9. Adjournment

MOTION: Commissioner Warner – To adjourn the meeting.

The meeting adjourned at 8:07 p.m.

/s/ Kim E. Holindrake
Kim E. Holindrake, Deputy City Recorder