

APPROVED MINUTES

AMERICAN FORK CITY PLANNING COMMISSION MINUTES MARCH 6, 2019

The American Fork City Planning Commission met in a regular session on March 6, 2019 at the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

Present: John Woffinden
Geoff Dupaix
Nathan Schellenberg
Rebecca Staten
Rod Brocious
Christine Anderson
Eric Franson

Absent: Harold Dudley

Staff Present: David Bunker, City Administrator
Scott Sensanbaugher, Public Works Director
Ben Hunter, Engineer
Adam Olsen, Senior Planner
Wendelin Knobloch, Planner
Lisa Halversen, Administrative Assistant
Staci Carroll, Councilmember
Kevin Barnes, Councilmember
Cherylyn Egner, City Attorney

Also Present: Odell Miner, Dwayne, Cory and Lois Moessinger, Ray and Carma Huff, Blake and Camille Baxter, Chris and Emily Cogswell, MariJo and Ralyn Hansen, Andrew Hansen and Toby Pete Hansen, David M., David R., David Clayton, Trevor Thurgood, Ernest Johanson, Frances Laferett, Richard DuBois, Doug Smith, Frank Smith, Chris Christiansen, Becca Thornton, Glendy Crosby, Joseph White, Brian Robinson, approximately 25 others not signed in

1. Pledge of Allegiance

Chairman Woffinden welcomed everyone and those present recited the Pledge of Allegiance.

2. Hearing, review and action on a zone map amendment from the R-2-7,500 Residential zone to the SC-1 Planned Shopping Center zone located at 60/68/84/92/98/104 Roosevelt Avenue and 447 Harrison Avenue

Chairman Woffinden indicated that the zone map amendment and land use amendment (next item on the agenda) will be discussed together, but voted on in separate motions.

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1 Mr. Olsen clarified that no addresses on Harrison will be discussed tonight, 98 and 104 won't be
2 included at this time. He stated that Doug Smith Auto has closed on 4 of the 7 properties listed
3 above, and on the agenda. The request for Land Use and Zone Map amendments is adjusted
4 to include the 4 following properties: 60, 68, 84, and 92 Roosevelt Avenue. The map
5 accompanying the staff report is also amended to reflect these 4 properties. The potential
6 motions have been revised to remove the property along Harrison Avenue.

7 Doug Smith Auto is purchasing additional properties along the west side of Roosevelt Avenue,
8 and the south side of Harrison Avenue, in anticipation of dealership expansion. Existing homes
9 will be demolished. The request to amend the underlying land use and zone map designations
10 is the first step toward site plan approval. If the land use and zone map amendments are
11 approved, a site plan will follow, illustrating the proposed expansion.

12 Mr. Hunter stated that the Engineering Division recommends approval of the zone change.

13 Mr. Doug Smith stated that they are in need of expanding parking for their business, the lots
14 these homes are on will be turned into additional parking space.

15 Mr. Franson asked Mr. Smith how the KIA expansion has gone, as that was a similar plan.

16 Mr. Smith replied that they put up an 8 ft fence, landscaping, and shields on lights that the
17 neighbors asked for, there haven't been any complaints. He said that the dealership does their
18 best to keep people from parking there.

Public Hearing Opened

22 Mr. Trevor Thurgood of 55 Roosevelt Avenue expressed appreciation for the land upkeep,
23 lighting, and care by Doug Smith. He doesn't see there being potential problems if the same
24 upkeep is present in this situation.

25 Mr. Chris Coxwell asked if Doug Smith will be wanting to purchase any more properties in
26 the future.

27 Mr. Smith indicated that they intend to keep going down the street to the circle.

28 Ms. Becca Thornton compliments the wonderful job done by Doug Smith, including a nice
29 wall and landscaping, and asked what he meant by "going all the way to the circle".

30 Mr. Smith replied that he means the partial cul-de-sac where Harrison turns into Roosevelt,
31 he intends to buy more of those properties.

32 Mr. Dwayne Moessinger said that his family isn't planning on selling. He asked if Doug
33 Smith would build around them. He was concerned because their family doesn't want to sell
34 and doesn't know what will happen to them.

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Mr. Smith indicated that he knows that the Moessinger family doesn't want to sell and he is not threatening anyone. He will ask them for their input to put in a new fence around them.

Boyd Baxter asked what the shopping center zone designation means.

Mr. Olsen replied that the shopping center designation is a broad term for the zone that allows commercial, retail, and other businesses. It is just a name, it doesn't necessarily refer to a shopping center.

Mr. Baxter asked if the wall will go all the way down to these new properties, and Mr. Smith affirmed that it would.

Lois Moessinger said that the road isn't big enough to put all those cars on if they build a shopping center.

Chairman Woffinden said there won't be a shopping center, just a parking lot, there is no access off Roosevelt.

Andrew Hansen stated that they don't want trucks ruining the new road.

Mr. Franson asked if they can tie a motion to an intended use or a site plan so there isn't the possibility of it becoming a shopping center.

Mr. Olsen told commissioners that a site plan would have to come forward in any case to the commission. He felt like the zone change should be approved on the basis that it makes sense in any scenario.

Chairman Woffinden pointed out that it seems like the dealership needs to be expanded and that's their intent for the land use.

Mr. Franson felt like it would only make sense to make the zoning change for this purpose, but not for a commercial shopping center that needs more access. He wants to continue to keep goodwill from the neighbors.

Mr. Scott Sensanbaugher recognized the commissioners' concerns, but indicated that if any other change in land use were to be asked for, there would be engineering and traffic analysis and it wouldn't be an easy approval.

Mr. Brocious suggested making it a condition to have no access from Roosevelt.

An unidentified attendee proposed having signage posted that prohibits parking.

Public Hearing Closed

Mr. Franson moved to recommend approval of the zone map amendment for the identified properties along Roosevelt Avenue, from the Residential medium density designation to the Design Commercial designation.

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Mr. Dupaix seconded the motion. Voting was as follows:

Chairman Woffinden	Aye
Christine Anderson	Aye
Rebecca Staten	Aye
Geoff Dupaix	Aye
Nathan Schellenberg	Aye
Rod Brocious	Aye
Eric Franson	Aye

The motion carried.

3. Hearing, review and action on a land use amendment from the Residential Medium Density to the Design Commercial designation located at 60/68/84/92/98/104 Roosevelt Avenue and 447 Harrison Avenue.

Mr. Hunter stated that the Engineering Division recommends approval of the land use map change.

Public Hearing Opened

Public Hearing Closed

Mr. Dupaix moved to recommend approval of the land use map amendment for the identified properties along Roosevelt Avenue, from the Residential Medium density designation to the Design Commercial designation.

Mr. Franson seconded the motion. Voting was as follows:

Chairman Woffinden	Aye
Christine Anderson	Aye
Rebecca Staten	Aye
Geoff Dupaix	Aye
Nathan Schellenberg	Aye
Rod Brocious	Aye
Eric Franson	Aye

The motion carried.

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4. Hearing, review and action on an ordinance amending Section 17.5.134 of the city code regarding accessory apartments and creating a new Section regulating short-term rentals

Mr. Olsen stated that the short-term rental ordinance aims to preserve the residential character of neighborhoods within American Fork, while allowing short-term (less than 30 day) rentals of rooms/homes. Short-term rentals will be allowed city-wide, in all residential zones. The only prohibition to this is within accessory apartment units, which are intended for rentals longer than 30 days. A two-night minimum stay is required for all short-term rental properties. Properties containing short-term rentals are restricted to four (4) bedrooms or less, with an occupancy limit of two adults and two related children per bedroom; not to exceed twelve (12) persons in the entire short-term rental property. Parking is restricted to the number of vehicles that can legally park within a garage, carport, or driveway. Parking in the public right-of-way, or on any landscaped portion of a yard, is prohibited. No accessory apartment can be used for short-term rentals. The city wants to preserve the residential qualities of neighborhoods, and reduce abuse by such things as Air BnB, etc. A contact person will be required to be available 24/7, a 2-night minimum stay will reduce turnover. Limiting the number of occupants and rooms that can be rented as short-term rentals will also reduce problems such as big parties. Prohibiting street parking will also limit disruption.

A business license is required for all short-term rental properties; owners of which are required to pay the City's transient room tax. A telephone number for the owner/responsible party, who may be reached 24 hours a day, 7 days a week, is required on the business license application. A register of guests, by the owner/responsible party, is also required.

Mr. Schellenberg didn't want to distinguish between short-term rentals and accessory apartments, he said it seems backwards to be able to rent single rooms but not accessory apartments.

Ms. Cherylyn Egner's office has been looking at American Fork city code governing short-term rentals, the only current code falls under accessory apartment regulations. Prohibiting short-term rentals for accessory apartments really just clarifies the existing code.

Mr. Franson asked what the basis for the proposed language is, where did the template come from?

Ms. Egner replied that they looked at various other cities, mostly ski cities and destinations such as St. George. These cities have seen the issues that come up from short-term rentals and the loopholes that need to be closed. A lot of cities have a 3-night minimum requirement, and some cities have no minimum requirement. Having a 2-night minimum seems to be a good compromise to get rid of some one- night parties while still allowing a weekend getaway.

Chairman Woffinden asked what the maximum time is to be considered a short-term rental.

Ms. Egner replied that it is 30 days. Anything over that is treated as a regular rental.

Mr. Franson stated that he has a neighbor who has a popular VRBO home, it has caused problems such as disruptive parties with police called because of noise, lights, and too many

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people. Other neighbors do the same rentals but it's not noticeable or a problem. The size of the home makes a difference in how it impacts the neighbors. He thinks the 4-room, 2 people-per-room limit makes sense. He asked Ms. Egner what violations can be prosecuted.

Ms. Egner said that public disturbance is all that American Fork has in its code to prosecute.

State law prohibits prosecuting people from just having listings on rental websites. With this proposed ordinance the city would know who the property owners who rent short-term are, they would require a business license, and they would have someone on call for immediate remediation. The city can shut down rentals if there are continual parties, etc. on the basis of the property owner not managing their property according to the regulations. She said that short-term rentals are happening, it would be better for law enforcement to at least know if the property was a rental or not, and this ordinance gives them more tools and information.

Mr. Franson asked about the transient room tax, and Ms. Egner indicated that the city has the ability to add onto the hotel room tax if necessary.

Chairman Woffinden asked several questions:

1. If people have to have business licenses to rent their property, then that will change our residential neighborhoods to neighborhoods with businesses. How will that impact our residential neighborhoods?
2. Do we really even want short term rentals?
3. How will they advertise? This question was discussed in detail at the city council work session.
4. How will this affect zoning? We have problems getting people to comply with rental rules right now, why add more?

Mr. Brocious added that if this ordinance is adopted, it will be universal throughout the city and not depending on zone.

Mr. Schellenberg pointed out that liability will be shifted to property owners if the ordinance is passed. They will not be able to remain hidden.

Mr. Brocious said that it's hard to enforce what people do in a home or how they park. He has concerns that more enforcement officers may be needed.

Chairman Woffinden added that traffic and noise affects the whole neighborhood.

Mr. Franson asked for thoughts from residents.

Public Hearing Opened

Mr. Jerry Edwards lives in the northeast part of the city, he has a large home next to him being used as a short-term rental. He's dealing with legal issues regarding this property. Motels in the city have to meet certain codes, he doesn't feel that it is a level field if property owners don't have to meet the same requirements. They need to be licensed and required to keep a registry of

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names and number of days rented. He thinks that this would give boundaries. He worries about diluting residential zones with commercial business. He worries about his property values declining. He suggested that R-1 zones be excluded from allowing short-term rentals.

Ms. Elizabeth Phelon said that short-term rental is going to happen regardless, the city should regulate it. Cars and teenagers and noisy neighbors happen without rentals. It's going to happen under the table or over the table, don't give people a reason to have to hide it. A family of teenage kids makes as much noise as renters, it's just a consequence of living life.

Ms. Egner discussed landlord registries, the city would like to keep short- and longer-term rentals separate. Business license lists would be given to the police for their database. The council's discussion resolved that it is important that police have 24/7 access to this information.

Ms. Anderson asked if owners would be required to discuss rules with renters, Ms. Egner affirmed.

Mr. Kevin Barnes told commissioners that the city council relies on this commission to give good advice. He has used a number of short-term rentals for his family, some are very restrictive. Some have fines for not following rules, they have your credit card number. Hawaii was the most restrictive with quiet hours, etc. He considers himself a property rights advocate, however, freedom crosses the line when it affects neighbors. The council views short-term rentals as an opportunity for the planning commission to find a good solution that will benefit the city.

Ms. Anderson asked how to quantify Section D, which refers to unreasonable noise, etc. Will we have quiet hours? As for the limit on renting 4 bedrooms, she feels that if they have a larger home and sufficient off-street parking, she is ok with not limiting rooms that can be rented.

Ms. Egner stated that "unreasonable noise" is anything above the level of noise you would expect in that neighborhood. The proposed ordinance just puts responsibility back onto the owner for any violations. Big parties would be somewhat restricted when only 4 bedrooms can be rented out. Law enforcement would have tools if they respond to a complaint and there are way too many people there. It won't catch all problems, but will put a structure in place when neighbors complain.

Public Hearing Closed

Mr. Schellenberg said there is some validity to not allowing rental in R-1 zones, but we have to realize that rentals will happen regardless.

Mr. Franson expressed that if it is done right it, property can be rented without disturbing neighbors.

Ms. Anderson wasn't comfortable with a 4-room limit if there is sufficient parking, but she will vote yes because she agrees with the ordinance as a whole.

Mr. Franson said that this is a starting point, and we have to start somewhere.

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Mr. Franson moved to approve the ordinance regulating short-term rentals, with a separate registry for short-term rentals. Short-term rental prohibitions will be removed on accessory structures, the ordinance will be applicable to all dwellings and will apply to the entire city.

Mr. Brocious seconded the motion. Voting was as follows:

Chairman Woffinden	Nay
Christine Anderson	Aye
Rebecca Staten	Aye
Geoff Dupaix	Aye
Nathan Schellenberg	Aye
Rod Brocious	Aye
Eric Franson	Aye

The motion carried.

5. Review and action on a final plat for Mount Timpanogos View Subdivision A, consisting of 23 lots, located in the area of 1500 North 100 East in the R-1-9,000 Residential zone

Mr. Olsen stated that the property encompassing the Mt. Timpanogos View Subdivision was recently annexed and given two zone designations: R1-9,000 for the area west of Alpine Highway (100 E.), and GC-2 (Planned Commercial) for the triangular area between 100 E. and 200 E. Additionally, a boundary line adjustment was enacted and recorded between American Fork and Highland; creating a more definitive boundary between the two cities, using a slightly relocated 9600 N. (Highland) as the new boundary.

24 lots are proposed with the subdivision - 23 residential lots, and 1 commercial lot. Access to the subdivision will be from two access points: one along Alpine Highway (coordinated with UDOT), and one along 9600 N. Residential lots range in size from 12,830 sq. ft. to 34,432 sq. ft., creating an overall density of 1.8 du/ac. A separate site plan application will be submitted for Lot 24 (commercial lot).

The preliminary plan for the subdivision was approved on October 10, 2018.

Mr. Dupaix asked where the access will be to lot 24.

Mr. Olsen replied that UDOT will decide, it could be one of two options.

Mr. Hunter indicated that the Engineering Division recommends approval of the proposed development. They will consider if there is adequate spacing between access points, this issue will be looked at. There are no other concerns, they will coordinate with Highland City to reconfigure angles of traffic.

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1 **Mr. Dupaix moved to recommend approval of the final plat of Mt. Timpanogos View**
2 **Subdivision, Plat A, with the findings and conditions listed in the staff report and subject to**
3 **any findings, conditions, and modifications listed in the Engineering report.**

4 **Ms. Anderson seconded the motion. Voting was as follows:**

5	Chairman Woffinden	Aye
6	Christine Anderson	Aye
7	Rebecca Staten	Aye
8	Geoff Dupaix	Aye
9	Nathan Schellenberg	Aye
10	Rod Brocious	Aye
11	Eric Franson	Aye

12 **The motion carried.**

13
14 6. Review and action on a site plan for the DEIV office building located at 229 West Main
15 Street in the CC-2 Central Commercial zone.

16 Mr. Olsen stated that DEIV Architects proposes a new structure at 229 West Main. The structure
17 will be built on vacant property, adjacent to an existing home/commercial structure. The existing
18 structure will remain, and be utilized for office purposes. The new structure will be a 3-story,
19 brick office building. Total office square footage will be 3,655 sq. ft. Setbacks, landscaping and
20 parking requirements have been met through the site plan. Access off of Main Street is being
21 coordinated through UDOT.

22 Mr. Dupaix expressed concerns about the appearance of this building. A similar complex that was
23 previously approved looks uninviting.

24 Mr. Olsen replied that the city can ask for detail changes.

25 Mr. Hunter said that the Engineering Division recommends approval of the proposed development.
26 The necessary infrastructure is in and they have no other concerns.

27 Mr. Dallin Jolley, of Base Developers, wants to have a medical use office and will be keeping the
28 adjacent original home. They've been careful to meet requirements and maximize the parking, and
29 have been working with UDOT to combine driveways. The building will be dark gray brick with
30 a modern touch and a full glass entrance, with a nice landscaping plan in front and back.

31 Mr. Franson asked if there is any variation in color.

32 Mr. Jolley replied that the plan is to have a dark brick with no color variations, but they will
33 consider doing things with window sills, etc for more visual interest.

34 **Mr. Franson moved to recommend approval of the site plan for the DEIV Office Building,**
35 **with the finding listed in the staff report and subject to any findings, conditions, and**
36 **modifications listed in the Engineering report.**

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1 Ms. Staten seconded the motion. Voting was as follows:

2	Chairman Woffinden	Aye
3	Christine Anderson	Aye
4	Rebecca Staten	Aye
5	Geoff Dupaix	Aye
6	Nathan Schellenberg	Aye
7	Rod Brocious	Aye
8	Eric Franson	Aye

9 The motion carried.

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12 7. Review and action on an agreement for the AF10 Annexation consisting of 12.20 acres at
13 approximately 850 West 620 South

14 Mr. Olsen said that the AF 10 Annexation consists of approximately 12.20 acres, and is located
15 just south of the TOD overlay, at approximately 850 West 620 South. The applicants seek
16 annexation in order to develop under the PR-3.0 zone district. Any rights-of-way for roads
17 within the annexation area will be provided. Future development plans will conform to the
18 underlying Low Density (3 du/ac) and PR-3.0 zone parameters; likely being a combination of
19 varying lot sizes, single-family attached and detached units. It is anticipated that this area will tie
20 into the Dixie Farms development, which is directly adjacent to the west and south. Annexation
21 is the first step toward ultimate development.

22 Mr. Hunter indicated that the Engineering Division recommends approval of the proposed
23 development.

24

25 Ms. Anderson moved to recommend approval of the AF10 Annexation Agreement.

26 Mr. Dupaix seconded the motion. Voting was as follows:

27	Chairman Woffinden	Aye
28	Christine Anderson	Aye
29	Rebecca Staten	Aye
30	Geoff Dupaix	Aye
31	Eric Franson	Aye
32	Nathan Schellenberg	Aye
33	Rod Brocious	Aye

34 The motion carried.

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- 1 8. Review and action on an agreement for the AF 191 Annexation consisting of .51 acres at
2 approximately 800 South 900 West.

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4 Mr. Olsen stated that The AF 191 Annexation consists of approximately .51 acres, and is located
5 at approximately 800 South 900 West. The triangular area is the result of a boundary line
6 adjustment to tie property into the Dixie Farms development. The applicants seek annexation in
7 order to develop under the PR-3.0 zone district. Future development plans will conform to the
8 underlying Low Density (3 du/ac) and PR-3.0 zone parameters. As stated above, it is anticipated
9 that this area will tie into the Dixie Farms development, which is directly adjacent to this parcel.
10 Annexation is the first step toward ultimate development.

11 Mr. Hunter said that the Engineering Division recommends approval of the proposed annexation.

12
13 **Ms. Anderson moved to approve the AF 191 Annexation Agreement.**

14 **Mr. Franson seconded the motion. Voting was as follows:**

15 Chairman Woffinden	Aye
16 Christine Anderson	Aye
17 Rebecca Staten	Aye
18 Geoff Dupaix	Aye
19 Nathan Schellenberg	Aye
20 Rod Brocious	Aye
21 Eric Franson	Aye

22 **The motion carried.**

- 23
24 9. Review and action on an agreement for the AF Penrod Annexation consisting of 10.72
25 acres at approximately 950 West 620 South

26
27 Mr. Olsen said that the AF Penrod Annexation consists of approximately 10.72 acres, and is
28 located within both the TOD and the Low Density Residential (3 du/ac) designations, at
29 approximately 950 West 620 South. The applicants seek annexation in order to develop under
30 both the TOD and PR-3.0 regulations; therefore, it is proposed that the area be zoned TOD
31 (Transit Oriented Development) and PR-3.0 (Planned Residential). Rights-of-way for roads
32 within the area will be provided with the annexation.

33 Mr. Hunter said that 900 West will go through the area and line up, so other rights-of-way will
34 be required.

35 Ginger Romriell, of Ascent Development, indicated that these three annexations will wrap up
36 their ability to put in the 900 West roadway.

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Ms. Anderson moved to recommend approval of the AF Penrod Annexation Agreement.

Mr. Dupaix seconded the motion. Voting was as follows:

Chairman Woffinden	Aye
Rod Brocious	Aye
Nathan Schellenberg	Aye
Christine Anderson	Aye
Rebecca Staten	Aye
Geoff Dupaix	Aye
Eric Franson	Aye

The motion carried.

10. Review and action on an agreement for the Phelon Annexation consisting of 47.39 acres at approximately 400 East 1700 South

Mr. Olsen stated that the Phelon Annexation consists of 47.39 acres. The annexation is located at approximately 400 East 1700 South. Existing use of the property is agriculture. Right-of-way for 1700 South will be dedicated with the annexation. As the area lies directly adjacent to existing industrial uses, the I-1 (Industrial) zone is proposed. This allows for expansion of industrial uses within the City. Upon development of this area; and a small portion of the Catalyst business park area to the west, industrial areas within the City will be fully developed. The far southern portion of the annexation area will be zoned SP (Shoreline Preservation) as it lies adjacent to the Utah Lake shoreline.

Mr. Hunter indicated that the Engineering Division recommends approval of the proposed annexation. He added that 1700 South is an important piece to the city. There is flood danger to the south of this road, so flood protection stipulations are part of the annexation agreement.

Mr. Schellenberg moved to recommend approval of the Phelon Annexation Agreement.

Mr. Brocious seconded the motion. Voting was as follows:

Chairman Woffinden	Aye
Rod Brocious	Aye
Christine Anderson	Aye
Rebecca Staten	Aye
Geoff Dupaix	Aye
Eric Franson	Aye
Nathan Schellenberg	Aye

The motion carried.

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11. Other Business

Mr. Richard Dubois asked how long it takes for the county to recognize an annexation.

Mr. Olsen said that it goes to the city council, then to the county and state. It usually takes a few weeks before it's reflected at the county level. The next city council meeting is March 20, then deeds for rights-of-way will be acquired and planning issues ironed out. Mr. Olsen then thanked commissioners for coming to the dinner and expressed appreciation to them.

Mr. Schellenberg announced that he will be resigning from the planning commission.

12. Site Plan Committee Report

Mr. Knobloch showed the upcoming Planning Commission meeting agenda, there are only two items. These include the JCW's rebuild and Dixie Farms Plats A and B PUD.

Mr. Olsen offered to see if he can have attorney come and give commissioners some training since it will be a shorter meeting.

13. Review and action on the minutes of the February 20, 2019 Planning Commission Regular Session

Ms. Anderson moved to approve the minutes of the February 20, 2019 Planning Commission Regular Session.

Mr. Dupaix seconded the motion. Voting was as follows:

Chairman Woffinden	Aye
Rod Brocious	Aye
Christine Anderson	Aye
Rebecca Staten	Aye
Geoff Dupaix	Aye
Eric Franson	Aye
Nathan Schellenberg	Aye

The motion carried.

14. Adjournment

Mr. Dupaix moved to adjourn.

Ms. Staten seconded the motion. All concurred.

Meeting adjourned at 8:45 pm.



Lisa Halversen, Administrative Assistant