

Enoch City is inviting you to a scheduled Zoom meeting.

Topic: Enoch City Planning Commission

Time: Jan 11, 2022 05:30 PM Mountain Time (US and Canada)

Join Zoom Meeting

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Meeting ID: 878 8849 0009

Passcode: 417530

ENOCH CITY PLANNING COMMISSION

NOTICE AND AGENDA

January 11, 2022 at 5:30pm

City Council Chambers

City Offices, 900 E. Midvalley Road

- 1. CALL TO ORDER OF REGULAR MEETING**
 - a. Pledge of Allegiance –**
 - b. Invocation (2 min.) –Audience invited to participate.**
 - c. Inspirational thought-**
 - c. Approval of agenda for January 11, 2022**
 - d. Approval of minutes for December 28, 2021**
 - e. Conflict of Interest Declaration-**
- 2. OPEN AND PUBLIC MEETINGS TRAINING**
- 3. PUBLIC COMMENTS**
- 4. COMMISSION/STAFF REPORTS**
- 5. ADJOURN**

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call the City Offices at 586-1119, giving at least 48 hours advance notice. Meetings of the Enoch City Planning Commission may be conducted by electronic means pursuant to Utah Code Annotated, Section 52-4-207. In such circumstances, contact will be established and maintained by telephone or other electronic means and the meeting will be conducted pursuant to the Enoch City Code of Revised Ordinances, Chapter 3-500, regarding meeting procedures including electronic meetings.

CERTIFICATE OF DELIVERY

I certify that a copy of the forgoing "Notice and Agenda" was delivered to each member of the Planning Commission, emailed to "Cedar City Daily News", posted on the Enoch City website, on the City Office door and published on the Utah Public Meeting Notice website on 1-6-22.


Julie Watson, Recorder

1-6-22
Date

MINUTES
ENOCH CITY PLANNING COMMISSION
December 28, 2021 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

Commissioner Leonard Correa
Commissioner Andy Losee-Absent
Commissioner Andrew Meacham-Zoom
Commissioner Debra Ley
Chairman Bob Tingey

STAFF PRESENT:

Rob Dotson, City Manager
Council Member Katherine Ross-Absent
Julie Watson, City Recorder-Zoom
Lindsay Hildebrand, Deputy Recorder

PUBLIC PRESENT: Mike Platt and Brandon Staples were present in person. Steve Woolsey, Alex with Civil Science, John Staples, and Bygnal Dutson were present on Zoom.

1. CALL TO ORDER OF REGULAR MEETING-By Chairman Tingey at 5:30 pm.

- a. **Pledge of Allegiance** –Led by Mike Platt
- b. **Invocation (2min.)–Audience invited to participate.** Given by Commissioner Correa
- c. **Inspirational thought-** Given by Commissioner Correa
- d. **Approval of agenda for December 28, 2021-** Commissioner Ley made a motion to approve the agenda. Commissioner Correa seconded and all voted in favor.
- e. **Approval of minutes for December 14, 2021-** Commissioner Ley made a motion to approve the minutes. Commissioner Meacham seconded and all voted in favor.
- f. **Conflict of Interest Declaration-** none stated

2. CONSIDER A MINOR SUBDIVISION AND LOT LINE ADJUSTMENT FOR TOO UNIQUE PROPERTIES AND GEORGE LUTTERMAN AND MAKE A RECOMMENDATION TO THE CITY COUNCIL-Woolsey Land Surveying

Steve Woolsey, with Woolsey Land Surveying, said that George Lutterman owns Too Unique Properties. Parcels 1 through 3 are part of the minor subdivision. Parcel 4 is kind of a cleanup. Steve explained the history behind the Parkview subdivision. Phase 3 was vacated and it had a small park inside of it. They want to create one big nice parcel. Parcel 4 is a part of that area. There are existing utilities from the previous minor subdivision. They aren't creating any new utility easements. City Manager Dotson said that there is a gas line existing there as well. Commissioner Ley asked where the piece of property inside of the subdivision is located. City Manager Dotson showed it on a map. He also had a question about 5600 North. Should the City Council require the right-of-way? Steve said that he has talked with George Lutterman about that before he submitted it. They have most of the right-of-way established by the landowners on 5600 North. He asked George if he wanted to convey that so that they have a nice clean right of way. He said not at this time and wants to reserve that. City Manager Dotson said it complies with all of our standards. Chairman Tingey asked if there were any questions. Commissioner Ley wanted to know if there is a right of way on either side of that right now. Is there an easement on the south side already? City Manager Dotson explained where the rights-of-way are on a map. Commissioner Meacham noted that Dominion energy had installed a gas line along 5600 North. It was installed when that roadway was dedicated.

Commissioner Ley made a motion to send a favorable recommendation to the City Council to approve the minor subdivision and lot line adjustment for Too Unique Properties and George Lutterman, contingent upon having the City Council recognize that there is not a dedicated right-of-way on the south end of the property and north of the road. Commissioner Correa seconded the motion and all voted in favor.

3. CONSIDER THE PRELIMINARY PLAT OF HARDCORE INDUSTRIAL PARK AND MAKE A RECOMMENDATION TO THE CITY COUNCIL-Civil Science Eng. & Bygnal Dutson

Alex with Civil Science said that this is a 16 lot subdivision. It is located off of Highway 130 and south of 6400 North. The lots will be designed for industrial purposes. They are not all being constructed or sold at the moment. It's strictly for future use. Water will tie into 700 East. Sewer system will be septic. Once the lots are developed the septic system will be designed for each lot. There are two gas lines. One will remain and the other will be abandoned. Regarding drainage, everything will be retained on its own lot and will be self-sufficient. There will be a drainage swell developed to catch storm water. It's a self-sufficient piece of land. Alex asked if there were any questions. Chairman Tingey asked what the dotted lines were on his map. Alex said they are existing topography. Commissioner Ley mentioned the squares on the map are retention areas. Alex said that every lot will be designed and graded so that it will retain its own storm water. It's a form of low impact development. They aren't sized exactly how they will look in the end. Chairman Tingey asked if the roads in the middle of the subdivision are future roads and are not there currently. Alex said that is correct. Their access will come off of 700 East. There are three roads on the map that are not built yet. City Manager Dotson said this is the first development that has future planned retention. It should be better for all of the neighboring properties.

Commissioner Correa made a motion to send a favorable recommendation to the City Council to approve the preliminary plat of Hardcore Industrial Park. Commissioner Ley seconded the motion and all voted in favor.

4. CONSIDER THE PRELIMINARY PLAT OF PINE VIEW ESTATES, PHASE 2 AND MAKE A RECOMMENDATION TO THE CITY COUNCIL-Platt & Platt and John Staples

Mike Platt said this needs to start because they want to roll Phase 1 into Phase 2 to be able to put the sewer line in. It has 27 lots and it's pretty straight forward. Lot sizes are 11,000 sq. ft. They are working with Watson Engineering to put in a hybrid (detention and retention) pond there at about 5200 North. As the pond fills up there is a size orifice and that will be how they will release that water onto 5200 North gradually. Brandon Staples said that he owns the project and he wanted to add the vision so that everyone knows what the project is. He is from Virgin, Utah and just wants to be good neighbors. He has experience with the monsoon season in Arizona, where they use the hybrid model. They want to make that look nice and within the subdivision so they will have a park. They want to line it with trees and have it be something that will age well. City Manager Dotson said they have the easement figured out to the west with the sewer. That should make a big difference. They have met all of the requirements.

Commissioner Ley made a motion to send a favorable recommendation to the City Council. Commissioner Meacham seconded and all voted in favor.

5. PUBLIC COMMENTS – There were no public comments.

6. COMMISSION/STAFF REPORTS

Commissioner Correa commented on the Wreaths Across America program saying it went off very well and inspiring. The fly-over was perfectly timed. All agreed it was a wonderful program.

7. **ADJOURN – Commissioner Ley made a motion to adjourn. Commissioner Correa seconded and all voted in favor.** The meeting ended at 6:15 pm.

Lindsay Hildebrand, Deputy Recorder

Date

Meeting ID: 873 7753 0830

DRAFT

Open and Public Meetings Act and Joint Rules Governing Special Committees

A Summary of Key Provisions | October 6, 2021

Open and Public Meetings Act

The Open and Public Meetings Act (OPMA) requires that members of a public body be “provided with annual training on the requirements of [the Open and Public Meetings Act]” (Section 52-4-104). This document is intended to facilitate compliance with that requirement and to help members of a public body understand OPMA. This summary is intended for a state legislative audience and does not attempt to explain or address requirements for other public bodies.

OPMA's stated goal is to ensure that the state, its agencies, and its political subdivisions deliberate and take action openly (Section 52-4-102).

Definitions

(Section 52-4-103)

Meeting means a convening of a public body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body has jurisdiction or advisory power.

Public Body means an administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

- is created by the Utah constitution, state statute, rule, ordinance, or resolution;
- expends, disburses, or is supported in whole or in part by tax revenue; and
- is vested with the authority to make decisions regarding the public's business.

Public body does not include a political party, political group, or political caucus, or a conference committee, rules committee, or sifting committee of the Legislature.

Public Notice

(Section 52-4-202)

A public body is required to provide public notice of a meeting at least 24 hours before the meeting. The public notice is required to:

- specify the date, time, and place of the meeting;
- include an agenda that specifies the topics the public body will consider;
- be posted on the Utah Public Notice Website and at the location of the meeting, unless the meeting is being held without an anchor location; and
- be provided to a newspaper or local media correspondent.

2021 Amendments to OPMA

- 2021 S.B. 72 prohibits a vote in a closed meeting except to end the closed portion of the meeting and provides that a motion to end the closed portion of a meeting may be approved by a majority vote.
- 2021 S.B. 125 requires a public body convening an electronic meeting to provide facilities at an anchor location for the public to attend the meeting unless there are health or safety concerns.

A public body may discuss an item raised by the public that is not listed on the agenda but may not take final action on the item at the meeting.

Minutes and Recordings

(Section 52-4-203)

- A public body is required to keep written minutes and a recording of all meetings unless the meeting is a site visit or traveling tour where no vote or action is taken.
- A recording of the open portions of the meeting must be posted on the Utah Public Notice Website within three business days after the public meeting.
- Draft minutes are required to be made available to the public within 30 days after the meeting.
- The approved minutes and any public materials distributed at the meeting must, within three business days after their approval, be:
 - posted on the Utah Public Notice Website; and
 - made available at the public body's office.

Closed Meetings

(Sections 52-4-204 and 52-4-205)

A public body may hold a closed meeting only for certain purposes, including to discuss:

- a person's character, competence, or health;

- pending or imminent litigation;
- certain matters regarding acquisition or sale of real property, including water rights or shares;
- the deployment of security personnel, devices, or systems;
- an investigation of alleged criminal conduct;
- the receipt or review of an ethics complaint, if the public body is the Independent Legislative Ethics Commission;
- certain matters under the jurisdiction of a legislative ethics committee; and
- certain deliberations and decision making involved in the procurement process.

A public body may close a meeting only by a two-thirds vote with a quorum present, except in certain circumstances.

A public body that closes a meeting is required to announce and record in the minutes the reasons for closing the meeting.

A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence for an elected position, or to discuss a person whose name was submitted to fill a midterm vacancy or temporary absence for an elected position.

An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during the closed portion of a meeting.

A public body may not take a vote in a closed meeting, except for a vote on a motion to end the closed portion of the meeting.

Electronic Meetings

(Sections 52-4-207 and JR1-4-402, JR1-4-403, JR7-1-407)

A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern electronic meetings. The Legislature's rule governing electronic legislative meetings states that a meeting may be held by electronic means during an emergency. Electronic meetings shall comply with OPMA, including posting written notice of the meeting at the anchor location, unless the meeting is being held without an anchor location.

When calculating a quorum for each vote during an electronic meeting a member is included if that member is:

- present in person at the anchor location; or
- participating and able to communicate electronically.

A public body may conduct an electronic meeting without an anchor location if the chair of the public body:

- makes a determination that conducting the meeting with an anchor location presents a substantial risk to the health or safety of those who may be present at the anchor location;
- states the facts upon which the determination was made; and
- includes in the public notice for the meeting the determination and information on how the public may view or make comment at the meeting.

If an electronic meeting is held without an anchor location, a public body shall provide means by which the public can view and hear the open portions of the meeting and provide comments electronically.

In a non-emergency situation, a committee member may remotely participate in a public meeting if:

- the member will be more than 50 miles away from the meeting location;
- at least three days before the meeting, the member requests permission of the chair to participate from a remote location; and
- the chair obtains permission from the speaker of the House of Representatives and president of the Senate to conduct an electronic meeting.

Penalties

(Sections 52-4-302 and 52-4-305)

Open Meetings - Any final action taken in a meeting that is in violation of certain open-meeting provisions of OPMA is voidable by a court.

Closed Meetings - It is a class B misdemeanor to knowingly or intentionally violate the closed meeting provisions of OPMA.



Open and Public Meetings Act and Joint Rules Governing Special Committees

A Summary of Key Provisions | October 6, 2021

Joint Rules Governing Special Committees

Legislative rules governing legislative committees – which includes interim and special committees – are found in Joint Rule Title 7, Chapter 1.

Special Committees

(JR7-1-101(25), JR7-1-102)

A special committee is a committee, commission, or task force created by legislation and staffed by the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst. This does not include interim committees, standing committees created in rule, or Senate confirmation committees created in rule.

Special committees are subject to interim committee rules and function largely like interim committees. If anything in rule conflicts with the special committee's governing statutes, the governing statutes take precedent.

Quorum Requirements

(Utah Code 63C-23-201, JR7-1-203)

The Education and Mental Health Coordinating Council's governing statutes state that a quorum is a simple majority and an action of a majority of the quorum is an action of the council. For other committees, quorum requirements depend on the composition of the committee or the committee's governing statutes.

Committee Order of Business

(JR7-1-204)

Unless a chair or a committee, by majority vote, determines otherwise, the order of business for a legislative committee meeting is:

- call to order;
- approval of minutes of the immediately preceding meeting;
- brief description of each item on the agenda;
- announcement of any time restrictions;
- consideration of legislative committee business for the meeting; and
- adjournment.

Making a Motion and Parliamentary Procedures

Making a Motion

A member of committee may make a motion unless the motion is prohibited. *(JR7-1-307 through JR7-1-311)*

- Committee member makes the motion. ("I move that ...")
- Chair accepts by restating the motion.
- Chair allows committee members to ask one or more questions about the motion and to debate the motion.
- Maker of the motion provides summation.
- Chair places the motion for a vote and may call for a roll call vote if necessary.
- Chair announces the vote on the motion.

Parliamentary Procedures

Parliamentary procedures for legislative committees are detailed in rule *(Joint Rule Title 7, Chapter 1, Part 5)*. They include:

- An individual may only speak to a legislative committee when recognized by the chair.
- Chairs must recognize members of the committee who request to speak, and the committee members' remarks must be germane.
- Members of a committee must vote on a motion when present.
- Privileged motions are nondebatable and take precedence over a nonprivileged motion. They include, in the following order, motions to adjourn, recess, and end debate.