

**MINUTES OF A REGULAR
VINEYARD CITY COUNCIL MEETING**
City Hall, 125 South Main Street, Vineyard, Utah
February 13, 2019 at 6:00 PM

Present

Mayor Julie Fullmer
Councilmember John Earnest
Councilmember Tyce Flake
Councilmember Chris Judd
Councilmember Nate Riley

Absent

Staff Present: City Manager/Finance Director Jacob McHargue, Public Works Director/City Engineer Don Overson, Assistant City Engineer Chris Wilson, City Attorney David Church, Sergeant Holden Rockwell with the Utah County Sheriff's Office, Community Development Director Morgan Brim, Planning Commission Chair Cristy Welsh, City Planner Elizabeth Hart, City Recorder Pamela Spencer, Water/Parks Manager Sullivan Love.

Others Present: Planning Commissioners Tim Blackburn, Bryce Brady, Anthony Jenkins, Stan Jenne, Jeff Knighton, and Shan Sullivan

Others Speaking: Residents David Sollami, and Josh Gilman, Spencer Hintze with Gilbert and Stewart, Brandon Watson with Edge Homes

6:01 PM REGULAR SESSION

Mayor Fullmer opened the session at 6:01 PM. Councilmember Flake lead the Pledge of Allegiance and gave the invocation.

OPEN SESSION – Citizens' Comments

Mayor Fullmer opened the public session.

Resident David Sollami living in the Garden subdivision expressed concern with the city enforcing zoning code 15.34.100.1. He mentioned the it would affect about 15 of his neighbors. He proposed a change in regards to allowing small trailers or campers to be permitted. He explained that the code had two parts: one to keep the sidewalks clear and second was to discourage residents from parking their personal vehicles on the streets. He felt that those with small trailers and campers were not violating the code with the intended purpose of blocking the sidewalks or causing more cars to park on the streets. He felt that it did not make sense to replace his car with a trailer in his garage. He said it would impossible for residents to meet this code and felt that they were set up to fail. He recommended that they add a small part to the code 15.34.100.1 "Recreational vehicles, including boats, travel trailers, motor homes, horse trailers, similar vehicles kept in reasonable repair and operational condition may be located in a detached or attached garage *or in front of, as long as said vehicle does not impede public access or block sidewalks....*"

Mayor Fullmer asked the council if they had any comments. Councilmember Earnest asked if Mr. Sollami was only talking about recreational-type vehicles on the driveway, not blocking public sidewalks or on the street.

Mayor Fullmer called for further public comment. Hearing none, she closed the public session.

MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Earnest reported that he had been discussing school safety issues for the past year. He said that he wanted to figure out to how to improve school safety in Vineyard. He felt that the city was close to a program that would have uniformed and armed Sheriff deputies at the schools while children were present. He added that this would include technology to help mitigate and find potential perpetrators. He said the that he had been working with Sergeant Rockwell and the principals of the schools to put this plan together.

Councilmember Judd reported that he had attended an economic development seminar presented by Natalie Gochnour with the Kem C Gardner Policy Institute and the head economist for the Salt Lake Chamber of Commerce. He said that she had given them insights into the national and local economies. Utah was doing well in comparison to other states; we were one of the top 5 in the nation. Job growth was above the average. He said that she was looking at indicators, and one of those was that it had been 10 years since the last recession. Utah would follow the national economy because their gross domestic product was very similar to the U.S. Gross Domestic Product. He said that they were seeing things in fiscal policy and interest rates. He explained that there had been an inversion on the interest rates and usually a short time after that happens, they see a recession. He said that Ms. Gochnour felt because of the strength seen in Utah County they might see the economic dip a year after the rest of the country. Councilmember Judd reported that he and Mr. Brim had met with Todd Brightwell with ADVISORS Consulting Services. He said that they were excited to use them as an additional resource. He added that they needed to nail down what the city's current plan was and any additional services or resources that would be needed.

Mayor Fullmer mentioned that there would be a discussion on economic development at the next RDA meeting.

Councilmember Flake reported that the legislature was back in session. He mentioned that there were currently over 1,100 bills with more to come. He added that very few had progressed beyond first reading. Bills to watch were:

- House Bill 78 – Federal Lands Designation. The legislature wanted to take away city authority. This would affect all municipalities.
- Senate Bill 34 - Affordable Housing. Certain requirements would kick in once the train station was open and if the city received bus services.
- House Bill 228 – Towing. Preclude municipalities from regulating towing. Mayor Fullmer mentioned that they had reached out the representatives, letting them know the city's position on the bill.
- House Bill 56 – Reporting of RDA Information. The change was going to where the reporting was going to and specific fees.

Councilmember Flake stated that the citizens of Vineyard were getting good representation from City Council and staff.

Mayor Fullmer reported that the city had been working on funding with the double track, the rail spur removal, the Vineyard Connector, and Geneva Road expansion. She mentioned that they were able to get the Geneva Road expansion on the second phase, which would allow them to go after corridor preservation funding. She reported that they talked to Utah Department of Transportation (UDOT) about the phasing of the Vineyard Connector. She said that UDOT was looking into what it would take to go after it. Utah Transit Authority (UTA) was going after funding at the legislature for the double track.

Mayor Fullmer reported that the city had met with people regarding economics and how the city could go after funding. She added that they had met with REAL Salt Lake's nonprofit organization about being a part of the city.

STAFF, COMMISSION, AND COMMITTEE REPORTS

City Manager/Finance Director – Jacob McHargue – Mr. McHargue reported that staff and councilmembers had spent a lot of time at the legislature. He said that they wanted to make sure that the funding sources that they supported were handled correctly. He said that they were working with Union Pacific on the Center Street overpass permit. Councilmember Riley asked if they were having to start over in terms of the engineering. Mr. McHargue replied that there were issues but not the Mechanically stabilized Earth (MSE) wall. Mr. McHargue reported that staff had been working with Utah Valley University (UVU) on their transportation and transit planning sessions, making sure the city's needs were addressed.

Public Works Director/Engineer – Don Overson – Mr. Overson reported that while in the meeting with UVU there was a presentation done by Zions Bank which talked about a transportation reinvestment zone (TRZ) funding. He explained that it was similar to an RDA, but specifically for transportation. He said that one of the qualifications was to use 51 percent of the total amount bonded for on transportation and the rest could be used for sewer, water, landscaping, etc., He said they could possibly use it for parking garages, head bridges, etc. for transportation. He added that this would open a way to get more money for the Town Center area.

City Attorney – David Church – Mr. Church had no new items to report.

Utah County Sheriff's Office – Sergeant Holden Rockwell – Sergeant Rockwell had no new items to report.

Community Development Director – Morgan Brim & Planning Commission Chair – Cristy Welsh – Mr. Brim reported that the plats for the Lakefront @ Town Center were on the consent agenda for tonight's meeting. He said that staff was recommending that the council approve the them with the exception of Plat 1B. He recommended that they pull it for discussion. He reported that he had met with Commissioner Lee who indicated that he was supportive of Vineyard and our projects. They discussed the rail spur removal and the double tracking issues with UTA. He

said that Commissioner Lee had discussed a mega site that was south of Utah Lake and how they would be building a new town there. He said that they had discussed the 400-plus acres adjacent to the UVU campus in Vineyard and doing a mega project such as an innovation center. Mayor Fullmer mentioned that Commissioner Lee had shared the projects they had discussed in their meeting. She said that the other commissioners were willing to support Vineyard on the upcoming MAG projects. She added that they had also spoken with mayors from cities near Vineyard to get their support.

Planning Commissioner Anthony Jenkins reported that Planning Commission had continued the public hearing items to a future meeting. He reported that Bike Utah and Mountainland Association of Governments (MAG) had attended their last Planning Commission meeting to give them information on the trends they were seeing and what Vineyard was doing well. He said that they had asked if residents would worry about children riding their bikes in the city and why. He said that another issue they had was in the new neighborhoods that had cement walls and people having to walk up to half a mile to get to their backyard. He said that they had recommended adding more trail connectivity and entrances to the trails. He said the Bike Utah suggested that Vineyard not take on any active transit project until they see if there were any matching funds grants they could get.

City Recorder – Pamela Spencer – Ms. Spencer had no new items to report.

Building Official – George Reid – Mr. Reid was excused.

Water/Parks Manager Sullivan Love – Mr. Love had no new items to report.

Planning Technician – McKenna Marchant – Code Enforcement Quarterly Report – Ms. Marchant was excused.

Clean Air Task Force – Resident Josh Gilman – Committee Member – Mr. Gilman reported that he had attended a Clean Air Task Force meeting presented by the Utah Valley Chamber of Commerce. He said that they were trying to get representatives from every city to attend and learn about their air quality and take ideas back to the cities. He said that one of the items they discussed was commercial property-assessed clean energy (CPACE) financing, which could help businesses build more environmentally-friendly buildings. He added that he had spoken to Ms. Rimal about including air quality on social media. He also wanted to talk to the Heritage Committee about having a booth to engage the community about clean air quality. Mr. Brim mentioned that they were in the process of writing a new general plan and suggested that if there were initiatives that the city wanted to pursue there could be a sustainable chapter to help support these efforts.

DISCUSSION ITEMS

5.1 Vineyard Heritage Days Summer Celebration

City Manager Jacob McHargue and Heritage Commission Chair Tim Blackburn will discuss plans for the Vineyard Heritage Days Summer Celebration.

Mayor Fullmer turned the time over to City Manager/Finance Director Jacob McHargue.

Mr. McHargue explained that staff had been working with the Heritage Commission on ways to celebrate Vineyard's 30-year anniversary. He said that they were planning a 3-day event, which would run from May 30 to June 1 at the Grove Park. He gave a list of the activities that would take place.

- Food and vendor booths
- Heritage activities similar to last year
- A carnival. There was a discussion about where to locate the carnival and parking. The consensus was to have the carnival on 400 North and in the parking lot of the park and move the parking to angled parking on the east side of Main Street.
- Golf Tournament
- Heritage Commemoration - Thursday
- Chalk the walk
- Mayor's Breakfast – Mayor Fullmer requested that it be called Council's Breakfast.
- Fireworks – Saturday Councilmember Earnest suggested that the fireworks be bigger than last years.

There was a discussion about the budget. Mr. McHargue stated that the budget was about \$700 over the already-approved amount.

Councilmember Judd stated that he was in full support of the event. He said that every year more people participate and wanted the trend to continue. Mayor Fullmer mentioned that they would be celebrating the areas heritage and 30 years of being a town/city.

MAYOR'S APPOINTMENTS

No names were submitted.

BUSINESS ITEMS

7.1 DISCUSSION AND ACTION – Fiscal Year 2017-2018 Audit Report

Gilbert and Stewart will present the annual financial audit report for Fiscal Year 2017-2018 for consideration and acceptance by the Council. The mayor and city council will take appropriate action.

Mayor Fullmer turned the time over to Spencer Hintze with Gilbert and Stewart, the auditors for the city.

Mr. Hintz reviewed the audit report. He recommended that the people review the management discussion and analysis, which would give them a brief understanding of what happened in the city throughout the year. He also suggested that they look at the financial statements, notes to the financial statements, and page 57-the independent auditor's report on internal controls. He stated that during the audit they did not identify any deficiencies in the internal control that they considered to be material weaknesses.

Councilmember Riley asked if they were looking to identify ways someone could take money from the funds. Mr. Hintze replied that they were not able to catch everything and why they did not form an opinion. He said that they did work closely with staff to make sure internal controls were in place to try and avoid those types of things. Mr. McHargue mentioned that every time something like that happened, the city received a letter from the state.

Mr. Hintze continued his review. He said that on page 59 was the state compliance report. He said that Vineyard had complied with the requirements identified. He explained that there was an instance of noncompliance in the amount in the fund balance. There was a discussion about the procedures for the fund balance. Mr. McHargue explained that they made a transfer in May and more money came into the city in June than was anticipated which took the fund above the amount allowed. He added he would make sure review it at the end of the year. Councilmember Judd explained that this happened only seven months ago.

Councilmember Judd asked about depreciation. Mr. Hintze replied that they would want to show how much the equipment was actually worth. There was a discussion about depreciation. Mr. Church said that there was nothing in the law that stated that they had to fund depreciation.

7.2 PUBLIC HEARING – Zoning Text Amendment, Ordinance #2019-01: Regulations for Golf Driving Ranges

Planning staff will present amendments to the Zoning Code allowing for golf safety netting height, standards for protection netting, requirements for site and building lighting and minimum buffering from residential uses. The City Council will take appropriate action. *(This item has been continued until the Planning Commission reviews it and makes a recommendation.)*

Mayor Fullmer called for a motion to continue Item 7.2.

Motion: COUNCILMEMBER JUDD MOVED TO CONTINUE ITEM 7.2 ZONING TEXT AMENDMENT, ORDINANCE #2019-01: REGULATIONS FOR GOLF DRIVING RANGES. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

7.3 PUBLIC HEARING – Zoning Map Amendment, Ordinance #2019-02: Rezoning City Owned Property

Planning Staff is proposing a rezone of 9.05 acres of real property with Tax ID 17:023:0017 located at 281 West 1600 North to Public Facility (PF). This property was recently annexed into Vineyard City from Lindon City and previously zoned Public Facility (PF) under the Lindon City Zoning Ordinance. Vineyard is proposing to utilize this property for a future Public Works Yard and Facility. The City Council will take appropriate action. (A public hearing was held during the Planning Commission meeting on February 6, 2019.)

Mayor Fullmer turned the time over to Community Development Director Morgan Brim.

Mr. Brim explained that when Vineyard had purchased the property from Lindon, they did not give it a zoning designation. He said the Planning Commission and staff were recommending the land be rezoned to Public Facilities. Mayor Fullmer asked about potential retail on the property. Mr. Brim did not recommend rezoning the property as retail until they decided whether or not to sell it. Councilmember Judd mentioned that if they were to sell the property, they would be required to annex it back into Lindon. Mr. Brim commented that the Public Facilities designation would allow the city to build a public works yard.

Councilmember Riley left the meeting at 7:12 PM.

Motion: COUNCILMEMBER EARNEST MOVED TO APPROVED ORDINANCE 2019-02 AS PRESENTED. COUNCILMEMBER JUDD SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND JUDD VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

Councilmember Riley rejoined the meeting at 7:14 PM.

7.4 DISCUSSION AND ACTION – Lakefront @ Town Center Open Space Credit

Planning staff is proposing that the City Council consider an in-lieu substitution for a portion of the required on-site open space for the development of a portion of the promenade. The City Council will take appropriate action.

Mayor Fullmer turned the time over to Community Development Director Morgan Brim.

Mr. Brim clarified that the Planning Commission had diligently gone through every aspect of the site plan. He said that tonight, all that was being requested was an in-lieu substitution of the open space. He explained that the developer needed to make up 4.88 acres of open space which was being proposed to occur in the promenade. He said that the benefit would be that the city would receive public open space in the promenade. He explained that the project had been broken into two phases and they were discussing Phase 1 tonight. He said that there were nine (9) final plats up for approval in Phase 1. He added that staff had provided conditions that would require the developer to bond for amount of the in-lieu substitution of open space. Mr. McHargue explained how the in-lieu substitution worked. Mr. Brim provided the mayor and council with updated conditions.

There was a discussion about Phase 1 and open space requirements. Councilmember Judd expressed concern with giving a proportionately higher open space in the development and deferring off the public open space. Brandon Watson with Edge Homes explained that in their original plans, they were short 20 percent of the open space on the south half. They would be bonding for one-acre of the promenade to meet the ordinance. The discussion continued about the division of the open space. Mr. Church suggested that when they approve the south half, they assume that the north half would not get built and how they should comply as a standalone project. He asked how they move the obligation from the plat and onto the promenade. His suggestion was to bond for it in case the developers were not the ones who developed the promenade. There was a discussion about using a unit count for open space requirements. Mr. Church stated that all that staff was asking for was approval of the concept of the bond. He said that they would calculate out the easiest way to determine the amount. He said the idea was, once they were ready to build the promenade, to have the developer build their portion or have the money available to build it. Mr. McHargue felt that the dollar amount might be different but the direction was important.

Councilmember Riley asked if there was a scenario where they would anticipate the promenade being completed outside of this project and they would have to come up with the 20 percent open space. Mayor Fullmer replied that as she understood it the developer could give money towards the completed project for improvements. Councilmember Riley asked if they could give the city money in lieu of open space. Mr. Church explained that the Town Center plan assumed a big unified plan with one property owner. He said that now, Edge Homes was building a portion of the plan, and the promenade was calculated into the whole area. He said that in the residential zoning areas there had to be a minimum of 20 percent open space. He stated that they needed to continue to look at it holistically. He said they were still working on a master development plan.

He mentioned that the density numbers were set by the form of the building, side yards, and the open space, etc. If the promenade was already built, they would be asking for credit for the open space. Mr. McHargue added that Edge Homes did not want to bond for the open space but could not do anything until the development agreement was in place. He said that they did not anticipate a bond on the second half of the development because they would have to build a portion of the promenade as the second half of the development was being completed.

Mayor Fullmer called for further questions. Hearing none, she called for a motion.

Motion: COUNCILMEMBER EARNEST MOVED TO APPROVE THE REQUEST FOR AN IN-LIEU SUBSTITUTION FOR OPEN SPACE REQUIREMENTS FOR THE LAKEFRONT @ TOWN CENTER DEVELOPMENT WITH THE FOLLOWING TWO CONDITIONS:

1. THE DEVELOPER (EDGE HOMES) AND VINEYARD CITY SHALL ENTER INTO A DEVELOPMENT AGREEMENT PRIOR TO THE RECORDATION OF FINAL PLATS FOR THE LAKEFRONT @ TOWN CENTER DEVELOPMENT. PHASE 1, INCLUDING PLATS A, B, C, D, E, F, G, H, AND I OF THE LAKEFRONT @ TOWN CENTER SHALL NOT BE RECORDED UNTIL PHASE 1 MEETS THE REQUIRED ONSITE OPEN SPACE OR THE DEVELOPER BONDS FOR THEIR PROPORTIONATE SHARE OF THE ESTIMATED PROMENADE COSTS.
2. IF ANY PORTION OF THE CONDITIONS OF THE PLANNING COMMISSION'S APPROVAL ON FEBRUARY 6, 2019 CONFLICTS WITH CONDITION 1 ABOVE, CONDITION 1 SHALL SUPERSEDE.

Councilmember Judd asked to amend condition 1 to say that "...estimated lake promenade costs as a percentage of the number of units in Phase 1 divided by the total number of units in phase 1 and Phase 2. Mr. Watson replied that it was to meet the 20 percent open space and that they would be okay with it being by unit.

Councilmember Earnest amended the motion:

Amended Motion: COUNCILMEMBER EARNEST MOVED TO APPROVE THE REQUEST FOR AN IN-LIEU SUBSTITUTION FOR OPEN SPACE REQUIREMENTS FOR THE LAKEFRONT @ TOWN CENTER DEVELOPMENT WITH THE FOLLOWING TWO CONDITIONS:

1. THE DEVELOPER (EDGE HOMES) AND VINEYARD CITY SHALL ENTER INTO A DEVELOPMENT AGREEMENT PRIOR TO THE RECORDATION OF FINAL PLATS FOR THE LAKEFRONT @ TOWN CENTER DEVELOPMENT. PHASE 1, INCLUDING PLATS A, B, C, D, E, F, G, H, AND I OF THE LAKEFRONT @ TOWN CENTER SHALL NOT BE RECORDED UNTIL PHASE 1 MEETS THE REQUIRED ONSITE OPEN SPACE OR THE DEVELOPER BONDS FOR THEIR PROPORTIONATE SHARE OF THE ESTIMATED PROMENADE COSTS AS A PERCENTAGE OF THE NUMBER OF UNITS IN PHASE 1 DIVIDED BY THE TOTAL NUMBER OF UNITS IN PHASE 1 AND PHASE 2.
2. IF ANY PORTION OF THE CONDITIONS OF THE PLANNING COMMISSION'S APPROVAL ON FEBRUARY 6, 2019 CONFLICTS WITH CONDITION 1 ABOVE, CONDITION 1 SHALL SUPERSEDE.

COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

CONSENT ITEMS

- 8.1 Approval of the January 23, 2019 City Council Meeting Minutes
- 8.2 Approval of an addendum to The Geneva Road Access Management Plan
- 8.3 Approval of the Lakefront @ Town Center Final Plat Phase 1-A
- 8.4 Approval of the Lakefront @ Town Center Final Plat Phase 1-B
- 8.5 Approval of the Lakefront @ Town Center Final Plat Phase 1-C
- 8.6 Approval of the Lakefront @ Town Center Final Plat Phase 1-D
- 8.7 Approval of the Lakefront @ Town Center Final Plat Phase 1-E
- 8.8 Approval of the Lakefront @ Town Center Final Plat Phase 1-F
- 8.9 Approval of the Lakefront @ Town Center Final Plat Phase 1-G
- 8.10 Approval of the Lakefront @ Town Center Final Plat Phase 1-H
- 8.11 Approval of the Lakefront @ Town Center Final Plat Phase 1-I

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO REMOVE 8.4 LAKEFRONT @ TOWN CENTER PHASE 1B AND APPROVE 8.1 THRU 8.3 AND 8.5 THRU 8.11 AS PRESENTED. AND DISCUSS 8.4. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

Consent item: 8.4 Approval of the Lakefront @ Town Center Final Plat Phase 1-B

Mayor Fullmer turned the time over to Economic Development Director Morgan Brim.

Mr. Brim explained that this development included a public access route on the north and south side of the club house. He said that staff wanted ensure that it was reflected on the plat as an easement. His recommendation was that council approve the plat subject to the developer working with staff to establish a public access easement on the north and south side of the club house. Councilmember Riley asked what the approximate width of the access was. Mr. Brim replied that he did not know, but the plans showed a conceptual idea. He suggested that they get at least six inches on either side of the sidewalk. Councilmember Riley stated that it should not be less than a 10-foot access. There was a discussion about the size of the access. Mr. Brim felt that 10 feet would be enough for a maintenance vehicle and was standard for a path in the city.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE 8.4 LAKEFRONT @ TOWN CENTER PHASE 1 PLAT B WITH THE ADDITIONAL REQUIREMENT OF A MINIMUM 10-FOOT EASEMENT ON THE NORTH AND SOUTH SIDE OF SAID PLAT. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

TRAINING – Open and Public Meetings Act

City Attorney David Church will present annual training on Open and Public Meeting procedures and requirements. The City Council as well as members of the Planning Commission will attend this training. This training is provided annually pursuant to Section 52-4-104 of the Utah State Code.

Mayor Fullmer turned the time over to City Attorney David Church.

Mr. Church presented the annual Open and Public Meetings Act training. He discussed electronic communication between mayors, councilmembers, staff, and the public. He explained that the act stated that it was the policy of the State of Utah that all public bodies take their actions and conduct their deliberations openly. He said that it was easy to take actions openly but the confusion was what it meant to deliberate. He stated that there were a lot of electronic ways to communicate. The legislature amended the act to add the definition of electronic messages, which was communications conducted electronically, including electronic mail, instant messages, electronic chat, text messaging, and every other method that conveys a message electronically. The legislature also added a section that said that nothing in this chapter should be constructed to prevent a member a public body from transmitting an electronic message to other members of a public body at time when the public body is not convened in an open meeting. In theory if not convened as a public body there was nothing in the act that prevents members from texting each other, commenting on Facebook, speaking on the telephone, etc. It should not happen if convened in an open meeting. He asked outside of an open meeting, when does an electronic communication violate the act. He explained that a meeting was defined as the convening of the public body with a quorum present, in person or by means of electronic communication. He further explained that convened meant the calling together by a person authorized to do so. He said if the mayor were to say, "let's all get together by email or electronic means and discuss it," that was a meeting without inviting the public to participate and would be a violation of the open and public meetings act. If a councilmember sent an email to the rest of council expressing concerns about an agenda item, then it would not be a meeting unless deliberations occurred and then you might be violating the spirit of the act. He explained that they did not have a meeting unless there was a quorum present.

Councilmember Earnest asked if he could send emails to councilmembers informing them of things he had learned about school safety. Mr. Church replied that if he said "mayor I need a decision", then it would be a violation. He added that they could comment on social media.

Planning Commissioner Jeff Knighton asked if they could share thoughts about staff reports emailed to them before a Planning Commission meeting. Mr. Church replied that they could share thoughts on the agenda items as long as there were no decisions made and they were not deliberating. He said that deliberations and deciding how to vote should be done in front of the public. He added that the policy was to favor transparency over efficiency. He said that the Planning Commission was entrusted to make the decision as the land use authority and had obligations of due process. Councilmember Judd stated that he like the transparency and that under the GRAMA law those were available to the public. There was further discussion about open meetings and communications.

Mr. Knighton asked what he could do if he was going to be out of town and wanted to provide feedback. Mr. Church replied that he could share his thoughts with the public body and ask them to be stated in the public meeting. He mentioned that the act allowed electronic meetings and the city code allowed a member of the public body to participate electronically and was different from electronic communications.

Planning Commission Chair Cristy Welsh asked for clarification that if someone was out of town, they could send communication to the entire public body. Mr. Church explained that the public body was in a meeting if they had been convened and a quorum was present. He said that if a member of the public body sent out an email blast to the entire group, that was not a meeting until someone said let's discuss this. Ms. Welsh stated that she liked the ability to know what someone's thoughts were if they were not going to be at the meeting. Councilmember Judd felt that it was avoiding deliberation. He felt that an email blast was okay, but deliberating or deciding was not okay. Mr. Church stated that sharing thoughts after you have shared thoughts

was not okay. The discussion continued. Mr. Church stated that the public cared about knowing what was going on.

There was a discussion about holding public hearings. Mr. Church explained they only needed one public hearing to meet the state code and if the Planning Commission held one, then the City Council did not need to hold one.

CLOSED SESSION

No closed session was held.

ADJOURNMENT

Mayor Fullmer called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 7:55 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

The next regularly scheduled meeting is February 27, 2019.

MINUTES APPROVED ON: February 27, 2019

CERTIFIED CORRECT BY: /s/ Pamela Spencer
PAMELA SPENCER, CITY RECORDER