



PLANNING COMMISSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE PLANNING COMMISSION WILL HOLD A REGULAR MEETING AT 7:00 PM ON MARCH 9, 2022 AT CENTERVILLE CITY HALL COUNCIL CHAMBERS, 250 N. MAIN STREET, CENTERVILLE, UTAH.

Centerville Planning Commission meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville Planning Commission meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Centerville City Electronic Meetings Policy. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Mayor and Council reserve the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.

The full agenda packet and backup materials can be found on the Centerville City website at:

<https://centervilleut.v8.civicclerk.com/>

A. CALL TO ORDER

- 1. ROLL CALL**
- 2. LEGISLATIVE PRAYER OR THOUGHT**
- 3. PLEDGE OF ALLEGIANCE**

B. BUSINESS ITEMS

Business action or discussion items to be considered by the Planning Commission.

1. Public Hearing - LEGISLATIVE RECOMMENDATION - Hogan Cabinet & Steel Planned Development Overlay and Conceptual Site Plan Map Amendment
The purpose of the PDO Request is to create a custom development, located at 975 West 50 South, which is harmonious with the overall character of existing developments within the vicinity. The Applicant is looking to make the buildings look appealing while maintaining efficiency through the engineered insulated metal panel wall system that is becoming very architecturally friendly while visually pleasing.
2. Public Hearing - LEGISLATIVE RECOMMENDATION -Zone Code Amendment - Food Trucks
Consider amendments to Section 12.70.020 of the Centerville Zoning Code regarding the scope and applicability of Chapter 12.70 (Food Trucks) - Ordinance No. 2022-07
3. Open and Public Meetings Act Training
Required annual training on the Open and Public Meetings Act
4. CivicClerk Training
Training on new agenda management software CivicClerk

C. COMMUNITY DEVELOPMENT DIRECTORS REPORT

1. Community Development Director's Report
Next Planning Commission Meeting - March 23, 2022:
Tentative Items:
 - *Canyon Point Final Site Plan*
 - *HollyCake Bakery - Home Occupation CUP***City Council Report:**

- *Nothing to Report*

Commission Goals Update:

- *Parking Update Study -In progress*
- *Subdivision Ordinance - underway with City Attorney, early 2022*
- *Food Truck Ordinance - In progress*
- *Single-family on un-platted lots - not yet underway*
- *General Plan/Economic Study - to begin in March 2022*

D. MINUTES

Minutes of prior meetings may be reviewed and accepted. Minutes review and approval shall comply with the Centerville City Minutes Approval Policy.

1. February 9, 2022
2. February 23, 2022

E. ADJOURNMENT

CERTIFICATE OF POSTING

I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.

Mackenzie Wood
Centerville Assistant Planner

**PLANNING
COMMISSION**

Staff Report
3/9/2022

Item No. 1.

Title: Public Hearing - LEGISLATIVE RECOMMENDATION - Hogan Cabinet & Steel Planned Development Overlay and Conceptual Site Plan Map Amendment

Initiated By: Cory Snyder, Community Development Director

Staff Representative:

SUBJECT:

The purpose of the PDO Request is to create a custom development, located at 975 West 50 South, which is harmonious with the overall character of existing developments within the vicinity. The Applicant is looking to make the buildings look appealing while maintaining efficiency through the engineered insulated metal panel wall system that is becoming very architecturally friendly while visually pleasing.

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS:

1. 03-09-2022 PC Staff Report PDO & Conceptual Site Plan, Hogan Cabinet & Steel Facility
2. Hogan Shops PDO Narrative & Commitment
3. Hogan Site Master Plan

**CENTERVILLE CITY
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM #1**

APPLICANT: TYLER OLIVER
975 WEST 50 SOUTH
CENTERVILLE, UTAH 84014
(toliver@hoganconstruction.com)

OWNER: HOGAN AND ASSOCIATES CONSTRUCTION
940 NORTH 1250 WEST
CENTERVILLE, UTAH 84014

PROPERTY: PARCEL 06-008-0034
(975 WEST 50 SOUTH)

ACREAGE: 8.97 ACRES

ZONING: INDUSTRIAL VERY- HIGH (I-VH) DISTRICT

APPLICATION: REQUEST FOR A PLANNED DEVELOPMENT OVERLAY
REZONE ZONE TO (I-VH/PD) AND CONCEPTUAL SITE
PLAN ACCEPTANCE

BACKGROUND

According to the application submittal for a PDO Overlay Rezone, the purpose is to create a custom development for the property which is harmonious with the overall character of existing developments within the vicinity. They are looking to make the buildings look appealing while maintaining efficiency through the engineered insulated metal panel wall system that is becoming very architecturally friendly while visually pleasing. They want a modern look that integrates well with the other development properties around.

The subject property is predominately vacant with two (2) much older steel buildings located on the back 1/3 of the property, formerly owned by MASCO. Recently, Hogan Construction purchased the land and converted the older buildings to a steel fabrication facility specific for their construction company. The applicant now desires to attract

the older buildings and construct a new fabrication facility along with a cabinet shop. This would consist of a two-phased approach. First, the steel fabrication facility and then the cabinet shop. The estimated project construction time would be just over approximately 2-years.

GENERAL INTRODUCTION OF THE PROPOSED DEVELOPMENT PROJECT

The purpose of the “*planned overlay request*” is to seek a variation from the conventional I-H Architectural Design standards, which present a functional construction limitation, due to the size of the planned facilities. The applicant proposes to create a master design theme that also is responsive to surrounding commercial development to the north and the potential redevelopment of the aging Trinity facility to the south.

The PDO Conceptual Site Plan consists of several exhibits (*see PC agenda attachments*). These exhibits depict two (2) buildings; one for the steel fabrication and the other for the cabinet manufacturing facility. These buildings will be constructed using an engineered insulated metal panel system using various features and elements to create an architecturally friendly and visually pleasing development. The applicant believes that it will create a very “*modern look that integrates well with the other development properties around.*”

Additionally, there will be enhanced landscaped areas along 1250 west and a buffer area along the north side of the property adjacent to the commercial development. An enhanced fencing scheme will be installed in select areas to create additional visual appeal towards 1250 West.

1. PLANNED DEVELOPMENT OVERLAY ZONE (PDO) PROCESS OVERVIEW AND STAFF COMMENT FOR THE I-VH/PDO REQUEST

The proposal development application consists of rezoning 8.97 acres of property into a planned development overlay (PD) with the Industrial Very High (I-VH) district of the West Centerville Neighborhood. The PDO provisions are to be used in “*a manner that allows design flexibility, integration of mutually compatible uses, integration of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations.*”

A. PDO Approval Procedure:

Land shall be placed in a PDO zone pursuant to a zoning map amendment as set forth in CZC 12.41.080 of the Zoning Ordinance. The following shall be submitted in conjunction with an application for a zoning map amendment:

1. *An Existing Conditions Inventory as required by Chapter 12-50 of this Title;*
2. *A conceptual site plan as provided in Section 12-21-110 of this Title.*

Staff’s Response: The PDO application contains several exhibits that identify the existing conditions of the site (zoning map, parcel map, existing conditions survey, etc.). Also, the petition contains several exhibits depicting the master planned development and its associated landscaping, features, and architectural concepts.

Some of exhibits are intended to partially serve as the master conceptual plan for the proposed PDO request.

B. PDO Zone Overlay Approval Criteria (Section 12-41-080):

Submittal of an application for a PDO zone does not guarantee that the zone or a conceptual site plan will be approved. A zoning map amendment and conceptual site plan may be approved only if the City Council, after receiving a recommendation from the Planning Commission, finds:

1. The proposed PDO zone and associated conceptual site plan:

a. *Does not conflict with any applicable policy of the Centerville City General Plan;*

- ✓ *West Centerville Neighborhood Plan, Goal 1- Enhance the Centerville Business Park*, the explanation states that “the goal primarily is to maintain and eventually upgrade the conditions and appearance of buildings and yard area...”
- ✓ *Objective 1.B* - Maintain an architectural theme for all buildings along 1250 West. The theme is to be complimentary with regards to the use of materials, specifically utilizing the current predominance of split-face concrete masonry or tilt-up construction materials.
- ✓ *Objective 1.C* - Establish and maintain a consistent landscaping theme along the street front of 1250 West.
- ✓ *Objective 1.D* - Encourage property owners to maintain and eventually upgrade aging buildings and sites.
- ✓ *Objective 1.E* - Ensure that all outside storage yards or areas are appropriately screened from view from a public street. Additionally, storage areas need to be screened along the Interstate corridors of I-15 and the Legacy Parkway.
- ✓ *Objective 1.F* - Allow older buildings to be upgraded without making it economically unfeasible to a point that it would require a complete demolition of existing structures.
- ✓ *Objective 1.G* - Allow metal buildings to remain or be constructed in the interior of the Business Park, although require additional use of materials to enhance the appearance of such structures.
- ✓ *Objective 1.I* - Reconfigure the Industrial Very High Zoning District in extreme southeast area and amend Section 12-36 Table of Land Uses (Zoning Ordinance) to allow the existing heavy industry uses, subject to a conditional use permit review.
- ✓ *Objective 5.B* - Establish a landscaping buffering standard of at least 30 feet where two incompatible intensities are located next to one another.

Staff Response: Staff believes that overall, the proposed PDO request is substantially consistent with the applicable goal and listed objectives. However, staff acknowledges that 1250 façade of the proposed cabinet

shop could be debatable with regards to whether the design is complimentary to the typical “split faced block or tilt-up construction materials”

In staff’s opinion there has been much improvement and modernization the use of architectural design steel façades and when coupled with glazing, it creates an enhanced look compared to the stark split face design elevations allowed by the I-H Zone. For example the storage units to the north use the conventional I-H building material. But it’s actually the landscaping, coupled with the split face block that contributes to the aesthetic view from 1250 West. Staff believes that Hogan’s proposed PDO building theme using insulated metal panel wall system, coupled with landscaping along 1250 West, will substantially be visually better in this case, than using the conventional I-H design practice.

Additionally, the master planned use of landscaped areas along 1250 West and along the north side of the site adjacent the commercial area creates improved/compatible buffering elements that the current I-H Zone District’s development standards lack. The current I-H standard along 1220 West is only 15 feet, where the proposed setback is 24 feet or greater. Additionally, the current north boundary building setback is only 0-feet, where the proposed buffer distance to C-VH/PD commercial zone is 20 feet.

- b. *Meets the spirit and intent of the Zoning Ordinance as set forth in CZC 12.41.060.* The criteria of this section consists of five (5) applicable development concepts:

- ✓ *Uses are specifically authorized as part of a site plan approved pursuant to the provision of the Chapter;*

Staff’s Response: The PDO Master Plan also sets forth a new synergy in investment and appeal for the West Neighborhood area than what has been done previously in this area of our most intense industrial district. Staff believes that an enhanced design aspect of the project will potentially set the tone and design of the now aged Trinity site. The use proposed is listed in the I-VH Use Tables, as general manufacturing.

- ✓ *Uses and buildings are designed as an integral element of the planned development, including building and landscape design which is consistent with design elements of the development;*

Staff’s Response: As stated earlier, staff believes that the general building layout, parking, uses, and landscaping are better suited to the project than what the conventional provisions of the I-H Zone.

- ✓ **Proposed lots or parcels are suitable in area and dimensions to the types of land uses anticipated;**

Staff's Response: At this time, the petitioner seeks only PDO with a master conceptual site plan approval. The plan does NOT call out any subdivision of land involving lots or public streets.

- ✓ **Street design, rights-of-way and pavements are adequate to accommodate the type and volume of traffic anticipated.**

Staff's Response: The primary reason for seeking a PDO approval is the development of a differing architectural theme. The project will provide two (2) access points. The north access point will be for employee, patron, and other general vehicles. The south entrance will primarily be devoted to the larger trucks for ingress and egress needs.

- ✓ **The project's design adequately provides the expected type and volume of needed utility services.**

Staff's Response: Additional water, sewer, and storm water service lines are needed to bring the type and volume needed for the project. Both the City Engineer and Public Works director believe that such services can be constructed by the developer to establish the needed volume.

2. The applicant has:

- a. Sufficient control over the property to be developed to ensure development will occur as approved;

Staff's Response: The application indicates that the property owner, Hogan, and Associates Construction, owns the entire development area. Thus, sufficient control has been established regarding the PDO area.

- b. The financial capability to carry out the planned development project; and
- c. The capability to start construction within one (1) year of final plan approval.

Staff's Response: As indicated earlier, the developer and owner are seeking the PDO and Master Conceptual Site Plan approval. Afterwards, they plan develop the project in about 2 years. According to the company's profile, the company was founded in 1945 and claims that they have \$350+ million in bonding capacity and performs up to 40% of a project's work in with their employees. They are licensed in 10 western states and average \$300 million in contracts each year.

C. Imposition of Conditions:

In order to make findings necessary to approve a PDO zone, conditions of approval may be imposed on a conceptual site plan to assure the planned development will:

1. *Accomplish the purpose of the Zoning Ordinance; and*
2. *Be developed as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses; and*
3. *Meet the requirements of the zone in which the proposed development is located except as such requirements are modified as allowed by the Zoning Ordinance and as shown on an approved conceptual site plan for the planned development.*

Staff's Response: This section allows the approving entity (i.e. City Council) to apply conditions of approval necessary to accomplish the purposes of the PDO Zone. Such recommendations and conditions are to be identified and recommended by the Planning Commission.

D. Variations from Development Standards:

Variations from applicable development standards of an underlying zone and Title 15 of the Centerville City Code may be approved as part of a rezone, subdivision, or site plan approval for a planned development pursuant to the provisions of the Zoning Ordinance.

Staff's Response: This section allows the approving entity (i.e. City Council or Planning Commission) to vary any conventional ordinance regulations. After review of the submitted plans, only a single ordinance variation is being requested.

- ✓ **CZC 12.35.080(e); Exterior Building Standards** – The proposed building design meets the expectations of using a combination of exterior building materials that will assure attractive visual quality. However, the design theme consists of an architectural design steel façade coupled with glazing to create an enhanced look compared to the conventional split face block materials, colored metal, stucco, glass, ceramic tiles are approved as an accent materials. Exclusive use of exterior wood and metal siding is currently prohibited. Consequently, approving the PDO would alter the predominate expected use of rock, stone, brick, or split face block in favor of using the proposed engineered insulated colored metal wall panel system.

E. Subsequent Approval Requirements:

Final Site Plan Approval. Within 12 months after approval of a PDO Zone and a corresponding conceptual site plan, and before the issuance of any building permit, an applicant shall obtain approval of final site plan pursuant to CZC 12.21.110

Staff's Response: The submitted plans indicate a two project (2) phases. Staff

still remains unclear if the intent is regarding construction phasing verses development phasing. According to CZC 12.21.110(f)(2), at the time of Final Site Plan approval, the entire property is to be developed. However, a phasing plan may be approved by the Commission, provided that each phase is appropriately functional and independently supported with needed infrastructure.

F. PDO Development Standards Review (Section 12-41-100)

The standards of this section are supplemental to and in conflict prevail over all other standards of the underlying I-H Zone. Such standards are summarized below:

1. *Access: Access should be from interior streets rather than directly from adjoining perimeter roads.*

Staff's Response: As indicated earlier, there are two (2) access drives to support the circulation pattern of the entire site.

2. *Building Heights – Heights are to be governed by the underlying I-VH Zone, which is a maximum height of 45 feet, except where such heights may be exceeded in accordance with Section 12-35-080. a. with the issuance of a CUP approval.*

Staff's Response: It is the understanding of staff that the project is not proposing any additional building height.

3. *Common Areas – Such areas for public use need to be freely accessible from other public areas, and private areas are to be dispersed throughout the project to create a sense of openness.*

Staff's Response: It is the understanding of staff that since the project is being developed entirely for the companies steel/cabinet shop operations, the project is not proposing any independent development lots or common areas to be shared with other lots or parcels.

4. *Distance Between Buildings – Building layouts appear to exceed the typical I-VH district requirement of six (6) feet.*

5. *Lot Area and Width – The lot area and widths are to be shown on an approved subdivision plan.*

Staff's Response: It is the understanding of staff that since the project is being developed entirely for the companies steel/cabinet shop operations, there is no plan to further subdivide the project.

6. *Required Improvements – These standards address streets, sidewalks, stormwater management, water and sewer service, utilities, etc.*

Staff's Response: Due to the majority of the land being vacant, the submittal indicates that several upgrades and additional infrastructure is needed to service the development and the surrounding area. According to the applicant's engineer and the City's engineer the construction of these services will occur at time of developing this project.

7. *Required Yards – The requirements of the underlying zone do not apply but are to be shown on an approved site plan.*

Staff's Response: The conceptual plan submittal has identified all building setbacks and yard areas. These setbacks do exceed the typical I-VH zoning regulations.

8. *Tract Perimeter and Buffer – Any perimeter property line (not adjacent to a street) of a PDO must provide a setback equal to rear yard of the I-VH Zone.*

Staff's Response: The I-H Zone has a rear yard setback of one (1) foot, unless the property abuts a residential zoning district, which then is 20 feet. This project does not abut any residential zone.

9. *Walls and Fences – Walls and fences may be required where a planned development abuts an adjacent residential zone.*

Staff's Response: This project does not abut any residential zone. However, the project does address needed security fencing and along with the designs proposed in the PDO Exhibits.

G. I-VH District's Conceptual Site Plan Standards Review (Section 12-41-100)

Since there is only a single request for varying the standards of the I-VH, below is a summary of the conventional regulations:

1. I-VH Zone Uses Allowed - According to the Zoning Ordinance, general manufacturing is a "permitted use" within the Industrial-High (I-VH) Zone.
2. I-VH Zone Development Standards, Chapter 12-35

Development Standards for the Industrial-Very High Zone			
Standard	Requirement	Depicted	Conformity

Building Standards			
Distance Between Buildings	6 feet	Greater than required due to parking lot location	Yes
Building Height, max.	35 feet	31 Feet	Yes
Site Setbacks			
Front	20 feet	24 feet	Yes
Sides	None		N/A
Rear	None		N/A
Max. Bldg. Floor Area	None	161,000 square feet	NA
Outside Storage	Permitted	Undefined	TBD

3. Applicable Industrial Development Standards

- **Parking, Chapter CZC 12-52** – The parking schedule indicates that general manufacturing use would require 161 parking stalls. The site plan proposes 128 parking stalls. An additional 33 parking stalls need to be accounted for in the site layout.
- **Landscaping, Chapter 12-51** – The applicant has submitted a site plan showing the general location of landscaping and the total percentage, as follows:

Required Landscaping Summary, Chapter 12-51		
Standard	Required	Provided
Total Area Landscaping	10%	Phase 1 = 10.9% Phase 2 = 12.9%
Total Required Trees	1 Tree per 500 square feet of landscaping	It appears to likely exceed requirements
Trees for Street Frontage	1 per 25 linear feet	
Building Frontage/Foundation	50%	It appears to likely exceed requirements
Total Interior Parking Lot Landscaping	5%	Undefined
Total Interior Parking Lot Trees and Shrubs	For every six required stalls: 1 tree	Undefined

- **Screening, Section 12-51-110** - According to Section 12-51-110 of the Zoning Ordinance, the dumpster area must be screened from view by a wall or fence that is at least 6 feet in height, provides complete visual

screening and be compatible in material and color with the main building. The final site plan will need to indicate if the site will have a dumpster, the location, and the screening materials.

- **Signs, Chapter 12-54** - All signage require a separate permit and must be reviewed by staff for approval at the time a sign permit application has been submitted following Chapter 12-54 of the Zoning Ordinance. However, as part of a final site plan submittal the type and location of signage ought to be submitted.
- **Outdoor Lighting 12-54** – All Outdoor lighting fixtures is be arranged to direct light away from adjoining residential property. Lighting fixtures mounted on utility poles is to be fully shielded, cut-off type fixtures that will not allow light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the fixture. Detached lighting of signs, buildings and displays are to be directed downward. Uplighting is prohibited except as allowed in landscaped areas as part of an approved site plan, conditional use permit, or other plan or permit. Electrical service to outdoor lighting fixtures shall be underground unless fixtures are mounted directly on utility poles. A lighting plan will be required at the Final Site Plan submittal.

PLANNING STAFF RECOMMENDATION

Staff recommends that the Commission consider a **RECOMMENDATION OF APPROVAL** of the proposed PDO Rezone and Conceptual Site Plan Acceptance for the Hogan Cabinet and Steel Manufacturing Site, as follows:

[Suggested Motion] “I hereby make a motion for the Planning Commission to recommend approval to the City Council regarding the request for the I-VH/PD Zone for the proposed Hogan Cabinet Steel Manufacturing Site, as follows:

1. The properties shall be rezoned to I-VH/PD and limited to the area shown in the illustrative Aerial Parcel Map, submitted to the Commission on March 09, 2022; also known as Parcel **06-008-0034**.
2. The PDO approval has an expiration clause of one (1) year from the adoption date of the requested PDO approval or may be extended upon approval for one (1) additional year, in accordance with CZC 12.41.080 of the Zoning Ordinance.
3. As part of the PDO approval, the petitioner’s March 09, 2022 **Project Narrative and Illustrative Exhibits**, as submitted to the Commission that describes the idea, design concepts, and site layout shall be deemed the project’s Master Conceptual Site Plan, which contains the following:
 - i. **Introduction** – The described purpose for the PDO approval.
 - ii. **Architectural Design, Features and Color Scheme** – A planned and controlled architectural theme through use of materials, colors, and design.

- iii. **Project Site Plan** – Depiction of the site layout for buildings, landscaping, and fencing.
- iv. **Development Plan and Phasing** – Establishes a two (2) phase development scenario either for construction or development. This will need to be finalized with the Final Site Plan submittal.
- 4. All subsequent development applications shall be subject to and reflect in substantial detail the approved PDO Conceptual Site Plan and Architectural Design Theme.
- 5. The Final Site Plan submittal shall be submitted in accordance with CZC 12.21.110 – Site Plan Review and CZC 12.35 – Industrial Zones. The following variations are allowed from the conventional ordinances and regulations or as specifically approved as part of any final site plan approval:
 - ✓ **CZC 12.35.080(e); Exterior Building Standards** – The proposed building design may be modified in favor of using the proposed engineered insulated colored metal wall panel system, as depicted in the March 09, 2022 submittal to the Commission.

Suggested Reasons for Action (findings):

- a. The Planning Commission finds that CZC 12.21.080.c. authorizes a “property owner or authorized agent” to initiate a PDO zone map amendment.
- b. The Planning Commission finds that after considering the goals and objectives of the West Centerville Neighborhood Plan, as reviewed in the staff report, the PDO request can be deemed consistent with the City’s General Plan.
- c. The Planning Commission finds that the request for PDO meets the spirit and intent of the Zoning Ordinance as set forth in CZC 12.41.060
- d. Therefore, the Planning Commission finds that the request for PDO along with the conditions imposed will allow for the property to be developed in a manner that allows design flexibility, integration of mutually compatible uses, integration of open spaces and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional I-VH zone regulations.



HOGAN SHOPS MASTERPLAN

PDO APPLICATION

OUTLINE:

1. HISTORY: The facility was purchased from Masco in 2018. Since that time, the volume of work has continued to grow.

In 2021 it was decided that expansion of the facility was needed. The original concept was to add to the existing buildings. The design would be an “L” shaped structure adding onto and encasing both of the existing structures, which would have allowed for continuation of the existing exterior materials. As the design progressed, it became apparent that the retrofitting of the existing structures was not in the best interest of the steel fabrication shop or Centerville City.

Expansion of the existing buildings was abandoned, but locating the building on the south side of the property was still planned. The results of the Geotechnical Report identified poor saturated soils on the south side of the property. The saturation was due to a city storm water pipe leaking water onto the site for many years. The result of the information led to relocating the structure to the north side of the property.

Relocation of the building was initially questioned, but the result improved both the function of the facility and the views of the building from the surrounding community. The storage yard now faces industrial property rather than the retail neighbor to the north. Landscaping, which exceeds Centerville City requirements, can be located in areas to

enhance the visibility of the facility from both the city street and the freeway. The neighbors to the north are screened.

COMMITMENT TO MATERIALS AND LANDSCAPING:

LANDSCAPING:

The landscaping for the facility will incorporate both irrigated and xeriscape areas, all of which will exceed Centerville City's requirements for quality and quantity of landscaped areas. The proposed elements of landscaping for the building exterior are identified in the attached drawings.

BUILDING:

The building size and span achieved with using a building approved through Industrial-Very High zoning will not be large enough to accommodate the needs of the facility after careful review with Centerville City. With this new building requiring a 110' clear span, we would not be able to achieve structural support using block or tilt up panels, which requires us to use an independent steel structure.

With all of these factors in mind, using a 4" engineered insulated wall panel system to face and enclose the exterior of the building would be most consistent with the use of the facility. We are designing a facility that will give great curb appeal, while maintaining energy efficiency. The panels that we are proposing are a state-of-the-art system, which would be consistent with the computerized, automated Steel Fabrication equipment. Hopefully, the proposed facility will provide Centerville City with a new standard for industrial development. The proposed

engineered insulated wall panel system is also identified in the attached drawings.

OUR MISSION:

We believe that the proposed Zoning Code / Zoning Map amendment is consistent with the goals, objectives, and policies of Centerville City. Our main goal is to be compliant with the specifications that Centerville City has outlined in their City Ordinances and General Plan. Protecting the environment, neighboring properties, the health and safety of the general public, and reducing waste, all while building efficiently and effectively is what we aim to do. We have read and understand the Zoning Codes that have been outlined by Centerville City.

We believe the application for a PDO Overlay Rezone to create a custom development for our property is harmonious with the overall character of existing developments within the vicinity. We are looking to make our building look appealing while maintaining efficiency through the engineered insulated wall panel system, which is both architecturally friendly while visually pleasing. We want a modern look that integrates well with the other surrounding development properties.

We can foresee no adverse effects of applying for a PDO Overlay Rezone to the adjacent properties. We want to improve the look of the site and building, and we believe we can do just that with this system in addition to our proposed landscaping. Our hope is to be an example for future developments looking to facilitate a similar style building.



LEGACY CROSSING STORAGE LLC
SINGLE STORY STORAGE UNITS

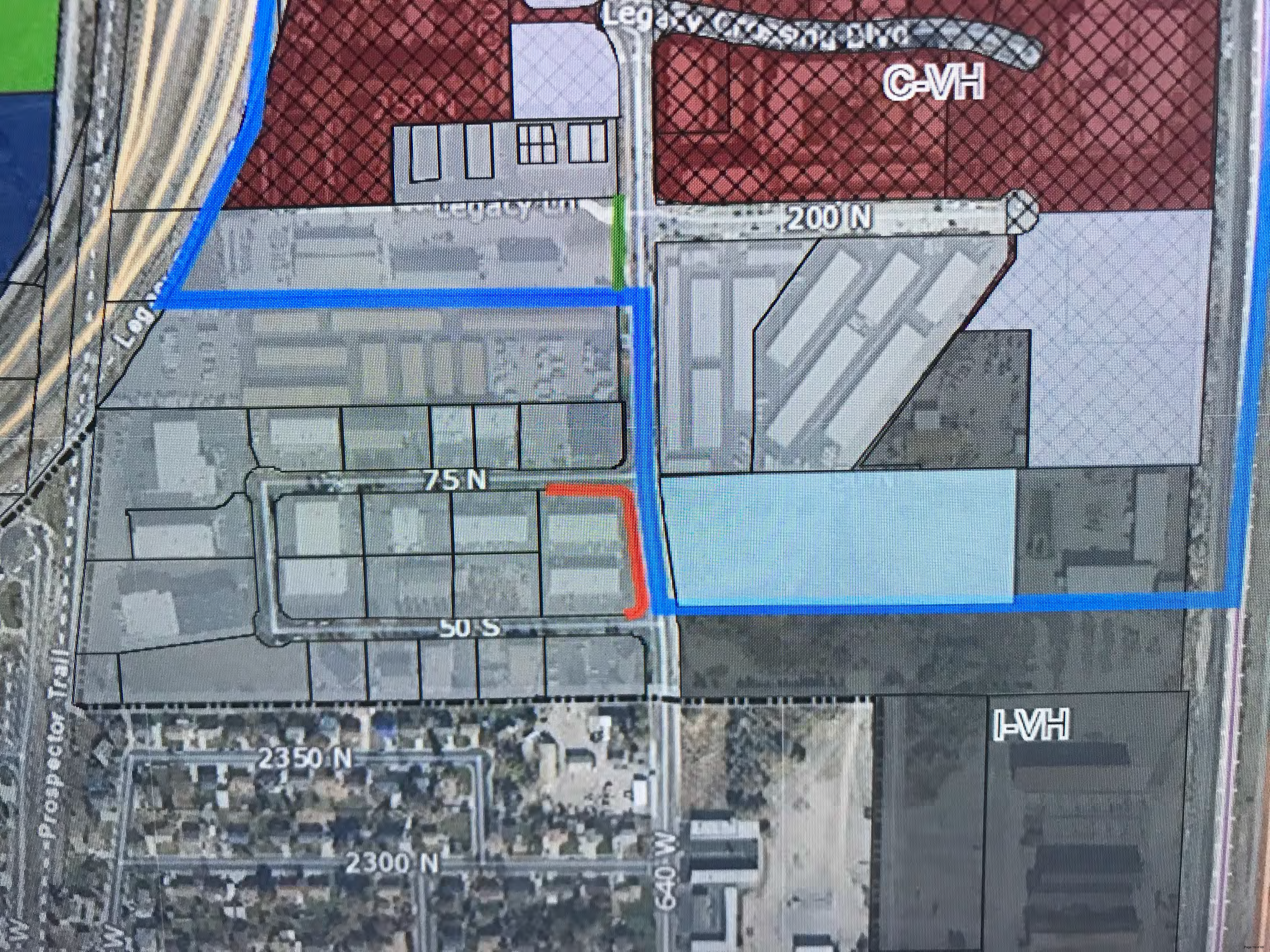
A-1 CENTERVILLE STORAGE LC
SINGLE STORY STORAGE UNITS

SINC PROPERTY GROUP LLC
SINGLE STORY METAL BUILDING

F4 PROPERTIES LLC - ETAL
UNDER DEVELOPMENT

HOGAN & ASSOCIATED CONSTRUCTION INC
SINGLE STORY METAL BUILDINGS

SYRO STEEL
VACANT PROPERTY



C-VH

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75 N

50 S

2350 N

2300 N

640 W

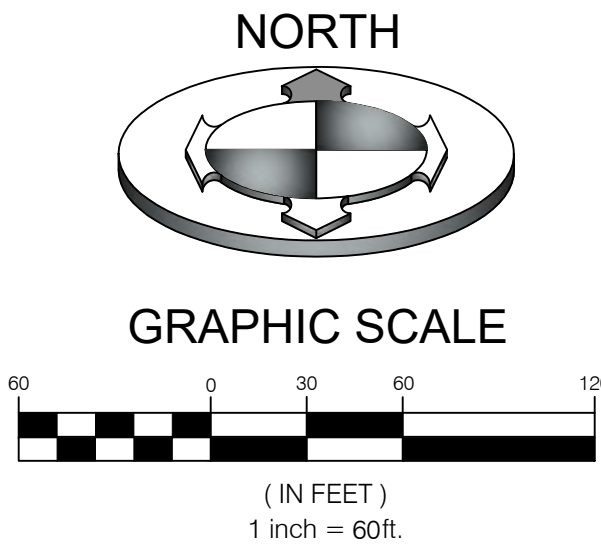
F-VH

Prospector Trail

Legacy Blvd

ALTA/NSPS LAND TITLE SURVEY

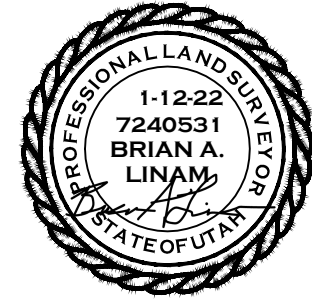
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12,
TOWNSHIP 2 NORTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN,
CENTERVILLE CITY, DAVIS COUNTY, UTAH



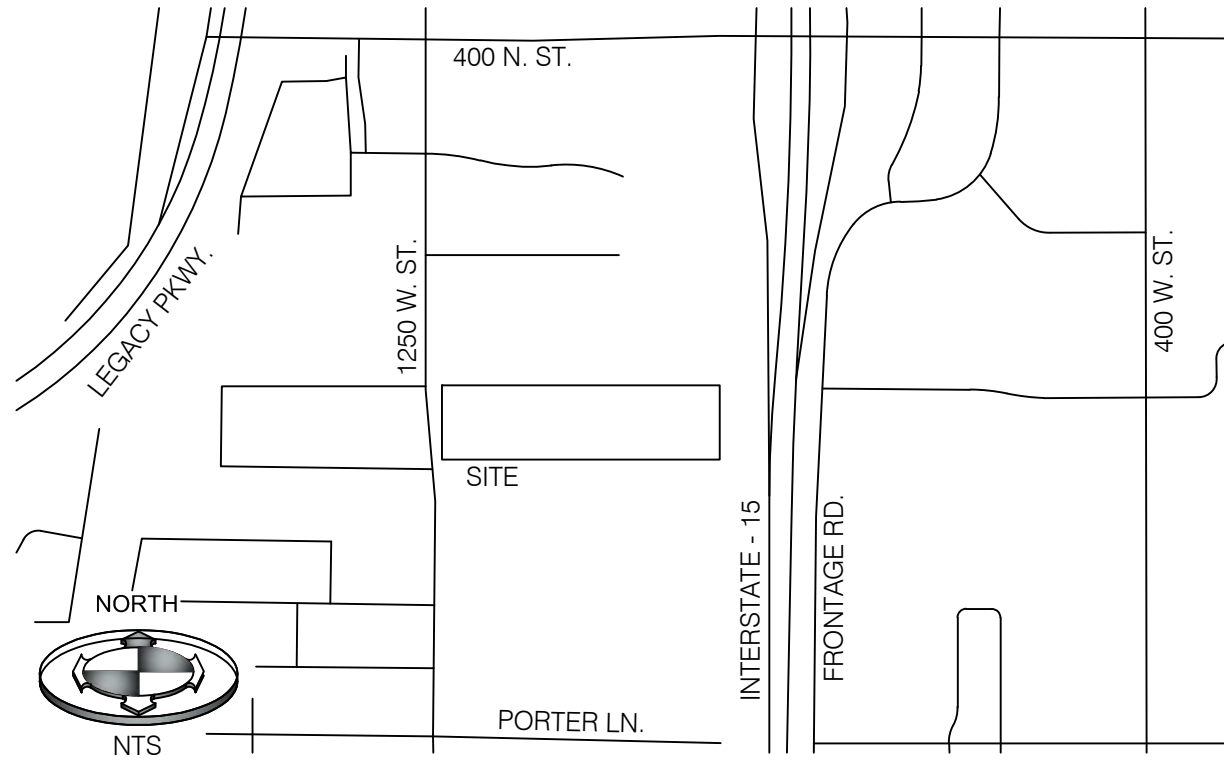
SURVEYOR'S CERTIFICATE

TO: FIRST AMERICAN TITLE INSURANCE COMPANY
HOGAN & ASSOCIATED CONSTRUCTION, INC
HOGAN STEEL FABRICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 4, 5, 8, 11 AND 13 OF TABLE 'A' THEREOF. THE FIELDWORK WAS COMPLETED ON DECEMBER 17, 2021.



VICINITY MAP



REFERENCE DOCUMENTS

- R1) COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 023-6060297, EFFECTIVE DATE, JULY 9, 2020.
- R2) EVERGREEN BUSINESS PARK SUBDIVISION, RECORDED MARCH 6, 1996 AS ENTRY NO. 1232311 IN BOOK 1996 AT PAGE 270, AT THE OFFICE OF THE DAVIS COUNTY RECORDER.
- R3) LEGACY CROSSING RETAIL AND OFFICE SUBDIVISION, PROVIDED BY CLIENT. NOT RET RECORDED.

TITLE EXCEPTIONS

THIS SURVEY IS BASED UPON THE COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 023-6060297, EFFECTIVE DATE JULY 9, 2020. NOTES PERTAINING TO EXCEPTIONS TO COVERAGE, SCHEDULE B-2 OF REFERENCED COMMITMENT:

ITEMS 1-8 NOT ADDRESSED IN THIS SURVEY

ITEM 9 AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR FRONTAGE ROAD OF A FREEWAY KNOWN AS PROJECT NO. 15-7 AND INCIDENTAL PURPOSES, AS GRANTED TO STATE ROAD COMMISSION OF UTAH BY INSTRUMENT RECORDED JUNE 27, 1969 AS ENTRY NO. 332328 IN BOOK 416 AT PAGE 385 OF OFFICIAL RECORDS. (SURVEY FINDINGS: DOES NOT CROSS THE SUBJECT PROPERTY, NOT SHOWN)

ITEM 10 AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR ELECTRIC TRANSMISSION AND INCIDENTAL PURPOSES, AS GRANTED TO UTAH POWER & LIGHT COMPANY, A CORPORATION BY INSTRUMENT RECORDED NOVEMBER 29, 1976 AS ENTRY NO. 448181 IN BOOK 626 AT PAGE 102 OF OFFICIAL RECORDS. (SURVEY FINDINGS: AS SHOWN)

ITEM 11 AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR WATER LINE AND INCIDENTAL PURPOSES, AS GRANTED TO CENTERVILLE CITY CORPORATION BY INSTRUMENT RECORDED APRIL 08, 1988 AS ENTRY NO. 821193 IN BOOK 1227 AT PAGE 1201 OF OFFICIAL RECORDS. (SURVEY FINDINGS: AS SHOWN)

ITEM 12 AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR TELECOMMUNICATIONS AND INCIDENTAL PURPOSES, AS GRANTED TO U.S. WEST COMMUNICATION, INC., A COLORADO CORPORATION BY INSTRUMENT RECORDED DECEMBER 13, 1995 AS ENTRY NO. 1216488 IN BOOK 1947 AT PAGE 17 OF OFFICIAL RECORDS. (SURVEY FINDINGS: AS SHOWN)

ITEM 13 NOT ADDRESSED IN THIS SURVEY

ITEM 14 EASEMENTS AND RIGHTS OF WAY ASSOCIATED WITH A RAILROAD RUNNING OVER AND ACROSS OR ADJACENT TO THE SUBJECT PROPERTY. (SURVEY FINDINGS: RAILROAD RUNS ADJACENT TO THE EASTERLY BOUNDARY, AS SHOWN)

ITEMS 15-17 NOT ADDRESSED IN THIS SURVEY

GENERAL NOTES

- SURVEYOR'S OBSERVATIONS REGARDING POSSIBLE ENCROACHMENTS. A - SOUTHERLY FENCE LINE VARIES ALONG PROPERTY LINE.
- ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN AND BLUESTAKE MARKINGS FOUND AT THE SITE MAY NOT DEPICT UNDERGROUND FEATURES ACCURATELY. LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED.
- NO OBSERVED EVIDENCE OF ANY CEMETERIES AND/OR BURIAL GROUNDS CONTAINED WITHIN PROPERTY.
- THE SUBJECT PROPERTY HAS DIRECT ACCESS TO 1250 WEST STREET.
- NO GAPS, GORES OR STRIPS ALONG COMMON BOUNDARY LINES WERE FOUND.
- NO POSTED ADDRESS WAS OBSERVED DURING SURVEY.

LEGEND AND ABBREVIATIONS

SECTION CORNER & LINE (FOUND)	SANITARY SEWER MANHOLE & PIPE	SS	SS
SECTION CORNER (NOT FOUND)	STORM DRAIN MANHOLE & PIPE	SD	SD
WITNESS CORNER (FOUND)	CULINARY PIPE LINE	W	W
STREET MON. (FOUND)	WATER VALVE & WATER METER		
PROPERTY CORNER (PLAT NOTED)	FIRE HYDRANT		
ADJACENT PL. or LOT LINES	POWER POLE & OVERHEAD POWER	OHP	OHP
EXISTING RIGHT-OF-WAY LINE	DRAINAGE / DITCH CENTERLINE		
CENTERLINE OF ROAD	COMMUNICATION LINE	COMM	COMM
EASEMENT LINE	GUY WIRE		
CURB & GUTTER	LIGHT POLE		
EDGE OF EXISTING ASPHALT	SIGN		
FENCE, CHAIN	STORM DRAIN INLET BOX		
FENCE, WIRE			

SDMH	STORM DRAIN MANHOLE
SSMH	SANITARY SEWER MANHOLE
SD	STORM DRAIN
IE	INVERT ELEVATION
TOG	TOP OF GRATE
POB	POINT OF BEGINNING

NARRATIVE OF SURVEY

SCOPE
BENCHMARK ENGINEERING & LAND SURVEYING, LLC WAS RETAINED BY HOGAN STEEL FABRICATION TO PERFORM AN ALTA/NSPS SURVEY OF SUBJECT PROPERTY AS SHOWN HEREON.

BASIS OF BEARING
THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 43°31'54" WEST AS SHOWN HEREON.

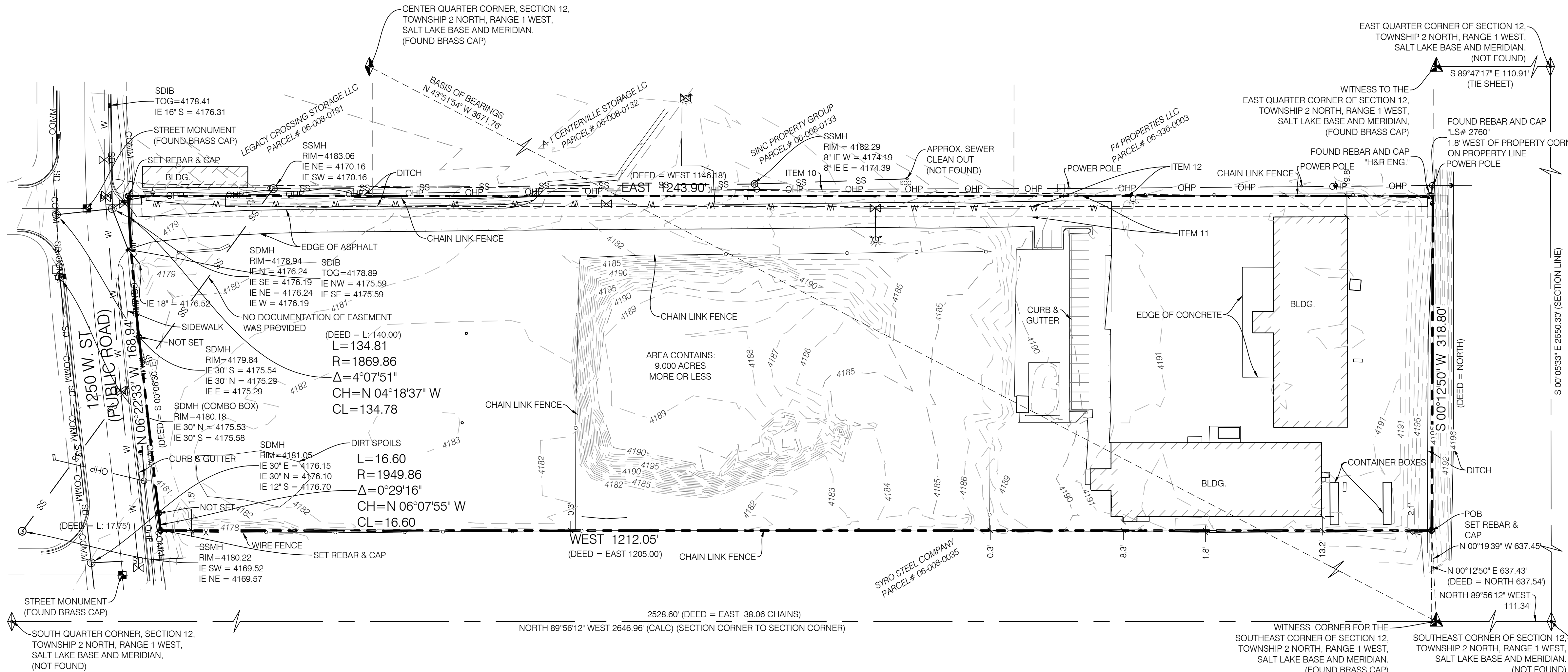
BENCHMARK
WITNESS CORNER FOR THE EAST QUARTER CORNER OF SECTION 12, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. ELEVATION = 4178.06'

NARRATIVE
THE BOUNDARIES OF THE SUBJECT PROPERTY ARE BASED ON RECORDED & PHYSICAL EVIDENCE, AS FOLLOWS: THE EASTERLY BOUNDARY WAS ESTABLISHED TO COINCIDE WITH THE RIGHT OF WAY OF UNION PACIFIC RAILROAD, AND CONSISTENT WITH THE EASTERLY BOUNDARY LINE OF LEGACY CROSSING RETAIL & OFFICE SUBDIVISION. THE NORTHERLY LINE OF THE SUBJECT PROPERTY IS COINCIDENT WITH THE SOUTHERLY BOUNDARY OF SAID SUBDIVISION, AND IS CONSISTENT WITH THE LEGAL DESCRIPTION. THE SOUTHERLY BOUNDARY WAS ESTABLISHED BY SAID LEGAL DESCRIPTION AND IS CONSISTENT WITH A CHAIN LINK FENCE. THE WESTERLY BOUNDARY AND THE RIGHT OF WAY OF 1250 WEST STREET WERE ESTABLISHED BASED ON THE CENTERLINE STREET MONUMENTS LOCATED AT THE INTERSECTIONS OF 75 N. 1250 W. AND 50 N. 1250 W. THE RIGHT OF WAY DEFINITION FROM THE EVERGREEN BUSINESS PARK PLAT WAS ALSO USED. SAID PLAT WAS ROTATED TO MATCH THE MONUMENTS AS PHYSICALLY LOCATED ON THIS SURVEY.

IT APPEARS THAT A SEWER LINE THAT CROSSES THE PROPERTY DOES NOT APPEAR TO HAVE A DOCUMENT RECORDED THAT DECLARES THE LOCATION OF THE EASEMENT OR ITS WIDTH.

LEGAL DESCRIPTION PER TITLE REPORT

COMMENCING 217.78 FEET NORTH FROM SOUTHEAST CORNER OF SELLER'S LAND AT A POINT 38.060 CHAINS, MORE OR LESS, EAST AND 637.54 FEET NORTH FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE ALONG THE EAST LINE OF SELLER'S LAND NORTH 318.80 FEET TO THE NORTHEAST CORNER OF SELLER'S LAND; THENCE ALONG THE NORTH LINE THEREOF WEST 1146.18 FEET, MORE OR LESS, TO THE EASTERLY LINE OF A FRONTAGE ROAD; THENCE ALONG SAID EASTERLY LINE SOUTHERLY 140 FEET, MORE OR LESS, ALONG THE ARC OF AN 1869.86 FOOT RADIUS CURVE; THENCE ALONG SAID EASTERLY LINE SOUTH 6°30' EAST 168.94 FEET; THENCE ALONG THE ARC OF A 1949.86 FOOT RADIUS CURVE 17.75 FEET TO A POINT DUE WEST OF BEGINNING; THENCE EAST 1205 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.



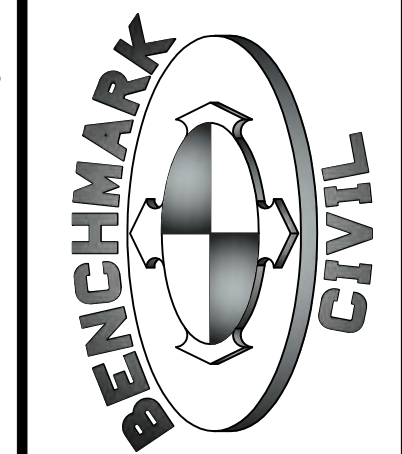
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PROJECT NO.	2111336
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SCALE MEASURES 1-INCH ON FULL SIZE SHEETS ADJUST ACCORDINGLY FOR REDUCED SIZE SHEETS

**BENCHMARK
ENGINEERING &
LAND SURVEYING**

975 WEST 50 SOUTH
CENTERVILLE CITY, UTAH 84070 (801) 542-7192
www.benchmarkcivil.com



HOGAN STEEL FABRICATION

975 WEST 50 SOUTH
CENTERVILLE CITY, UTAH

PROJECT NO. 2111336

**ALTA/NSPS
LAND TITLE
SURVEY**

SVA.01
1 OF 1

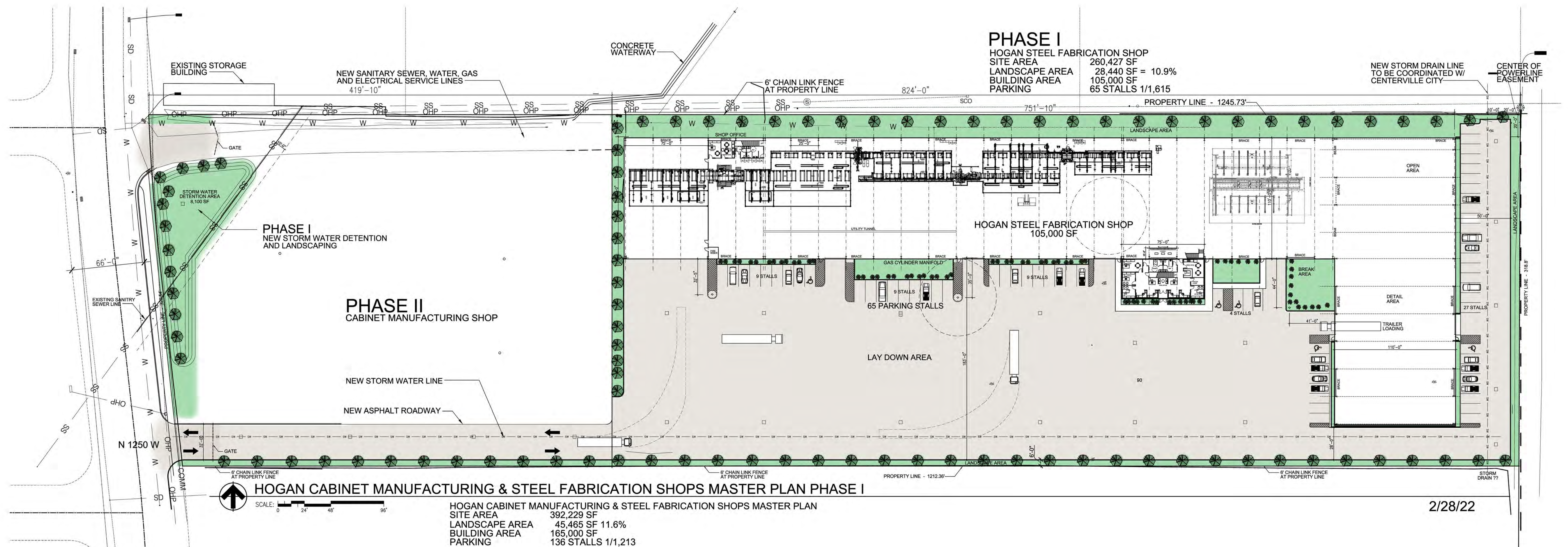
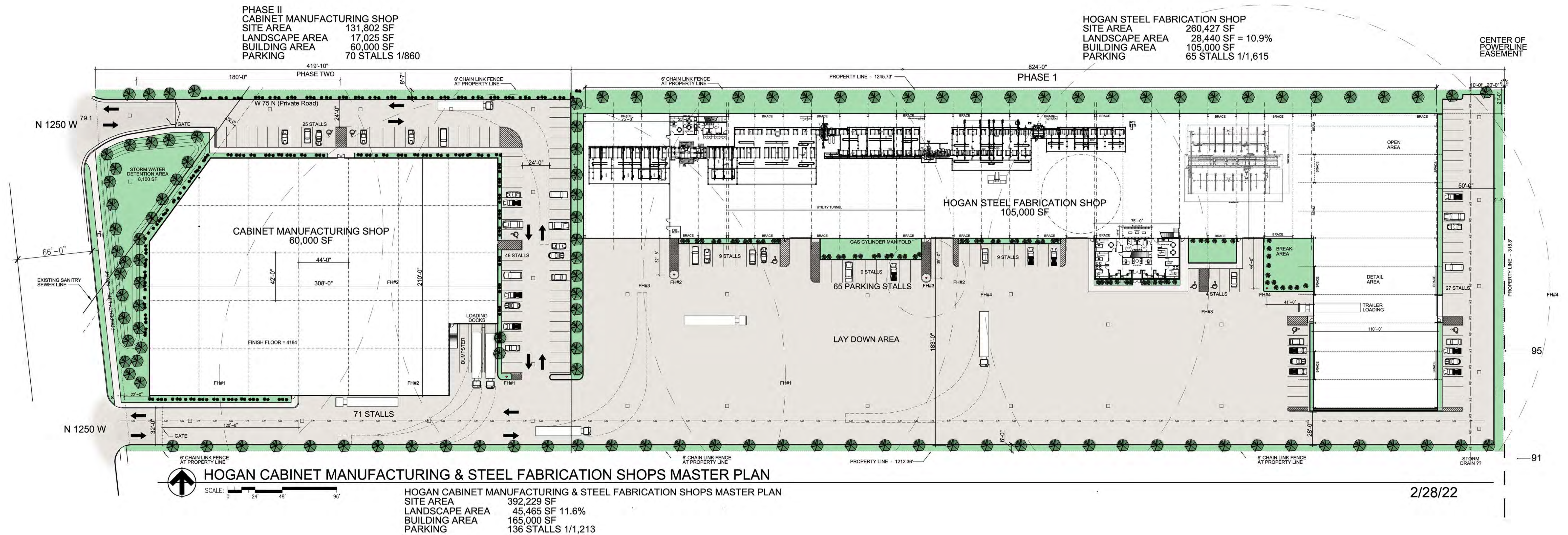


HOGAN
STEEL FABRICATION
975 West 68 South
Carmichael, Utah
SHOP 2

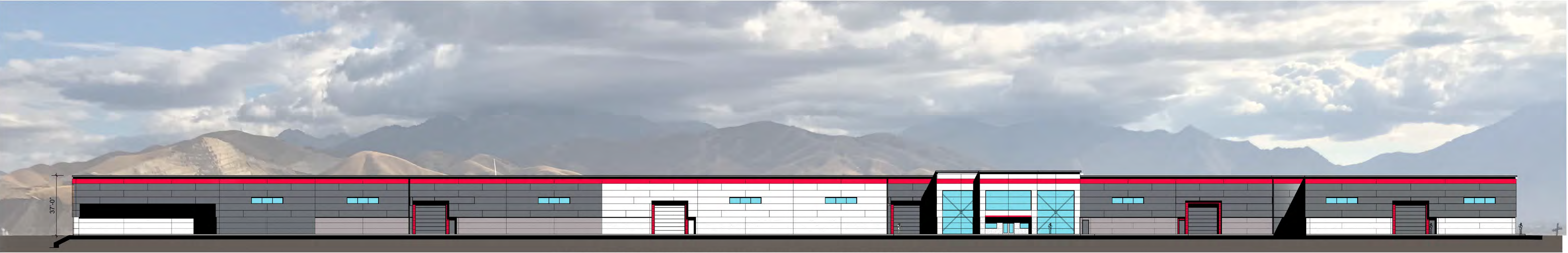
HOGAN
STEEL FABRICATION







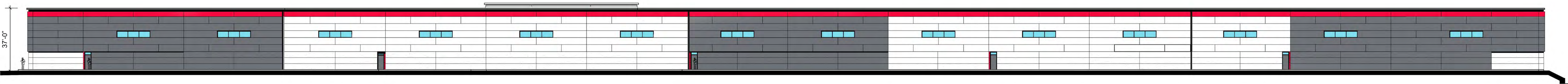
HOGAN CABINET MANUFACTURING & STEEL FABRICATION SHOPS MASTER PLAN



HOGAN STEEL FABRICATION SHOPS SOUTH EXTERIOR ELEVATION

SCALE: 0 12' 24' 48'

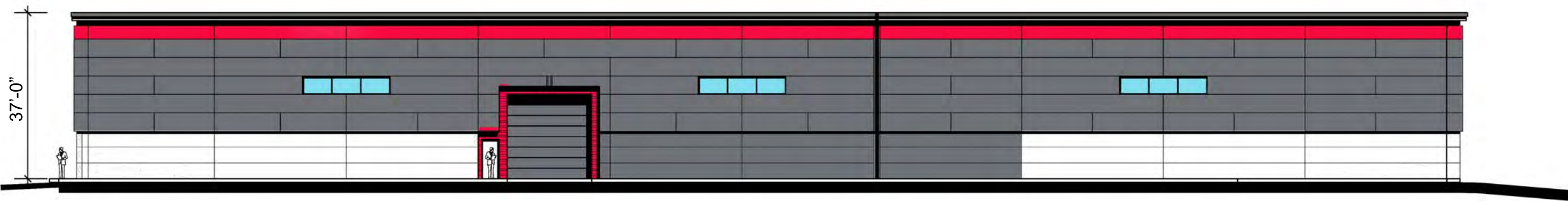
2/9/22



HOGAN STEEL FABRICATION SHOPS NORTH EXTERIOR ELEVATION

SCALE: 0 12' 24' 48'

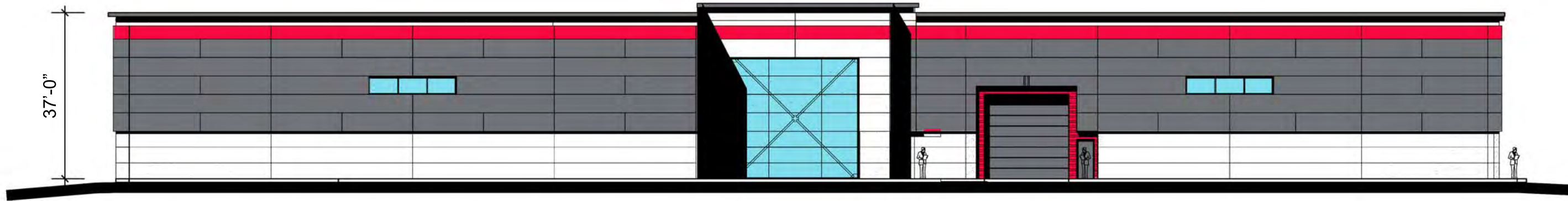
2/9/22



HOGAN STEEL FABRICATION SHOPS EAST EXTERIOR ELEVATION

SCALE: 0 12' 24' 48'

2/9/22



HOGAN STEEL FABRICATION SHOPS WEST EXTERIOR ELEVATION

SCALE: 0 12' 24' 48'

2/9/22



WESTPOINTE WORKFORCE TRAINING & EDUCATION

EDUCATION CENTER





ION CENTER

PLANTATION
HILLTOPS L&P













High Performance Color Coating Systems

Kingspan offers a full spectrum of vibrant colors for every color scheme. The high performance coatings provide long-life protection, color and gloss retention.

Kingspan Coating System Options

Weather XL – Siliconized Modified Polyester (SMP)

WEATHER XL coating systems utilize only ceramic and inorganic pigments offering superior color stability, chalk and fade resistance as well as gloss retention.

Solid Fluropon® PVDF Colors – Kynar 500® / Hylar 5000

Fluropon coatings are durable polyvinylidene coating system containing 70% Kynar or Hylar resins, ceramic and other inorganic pigments. This system provides a powerful chemical bond, superior resistance to ultraviolet radiation resulting in exceptional color retention, resistance to chalking and chemical degradation.

Mica Fluropon Classic® II PVDF Colors**

The coating system consists of a special primer and a durable color coat containing mica pearlescent flakes.

Metallic Fluropon Classic® PVDF Colors**

Metallic coatings employ metal flakes in the color coat. The system uses a special primer, a 70% Kynar 500® or Hylar 5000® resin based Fluropon color coat and a clear topcoat, to provide outstanding color and gloss retention, increased abrasion resistance and added protection against atmospheric contaminants.

Inquire about our range of coatings with high Solar Reflectance Index.

Flurothane Coastal PVDF Colors

This is a premium Fluoropolymer (PVDF) system developed for use in the most extreme coastal environments (less than 1500 feet from the coastline). The unique aspect about this system is the innovative thick film primer. This is field-proven and provides a high performance exterior finish delivering outstanding resistance to ultraviolet rays, exceptional color retention and resistance to chalking from salt spray and harsh coastal environments.

Warranties

Kingspan and their suppliers provide standard coating warranties for up to 20 years.

*Some colors require clear-coat protection.

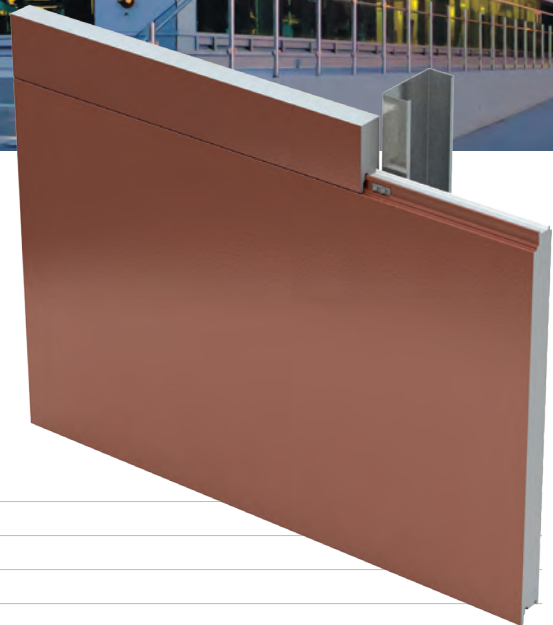
**Due to the orientation of aluminum / pearlescent flake pigments during application, the appearance will be directional in nature on metallic coatings.



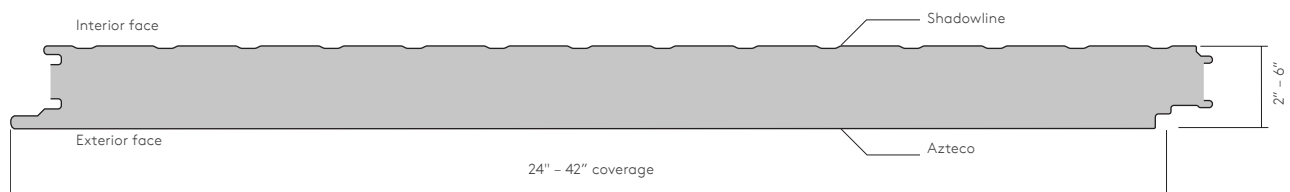
KS Azteco™



KS Azteco™ insulated metal panels are a pre-engineered wall system that delivers an attractive and affordable panel choice. KS Azteco™ panels, horizontally or vertically applied, use a patented double seal integrated joint. Standard reveals are $\frac{1}{8}$ " for vertical applications, and $\frac{3}{8}$ " for horizontal applications.



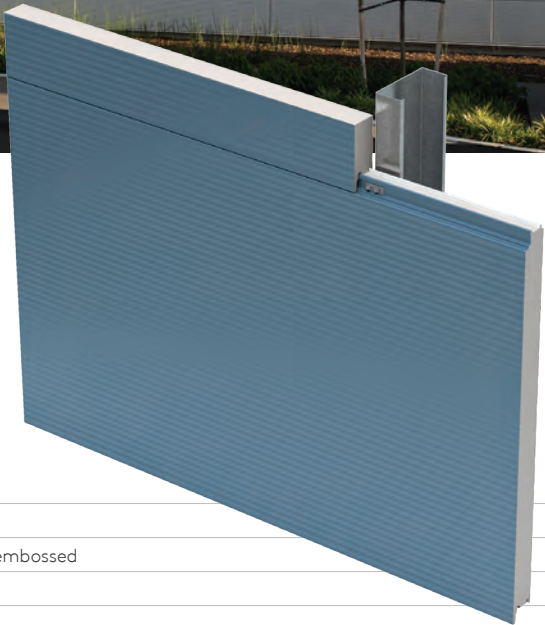
Insulation Core:	QuadCore® Technology or PIR
Profile:	Exterior: Flat / Interior: Shadowline
Embossing:	Exterior: Azteco™ / Interior: Stucco or non-embossed
Gauge:	Exterior: 24, 22 ga / Interior: 26, 24, 22 ga
Width:	24", 30", 36", 42"
Thickness:	2", 2.5", 3", 4", 5", 6"
Length:	8' – 53'
Reveal option:	Vertical: $\frac{1}{8}$ " / Horizontal: $\frac{1}{8}$ " or $\frac{3}{8}$ "
Orientation:	Vertical or horizontal
Post fabrication (optional):	Trimless ends (Manufacturing limitations apply. Please contact us for detailed information.)
R-value:	QuadCore® Technology: ~ 8 per inch per ASTM C518 @ 75°F / ~ 9 per inch per ASTM C518 @ 35°F PIR: ~ 7.2 per inch per ASTM C518 @ 75°F / ~ 8.25 per inch per ASTM C518 @ 35°F



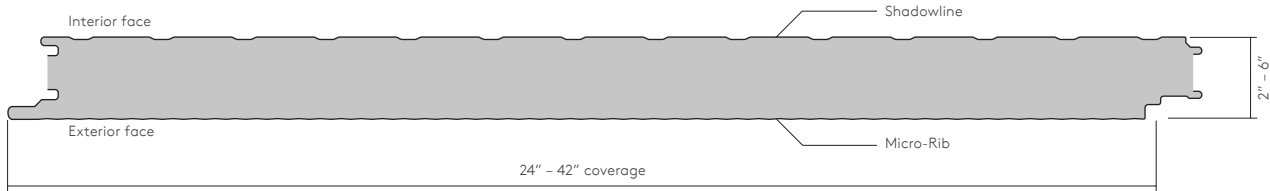
KS Micro-Rib

The KS Micro-Rib profile creates an aesthetically superior look while also creating shadows due to its linear appearance. They provide an unrivaled combination of aesthetics and performance benefits while remaining an economical option.

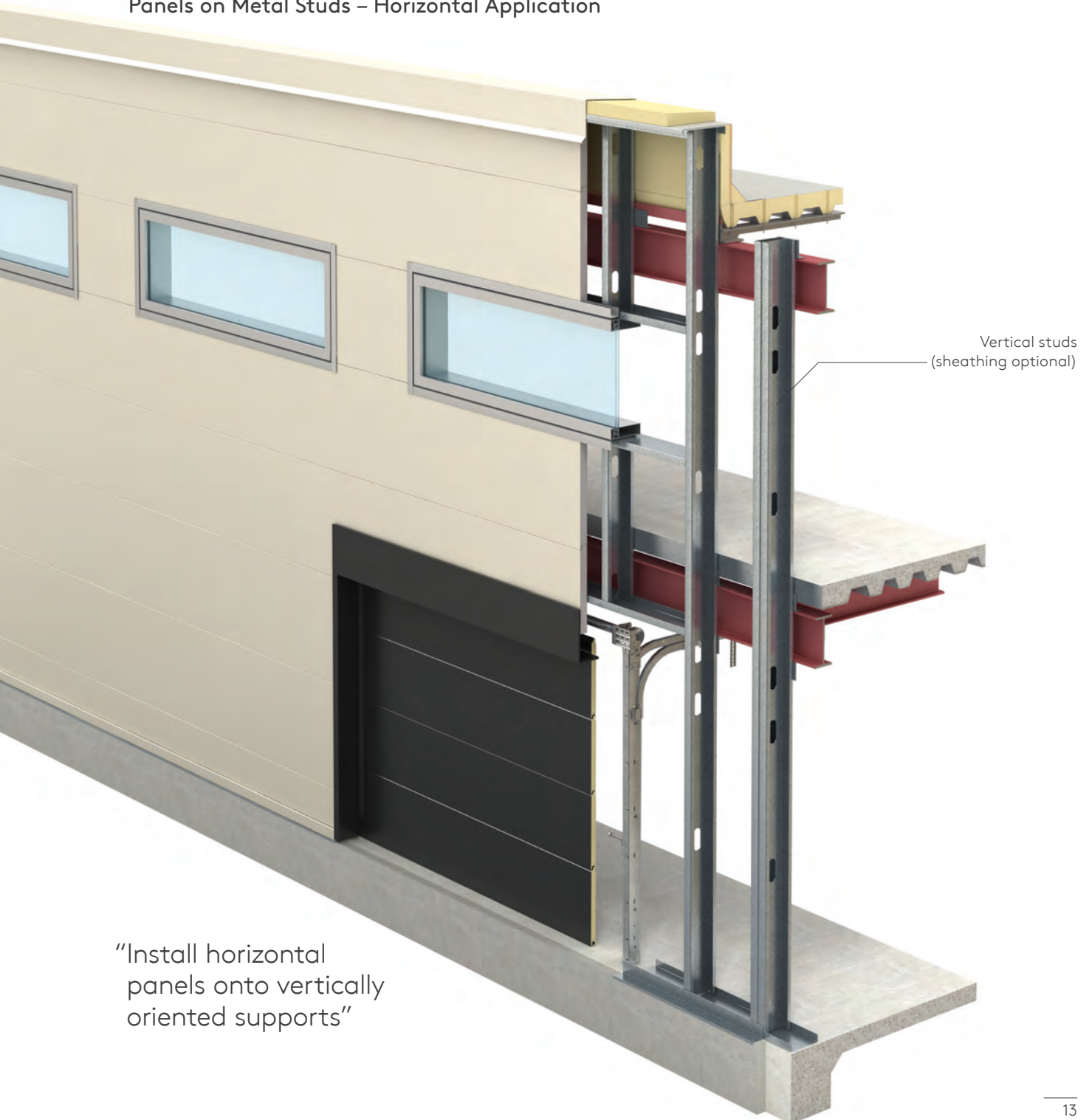
Applied vertically or horizontally, they can be used across a wide range of sectors and are suited to new construction or retrofits.



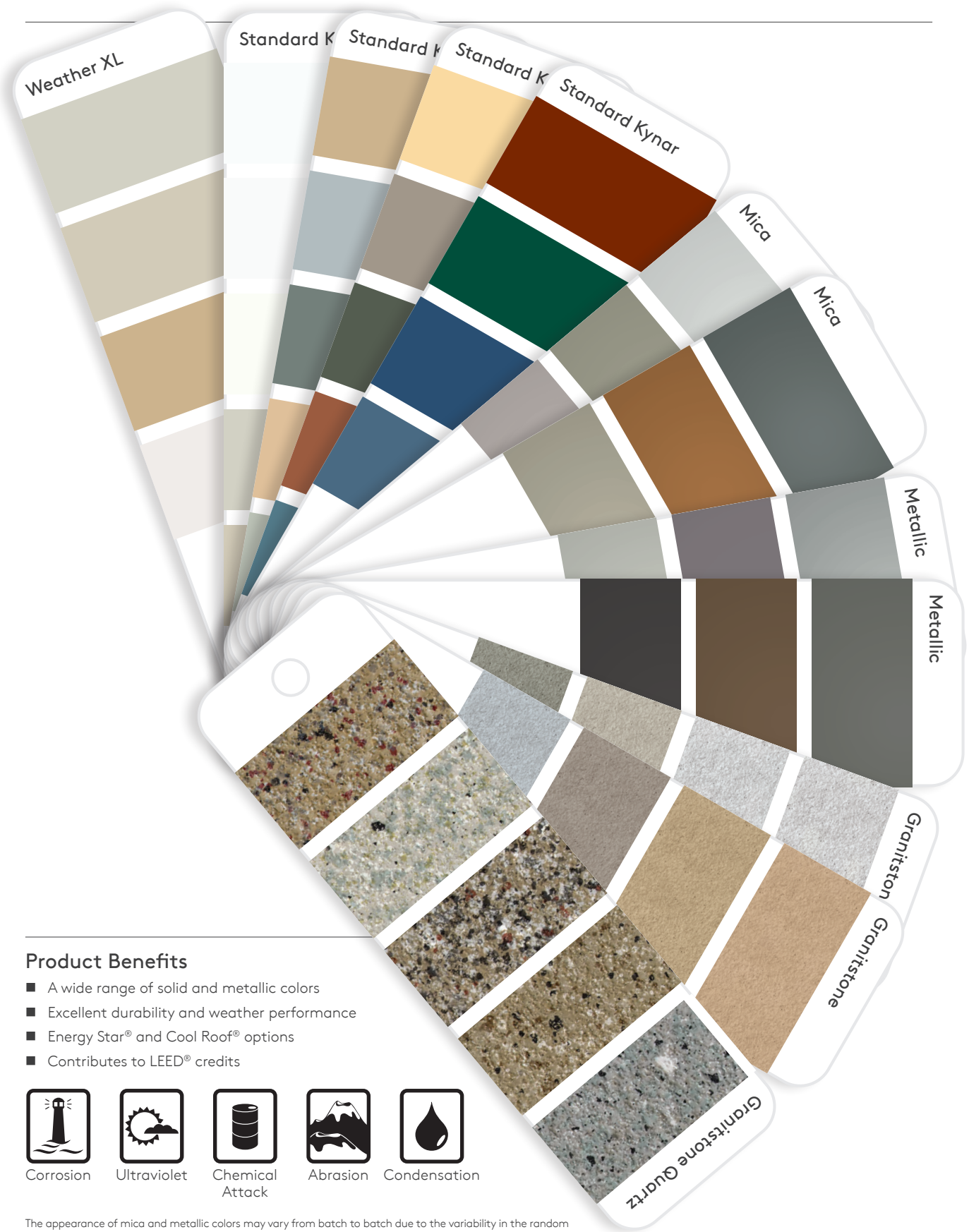
Insulation Core:	QuadCore® Technology or PIR
Profile:	Exterior: Micro-Rib / Interior: Shadowline
Embossing:	Exterior: Stucco or non-embossed / Interior: Stucco or non-embossed
Gauge:	Exterior: 24, 22 ga / Interior: 26, 24, 22 ga
Width:	24", 30", 36", 42"
Thickness:	2", 2.5", 3", 4", 5", 6"
Length:	8' – 53'
Reveal option:	Vertical: 1/8" / Horizontal: 1/8" or 3/8"
Orientation:	Vertical or horizontal
Post fabrication (optional):	Trimless ends, folded corners, transverse bends. (Manufacturing limitations apply. Please contact us for detailed information.)
R-value:	QuadCore® Technology: ~ 8 per inch per ASTM C518 @ 75°F / ~ 9 per inch per ASTM C518 @ 35°F PIR: ~ 7.2 per inch per ASTM C518 @ 75°F / ~ 8.25 per inch per ASTM C518 @ 35°F



Panels on Metal Studs – Horizontal Application



"Install horizontal
panels onto vertically
oriented supports"



Product Benefits

- A wide range of solid and metallic colors
- Excellent durability and weather performance
- Energy Star® and Cool Roof® options
- Contributes to LEED® credits



Corrosion



Ultraviolet



Chemical
Attack



Abrasion



Condensation

The appearance of mica and metallic colors may vary from batch to batch due to the variability in the random orientation of mica mineral pigments and metallic flakes used in the manufacturing process. To achieve the best result for your project, thoughtful planning is highly recommended, particularly if the project is phased. Please speak with your Kingspan representative for advice and guidance.

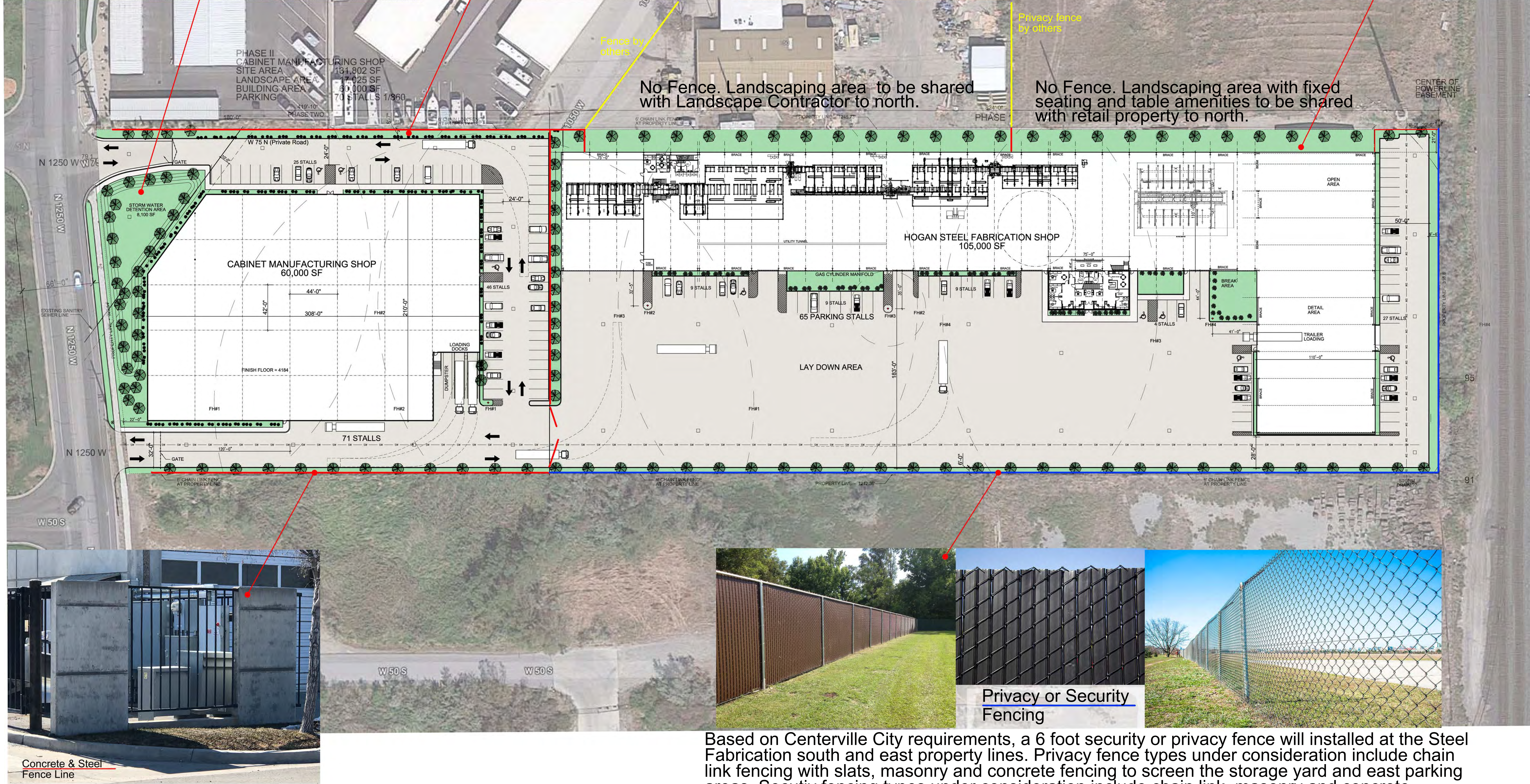
DETENTION AREA W/ LANDSCAPE



W 75 N NEW FENCE & LANDCAPE



EXISTITNG DITCH AT W 75 N



Based on Centerville City requirements, a 6 foot security or privacy fence will installed at the Steel Fabrication south and east property lines. Privacy fence types under consideration include chain link fencing with slats, masonry and concrete fencing to screen the storage yard and east parking areas. Secutiy fencing types under consideration include chain link, masonry and concrete.

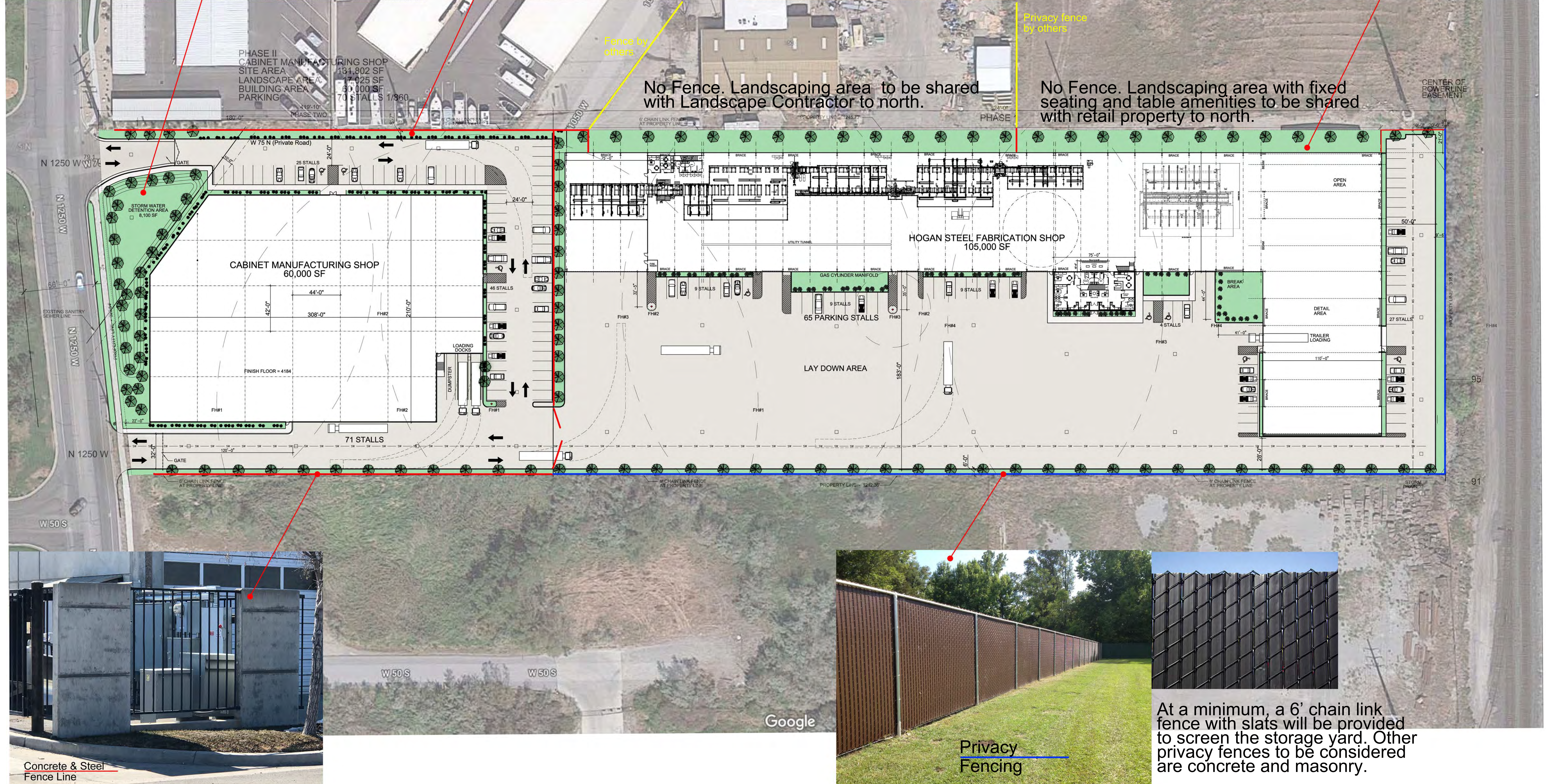
DETENTION AREA W/ LANDSCAPE



W 75 N NEW FENCE & LANDCAPE



EXISITNG DITCH AT W 75 N



Concrete & Steel
Fence Line

Privacy Fencing

At a minimum, a 6' chain link fence with slats will be provided to screen the storage yard. Other privacy fences to be considered are concrete and masonry.



CENTERVILLE
city

PLANNING COMMISSION

Staff Report
3/9/2022

Item No. 2.

Title: Public Hearing - LEGISLATIVE RECOMMENDATION -
Zone Code Amendment - Food Trucks

Initiated By: Lisa Romney, City Attorney

Staff Representative: City Council

SUBJECT:

Consider amendments to Section 12.70.020 of the Centerville Zoning Code regarding the scope and applicability of Chapter 12.70 (Food Trucks) - Ordinance No. 2022-07

RECOMMENDATION:

Approve Ordinance No. 2022-07 regarding the scope and applicability of Chapter 12.70 (Food Trucks).

BACKGROUND:

The City Council desires to amend Section 12.70.020 of the City food truck regulations regarding the scope and applicability of Chapter 12.70 (Food Trucks) of the Centerville Zoning Code. Ordinance No. 2022-07 has been prepared as attached.

ATTACHMENTS:

1. Food Trucks Ordinance

ORDINANCE NO. 2022-07

AN ORDINANCE AMENDING SECTION 12.70.020 OF THE CENTERVILLE ZONING CODE REGARDING THE SCOPE AND APPLICABILITY OF THE FOOD TRUCK ORDINANCE

WHEREAS, the City Council recently adopted Chapter 12.70 of the Centerville Zoning Code regarding the regulation of food trucks within the City in accordance with the Food Truck Licensing and Regulation Act, as set forth in Utah Code § 11-56-101, et seq.; and

WHEREAS, the City Council desires to amend Section 12.70.020 of the City food truck regulations regarding the scope and applicability of Chapter 12.70 of the Centerville Zoning Code as more particularly provided herein; and

WHEREAS, the proposed amendments to the Centerville Zoning Code as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Section 12.70.020 of the Centerville Zoning Code is hereby amended to read in its entirety as follows:

12.70.020 Scope

The provisions of this Chapter shall apply to food trucks and food truck businesses conducted within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, the Centerville Municipal Code, or other laws, ordinances, or regulations. This Chapter shall not apply to activities lawfully conducted by a government agency.

Section 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 15th DAY OF MARCH, 2022.

ATTEST:

CENTERVILLE CITY

Jennifer Hansen, City Recorder

By: _____
Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Hirst	_____	_____	_____
Councilmember Ince	_____	_____	_____
Councilmember McEwan	_____	_____	_____
Councilmember Mecham	_____	_____	_____
Councilmember Summerhays	_____	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB’s Gas Station, on the foregoing referenced dates.

JENNIFER HANSEN, City Recorder

DATE: _____

RECORDED this ____ day of _____, 2022.

PUBLISHED OR POSTED this ____ of _____, 2022.

**PLANNING
COMMISSION**

Staff Report
3/9/2022

Item No. 3.

Title: Open and Public Meetings Act Training

Initiated By: Jennifer Hansen, City Recorder

Staff Representative: Jennifer Hansen, City Recorder

SUBJECT:

Required annual training on the Open and Public Meetings Act

RECOMMENDATION:

BACKGROUND:

The City Recorder will provide a brief presentation on the basics of the Utah Open and Public Meetings Act. This training is required by law to be provided annually. A copy of the applicable statutes is attached.

ATTACHMENTS:

1. Utah Open and Public Meetings Act - UCA 52-4-101
2. Open Meetings - Info Sheet
3. Closed Meetings - Info Sheet

Chapter 4

Open and Public Meetings Act

Part 1

General Provisions

52-4-101 Title.

This chapter is known as the "Open and Public Meetings Act."

Enacted by Chapter 14, 2006 General Session

52-4-102 Declaration of public policy.

- (1) The Legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business.
- (2) It is the intent of the Legislature that the state, its agencies, and its political subdivisions:
 - (a) take their actions openly; and
 - (b) conduct their deliberations openly.

Renumbered and Amended by Chapter 14, 2006 General Session

52-4-103 Definitions.

As used in this chapter:

- (1) "Anchor location" means the physical location from which:
 - (a) an electronic meeting originates; or
 - (b) the participants are connected.
- (2) "Capitol hill complex" means the grounds and buildings within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake City.
- (3)
 - (a) "Convening" means the calling together of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.
 - (b) "Convening" does not include the initiation of a routine conversation between members of a board of trustees of a large public transit district if the members involved in the conversation do not, during the conversation, take a tentative or final vote on the matter that is the subject of the conversation.
- (4) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.
- (5) "Electronic message" means a communication transmitted electronically, including:
 - (a) electronic mail;
 - (b) instant messaging;
 - (c) electronic chat;
 - (d) text messaging, as that term is defined in Section 76-4-401; or
 - (e) any other method that conveys a message or facilitates communication electronically.
- (6)
 - (a) "Meeting" means the convening of a public body or a specified body, with a quorum present, including a workshop or an executive session, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or

acting upon a matter over which the public body or specific body has jurisdiction or advisory power.

- (b) "Meeting" does not mean:
 - (i) a chance gathering or social gathering;
 - (ii) a convening of the State Tax Commission to consider a confidential tax matter in accordance with Section 59-1-405; or
 - (iii) a convening of a three-member board of trustees of a large public transit district as defined in Section 17B-2a-802 if:
 - (A) the board members do not, during the conversation, take a tentative or final vote on the matter that is the subject of the conversation; or
 - (B) the conversation pertains only to day-to-day management and operation of the public transit district.
- (c) "Meeting" does not mean the convening of a public body that has both legislative and executive responsibilities if:
 - (i) no public funds are appropriated for expenditure during the time the public body is convened; and
 - (ii) the public body is convened solely for the discussion or implementation of administrative or operational matters:
 - (A) for which no formal action by the public body is required; or
 - (B) that would not come before the public body for discussion or action.
- (7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.
- (8) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.
- (9)
 - (a) "Public body" means:
 - (i) any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:
 - (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
 - (B) consists of two or more persons;
 - (C) expends, disburses, or is supported in whole or in part by tax revenue; and
 - (D) is vested with the authority to make decisions regarding the public's business; or
 - (ii) any administrative, advisory, executive, or policymaking body of an association, as that term is defined in Section 53G-7-1101, that:
 - (A) consists of two or more persons;
 - (B) expends, disburses, or is supported in whole or in part by dues paid by a public school or whose employees participate in a benefit or program described in Title 49, Utah State Retirement and Insurance Benefit Act; and
 - (C) is vested with authority to make decisions regarding the participation of a public school or student in an interscholastic activity, as that term is defined in Section 53G-7-1101.
 - (b) "Public body" includes:
 - (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in Section 11-13-103;
 - (ii) a governmental nonprofit corporation as that term is defined in Section 11-13a-102; and
 - (iii) the Utah Independent Redistricting Commission.
 - (c) "Public body" does not include:
 - (i) a political party, a political group, or a political caucus;

- (ii) a conference committee, a rules committee, or a sifting committee of the Legislature;
- (iii) a school community council or charter trust land council, as that term is defined in Section 53G-7-1203;
- (iv) a taxed interlocal entity, as that term is defined in Section 11-13-602; or
- (v) the following Legislative Management subcommittees, which are established in Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to recommend for employment, except that the meeting in which a subcommittee votes to recommend that a candidate be employed shall be subject to the provisions of this act:
 - (A) the Research and General Counsel Subcommittee;
 - (B) the Budget Subcommittee; and
 - (C) the Audit Subcommittee.
- (10) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.
- (11)
 - (a) "Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.
 - (b) "Quorum" does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken.
- (12) "Recording" means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.
- (13) "Specified body":
 - (a) means an administrative, advisory, executive, or legislative body that:
 - (i) is not a public body;
 - (ii) consists of three or more members; and
 - (iii) includes at least one member who is:
 - (A) a legislator; and
 - (B) officially appointed to the body by the president of the Senate, speaker of the House of Representatives, or governor; and
 - (b) does not include a body listed in Subsection (9)(c)(ii) or (9)(c)(v).
- (14) "Transmit" means to send, convey, or communicate an electronic message by electronic means.

Amended by Chapter 25, 2019 General Session

Amended by Chapter 246, 2019 General Session

52-4-104 Training.

- (1) The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter.
- (2) The presiding officer shall ensure that any training described in Subsection (1) complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Amended by Chapter 200, 2018 General Session

Part 2 Meetings

52-4-201 Meetings open to the public -- Exceptions.

- (1) A meeting is open to the public unless closed under Sections 52-4-204, 52-4-205, and 52-4-206.
- (2)
 - (a) A meeting that is open to the public includes a workshop or an executive session of a public body in which a quorum is present, unless closed in accordance with this chapter.
 - (b) A workshop or an executive session of a public body in which a quorum is present that is held on the same day as a regularly scheduled public meeting of the public body may only be held at the location where the public body is holding the regularly scheduled public meeting unless:
 - (i) the workshop or executive session is held at the location where the public body holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at different location;
 - (ii) any of the meetings held on the same day is a site visit or a traveling tour and, in accordance with this chapter, public notice is given;
 - (iii) the workshop or executive session is an electronic meeting conducted according to the requirements of Section 52-4-207; or
 - (iv) it is not practicable to conduct the workshop or executive session at the regular location of the public body's open meetings due to an emergency or extraordinary circumstances.

Renumbered and Amended by Chapter 14, 2006 General Session
Amended by Chapter 263, 2006 General Session

52-4-202 Public notice of meetings -- Emergency meetings.

- (1)
 - (a)
 - (i) A public body shall give not less than 24 hours' public notice of each meeting.
 - (ii) A specified body shall give not less than 24 hours' public notice of each meeting that the specified body holds on the capitol hill complex.
 - (b) The public notice required under Subsection (1)(a) shall include the meeting:
 - (i) agenda;
 - (ii) date;
 - (iii) time; and
 - (iv) place.
- (2)
 - (a) In addition to the requirements under Subsection (1), a public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule as provided in this section.
 - (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of the scheduled meetings.
- (3)
 - (a) A public body or specified body satisfies a requirement for public notice by:
 - (i) posting written notice:
 - (A) except for an electronic meeting held without an anchor location under Subsection 52-4-207(4), at the principal office of the public body or specified body, or if no principal office exists, at the building where the meeting is to be held; and
 - (B) on the Utah Public Notice Website created under Section 63A-16-601; and
 - (ii) providing notice to:

- (A) at least one newspaper of general circulation within the geographic jurisdiction of the public body; or
- (B) a local media correspondent.
- (b) A public body or specified body is in compliance with the provisions of Subsection (3)(a)(ii) by providing notice to a newspaper or local media correspondent under the provisions of Subsection 63A-16-601(4)(d).
- (c) A public body whose limited resources make compliance with Subsection (3)(a)(i)(B) difficult may request the Division of Archives and Records Service, created in Section 63A-12-101, to provide technical assistance to help the public body in its effort to comply.
- (4) A public body and a specified body are encouraged to develop and use additional electronic means to provide notice of their meetings under Subsection (3).
- (5)
 - (a) The notice requirement of Subsection (1) may be disregarded if:
 - (i) because of unforeseen circumstances it is necessary for a public body or specified body to hold an emergency meeting to consider matters of an emergency or urgent nature; and
 - (ii) the public body or specified body gives the best notice practicable of:
 - (A) the time and place of the emergency meeting; and
 - (B) the topics to be considered at the emergency meeting.
 - (b) An emergency meeting of a public body may not be held unless:
 - (i) an attempt has been made to notify all the members of the public body; and
 - (ii) a majority of the members of the public body approve the meeting.
- (6)
 - (a) A public notice that is required to include an agenda under Subsection (1) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.
 - (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding member of the public body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting.
 - (c) Except as provided in Subsection (5), relating to emergency meetings, a public body may not take final action on a topic in an open meeting unless the topic is:
 - (i) listed under an agenda item as required by Subsection (6)(a); and
 - (ii) included with the advance public notice required by this section.
- (7) Except as provided in this section, this chapter does not apply to a specified body.

Amended by Chapter 84, 2021 General Session

Amended by Chapter 345, 2021 General Session

52-4-203 Written minutes of open meetings -- Public records -- Recording of meetings.

- (1) Except as provided under Subsection (7), written minutes and a recording shall be kept of all open meetings.
- (2)
 - (a) Written minutes of an open meeting shall include:
 - (i) the date, time, and place of the meeting;
 - (ii) the names of members present and absent;
 - (iii) the substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;
 - (iv) a record, by individual member, of each vote taken by the public body;

- (v) the name of each person who:
 - (A) is not a member of the public body; and
 - (B) after being recognized by the presiding member of the public body, provided testimony or comments to the public body;
- (vi) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(a)(v); and
- (vii) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.
- (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that minutes include the substance of matters proposed, discussed, or decided or the substance of testimony or comments by maintaining a publicly available online version of the minutes that provides a link to the meeting recording at the place in the recording where the matter is proposed, discussed, or decided or the testimony or comments provided.
- (3) A recording of an open meeting shall:
 - (a) be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting; and
 - (b) be properly labeled or identified with the date, time, and place of the meeting.
- (4)
 - (a) As used in this Subsection (4):
 - (i) "Approved minutes" means written minutes:
 - (A) of an open meeting; and
 - (B) that have been approved by the public body that held the open meeting.
 - (ii) "Electronic information" means information presented or provided in an electronic format.
 - (iii) "Pending minutes" means written minutes:
 - (A) of an open meeting; and
 - (B) that have been prepared in draft form and are subject to change before being approved by the public body that held the open meeting.
 - (iv) "Specified local public body" means a legislative body of a county, city, town, or metro township.
 - (v) "State public body" means a public body that is an administrative, advisory, executive, or legislative body of the state.
 - (vi) "State website" means the Utah Public Notice Website created under Section 63A-16-601.
 - (b) Pending minutes, approved minutes, and a recording of a public meeting are public records under Title 63G, Chapter 2, Government Records Access and Management Act.
 - (c) Pending minutes shall contain a clear indication that the public body has not yet approved the minutes or that the minutes are subject to change until the public body approves them.
 - (d) A public body shall require an individual who, at an open meeting of the public body, publicly presents or provides electronic information, relating to an item on the public body's meeting agenda, to provide the public body, at the time of the meeting, an electronic or hard copy of the electronic information for inclusion in the public record.
 - (e) A state public body shall:
 - (i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;
 - (ii) within three business days after approving written minutes of an open meeting:
 - (A) post to the state website a copy of the approved minutes and any public materials distributed at the meeting;
 - (B) make the approved minutes and public materials available to the public at the public body's primary office; and

- (C) if the public body provides online minutes under Subsection (2)(b), post approved minutes that comply with Subsection (2)(b) and the public materials on the public body's website; and
- (iii) within three business days after holding an open meeting, post on the state website an audio recording of the open meeting, or a link to the recording.
- (f) A specified local public body shall:
 - (i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;
 - (ii) within three business days after approving written minutes of an open meeting, post and make available a copy of the approved minutes and any public materials distributed at the meeting, as provided in Subsection (4)(e)(ii); and
 - (iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.
- (g) A public body that is not a state public body or a specified local public body shall:
 - (i) make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes;
 - (ii) within three business days after approving written minutes of an open meeting:
 - (A) post and make available a copy of the approved minutes and any public materials distributed at the meeting, as provided in Subsection (4)(e)(ii); or
 - (B) comply with Subsections (4)(e)(ii)(B) and (C) and post to the state website a link to a website on which the approved minutes and any public materials distributed at the meeting are posted; and
 - (iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.
- (h) A public body shall establish and implement procedures for the public body's approval of the written minutes of each meeting.
- (i) Approved minutes of an open meeting are the official record of the meeting.
- (5) All or any part of an open meeting may be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting.
- (6) The written minutes or recording of an open meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.
- (7) Notwithstanding Subsection (1), a recording is not required to be kept of:
 - (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by the public body; or
 - (b) an open meeting of a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, if the district's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less.

Amended by Chapter 84, 2021 General Session

Amended by Chapter 176, 2021 General Session

Amended by Chapter 345, 2021 General Session

52-4-204 Closed meeting held upon vote of members -- Business -- Reasons for meeting recorded.

- (1) A closed meeting may be held if:
 - (a)

- (i) a quorum is present;
- (ii) the meeting is an open meeting for which notice has been given under Section 52-4-202;
and
- (iii)
 - (A) two-thirds of the members of the public body present at the open meeting vote to approve closing the meeting;
 - (B) for a meeting that is required to be closed under Section 52-4-205, if a majority of the members of the public body present at an open meeting vote to approve closing the meeting;
 - (C) for an ethics committee of the Legislature that is conducting an open meeting for the purpose of reviewing an ethics complaint, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint; or
 - (D) for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201 that is conducting an open meeting for the purpose of reviewing an ethics complaint in accordance with Section 63A-15-701, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint; or
- (b)
 - (i) for the Independent Legislative Ethics Commission, the closed meeting is convened for the purpose of conducting business relating to the receipt or review of an ethics complaint, provided that public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the receipt or review of ethics complaints";
 - (ii) for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, the closed meeting is convened for the purpose of conducting business relating to the preliminary review of an ethics complaint in accordance with Section 63A-15-602, provided that public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the review of ethics complaints"; or
 - (iii) for the Independent Executive Branch Ethics Commission created in Section 63A-14-202, the closed meeting is convened for the purpose of conducting business relating to an ethics complaint, provided that public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to an ethics complaint."
- (2) A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section 52-4-205.
- (3)
 - (a) An ordinance, resolution, rule, regulation, contract, or appointment may not be approved at a closed meeting.
 - (b)
 - (i) 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 and return to an open meeting.
 - (ii) A motion to end the closed portion of a meeting may be approved by a majority of the public body members present at the meeting.

- (4) The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:
 - (a) the reason or reasons for holding the closed meeting;
 - (b) the location where the closed meeting will be held; and
 - (c) the vote by name, of each member of the public body, either for or against the motion to hold the closed meeting.
- (5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be construed to require any meeting to be closed to the public.

Amended by Chapter 217, 2021 General Session

52-4-205 Purposes of closed meetings -- Certain issues prohibited in closed meetings.

- (1) A closed meeting described under Section 52-4-204 may only be held for:
 - (a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual;
 - (b) strategy sessions to discuss collective bargaining;
 - (c) strategy sessions to discuss pending or reasonably imminent litigation;
 - (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would:
 - (i) disclose the appraisal or estimated value of the property under consideration; or
 - (ii) prevent the public body from completing the transaction on the best possible terms;
 - (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:
 - (i) public discussion of the transaction would:
 - (A) disclose the appraisal or estimated value of the property under consideration; or
 - (B) prevent the public body from completing the transaction on the best possible terms;
 - (ii) the public body previously gave public notice that the property would be offered for sale; and
 - (iii) the terms of the sale are publicly disclosed before the public body approves the sale;
 - (f) discussion regarding deployment of security personnel, devices, or systems;
 - (g) investigative proceedings regarding allegations of criminal misconduct;
 - (h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the receipt or review of ethics complaints;
 - (i) as relates to an ethics committee of the Legislature, a purpose permitted under Subsection 52-4-204(1)(a)(iii)(C);
 - (j) as relates to the Independent Executive Branch Ethics Commission created in Section 63A-14-202, conducting business relating to an ethics complaint;
 - (k) as relates to a county legislative body, discussing commercial information as defined in Section 59-1-404;
 - (l) as relates to the Utah Higher Education Assistance Authority and its appointed board of directors, discussing fiduciary or commercial information as defined in Section 53B-12-102;
 - (m) deliberations, not including any information gathering activities, of a public body acting in the capacity of:
 - (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code, during the process of evaluating responses to a solicitation, as defined in Section 63G-6a-103;
 - (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or

- (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part 17, Procurement Appeals Board;
 - (n) the purpose of considering information that is designated as a trade secret, as defined in Section 13-24-2, if the public body's consideration of the information is necessary in order to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;
 - (o) the purpose of discussing information provided to the public body during the procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of the meeting:
 - (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be disclosed to a member of the public or to a participant in the procurement process; and
 - (ii) the public body needs to review or discuss the information in order to properly fulfill its role and responsibilities in the procurement process;
 - (p) as relates to the governing board of a governmental nonprofit corporation, as that term is defined in Section 11-13a-102, the purpose of discussing information that is designated as a trade secret, as that term is defined in Section 13-24-2, if:
 - (i) public knowledge of the discussion would reasonably be expected to result in injury to the owner of the trade secret; and
 - (ii) discussion of the information is necessary for the governing board to properly discharge the board's duties and conduct the board's business; or
 - (q) a purpose for which a meeting is required to be closed under Subsection (2).
- (2) The following meetings shall be closed:
- (a) a meeting of the Health and Human Services Interim Committee to review a report described in Subsection 62A-16-301(1)(a), and the responses to the report described in Subsections 62A-16-301(2) and (4);
 - (b) a meeting of the Child Welfare Legislative Oversight Panel to:
 - (i) review a report described in Subsection 62A-16-301(1)(a), and the responses to the report described in Subsections 62A-16-301(2) and (4); or
 - (ii) review and discuss an individual case, as described in Subsection 62A-4a-207(5);
 - (c) a meeting of the Opioid and Overdose Fatality Review Committee, created in Section 26-7-13, to review and discuss an individual case, as described in Subsection 26-7-13(10);
 - (d) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose of advising the Natural Resource Conservation Service of the United States Department of Agriculture on a farm improvement project if the discussed information is protected information under federal law;
 - (e) a meeting of the Compassionate Use Board established in Section 26-61a-105 for the purpose of reviewing petitions for a medical cannabis card in accordance with Section 26-61a-105; and
 - (f) a meeting of the Colorado River Authority of Utah if:
 - (i) the purpose of the meeting is to discuss an interstate claim to the use of the water in the Colorado River system; and
 - (ii) failing to close the meeting would:
 - (A) reveal the contents of a record classified as protected under Subsection 63G-2-305(82);
 - (B) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River system;
 - (C) harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best terms and conditions regarding the use of water in the Colorado River system; or
 - (D) give an advantage to another state or to the federal government in negotiations regarding the use of water in the Colorado River system.

- (3) In a closed meeting, a public body may not:
- (a) interview a person applying to fill an elected position;
 - (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office; or
 - (c) discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.

Amended by Chapter 179, 2021 General Session

Amended by Chapter 231, 2021 General Session

52-4-206 Record of closed meetings.

- (1) Except as provided under Subsection (6), if a public body closes a meeting under Subsection 52-4-205(1), the public body:
- (a) shall make a recording of the closed portion of the meeting; and
 - (b) may keep detailed written minutes that disclose the content of the closed portion of the meeting.
- (2) A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting.
- (3) The recording and any minutes of a closed meeting shall include:
- (a) the date, time, and place of the meeting;
 - (b) the names of members present and absent; and
 - (c) the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.
- (4) Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.
- (5) A recording, transcript, report, and written minutes of a closed meeting are protected records under Title 63G, Chapter 2, Government Records Access and Management Act, except that the records may be disclosed under a court order only as provided under Section 52-4-304.
- (6) If a public body closes a meeting exclusively for the purposes described under Subsection 52-4-205(1)(a), (1)(f), or (2):
- (a) the person presiding shall sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss the purposes described under Subsection 52-4-205(1)(a),(1)(f), or (2); and
 - (b) the provisions of Subsection (1) of this section do not apply.

Amended by Chapter 425, 2018 General Session

52-4-207 Electronic meetings -- Authorization -- Requirements.

- (1) Except as otherwise provided for a charter school in Section 52-4-209, a public body may convene and conduct an electronic meeting in accordance with this section.
- (2)
- (a) A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings.
 - (b) The resolution, rule, or ordinance may:
 - (i) prohibit or limit electronic meetings based on budget, public policy, or logistical considerations;

- (ii) require a quorum of the public body to:
 - (A) be present at a single anchor location for the meeting; and
 - (B) vote to approve establishment of an electronic meeting in order to include other members of the public body through an electronic connection;
 - (iii) require a request for an electronic meeting to be made by a member of a public body up to three days prior to the meeting to allow for arrangements to be made for the electronic meeting;
 - (iv) restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability; or
 - (v) establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section.
- (3) A public body that convenes or conducts an electronic meeting shall:
 - (a) give public notice of the meeting:
 - (i) in accordance with Section 52-4-202; and
 - (ii) except for an electronic meeting under Subsection (5)(a), post written notice at the anchor location; and
 - (b) in addition to giving public notice required by Subsection (3)(a), provide:
 - (i) notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and
 - (ii) a description of how the members will be connected to the electronic meeting.
- (4)
 - (a) Except as provided in Subsection (5), a public body that convenes and conducts an electronic meeting shall provide space and facilities at an anchor location for members of the public to attend the open portions of the meeting.
 - (b) A public body that convenes and conducts an electronic meeting may provide means by which members of the public who are not physically present at the anchor location may attend the meeting remotely by electronic means.
- (5) Subsection (4)(a) does not apply to an electronic meeting if:
 - (a)
 - (i) the chair of the public body determines that:
 - (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial risk to the health or safety of those present or who would otherwise be present at the anchor location; or
 - (B) the location where the public body would normally meet has been ordered closed to the public for health or safety reasons; and
 - (ii) the public notice for the meeting includes:
 - (A) a statement describing the chair's determination under Subsection (5)(a)(i);
 - (B) a summary of the facts upon which the chair's determination is based; and
 - (C) information on how a member of the public may attend the meeting remotely by electronic means; or
 - (b)
 - (i) during the course of the electronic meeting, the chair:
 - (A) determines that continuing to conduct the electronic meeting as provided in Subsection (4)(a) presents a substantial risk to the health or safety of those present at the anchor location; and
 - (B) announces during the electronic meeting the chair's determination under Subsection (5)(b)(i)(A) and states a summary of the facts upon which the determination is made; and

- (ii) in convening the electronic meeting, the public body has provided means by which members of the public who are not physically present at the anchor location may attend the electronic meeting remotely by electronic means.
- (6) A determination under Subsection (5)(a)(i) expires 30 days after the day on which the chair of the public body makes the determination.
- (7) Compliance with the provisions of this section by a public body constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Amended by Chapter 242, 2021 General Session

52-4-208 Chance or social meetings.

- (1) This chapter does not apply to any chance meeting or a social meeting.
- (2) A chance meeting or social meeting may not be used to circumvent the provisions of this chapter.

Enacted by Chapter 14, 2006 General Session

52-4-209 Electronic meetings for charter school board.

- (1) Notwithstanding the definitions provided in Section 52-4-103 for this chapter, as used in this section:
 - (a) "Anchor location" means a physical location where:
 - (i) the charter school board would normally meet if the charter school board were not holding an electronic meeting; and
 - (ii) space, a facility, and technology are provided to the public to monitor and, if public comment is allowed, to participate in an electronic meeting during regular business hours.
 - (b) "Charter school board" means the governing board of a school created under Title 53G, Chapter 5, Charter Schools.
 - (c) "Meeting" means the convening of a charter school board:
 - (i) with a quorum who:
 - (A) monitors a website at least once during the electronic meeting; and
 - (B) casts a vote on a website, if a vote is taken; and
 - (ii) for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the charter school board has jurisdiction or advisory power.
 - (d) "Monitor" means to:
 - (i) read all the content added to a website by the public or a charter school board member; and
 - (ii) view a vote cast by a charter school board member on a website.
 - (e) "Participate" means to add content to a website.
- (2)
 - (a) A charter school board may convene and conduct an electronic meeting in accordance with Section 52-4-207.
 - (b) A charter school board may convene and conduct an electronic meeting in accordance with this section that is in writing on a website if:
 - (i) the chair verifies that a quorum monitors the website;
 - (ii) the content of the website is available to the public;
 - (iii) the chair controls the times in which a charter school board member or the public participates; and
 - (iv) the chair requires a person to identify himself or herself if the person:

- (A) participates; or
 - (B) casts a vote as a charter school board member.
- (3) A charter school that conducts an electronic meeting under this section shall:
- (a) give public notice of the electronic meeting:
 - (i) in accordance with Section 52-4-202; and
 - (ii) by posting written notice at the anchor location as required under Section 52-4-207;
 - (b) in addition to giving public notice required by Subsection (3)(a), provide:
 - (i) notice of the electronic meeting to the members of the charter school board at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present;
 - (ii) a description of how the members and the public may be connected to the electronic meeting;
 - (iii) a start and end time for the meeting, which shall be no longer than 5 days; and
 - (iv) a start and end time for when a vote will be taken in an electronic meeting, which shall be no longer than four hours; and
 - (c) provide an anchor location.
- (4) The chair shall:
- (a) not allow anyone to participate from the time the notice described in Subsection (3)(b)(iv) is given until the end time for when a vote will be taken; and
 - (b) allow a charter school board member to change a vote until the end time for when a vote will be taken.
- (5) During the time in which a vote may be taken, a charter school board member may not communicate in any way with any person regarding an issue over which the charter school board has jurisdiction.
- (6) A charter school conducting an electronic meeting under this section may not close a meeting as otherwise allowed under this part.
- (7)
- (a) Written minutes shall be kept of an electronic meeting conducted as required in Section 52-4-203.
 - (b)
 - (i) Notwithstanding Section 52-4-203, a recording is not required of an electronic meeting described in Subsection (2)(b).
 - (ii) All of the content of the website shall be kept for an electronic meeting conducted under this section.
 - (c) Written minutes are the official record of action taken at an electronic meeting as required in Section 52-4-203.
- (8)
- (a) A charter school board shall ensure that the website used to conduct an electronic meeting:
 - (i) is secure; and
 - (ii) provides with reasonably certainty the identity of a charter school board member who logs on, adds content, or casts a vote on the website.
 - (b) A person is guilty of a class B misdemeanor if the person falsely identifies himself or herself as required by Subsection (2)(b)(iv).
- (9) Compliance with the provisions of this section by a charter school constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Amended by Chapter 415, 2018 General Session

52-4-210 Electronic message transmissions.

Nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting.

Enacted by Chapter 25, 2011 General Session

Part 3 Enforcement

52-4-301 Disruption of meetings.

This chapter does not prohibit the removal of any person from a meeting, if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised.

Enacted by Chapter 14, 2006 General Session

52-4-302 Suit to void final action -- Limitation -- Exceptions.

- (1)
 - (a) Any final action taken in violation of Section 52-4-201, 52-4-202, 52-4-207, or 52-4-209 is voidable by a court of competent jurisdiction.
 - (b) A court may not void a final action taken by a public body for failure to comply with the posting written notice requirements under Subsection 52-4-202(3)(a)(i)(B) if:
 - (i) the posting is made for a meeting that is held before April 1, 2009; or
 - (ii)
 - (A) the public body otherwise complies with the provisions of Section 52-4-202; and
 - (B) the failure was a result of unforeseen Internet hosting or communication technology failure.
- (2) Except as provided under Subsection (3), a suit to void final action shall be commenced within 90 days after the date of the action.
- (3) A suit to void final action concerning the issuance of bonds, notes, or other evidences of indebtedness shall be commenced within 30 days after the date of the action.

Amended by Chapter 403, 2012 General Session

52-4-303 Enforcement of chapter -- Suit to compel compliance.

- (1) The attorney general and county attorneys of the state shall enforce this chapter.
- (2) The attorney general shall, on at least a yearly basis, provide notice to all public bodies that are subject to this chapter of any material changes to the requirements for the conduct of meetings under this chapter.
- (3) A person denied any right under this chapter may commence suit in a court of competent jurisdiction to:
 - (a) compel compliance with or enjoin violations of this chapter; or
 - (b) determine the chapter's applicability to discussions or decisions of a public body.
- (4) The court may award reasonable attorney fees and court costs to a successful plaintiff.

Renumbered and Amended by Chapter 14, 2006 General Session
Amended by Chapter 263, 2006 General Session

52-4-304 Action challenging closed meeting.

- (1) Notwithstanding the procedure established under Subsection 63G-2-202(7), in any action brought under the authority of this chapter to challenge the legality of a closed meeting held by a public body, the court shall:
 - (a) review the recording or written minutes of the closed meeting in camera; and
 - (b) decide the legality of the closed meeting.
- (2)
 - (a) If the judge determines that the public body did not violate Section 52-4-204, 52-4-205, or 52-4-206 regarding closed meetings, the judge shall dismiss the case without disclosing or revealing any information from the recording or minutes of the closed meeting.
 - (b) If the judge determines that the public body violated Section 52-4-204, 52-4-205, or 52-4-206 regarding closed meetings, the judge shall publicly disclose or reveal from the recording or minutes of the closed meeting all information about the portion of the meeting that was illegally closed.
- (3) Nothing in this section may be construed to affect the ability of a public body to reclassify a record, as defined in Section 63G-2-103, as provided in Section 63G-2-307.

Amended by Chapter 425, 2018 General Session

52-4-305 Criminal penalty for closed meeting violation.

In addition to any other penalty under this chapter, a member of a public body who knowingly or intentionally violates or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.

Enacted by Chapter 263, 2006 General Session



CENTERVILLE CITY ATTORNEY'S OFFICE

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OPEN AND PUBLIC MEETINGS ACT

The Utah Legislature has adopted the Open and Public Meetings Act (Open Meetings Act), as set forth in *Utah Code Ann. §§ 52-4-101, et seq.* The Open Meetings Act applies to all administrative, advisory, elected, appointed and legislative public bodies of the City, including the City Council, Planning Commission, Board of Adjustment, and other boards and committees of the City. As a matter of public policy, the Utah Legislature has declared that the State and all of its entities and political subdivisions exist to aid in the conduct of the public's business. As such, the purpose of the Open Meetings Act is to ensure that the City takes its actions and conducts its deliberations regarding the public's business openly. By law, the Mayor is required to ensure that the members of the City Council receive annual training on the Open Meetings Act.

Every Meetings Is Public (Unless Closed for Reasons Allowed by Law)

Every meeting of the City Council shall be open to the public unless such meeting is closed for legitimate reasons provided by law. Meetings include regular meetings, special meetings, executive sessions, work sessions, field trips, or other meetings of the City Council where a quorum of its members is present and the purpose of the meeting is to discuss or take action on matters within the City Council's jurisdiction. A quorum of the City Council is defined by statute as three members, excluding the mayor. A chance meeting of a quorum of the City Council or a social event, such as the annual City dinner, does not constitute a "meeting" under the Open Meetings Act so long as the members of the City Council do not discuss or act upon matters of public business at the party. Lawful reasons to go into a closed session are summarized in a separate handout on Closed Meetings.

Public Notice

In order to provide the public with an opportunity to attend and participate in the public's business, the City is required to give at least 24 hours public notice of each meeting of the City Council. This public notice must include the agenda for the meeting and the date, time, and place of the meetings. The City must also provide public notice at least once each year of the City Council's annual meetings schedule. Public notice of the annual meetings schedule and the 24 hour notice of each meeting requires: (1) posting written notice at City Hall; (2) posting notice on the Utah Public Notice Website; and (3) providing notice to at least one local newspaper or local media correspondent. The City is encouraged to develop and use additional electronic means to provide notice of its meetings, which Centerville does by providing notice of all of its meetings on the City website. The City also provides public electronic access to all of its City Council meeting agendas and packet information through Novus as found on the City website. Other noticing requirements apply to various applications under Centerville City Ordinances in addition to notice required under the Open Meetings Act.

Written Minutes and Recordings

Except otherwise provided by law, written minutes and a recording shall be kept of all open meetings of the City Council. Written minutes are not a verbatim transcript of the meeting but should include the substance in brief of the discussions of the Council and any testimony or public comment. The minutes must also include a record, by individual member, of each vote taken by the City Council. Approval of minutes by City Council shall comply with the City's Minutes Approval Policy. Pending minutes, approved minutes, and the recording of an open meeting are public records. Pending minutes of the City Council must be made available to the public within 30 days after holding the meeting. Approved minutes of the City Council must be posted to the Utah Public Notice Website within 3 days after approval. The recording of an open meeting of the City Council must be available to the public within 3 business days after the meeting. The City also posts audio recordings of City Council meetings on the Utah Public Notice Website. Written minutes from open meetings, once approved by the City Council, are the official record of the meetings and are generally retained permanently by the City Recorder. The Council should make sure the minutes properly reflect the actions taken by the Council.

Electronic Meetings

The City Council may hold electronic meetings, such as conference call or video conferencing, in accordance with the City's Electronic Meeting Policy. In general, there must be an anchor location for the electronic meeting (usually City Hall), and there must be sufficient facilities and technology available at the anchor location to allow all participants of the meeting the ability to communicate with the members of the City Council, and so that each member of Council can communicate with all participants and other members. As extra noticing and facility set up is required for electronic meetings, it is requested that Council members provide sufficient advanced notice to staff of the need for an electronic meeting.

Fun Rules

- A work session or executive session of the City Council that is held on the same day as a regularly scheduled public meeting of the Council is required to be held at the same place as the regular meeting (unless otherwise allowed by law); i.e. you can't have your work session at Dairy Queen.
- The City Council must list the proposed agenda topics and items for discussion and action by the Council. Each agenda item must be listed with reasonable specificity to notify the public as to the topics to be considered at the meeting.
- The City Council should avoid talking about matters that are not listed on the agenda and is prohibited from taking final action on any matter that is not listed on the agenda or included with the advance public notice of the meeting.
- Recordings of open meetings must be a complete and unedited record of all portions of the open meeting; i.e. you can't stop and start the recording to exclude discussions.
- You don't have to make a recording of an open meeting that is a site visit or traveling tour so long as no vote or action is taken by the City Council during the site visit or travelling tour.
- Notice requirements may be disregarded to consider matters of an emergency or urgent nature if the City gives the best notice practicable. Check with City Attorney for applicable requirements.
- Council members should not send emails or texts to other members of the Council when the Council is convened and Council members should avoid creating an electronic meeting through group email chats.
- Anyone can independently record all or any part of an open meeting so long as the recording does not interfere with the conduct of the meeting.
- Members of the City Council who knowingly or intentionally violate the Open Meetings Act may be guilty of a class B misdemeanor.



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CLOSED MEETINGS

The Utah Legislature has adopted the Open and Public Meetings Act (Open Meetings Act), as set forth in *Utah Code Ann.* §§ 52-4-101, *et seq.* The Open Meetings Act applies to all administrative, advisory, elected, appointed and legislative public bodies of the City, including the City Council, Planning Commission, Board of Adjustment, and other boards and committees of the City. Under the Open Meetings Act, all meetings of the City Council shall be open to the public unless lawfully closed for reasons permitted by law.

Lawful Reasons to go into a Closed Meeting

Pursuant to *Utah Code Ann.* § 52-4-205, the City Council may only go into a closed session for the following reasons:

- ⇒ Discussion of the character, professional competence, or physical or mental health of an individual;
- ⇒ Strategy sessions to discuss pending or reasonably imminent litigation;
- ⇒ Strategy sessions to discuss the purchase, sale, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would: (i) disclose the appraisal or estimated value of the property under consideration; or (ii) prevent the City from completing the transaction on the best possible terms;
- ⇒ Discussion regarding deployment of security personnel, devices or systems; and
- ⇒ Investigative proceedings regarding allegations of criminal misconduct.

Procedures to go into a Closed Meeting

In order to go into a closed session, a quorum of the City Council must be present at an open meeting for which notice has been provided. Two-thirds of the members of the City Council present at the open meeting must vote to approve going into a closed meeting. The following information is required to be publicly announced and entered into the minutes of the open meeting when the closed meeting is approved: (1) the reason or reasons for holding the closed meeting; (2) the location where the closed meeting will be held; and (3) the vote by name of each member of the City Council either for or against the motion to go into a closed meeting.

Minutes and Recording.

Generally, the City is required to record all closed meetings and “may” keep detailed written minutes of such closed meetings. The recording of the closed meeting must be complete and unedited from commencement of the closed meeting through adjournment of the closed meeting. The recording and minutes of a closed meeting shall include: (1) the date, time, and place of the closed meeting; (2) the names of members present and absent; and (3) the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of the closed meeting. If the City Council closes a meeting exclusively for the purpose to discuss the character, professional competence, or physical or mental health of an individual or to discuss deployment of security personnel, devices or systems, a recording does not have to be made of the closed meeting so long as the person presiding signs a sworn statement affirming that the sole purpose for closing the meeting was to discuss such exempted topics.

Additional Restrictions

A closed meeting is only allowed if each matter discussed in the closed meeting is permitted under Section 52-4-205. The Council’s discussion is limited to the lawful reasons for which the Council voted to go into the closed meeting. No ordinance, resolution, rule, regulation, contract, or appointment may be approved in a closed meeting. The City Council is also prohibited from interviewing a person applying to fill an elected position or discussing the character, professional competence, or physical or mental health of a person whose name has been submitted for consideration to fill a midterm vacancy or temporary absence under Title 20A regarding vacancies in elected offices.

Challenges and Enforcement

The Attorney General and the County Attorneys of the State are authorized to enforce the provisions of the Open Meetings Act. A person denied a right under the Act may commence suit in court to compel compliance with the Act, to enjoin violations of the Act, or to determine the Act’s applicability to discussions or decisions of the City Council. The court may award attorneys’ fees and court costs to a successful plaintiff. In a challenge to the legality of a closed meeting held by the City Council, the court shall review the recording or written minutes of the closed meeting *in camera* and decide the legality of the closed meeting. If the judge determines that the Council did not comply with the Act regarding closed meetings, the judge shall publicly disclose from the recording or minutes of the closed meeting all information about the portion of the meeting that was illegally closed. If the judge determines that the Council did comply with the Act in going into the closed meeting, the judge will dismiss the case without disclosing or revealing any information from the recording or minutes of the closed meeting.

Criminal Penalties

In addition to any other penalty provided in the Open Meetings Act, any member of the City Council who knowingly or intentionally violates or knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of the Act is guilty of a class B misdemeanor.

**PLANNING
COMMISSION**

Staff Report
3/9/2022

Item No. 4.

Title: CivicClerk Training

Initiated By: Jennifer Hansen, City Recorder

Staff Representative: Jennifer Hansen, City Recorder

SUBJECT:

Training on new agenda management software CivicClerk

RECOMMENDATION:

BACKGROUND:

With our new CivicClerk agenda management software, it includes a board portal with features and functions specific to board members. City Recorder Jennifer Hansen will provide a brief introduction and training on accessing and using the CivicClerk board portal.

ATTACHMENTS: