** Planning Commission Meeting Minutes**

**Tuesday May 22, 2018**

The meeting was called to order at 7:00 p.m. by Commission Chair Trevor Wood. Commission Members attending: Trevor Wood, Art Adcock, Kylie Lance, Kyle Francom, and Michelle Sperry.

Others present: EIT Jon Lundell, and City Manager Ben Reeves, Community Development Director Jason Bond.

**Invocation/Inspirational Thought:**

Commissioner Francom offered an invocation.

**Pledge of Allegiance:**

Commissioner Lance led the pledge of allegiance.

**Public Forum:** Commission Chair Wood opened the Public Forum at 7:03 p.m.

Resident Keith Kling explained that the front of his home faces Center Street, but his home is addressed off of Apple Seed Lane. He stated that it is confusing, and possibly dangerous if emergency vehicles can’t find his home. He stated that 12 other units have the same issue. He believes that these addresses should be changed.

Mr. Reeves stated that the Community Development Department will review his concern.

Commission Chair Wood closed the public forum at 7:05 p.m.

**Application for a Major Home Occupation:**

Mr. Lundell explained the differences between Minor Home Occupations that have no external impacts, and Major Home Occupations have impacts on the surrounding neighborhood. He clarified that Mr. Martinez’ trucking business falls under the Major Home Occupation because of the size of the vehicles he would like to park at his home; because of this he needs a conditional use permit. If the Major Home Occupation conditions are met, Mr. Martinez is able to proceed forward.

Mr. Lundell explained the conditions that Mr. Martinez will need to meet. His business related vehicles need to be parked behind the front setback of his home, and behind an opaque fence for screening. No truck maintenance can be conducted outside of an enclosed structure. Mr. Lundell explained that if these requirements are not met, his business license could be revoked.

Mr. Martinez explained that he is waiting for approval before he installs a fence and that he intends to park his trucks in his backyard.

**Public Input:**

Farrel Bott stated that he lives across the street from the applicant. He wants to know if he will be conducting business during day time hours, or at night. He stated that he doesn’t want the business operating at night.

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Mr. Lundell explained that the requirements state that businesses cannot be operated between 7 p.m. and 8 a.m. There is also a noise ordinance that Mr. Martinez will need to follow.

Leslie August lives behind Mr. Martinez, she stated that his trucks have been running after the allotted time. She asked what happens if he doesn’t follow the hours of operation, and how noise is gauged. Ms. August also asked who will ensure that the requirements are being met.

Mr. Reeves explained that a full time code enforcement officer is being hired for the first time in the City. Currently code enforcement is brought about by resident feedback.

Ms. August asked what the Business License allows Mr. Martinez to do. Mr. Reeves explained that a business license gives the City the ability to hold the business related vehicles to certain requirements. Ms. August asked if there is a limit to how many trucks he can park in his yard. Commissioner Wood explained that the City code limits the number of business related vehicles to 4 or less.

Rebecca Peterson stated that she lives down the street from Mr. Martinez. She referenced City Code 10-12-1D which outlines that the purpose of the Home Occupation Ordinance ‘to promote peace, quiet, and domestic tranquility within all residential neighborhoods...’ Ms. Peterson doesn’t believe that a trucking business is customary in a neighborhood. She is also concerned that it will decrease her property value. Ms. Peterson explained that she doesn’t want to have to report problems to the City.

Ron Petersen stated that he lives down the street from Mr. Martinez. He asked why a trucking business is allowed in a residential zone. He is concerned because 300 West is a one-way street that kids walk down without paying attention to traffic. Mr. Petersen believes that industrial equipment should be in an industrial not a residential area. He also expressed concern regarding his property value dropping. He stated that diesel trucks are loud when they are warming up and asked how the noise levels will be monitored.

Mr. Reeves explained that the code enforcement officer will have the appropriate tools to determine and regulate noise levels. Mr. Reeves pointed out that multiple people in the City commute with their dump trucks. He explained that the City tries to mitigate problems without taking away the rights of its citizens. One of the tools that the City Council can use is requesting that these individuals have a business license, so they can be held to certain requirements. He explained that everyone has property rights, and the City tires to balance property rights and the public good.

Kevin Lightsey stated that most citizens don’t commute using dump trucks, and he doesn’t believe that dump trucks should be allowed in residential areas.

Mr. Reeves explained to Mr. Lightsey that not allowing dump trucks in a residential area is a policy decision made by elected officials. He stated that the Planning Commission makes recommendations to the City Council.

Crystal Taylor believes that part of the reason people move to Santaquin is because of their finances. Ms. Taylor pointed out that dump trucks aren’t the only trucks that emit diesel fumes.

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Commission Chair Wood closed the public comments at 7:31 p.m.

Mr. Martinez stated that he is trying to start a business and needs time to build it. He explained that his business will consist of two dump trucks that he will park in his backyard, and screen by putting up a fence, and trees. He expressed his desire to move to a commercial lot in a couple of years. He explained that there will be no additional machinery on his lot, and no onsite maintenance will be conducted. Commissioner Adcock asked if he plans to have more than two vehicles on his residential lot. Mr. Martinez explained that he doesn’t plan to acquire more trucks until he has a commercial lot.

Commission Chair Wood asked Mr. Martinez what hours of operation he intends to have. Mr. Martinez stated that he would like to begin at 6:30 a.m., but no later than 8 a.m. There was some confusion as to the hours of operation allowed by City Code. 10-12-6C states regarding manufacturing activities outside of the home ‘No Machinery may be operated between the hours of seven o’clock (7:00) P.M. and eight o’clock (8:00) A.M.’ While 10-12-5B outlines operational hours as ‘The home occupation shall not generate any traffic before six o’clock (6:00) A.M. or after eight o’clock (8:00) P.M.’ Commissioner Francom pointed out that the noise ordinance begins at 6:00 a.m.

Ms. August was upset and stated that she feels the code is ambiguous, and machinery and business activities need to be distinguished. She stated that she thinks that a dump truck is considered machinery. Mr. Reeves stated that the code needs to be determined by law.

Ms. Taylor pointed out that if all dump trucks are categorized as machinery it will impact City vehicles as well as residential. Mr. Reeves explained that the City Council is currently addressing this area of the City code.

Commissioner Adcock explained that the Planning Commission is a preliminary review board. He stated that they are bound to approve the applicants petition, unless they are noncompliant to the City Code. The purpose of the Committee is to learn the feelings of the community.

Commissioner Lance suggested that a condition is added that Mr. Martinez cannot have more than two dump trucks on his property. Mr. Lundell explained that non detrimental substantiated conditions can be included in the Planning Commission’s approval.

Commissioner Adcock asked if the Commissioners felt that any other conditions should be added. Commissioner Lance asked if the machinery time table could be changed to 7 a.m. for this permit. Mr. Reeves explained that Planning Commission doesn’t have the authority to change City Code, although they could suggest that the City Council makes a change.

Commissioner Lance suggested that this permit is tabled until the City Council amends the ordinance. Mr. Reeves explained that because the application was submitted prior to any amendment changes, even if this Conditional Use Permit is tabled the applicant will be held to the current code. Commission Chair Wood asked Mr. Martinez if he would like to withdraw his application and reapply after the City Council has amended the code, or if he would like to receive approval tonight, being held to the current ordinance standards. Mr. Martinez stated that he needs to begin working and would like to receive

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approval today. Mr. Reeves explained that if the Council changes the Code, Mr. Martinez may reapply at that time.

**Motion:**

Commissioner Adcock motioned to approve Mr. Martinez’ conditional use permit with the following conditions; that all business related vehicles are parked behind a 6-foot-tall opaque fence, behind the home. No maintenance of business related vehicles is conducted on the property unless it is within a fully enclosed building. City Code regarding noise and hours of operation is complied with. And there are no more than 2 business related vehicles on the property at any one time. Commissioner Lance seconded.

**Roll Call Vote:**

Commissioner Adcock Aye

Commissioner Wood Aye

Commissioner Sperry Aye

Commissioner Francom Aye

Commissioner Lance Aye

The vote passed unanimously 5 to 0.

Commission Chair Wood reviewed Public Hearing etiquette with the audience prior to the Public Hearings.

**PUBLIC HEARING- Beals Minor Subdivision Review:**

Mr. Lundell explained that the owner of lot one to the North has made this request. He stated that the two parcels located along 100 West were improperly subdivided, and the parcels are not viewed as legal lots. The owner houses horses on the second parcel and currently his utilities come from the lot to the South. Subdividing these parcels will allow him to have utilities serviced to the second parcel. Mr. Lundell stated that this property is located in the R8 zone, and provides more than the required zone minimums for both frontage and lot size. The Subdivision Review will make it a legal subdivision, and a buildable lot. Mr. Lundell explained that the owner doesn’t want to change the use at this time, but if he does, he can only build a single family home.

Commission Chair Wood opened the public hearing at 7:58 p.m. and closed it at 7:58 p.m.

Mr. Lundell explained that City ordinance requires that all infrastructure such as curb, gutter, sidewalk, etc. is installed. However, the ordinance also allows for a deferral agreement. Meaning the Property owner at the time that infrastructure is required will be responsible to participate in the installation of

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the infrastructure. He explained that a deferral agreement will be a recorded document against the property.

Mr. Lundell stated that the engineering redlines have been addressed. Mr. Reeves explained that the Planning Commission is the final authority on subdivisions, but the City Council is the deciding body for approving the deferral agreement of both parcels. Commission Chair Wood asked if both owners are aware of the deferral agreement. Mr. Lundell confirmed that they are. Mr. Reeves explained that the South property owner needs to sign the plat in order for it to be a legal subdivision.

**Motion:**

Commissioner Lance motioned to approve the Beal one lot subdivision with the following conditions; that all engineering redlines are addressed, a new address is provided, and the required infrastructure is provided, or the City Council approves a deferral agreement with both owners. Commissioner Francom seconded.

**Roll Call Vote:**

Commissioner Adcock Aye

Commissioner Wood Aye

Commissioner Sperry Aye

Commissioner Francom Aye

Commissioner Lance Aye

The vote passed unanimously 5 to 0.

**PUBLIC HEARING- Orchard Hills Preliminary Review:**

Mr. Lundell explained that the original application was a site plan, indicating that there would be one owner for all 17 units. Under the ordinance at that time they received site plan approval in September of 2017, and they could have begun construction. The developer didn’t proceed with construction, but has since applied for a subdivision review to allow the unit’s to be owned by multiple owners. Mr. Lundell explained that they meet ordinance requirements, parking, open space, and circulation. Since their site plan was approved prior to the parking ordinance amendment, this development isn’t required to provide additional parking stalls. The developer has added an additional 6 parking stalls on the site to help alleviate parking concerns. This is a preliminary review where the Planning Commission provides a recommendation to City Council.

Commission Chair Wood clarified that no changes other than subdividing the property, and adding 6 parking stalls have been made to the plans. Mr. Lundell confirmed that those are the only two proposed changes.

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Commission Chair Wood opened the public hearing at 8:08 p.m.

Patty Erickson lives near this area, and is concerned about 17 properties being put across the street from an Elementary School and residential road. She feels that the developer is only concerned about money, and that the number of townhomes needs to be lowered.

AJ Bradley stated that he lives down the street. He asked if these townhomes will be low income housing. Mr. Lundell explained that they will not be low income housing, but will be townhomes. Commissioner Lance pointed out that these units would likely have been rentals, but now because of the subdivision review they will most likely be owner occupied. Mr. Bradley stated that he doesn’t think that the access points located off of a school road is a good location. He thinks that there will be too much traffic added on an already busy school street. Mr. Bradley is concerned that there are not enough parking spaces for the number of units. Mr. Reeves explained that each unit has a one car garage and an additional parking space outside. This review adds additional parking and will allow the unit’s to be subdivided and have separate owners. Mr. Lundell explained that in the Residential Commercial zone, multifamily developments are a permitted use, as long as they address open space and parking requirements. Mr. Bradley stated that his biggest concern is that these townhomes will generate too much traffic on a school street.

Jessica Peay stated that she doesn’t think that the location is good, and the amount of townhomes is too large. She asked who will be policing the townhomes. Ms. Peay also asked why she and her neighbors weren’t notified about this project, and what the requirements are for residential notification.

Kristen Collins asked who the builder is. Mr. Lundell stated that the owner is Orchard Hills Townhomes LLC. Ms. Collins asked how high density is determined. Mr. Reeves stated that there are different densities allowed within different zones. Ms. Collins asked how they can they be notified about projects in the future. Mr. Lundell stated each Public Hearing requires that a notice is sent to all property owners within 500 feet. Ms. Collins asked when building will begin. Mr. Lundell explained that City Council needs to review the subdivision review, and a final subdivision application needs to be submitted and reviewed by City Staff.

Crystal Taylor stated that she is concerned that the ingress and egress for these unit’s is located off of 120 East. She asked how the City Council will mitigate traffic for kids walking home from school. Ms. Taylor asked for clarification on the Residential Commercial zone. Mr. Lundell stated that both residential and commercial developments are allowed within this zone. Ms. Taylor asked what the square footage of the units are. Mr. Lundell explained that each unit is considered a single family home, and measures at about 1900 square feet.

Patty Erickson asked for clarification for the parking stalls. Mr. Lundell explained that because they have previous vesting they are able to meet the old parking requirements. The applicant has since added an additional 6 parking stalls. Mr. Reeves explained that the new code requires more parking. Ms. Erickson stated that she doesn’t feel that it is common sense to have townhomes located across the street from the school. Mr. Reeves explained that the zoning at the time of the application is submitted, determines

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the standards that the applicant is held to. Mr. Reeves stated that zoning was established before the school was built. Ms. Erickson expressed her feeling that the zoning needs to be changed.

Kristen Collins asked what kind of parking ordinances the City has. Mr. Reeves explained that there is a clear view area, on the corner where parking is not allowed. There is also no street parking within the Winter months Nov through March. Ms. Collins asked what kind of commercial development could be built in this zone in the future. Mr. Lundell explained that any commercial project such as storage facilities, restaurants, office buildings etc. are allowed within this zone. Mr. Reeves suggested that Ms. Collins petition to change the zoning. Commission Chair Wood explained that the City updates the general plan every 5 years and it would be a good opportunity for residents to express their concerns.

Ms. Collins asked how the property value of their homes will be affected. Mr. Reeves stated that the property value is based off of a component of the quality of work. These units will have to go through an architectural review committee, and meet landscaping requirements to ensure that the unit’s aesthetics meet City Ordinances. Commissioner Lance explained that these units will most likely sell for over 200,000 dollars.

Crystal Taylor asked who she should talk to regarding street safety, and having 120 East monitored during school hours. Mr. Reeves explained that City staff can review her request. Ms. Taylor proposed that crossing guards and Police Officers monitor this area during school hours in order to regulate safety.

Commission Chair Wood closed the public hearing at 8:35 p.m.

Commissioner Francom stated that he would like to see crossing guards on this road and asked if the school district or City would be in charge of providing them. Mr. Reeves explained that this would be handled by the City. A traffic and pedestrian study will need to be conducted to see if the street warrants a crossing guard. Mr. Reeves explained that this will be handled administratively and he will look into it.

Commissioner Adcock explained that the public is always invited to City Council, and Planning Commission meetings. He also stated that notices are physically posted in 3 places, City Hall, the Post Office, and Zions Bank. Mr. Reeves explained that the agendas are also posted on the City Website and Facebook page, and the State Notice Website. He stated that on the Utah State Notice Website you can sign up to have the City agendas emailed directly to you.

Commission Chair Wood asked about the irrigation box on the corner of the property. Mr. Lundell stated that it’s a Summit Creek diversion structure that delivers storm water to another property.

Commissioner Francom asked the developer Kevin Olsen to explain why he’s adding additional parking. Mr. Olsen explained that they are not required to add additional parking, but wanted to in order to alleviate parking problems and work with the City. Commissioner Lance clarified that this development will be covered by an HOA. Mr. Olsen stated that this development will have an HOA, maintained yards,

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and playground equipment. He explained that he has developed similar units on the North end of town that are selling for 222,000.

Patty Erickson asked what the HOA will entail. Mr. Olsen explained that the HOA will maintain the surrounding grounds snow, grass etc. Ms. Erickson asked who the HOA payment is made to. Mr. Olsen answered that there is a monthly HOA fee that goes to a property management company.

**Motion:**

Commissioner Lance motioned to recommend approval for the Orchard Hills Subdivision preliminary plat with the following conditions; that each unit is addressed properly, the water line location is discussed with the developer and reconsidered, and all engineering redlines are addressed. Commissioner Sperry seconded.

**Roll Call Vote:**

Commissioner Adcock Aye

Commissioner Wood Aye

Commissioner Sperry Aye

Commissioner Francom Aye

Commissioner Lance Aye

The vote passed unanimously 5 to 0.

**PUBLIC HEARING- Apple Hollow A-10 & C-6 Preliminary Review:**

Mr. Lundell explained that the developer would like to modify the allotment of the Townhomes, add 4 single family lots fronting Royal Land Drive, and relocate the club house. Mr. Lundell explained that the purpose of the Planning Commission review is to give a recommendation regarding the realignment and redistribution of the number of units.

Commissioner Lance asked if the density meets the Cities current requirements. Mr. Lundell stated that it does, and explained that they must meet current parking, and landscaping ordinances. Commissioner Francom asked if the new plans have a larger number of units. Mr. Lundell explained that there are the same number of units in total. Commissioner Lance asked when the splash pad will be added. Mr. Lundell stated that it will be added with this phase.

Mr. Lundell explained that there is a temporary asphalt road providing a second point of access, this development will finish the road and all of the looping within Apple Hollow. Commissioner Lance asked if the units will have 2 car garages. Mr. Lundell confirmed that they will.

Commissioner Chair Wood opened the public hearing at 8:54 p.m.

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Keith Kling lives to the North of this development. He stated that there is mud in front of his home, and asked when curb and gutter will be installed. Mr. Lundell explained that the current traffic for Center Street doesn’t warrant building the road the full way out. Landscaping, lawn, and berms do need to be added along Center Street as part of the development. Mr. Reeves clarified that installing curb and gutter will be the responsibility of the City, when traffic warrants it.

Kevin Lightsey asked what the shaded area on the plan represents. Mr. Lundell explained that they are existing single family homes. Mr. Lightsey asked if a park will be built to the West. Mr. Lundell answered that it will be a landscaped lawn maintained by the HOA. Mr. Lightsey asked for more information on the splash pad. Mr. Lundell explained that the splash pad must be installed if it’s shown on the approved plan. The developer will provide appropriate bonding in case they don’t build the splash pad, so the City can build it with that money. Mr. Lightsey stated that he doesn’t feel that the parking for the units is adequate.

Mr. Lundell explained that all of the previous developments were under the former parking ordinance, meaning that they met what was required at the time. With this new development they will have to meet the new parking ordinance for multifamily units. Mr. Bond explained that the parking requirements were changed, because the City has had similar concerns with parking.

Keith Kling asked how the 12 units facing Center Street will be addressed. Mr. Lundell stated that based off of current proposals everything will be addressed off of Apple Seed Lane. Mr. Lundell told Mr. Kling that he as noted his concerns and will look into it.

Commission Chair Wood closed the public hearing at 9:02 p.m.

Commissioner Francom asked if the Clubhouse parking will count towards guest parking. Mr. Lundell stated that it will.

**Motion:**

Commissioner Sperry motioned to send a positive recommendation to the City Council for the approval of Apple Hollow A10 and Orchards C6. Commissioner Lance seconded.

**Roll Call Vote:**

Commissioner Adcock Aye

Commissioner Wood Aye

Commissioner Sperry Aye

Commissioner Francom Aye

Commissioner Lance Aye

The vote passed unanimously 5 to 0.

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The Commission took a 5-minute recess from 9:05 p.m. to 9:10 p.m.

**PUBLIC HEARING- Sign Ordinance Amendment Proposal:**

Resident Cory Crabb stated that he is the owner of the restaurant Crabby’s to Go. He is proposing to change the sign ordinance 10-13-8C that requires pole signs to be ‘At least two hundred feet (200') from a public intersection as measured along back of curb lines.’ He explained that Draper City bases their requirement off of the speed limit, meaning the lower the speed limit the closer the sign can be to the intersection. Mr. Crabb provided the Commission data that shows the importance of signs in a business model.

Mr. Crabb expressed his desire to have a 35-foot pole sign within 200 feet of the intersection on the North corner of his building. Mr. Crabb explained that he is concerned about vandalism if he were to install a sign that is closer to the ground.

Commissioner Francom asked where Mr. Crabb would like to locate the sign. Mr. Crabb said he would like it be on the North side about 80 feet from the corner. Commissioner Adcock asked if Mr. Crabb has signs on the building. Mr. Crabb stated that he has signs on the on the East and West sides of the building. Commissioner Adcock asked him if he could put a sign on the North side of the building instead. Mr. Crabb stated that he could, but it wouldn’t be visible from the freeway.

Commissioner Sperry stated that 200 feet seems like a large distance requirement. Mr. Bond explained for reference that the neighboring Maverick pole sign is located 200 feet from the intersection. Commission Chair Wood asked what the reason for 200 feet requirement is. Mr. Bond explained that it’s for ascetics and maintaining the clear view area. Mr. Crabb explained that his sign would be located on top of a retaining wall and be about 45 feet high.

Mr. Bond stated that there is no proposed language, and a recommendation doesn’t have to be made tonight. Commissioner Lance stated that she would like to see how larger cities with more commercial businesses handle this same issue. Commissioner Francom stated that he would like to make the ordinance business friendly.

Mr. Bond explained that a pole sign can only be located within 1500 feet of I-15, and in areas that are 7 acres or larger. Commissioner Francom stated that he is in favor of reducing the current requirement, but would also like to understand the possible impacts of changing the requirements. Mr. Reeves stated that the biggest issues are safety, site distance from intersections, and ascetics.

Commission Chair Wood stated that he is on board with reducing as well, but he would also like to see the purpose of the existing requirements and have a discussion on that. Mr. Crabb offered to provide more information. Commissioner Francom stated that he would also like to a see an analysis done by an objective party. Mr. Bond stated that the City can gather more information as well.

Commission Chair Wood opened the public hearing at 9:40 p.m. and closed it at 9:40 p.m.

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**Approval of Minutes:**

**Motion:**

Commissioner Adcock motioned to approve the minutes from April 10, 2018. Commissioner Sperry seconded. Commissioner Francom abstained from voting. The vote passed with 4 votes and 1 abstention.

**Planning Commission Business:**

Commissioner Adcock stated that he will be gone for both meetings in June. Commissioner Francom stated that he will be gone on June 12th. Commission Chair Wood stated that he will miss the June 12th meeting as well. Commission Chair Wood asked when a temporary chair will need to be appointed if he and the vice chair are both gone. Mr. Bond stated that he will look into what needs to be done in order to elect a temporary chair, and see if an electronic participant is needed for the next meeting.

Commissioner Adcock asked for information on ongoing annexations. Mr. Bond stated that Ray’s addition located on Lark Lane is currently being annexed. Mr. Reeves stated that Summit Ridge Parkway is being annexed by the City. Mr. Bond stated that he is anticipating that these annexations will be on the next City Council agenda.

Commissioner Lance asked if the City Council can look into the hours of operation for machinery as well as the number of trucks allowed on a home property. Commissioner Francom stated that he would like a clarification of the definition of machinery. Mr. Lundell stated that it will be looked into.

Mr. Reeves explained that the City Council has offered Ridley’s an incentive package. Road improvements necessary for the development are estimated at 800,000 dollars. The City Council has approved a 400,000 incentive to pay the contractor directly if they break ground within 6 months, with the monetary amount being lowered if ground is broken after 6 months. Mr. Reeves stated that the incentive has significantly improved progress. Commissioner Sperry stated that they should consider Ridleys when looking at amending the sign ordinance.

**Adjournment:**

Commissioner Francom motioned to adjourn at 9:55 p.m.

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Trevor Wood, Commission Chair Kira Petersen, Deputy Recorder