

# Mapleton City Council Staff Report

Meeting Date: September 3, 2013

**Applicant:** Mapleton City

**Location:** N/A

**Prepared by:** Sean Conroy, Community Development Director

**Public Hearing Item:** Yes

**Zone:** N/A

## **REQUEST**

Consideration of an ordinance amending Mapleton City Code Chapter 16.03 regarding the composition and terms of members of the Planning Commission.

## **BACKGROUND AND PROJECT DESCRIPTION**

Utah Municipal Code Section 10-9a-301 requires each municipality to appoint a planning commission. However, the state code leaves it up to each jurisdiction to determine the appropriate number of planning commissioners and their terms of service. Mapleton City Code (MCC) 16.03 indicates that the Mapleton City planning commission shall consist of seven (7) regular members and up to two (2) alternates. The code indicates that the term of each commissioner shall be three (3) years. The code does not address allowing multiple terms. At least four commissioners are required to establish a voting quorum.

The proposed ordinance would make the following amendments to MCC Chapter 16.03:

- Reduce the number of regular planning commission members from seven (7) to five (5);
- Allow for up to two (2) consecutive three (3) year terms; and
- A voting quorum would require three (3) commissioners rather than four (4).

## **EVALUATION**

Staff is recommending the proposed amendments for the following reasons:

- Staff would like to allow opportunities for commissioners to attend professional training. Having fewer members would make it easier for staff to secure funding to do so.
- It is often difficult to find qualified individuals that are willing to serve on city boards and commissions. Having fewer members would make it easier to staff the commission long term.
- Having fewer members would reduce the administrative workload.
- Extending the term limits would allow those that have served diligently and still have a desire to serve to remain on the commission for a longer period of time.

**Planning Commission:** The Planning Commission recommended adoption of the proposed ordinance with a 4-1 vote (see attached minutes), however, the Commission did recommend that no term limit be established for the following reasons:

- Commissioners serve at the will and pleasure of the Mayor and City Council. If the Council is dissatisfied with a member of the Commission, the Council does not need to reappoint the commissioner at the end of his/her current term.
- If the Council is satisfied with a commissioner and the commissioner has a desire to continue to serve, he/she should be allowed to continue to serve until the Council determines otherwise.
- Eliminating term limits would result in a more experienced, better trained commission.

The Council should determine whether a two term limit is appropriate. Staff could support either position. If the Council passes the proposed ordinance, it will not take effect until January 1, 2014.

**STAFF RECCOMENDATION**

Adopt the attached ordinance.

**ATTACHMENTS**

1. Proposed Ordinance.
2. Planning Commission minutes dated 8/8/13.

## **ORDINANCE NO. 2013-**

CONSIDERATION OF AN ORDINANCE OF THE MAPLETON CITY COUNCIL  
AMENDING MAPLETON CITY CODE CHAPTER 16.03 REGARDING THE  
COMPOSITION AND TERMS OF MEMBERS OF THE PLANNING COMMISSION.

**WHEREAS**, Utah Municipal Code Section 10-9a-301 requires each municipality to appoint a planning commission; and

**WHEREAS**, Mapleton City Code (MCC) Chapter 16.03 outlines the composition of the Mapleton City planning commission, its terms and responsibilities; and

**WHEREAS**, the proposed ordinance amends the number of members that make up the planning commission and the terms of service; and

**WHEREAS**, the planning commission recommended approval of the proposed ordinance on August 8, 2013; and

**WHEREAS**, the proposed ordinance will not take effect until January 1, 2013.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of Mapleton, Utah, to amend Mapleton City Code Chapter 16.03 as described in Exhibit "A".

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 3<sup>rd</sup> Day of September, 2013.

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Brian Wall  
Mayor

ATTEST:

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Camille Brown  
City Recorder

**Publication Date:**  
**Effective Date:**

# Attachment "1"

(changes shown in strikeout and underline. Only those sections being amended have been included below)

## Chapter 16.03 PLANNING COMMISSION

### 16.03.010: ESTABLISHMENT; COMPOSITION; APPOINTMENT OF MEMBERS:

Pursuant to authority granted in title 10-9-19 Utah Code Annotated 1953, as amended, the city council hereby creates a planning commission within and for the city to be known as the Mapleton City planning commission. The planning commission shall consist of five (5) ~~seven (7)~~ regular members, ~~an ex-officio member~~, and up to two (2) alternate members. ~~The ex-officio member shall be the member of the city council over planning and development.~~ The regular and alternate members shall be appointed by the mayor with the advice and consent of the city council, from among the qualified electors of the city. The members shall be selected without respect to political affiliations and shall serve without compensation except for reasonable expenses. (Ord. 00-13)

### 16.03.020: TERMS OF OFFICE OF MEMBERS; FILLING VACANCIES; REMOVAL OF MEMBERS:

~~The term of office of the city council representative shall be as determined by action of the council.~~

The terms of the appointive members shall be for three (3) years. Members may be reappointed for a second term, but shall not exceed two consecutive (2) terms, and until their successors have been appointed, provided, that the terms of the members first appointed shall be arranged such that the term of two (2) members shall expire each year. Appointments made thereafter will be made for a full three (3) year term. When possible, the terms should be staggered so that the term of no more than two (members) shall expire each year.

The terms of the alternate members shall be for a period of one year and until their successors have been appointed. Alternate members shall be designated as first and second alternate, in accordance with their respective time of appointment.

Vacancies occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term.

Members may be removed after a public hearing by a majority vote of the city council. (Ord. 00-13)

### 16.03.040: QUORUM DEFINED; MINIMUM VOTE REQUIRED; ALTERNATE MEMBERS TO ACT:

A minimum of three (3) ~~four (4)~~ full and/or alternate members in attendance at the meeting is required to constitute a quorum. The chairman will be a voting member. The minimum number of "yes" votes necessary to carry an action of the commission shall be a majority of the members of the quorum in attendance, but shall never be less than three (3).

Alternate members shall be designated to sit as voting members of the commission at any time one or more regular members are absent from the meeting. The designation of the alternate member to voting status shall be made by the chairman at the commencement of the meeting in accordance with the seniority of the alternate members in attendance at the time, and any alternate so designated shall serve as a voting members until the conclusion of the meeting. If during the course of a meeting the number of voting members and alternate members designated to voting status in attendance exceeds five (5) ~~seven (7)~~ the membership of the commission shall, until the conclusion of the meeting, be expanded to the number of voting members and designated alternate members in attendance. (Ord. 00-13)

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**MAPLETON CITY**  
**PLANNING COMMISSION MINUTES**  
August 8, 2013

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17 **PRESIDING AND CONDUCTING:** Acting Chairman Mike Tippetts

18 **Commissioners in Attendance:** Leslie Jones  
19 Thomas Quist  
20 Golden Murray  
21 Keith Stirling

22 **Staff in Attendance:** Sean Conroy, Community Development Director  
23 Brian Tucker, Planner I

24 **Minutes Taken by:** April Houser, Executive Secretary

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25 Acting Chairman Tippetts called the meeting to order at 6:30pm. Thomas Quist led the Pledge and  
26 Golden Murray gave the invocation.

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**Item 4. Consideration of recommendations to the City Council on amendments to Mapleton City Code Chapter 16.03 regarding the composition and terms of members of the Planning Commission.**

38 **Sean Conroy**, Community Development Director, went over the Staff Report for those in attendance. In  
39 the past the Commission has had up to 7 regular members and 2 alternates, with 4 members being  
40 required in order to have a quorum. The proposal would be for 5 regular members, requiring 3 in order to  
41 have a quorum. This is not an issue with the current commission, but in doing this in the past it is a  
42 struggle to find people to serve long term. Reducing the number down will allow staff to find qualified  
43 individuals to serve, and would possibly allow for more funding to help with training. The number for 2  
44 alternates would remain the same with the proposal. **Commissioner Tippetts** wondered if there needed to  
45 be a term set on the number of terms a Commissioner can serve. Sean stated that it is difficult to find 7  
46 regular commissioners and feels it would be better suited to have 5. **Commissioner Jones** does not feel  
47 strong either way in regards to setting a limit of time allowed to serve. The City Council does vote in  
48 Planning Commission Members. **Acting Chairman Tippetts** asked if there would be a problem putting a  
stipulation that a quorum needs to be 4 individuals instead of the proposed 3. Staff is fine with whatever  
the Planning Commission and City Council decides.

**Acting Chairman Tippetts** opened the Public Hearing. No comments were given and the Public Hearing  
was closed.

**Motion:** Commissioner Jones moved to recommend approval to the City Council of an Ordinance  
amending the Mapleton City Code Chapter 16.03 regarding the composition and terms of  
members of the Planning Commission maintaining the 3 year term but removing the term  
limit.

**Second:** Commissioner Stirling

**Vote:** 4:1:0 with Commissioners Murray, Quist, Stirling and Jones voting aye and  
Commissioner Tippetts voting nay feeling the numbers should stay as they currently are.