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Call to Order

- Vice-Chairman John Thompson called to order the Planning and Zoning Commission meeting at 6:29 p.m.

Pledge of Allegiance

- Vice-Chairman John Thompson led the Pledge of Allegiance.

Roll Call

- Present- Vice-Chairman John Thompson, Secretary L. E. Rubin, and Scott Adair
- Present- Mayor Pro tem Peggy Gutjahr, Councilors: Bill Brown, Joshua Ramsell and Jim Winters
- Absent- Chairman Tom Scroggins, Dennis Kintzler, and Lawrence Gordon
- Present- Deputy Clerk Amy Lopez, Municipal Clerk Adair, and City Attorney Alex Beattie

Approval of Agenda

- Scott Adair made the motion to approve the agenda for November 19, 2020. The motion was second by L. E. Rubin. Vote: Vice-Chairman John Thompson; Secretary L. E. Rubin – yes; Scott Adair - yes. With a 3-0 vote the agenda for the Planning and Zoning meeting on November 19, 2020 was approved.

Approval of Meeting Minutes from November 5, 2020

- Scott Adair made the motion to approve the Meeting Minutes for November 5, 2020. The motion was seconded by L. E. Rubin. Meeting Minutes for the joint meeting with City Council on for November 5, 2020 were signed. Vote: Vice-Chairman John Thompson; Secretary L. E. Rubin – yes; Scott Adair – yes. With a 3-0 vote the agenda for the Planning and Zoning meeting was approved.

Public Comment

- No comments were made.

Abatement- Discussion with Council

- John Thompson introduced attorney Alex Beattie and said abatement will be discussed with safety and liability being the main concern; he explained we are not getting results from some property owners with problem properties.
- Mayor Pro tem Gutjahr explained the attorney will be giving us guidance on the legalities of abatement and expense surrounding abatement and to look at what our options are.
- John Thompson said the liability around a couple of the properties might outweigh the cost of cleanup.
- Attorney Beattie explained the liability of attractive nuisances, which would be an abandoned building that would attract transients and kids, and the liability, which usually involves teenagers; he then said an 8' fence might be a big enough deterrent

and would decrease the City's liability. He further said the expense of the fence would be the City's, but you would be able to go after the owner for cost. He then said there are other steps that would be required, and you must allow owners time to become compliant, then after so many steps, the City will have to fix the problem and began a discussion.

- Alex Beattie said you will have to have a nuisance/abatement ordinance which would include ATVs and buildings; it is not as easy as having a car towed, there are steps that have to be taken to keep the City from being liable and began a discussion.
- Code Enforcer said he has done a title search and has found three liens on the property and said the owner wants nothing to do with one of the properties.
- Alex Beattie said it would have to be a court action and most likely the
- City would have to condemn the property and continued the discussion.
- Mayor Pro tem Gutjahr said we need to have an ordinance that would allow us to continue any kind of abatement process, that shows we have gone through all the steps, but we have to be careful to make sure we have the frame work before we start talking about any specific properties and began a discussion.
- Councilor Brown said there have already been two drafts of the abatement ordinance that have been sent to the lawyer; he explained the process is outline in the Chapter 15-20 of the International Zoning codes, which is compatible with the National building code and those specifically identify the abatement process. He further said one of the three inspectors, the health inspector, fire inspector, and code enforcer, have the authority to declare a structure unsafe, and then it goes to the last step which is posting it, the City has authority to abate the building as a hazard and to put a lien on that property. He then said the City should have a war chest for that purpose because when the time does come that the property is sold and the City is reimbursed for the expenses, we have had to put into the property and began a discussion.
- John Thompson asked for the reference.
- Councilor Brown said 15.20 the Abatement of Dangerous Building.
- Alex Beattie said that ordinance is a good ordinance.
- John Thompson asked if by using the ordinance, the Code Enforcer would be allowed to put up fence.
- Code Enforcer Reeves said that he would bring it before Council first; he then said that he would like to put a substandard lien in our abatement, adding a lien of \$200 that would follow the property owner until it is fixed, and explained the mortgage companies are failing to put the properties in their name and the property remains in limbo.
- John Thompson said meanwhile we have a safety issue and asked if there is anything that would stop the code enforcer from erecting some fences and if it would have to be an agenda item and began a discussion.
- Mayor Pro tem Gutjahr said she would like to be very clear what we can do legally without an ordinance.
- Alex Beattie explained the ordinance has not been passed yet, but there is an ordinance about ATVs driving on the roads and began a discussion.
- Code Enforcement Reeves said that his hands are tied until we have passed an abatement ordinance and began a discussion.
- Councilor Brown read a portion of Section 15.20 and said he does not know how to follow that.
- Councilor Ramsell said he knows one big concern with abatement is passing an ordinance that can stand up into a court room, so the attorneys really need to spend time on it and make sure they can defend it in the court room, and while we want to take care of some of the problem areas, we want to make sure everything we do is defensible.

- Councilor Winters said we are in the process of codifying all of the ordinances and this is one of the first ones that came up and we will make sure all of our ordinances will be defensible.
- John Thompson asked if there is anything we can do while we are waiting for this ordinance, so we don't have a liability issue.
- Mayor Pro tem Gutjahr said the real reason of the conversation was to discuss things in general so that we can come up with an ordinance because we have heard arguments for both sides. She then said she knows Gordon is already handling one property and is working on the other.
- L. E. Rubin said it was his understanding that after P&Z was finished with the ordinance, and it went to Council, it was going to be sent to the lawyers to make it defensible in court and we thought it was already at the attorney.
- Mayor Pro tem Gutjahr that is the reason the attorney is here to help us understand the liability on both sides and then we would go forward with the ordinance. The discussion continued.
- Mayor Pro tem Gutjahr asked if we are looking at draft one 2020, this is the one that has prompted this conversation, is this ready for us to go back to Council to look at.
- Councilor Brown said that one was drafted by P&Z and he explained what he had drafted and is sorry that it is not being taken into consideration.
- Mayor Pro tem Gutjahr is there a consensus that this document as well as what Councilor Brown mentioned be given the attorney.
- Code Enforcer Reeves asked if the substandard lien has been sent to the attorney and explained the details of the lien. He then asked if it is okay with the Council, the substandard lien would help him do his job, it would follow the property and asked if could speak with the attorney later regarding this.
- Alex Beattie said he would look at it.
- Scott Adair said we might need to add something to secure a vacant or abandon property.
- Alex Beattie said it is already in there under 11.6.11 and began a discussion.
- John Thompson began a discussion about immediate fencing of problem areas.
- John Thompson asked if there was any more discussion on the topic of abatement.
- L. E. Rubin said he would like to see it get back to City Council quickly.
- Alex Beattie said he could present it to Council in two weeks.

Zoning Ordinance Chapter 4-13-5 – Discussion with Council

- Clerk Adair said Mayor Pro tem Gutjahr had asked her to go to P&Z to look at what changes were proposed and continued the discussion.
- Mayor Pro tem Gutjahr said she had wanted to have a discussion on wording and have some definitions added and began a discussion.
- Mayor Pro tem Gutjahr said there was a particular section that needed to have be defined.
- Scott Adair said 4-13-1C and began a discussion.
- Councilor Brown said the basic consideration was whether we want to prevent all businesses in the City from having message boards and read section 4-13-5.
- Scott Adair asked why we would not want to include that if it ensures pedestrian and motor safety.
- Councilor Brown said those types of signs are everywhere in the nation and began a discussion.
- Scott Adair said message boards are not included in this if you read in limitations for electric signs in 4-13-5a.

- Mayor Pro tem Gutjahr said they are prohibited within residential districts and began a discussion.
- Councilor Winters said you should make sure it is consistent and get it back to us.
- John Thompson asked if it should be in an open meeting or go through it individually.
- Councilor Winters said Councilor does not need to be part of it until it is ready to be presented to Council.
- L. E. Rubin said the way the ordinance reads now it does not prohibit the City because it does not exclude government because the City is not commercial.
- Mayor Pro tem Gutjahr said we will need it to define government agencies and began a discussion.
- Councilor Browns said there is nothing to include political signs which must be 100 feet away from polling sites and began a discussion.
- Councilor Ramsell said we might need to define signs and began a discussion.
- Alex Beattie said if there are going to be different rules for government and what you have is enough.
- John Thompson said we are wanting to get the sign ordinance so the City can put up a sign and asked if there is anything Planning and Zoning is doing to hinder the placement of the sign and continued the discussion.
- Mayor Pro tem Gutjahr said if we can move forward with that ordinance , we can go through with the sign; this ordinance needs to be reviewed by P&Z for wording, then to the Council, then the 14 days and public input and then it is ours.
- John Thompson said it will be added to the agenda for December 3, 2020 and after that we will forward something to Council.
- Councilor Winters said we are not pushing you to finish this.
- Mayor Pro tem Gutjahr said we want you to be comfortable with what you produce to present to Council.

General Commission Discussion

- John Thompson asked what kind of format should be used for the neighborhoods and if it should be an ordinance or a resolution and began a discussion.
- Alex Beattie said be prepared to get some push back on the naming, there will always be someone that won't like it and continued the discussion.
- John Thompson said we will just call it a resolution and continued the discussion.
- John Thompson said we are waiting on the County to provide us with larger map so that we can see it better.
- Alex Beattie mentioned that it might be wise to put up signs in the neighborhoods with proposed names and began a discussion.

Adjourn

- Scott Adair motioned to adjourn and carry the neighborhood plan to the next agenda. L. E. Rubin second the motion and the meeting adjourned at 8:04 p.m. with a 3-0 vote.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk

Date: _____

Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

L. E. Rubin, Secretary

Scott Adair

Lawrence Gordon

Dennis Kintzler