

**Public Hearing
April 27, 2021**

Members in attendance were Mayor Linda Spencer, Council President Trish Callahan, Council Vice President Delena Oden, Councilor Anna Huerta, Councilor Alvin Thompson and Councilor Loren Oden. Councilor Stacy Equitz did not arrive until 7:34 pm..

Staff present was Treasurer Katie Misfeldt, Planning Commission Chair Lyle Bozworth and City Recorder Lori Paxton.

Audience in attendance was Marc Ellis, Dan Murphy, Mildred Arnold, Leah Wattenburger an Sara Beck.

The purpose of the public hearing is to receive comments from the public on making amendments to Zoning Ordinance #203. Amendments are as follows: 1) remove the fence section out of the variance section and thereby creating it's own section; 2) remove the dog kennel from the ordinance entirely, and;)3 remove or keep the neighbor's signature on the fence permit application.

President Callahan made a motion to open the public hearing at 7:00 pm. Councilor Equitz seconded. All ayes motion carried.

Planning Commission Chair Lyle Bozworth spoke briefly about the proposed three pages of the fence permit. He said the first page is an application for a permit, which at that time a fee of \$20 is collected. The second page is a guideline and the third is the actual permit. If the council wants to keep the neighbor's signature line in, it is on the back side of the application.

The fee collected during the application phase goes toward the permit if it is approved. Once approved, the permit is issued with an expiration date of one year. If after one year the fence is not completed, then another fee is required and the process will start over.

City Recorder Paxton gave a little history on the permit itself. The original permit that was created in 1999 included the dog kennel and neighbor's signature line, along with the setbacks for a fence. There was no application and actual permit. It was originally called guidelines and it consisted of one page.

The fence section that is included in the variance section says a fence permit requires a public hearing before any permit can be approved, and to her knowledge that has not been done before. She said we are just trying to make the process easier for us and the public.

Mayor Spencer explained the protocol for a public hearing; 1) each person will have 3-5 minutes to speak; 2) She encouraged everyone to try to persuade the council as to how they think it should be written, and; 3) state clearly the details of what you want. Mayor Spencer also said the council will not engage in a question and answer session, we are only here to listen to comments.

Public Comments:

Mildred Arnold said she is all for deleting the neighbor's signature line, if the fence is not right on the property line, otherwise the neighbor has no say so on your own property. She suggested putting the

appeals process on the document to let people know their options.

Marc Ellis submitted a letter to the council and read a portion of it. He asked the question – Why after all these years with the town not receiving one complaint and no problems with the signature line, do you want to change it now? It was put there for a reason. He also stated the appeals process would be too late, it would be after the fact because the fence would have already been built, if the neighbor's signature line is removed.

Dan Murphy wanted to know what other towns have this requirement? He also said this is an infringement on personal property; if the neighbor refuses to sign you could not get a permit; please clarify the \$20 fee; if the fence can't be attached to the building, how will you keep small animals in?; and agrees with removing the private property fence section from the variance section.

Sara Beck said she didn't agree with requiring your neighbor to sign off of your own permit. She asked if this was the same for commercial as it is for residential? She wanted clarification on the 1999 decision about creating the fence permit.

Anna Huerta said she believes this is giving too much power to a side lot owner and is bad policy. The side lot owner can hold and extort the owner. By allowing the signature line it places the town in the middle of conflict. She asked the have this requirement removed from the fence permit policy. City Recorder Paxton apologized by not announcing in the beginning that Councilor Huerta should have recused herself from the council to speak as a citizen. Councilor Huerta said because she has a conflict of interest with the neighbor's signature line and her neighbor, she was recusing herself as a city councilor during her public comments.

Leah Wattenburger said she was in agreement with removing the neighbor's signature line.

Mayor Spencer thanked the audience for all of their testimony and regretted that this had to be done online instead of in person. She said the council will take the testimony under advisement at their next regular meeting and anyone wanting to listen in is more than welcome. If someone wants to make a comment during that meeting, it will be handled under Business from the Audience.

President Callahan made a motion to adjourn the meeting at 7:43 pm. Vice President D. Oden seconded. All ayes motion carried.

Minutes submitted by City Recorder Lori Paxton.