

**Special Council Meeting
May 26, 2021**

Members present was Mayor Linda Spencer, Council President Trish Callahan, Council Vice President Delena Oden, Councilor Alvin Thompson, Councilor Anna Huerta, Councilor Loren Oden. Councilor Stacy Equitz arrived at 7:12 pm.

Planning Commission members Chair Lyle Bozworth and Keith Gilliam were present. Roger Hayden arrived at 7:29 pm. Staff present was City Recorder Lori Paxton and audience was Marc Ellis and Mildred Arnold.

Vice President D. Oden made a motion to open the meeting at 7:00 pm. Councilor Thompson seconded. All ayes motion carried.

Mayor Spencer first apologized for the confusion of holding a work session versus a special meeting tonight. The reason she changed it from a work session to special meeting is councilors can vote, where is a work session they can not. She said she has received a complaint about council ethics and questions on voting when a councilor is bias. Mayor Spencer said she will research the issue and table it until the June meeting.

Councilor Thompson made a motion to allow a public comment time on the agenda. Vice President D. Oden seconded. All ayes motion carried. Mayor Spencer said the public comment time will be held right after the the council deliberation on the permit process for a fence.

Mayor Spencer said there are three pages to the process. First page is the application for a permit, second one is the guidelines and the third is the permit. We need to compromise and find a way forward that works for everyone.

The council started to discuss adding another \$20 fee if the application is revised by the property owner. **Councilor Thompson made a motion to add a second fee of \$20 if the application is revised by the property owner. Vice President D. Oden seconded. All ayes motion carried.**

The discussion continued with suggestions of charging an additional fee. **Vice President D. Oden made a motion that if the planning commission orders a change to the application, then another fee would be at the planning commission's discretion. Councilor Equitz seconded. All ayes motion carried.**

President Callahan said she really didn't agree with the last motion of giving the planning commission discretion for charge a fee or not, so the council discussed it briefly.

President Callahan made a motion to kill (rescind) the first two motions. Councilor Equitz seconded. All ayes motion carried.

President Callahan made a motion to add the word "yard" in the description of the fee section and to charge a one time, extra fee of \$20 if property owner revises application. Councilor Thompson seconded. All ayes motion carried.

Next the council and planning commission discussed at length the issue of having no conflict with your neighbors, should this be left on the permit or removed. There were conflicting views from most of the members. Some want to keep it in and others do not. Or insert "Make sure the fence does not obstruct neighbor property or building.

Vice President D. Oden made a motion to insert the words “Or impede access to city property or neighbor's property at the end of the sentence in Section A. President Callahan seconded. All ayes motion carried.

Mayor Spencer said we are now at the section of the neighbor's signature line and we need to compromise. President Callahan said if the guidelines are followed then we don't need the signature line. After a discussion, **Vice President D. Oden made a motion to leave the neighbor's signature line in, with the stipulation that all guidelines must be met, if not then the neighbor's signature will be required. Councilor Equitz seconded. All ayes motion carried.**

Public Comments: Marc Ellis read a letter he wrote about his concerns with removing the neighbor's signature line in the fence application and certain councilors he felt were bias against him. He asked them to recuse themselves from any vote on the fence permit issue between him and his neighbor. Mayor Spencer said this is not what we are here for tonight. We are to make changes on the documents and find a way to move forward. The issue between Marc and his neighbor is clearly not over. She said she has some ethics issues to review and needs to investigate and hopes to have an answer by June.

Mildred Arnold apologized to the city recorder for her behavior at city hall the other day. She said she would like to have the neighbor's signature line removed because the neighbor does not have the right to say what you can do on your own property. She said she told our fire department to use the easement to get to that side of her property if needed.

Councilor Equitz suggested removing all of the signature lines on the fence application, the code enforcement officer, mayor and councilor. She wondered if that would solve any problems. We can require a setback if the neighbor doesn't agree, then we would not have to get their signature.

Mayor Spencer said once these documents are in place the city should not be involved at all. She said she tried to do the right thing for our citizens and said we can look at this again in June.

Vice President D. Oden said her concern is, by having the neighbor sign the application it can prevent them from coming back at a later date and disagree with the fence. It would be a positive thing for the applicant.

Councilor Thompson made a motion to adjourn the meeting at 8:25 pm. President Callahan seconded. All ayes motion carried.

Minutes submitted by City Recorder Lori Paxton.