

MINUTES OF THE CITY COUNCIL MEETING HELD JULY 14, 2005, AT 4:15 P.M. IN THE CITY COUNCIL CHAMBERS.

MEMBERS PRESENT: Mayor Kelvyn Cullimore, Councilman Don Antczak, Councilman Scott Bracken, Councilman Gordon Thomas

EXCUSED: Councilman Bruce Jones

STAFF PRESENT: City Manager Liane Stillman, City Attorney Shane Topham, Community Development Director Kevin Smith, City Planner Michael Black, Code Enforcement Officer Mike Dolan, City Recorder Linda Dunlavy

OTHERS PRESENT: Rick Fergeson, Gordon Nicholl

1.0 WELCOME/PLEDGE

1.1 Mayor Cullimore opened the meeting at 4:15 p.m. and welcomed those attending.

1.2 The Pledge of Allegiance was led by Councilman Antczak.

2.0 PLANNING/PUBLIC WORKS MATTERS

2.1 Ordinance No. 25 adopting a Land Use Ordinance and a Zoning Map

2.1.1 Community Development Director Kevin Smith reviewed the Zoning Map and pointed out the corrections that had been made. He noted that there was one correction that did not get made that requires changing a lot shown as R-2-8 to R-1-8.

2.1.2 Mr. Smith explained the reasoning behind the consolidation of zones.

2.1.3 Mayor Cullimore asked if the noticing requirement was changed to include those within 1,000 feet of a proposed change.

City Planner Michael Black said that the ordinance states the City will follow State statute.

2.1.4 City Attorney Shane Topham said that he does not believe it is advisable to include that noticing requirement in the ordinance, but suggested it be included in the Planning Commission Policies and Procedures. He explained that there is no mailing requirement under state law as long as the other noticing requirements are complied with including newspaper publication and posting. He suggested that the Planning Commission Policies and Procedures be amended to include the noticing procedure because they are the public hearing body.

He further explained that Staff will handle the mailing which will be paid for by the developer, but if for some reason someone did not receive a notice it would not invalidate the action that was taken.

Mayor Cullimore suggested the mailings be sent to those property owners within 1,000 feet that may be impacted.

- 2.15 Councilman Bracken agreed with the concept of placing a sign on the property as part of the noticing procedure.
- 2.16 Mr. Topham suggested Staff poll surrounding cities and see what the noticing radius is. He will also make proposed revisions to the Planning Commission Policies and Procedures to be discussed at a future work session.
- 2.1.7 **MOTION:** Councilman Bracken moved to approve Land Use Ordinance and Zoning Map subject to changing the map to reflect that Parcel No. 22-27330012 is zoned R-1-8, not R-2-8. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

Councilman Thomas moved to adjourn. The motion was seconded by Councilman Bracken and passed unanimously on a voice vote. The business meeting adjourned at 4:47 p.m.

Approved: 07-19-2005

Kelvyn Cullimore, Jr., Mayor

Don Antczak, Councilman

Scott Bracken, Councilman

Bruce Jones, Councilman

Gordon Thomas, Councilman