

Planning Commission Meeting Minutes  
November 2, 2010

Mayor Blair called the Planning Commission meeting to order at 7:00 PM.

**Roll Call:** Thomas Blair-present, Gerald Rouge-présent, James Koster-present, Karolyn Squire-present, Curt Johnson-absent

**Visitors:** Cady Hutchinson (Zoning Inspector), Theresa Phillips

The Planning Commission met to review section 521.07 of the Zoning Regulations on electric and barbed wire fences. Ms. Hutchinson said she received a complaint when first become Zoning Inspector from Ms. Phillips regarding water runoff on her property on Huff Ave from her neighbor's cows and a barbed wire and electrified fence, which never received approval. It was put up around Memorial Day weekend to house two young cows. Section 521.07 prohibits barbed wire and electric fences. When Ms. Hutchinson approached the neighbor (Mr. Ebelander) about the situation he stated that the Historical Society has the same kind of fencing. Ms. Hutchinson then went to the Historical Society and they have acres of the fencing. She took the situation to Council who referred her to the Planning Commission. The Ebelander's lot is 1.19 acres and is Zoned Residence (R-2). Ms. Hutchinson said that the cows are considered a nuisance because of the smell and runoff and added she has experience citing properties for nuisances for her other job as a Health Inspector and it is very hard and time consuming to prove the situation is a nuisance.

Ms. Squire asked how many cows were on the property. Ms. Phillips stated there are two. Discussion followed about the cows not having enough room. They are smaller now but will grow larger and the property also has a house and a pond on it. Ms. Squire asked Ms. Dahlhausen to look into any restrictions on the County level for how many cows someone can have per acre of property. She remembered something in place years ago but isn't sure if the rules have changed.

Several questions the Board would like Mr. Hicks to answer include:

- Since we don't currently have anything in the Zoning Rules for Agricultural Zoning, are the Ebelander's in violation of Zoning by having cows?
- Section 1135.03 (Schedule of Use) doesn't have anything under R-2 Zoned Districts for specialized animal raising and care. Does this mean it is prohibited or does this mean they are permitted to raise cows because it doesn't specify that it would require a Conditional Use Permit?
- When Mike Miller was Zoning Inspector, he told Mr. Ebelander he was allowed to have cows. How is this going to effect the situation? There is nothing in writing.
- Section 521.07 states that no person shall erect or maintain any fence charged with an electrical current. This will have to be changed because many people have invisible fences for their dogs and if the fence is underground, there shouldn't be

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safety issues. Can we add to section (a) that this section applies to above ground fences? Also, something needs added at the end of this section that states Special Zoned Districts or agricultural permitted districts don't apply to this section. This will cover the fencing at the Historical Society.

Mr. Koster moved to approve the March 18, 2010 meeting minutes and Mr. Rougé seconded. By voice vote, all members approved.

The next Planning Commission Meeting was scheduled for Tuesday, November 15, 2010 at 7PM.

Ms. Dahlhausen brought attention to a few sections of the Zoning Rules that the Board may want to consider revising. The first section discussed was 1113.04 (b). We have a specific place to post ordinances around town and it would be cheaper to post approved and disapproved Zoning Permits in these locations as well. The second section discussed was 565.01 (b) which states that after Council receives written information from a contiguous or an adjacent property owner to effect that either noxious weeds are growing on lands within the corporate limits and are about to spread mature seeds or grasses exceeding eight inches in height, then we will send a letter to the property owner to rectify the situation. Ms. Dahlhausen stated she doesn't think it should have to be reported in writing or by a resident before the situation is dealt with.

Ms. Dahlhausen also brought attention to the fact that other communities are drafting legislation for wind turbines.

Mr. Koster suggested some additions to the Zoning Rules and Regulations concerning maintenance of homes such as painting and upkeep or parking RV's and boats on Residential properties. He has also noticed several things around town against current Zoning such as the banner and changeable signs that are still at JC's Restaurant and the sign at Gas USA. Permits were never approved for these signs. Discussion followed.

Ms. Dahlhausen stated there was a complaint about the \$.99 spaghetti sign that was left out at Burton Grille and Pizzeria. The owner removed it but was given permission to put the sign out every Tuesday in the morning if it is taken down Tuesday night when the restaurant closes. There is currently nothing in the Zoning Code that restricts sandwich signs and this may be something we need to look into because businesses around town put them out every day. Discussion followed and the Mayor asked Ms. Dahlhausen to add this to the next Planning Commission Agenda.

Mr. Rougé made a motion to adjourn and Ms. Squire seconded. Meeting adjourned at 8:13 PM.

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Mayor Blair

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Clerk