

JULY 30, 2015 LEGAL AFFAIRS COMMITTEE MEETING MINUTES

5:30 p.m., Council Chamber, Members present: J. Pearson, M. Platteter, B. Stoneberg. Others present: A. Christianson 1, A. Christianson 2, K. Gorseger, A. Kenyon.

Call to Order:

Committee Chair B. Stoneberg called the meeting to order.

Property Upkeep:

Mr. Platteter reported that he has been asked why the City doesn't require better upkeep of private property. A similar question was recently raised in an LCIDC Board meeting. A few more comprehensive ordinances from other communities were distributed. In discussion that followed it became apparent that several forces continue to work against better upkeep, including, but not limited to the following:

- *Budget pressures tend to reduce money available to the City to hire services, or increase staffing. One position was recently eliminated at City Hall, putting additional work on remaining staff. Increased enforcement simply requires time to send out and follow up on notices, among other things.
- *Some residents would have genuine difficulty complying with directives. Many are financially strapped; this being one of the lowest income areas of the State. While a few cans of paint may not cause that much, many elderly owners are unable to do the work themselves and, like the City itself, may have difficulty finding contractors available to do the work.
- *In some cases there are legitimate reasons why upgrades are very difficult. If exceptions are made for these, however, others point to them and ask why they should have to do what others seemingly do not. Explaining subtle differences in situations can be difficult. Sometimes explanations can't be given without breaching confidential information. One example was cited where a member of a household is struggling with terminal cancer, sapping both money and energy.
- *Some of the poorest kept buildings are owned by non-residents, who are seldom here to understand the impact their poorly kept properties have or to feel the peer pressure residents may feel to keep property in better shape.
- *The Building Inspector does not have authority to issue citations.
- *There have been cases where those who have been issued directives to improve property have then appeared before the Council and asked for and received reprieves. These situations don't go unnoticed. They are quickly brought up when the next directive is issued.

It is felt that, perhaps, more or more routine effort can and should be made to make residents aware of the City's deferred payment loan (DPL) program, which has been in place since the late 1970s. The last time a grant was awarded to the City, not all the money requested or loaned out. [That money was then used to raze four dilapidated dwellings.]

Front Yard Fences:

Mrs. Stoneberg advocated allowing open type fences in front yards to extend all the way to the street line, at least where there are not sidewalks the removal of snow from which might be problematic with a fence directly adjacent. Current rules seem to require a five foot setback from the street (r.o.w.) line in all cases. Others concurred that allowing consideration of such fences by conditional use permit might be okay where site specific conditions can be taken into account. A draft enabling ordinance will be drafted.

Adult Entertainment:

Copies of Cumberland's adult entertainment ordinance and a couple other examples were distributed and portions of them discussed. A suggestion was made that, perhaps, we should adopt one similar to

one of these seemingly more comprehensive ordinances given Mr. Fredrick's testimony that an ordinance including both licensing and zoning components is likely to provide better protections. Mr. Platteter noted that Cumberland's ordinance has been legally challenged. And Atty. Kenyon suggested the case law citations in 12.145 (1) (b) of the Cumberland ordinance, which also appear in other examples, not be included in one we would adopt as he is not aware of anyone here having reviewed those cases in enough detail to be able to articulate their complexities on a witness stand.

It was agreed that those present will review these sample ordinances further prior to any further discussion of the subject.

Volunteer Recognition

There was discussion of a need to recognize more volunteers for their efforts, with Ray Carlson being mentioned as a noteworthy example.

Adjourn:

The meeting adjourned at about 7:15 p.m.