

Minutes

Monday, July 30, 2007



Land Use Committee

6:25 p.m.
Carnegie Town Hall
235 W. 10th Street

Members Present: Bob Jamison, Bob Litz and Kermit Staggers

Staff Present: Debra A. Owen, City Clerk; Denise D. Tucker, Assistant City Clerk

Guests: Bob Kappel, Public Works/Environmental; Mike Cooper, Director of Planning and Building Services; Shawna Goldammer, Planning Department; Mark Cotter, Director of Public Works; Gary Colwill, City Attorney; Rick Gourley, South Dakota Multi-Housing Association; Jeanne Gerken, SDMHA; Jonn Byre, Meadowbrook Apartment; Thad Schetnan, TK Properties; Gerald Gerken, SDMHA; Ken Schulte, SDMHA

1. Call to Order

A. Committee Chair Bob Jamison called the meeting to order.

2. Approval of Minutes

A. A motion was made by Committee member Bob Litz and seconded by Committee Chair Bob Jamison to approve the June 28, 2007, minutes. A voice vote was taken and they both said yes.

Committee member Staggers arrived at this time.

3. Presentation

Item B was heard before Item A. See items for details.

A. Proposed revision to Section 41-5 of the Revised Ordinances
Bob Kappel, Public Works/Environmental



0909_001.pdf

-
- Bob Kappel handed out copies of his presentation pertaining to Administrative Rules Procedures Revision to Ordinance Section 41-5. Mark Cotter, Director of Public Works, said that this is important to Public Works and they abide by the rules that they enforce.
-

AGENDA - Land Use Committee

July 30, 2007 at 6:25 p.m.

Page 2

- Kappel said they are working with administrative rules that Public Works uses to help control users of our utility services. He said they are in the process of revising some of the administrative procedures pertaining to the administrative rules. And they (Public Works) recommend revising the ordinances that authorize use of administrative rules to incorporate the changes in administrative procedures.
- Kappel went over the purpose and scope of the request, which are to:
 - Ensure that existing administrative rules adopted in accordance with Chapter 41 are legally defensible.
 - Codify specific key informal Public Work procedures related to the adoption and implementation of existing administrative rules.
 - Only the Manager “Director of Public Works” can adopt rules.
 - File a copy of rules with the City Clerk for the City Council.
 - Ensure public due process of law.
 - Formal public notice in a newspaper.
 - Public availability of proposed rules by posting them on the City’s web site.
 - Public notice and posting at least 30 days before rules effective date.
 - Re-initiate discussion on the development of more formal procedures for the City wide use of administrative rules as an extension of City Charter and Ordinances.
- Kappel said they would like to formally adopt some of the administrative procedures to have them codified to make sure they’re always done. He cited Sec. 41-4, which requires people using the waste water treatment plant to comply with the administrative rules and procedures. And Sec. 41-5, which states any violations of those rules are not allowed.
- Kappel went over the proposed ordinance with the committee.
- Discussion followed.
- Cotter asked what level of presentation should be made next (to the City Council) or would the Land Use Committee be making a recommendation. Jamison suggested they make a short presentation to the City Council, which would show the administration’s concern for the environment. No date was set for the presentation.

B. Definition of family and number of unrelated people living in one home

Mike Cooper, Director of Planning and Building Services

Shawna Goldammer, Planning Department



0911_001.pdf

- Shawna Goldammer, Planning Department, provided handouts and background information about an ordinance pertaining to the definition of family and a proposed ordinance change to the definition of family, which would allow more unrelated people to occupy a single family home. She reminded the committee that she was asked to investigate other jurisdictions and to see if there was a possibility to tie the number of unrelated people to the number of bedrooms in a home.
- Goldammer said it was almost impossible to tie the number of unrelated people to the number of bedrooms in a home, because they don’t currently track the number of bedrooms in homes right now. She said in order to find out the number of legal bedrooms in a home it would require an inspection, which is not currently done.

AGENDA - Land Use Committee

July 30, 2007 at 6:25 p.m.

Page 3

- Goldammer found that it is a community preference on the number of unrelated adults allowed to live in a single family home. She said their recommendation would be to leave it at three since they see no benefits to bumping it up to four.
- Discussion followed.
- Staggers said there should be input from those (property owners and students) on the other side of the issue. Jamison questioned if there should be a public hearing. Staggers made a motion for a public hearing. The motion died for lack of a second. Staggers made a motion for the number of unrelated people living in a single family home to be changed from three to four. The motion died for lack of a second. Staggers made a motion to allow property owners to make the decision. The motion died for lack of a second. The committee made a recommendation by a 2-1 vote to make no changes to the ordinance. Staggers voted against the recommendation.

4. Adjournment at 7:28 p.m.

Denise D. Tucker
Assistant City Clerk