

## **Minutes**

### **Ashton Planning and Zoning Commission Special meeting**

May 18, 2016  
7:00 pm

**Attendees:** Commission Members: Chairman Mike Hogle, Robert Reimann, James Reynolds and Matt Brady. Also in attendance was Mayor Teddy Stronks, Councilman Jerry Funke, Councilwoman Teresa Hansen, John Grube, Nancy Bergman, Michele O'Malley, Sheryl Hill, Standard Journal Reporter Lisa Smith and her husband (no name was available).

At the May 11, 2016 City Council meeting Mayor Stronks and the City Council chose to eliminate the position of the planning and zoning administrator. The City Code states that the administrator sets the agenda and contacts the commission members for a meeting. There cannot be a planning and zoning meeting without an administrator. Mayor Stronks called a special meeting with the planning and zoning commission. He stated that he and Councilman Funke wanted to speak to the commission. The following will be a partial transcript of that meeting.

Chairman Hogle opened the meeting and turned the meeting over to Mayor Stronks.

Mayor Stronks - I wanted to meet with the commission. Normally the City Council doesn't attend your meetings. We have a change that we made last week with Susan. We decided that he was going to do away with that position and so the reason for doing that is we are going to do like St. Anthony where the commission will discuss and will have Jan here take the minutes and we will get those minutes and if there is any important issues that need to be decided upon you can ask us. You can come to council and we will make that decision. We will give it to our attorney and in turn if it is a violation or something the police will take care of that. So basically that is what it is all about.

Chairman Hogle asked the commission if they had any questions.

Chairman Hogle – I know they have an outline of what their expectations are and working basing off of permits and I assume Jan is going to keep us updated on permits that are being purchased and actively working on in the city. Are we ourselves out looking for violations on sign permits and building permits that are going on in the community and talking about that ourselves? Is Jan going to be our go to when it comes to that information?

Mayor Stronks – We will probably have a public works person help with that. Like set back and things of that nature.

Chairman Hogle then turned the discussion to the Comprehensive Plan. After about twenty minutes of discussion Sheryl Hill asked if she could make a comment. She stated that she appreciated everyone's service. She wanted to alert them to the fact that the commission was currently in violation of the open meeting law. The agenda had only one item on it and that was the Mayor and Councilman Funke and public comment. She asked that the commission return to the agenda that is posted. She came to the meeting prepared to give public comment. Chairman Hogle said that they should not continue. Commissioner Brady said he would like to table the discussion until they could be in compliance with the law and opened the floor for public comment. Sheryl Hill gave her comments and gave a written copy to go with the minutes.

After Ms. Hill's comments commissioner Brady thought that her comments were geared more towards the City Council not the P & Z. He told her that the P & Z is an advisory committee called by the Mayor to help with development of the code and the comprehensive plan. He suggested that if she wanted to bring up the irregularities in what happened she would need to address those with the City Council and the Mayor not with the P & Z.

Ms. Hill – I absolutely agree, however you have been given instructions ultimately as public officials. You are responsible for performing your duties as they are outlined in the guidance provided you. If you are not aware of that guidance you need to become aware of it.

Commissioner Brady – It seems to me that executive session is used for making personnel decisions. That seems to be how it was used. Is that correct Mr. Mayor? Mayor Stronks replied yes.

Ms. Hill – The motion after executive session was to eliminate the possession of administrator. That requires an entire change in the code.

Commissioner Brady – That may very well be and that needs to be addressed by the council and the city attorney. Do you get where we are not involved in the minutia of making those decisions.

Ms. Hill – I understand but that does not release you from liability.

Commissioner Brady – This is my first meeting. I am here in good faith and I feel there is some kind of agenda going on here but I don't get what's driving it.

Ms. Hill – I will talk to the Mayor and council members. I agree there is.

Commissioner Brady – If they need to amend the City Code then that's what they need to do.

Ms. Hill – Then you should not conduct business until you are operating under a valid city code. That is my point to you.

Commissioner Brady – I agree with you, but I don't know if that is where we're at.

Ms. Hill – You just violated the Open Meeting Law because you didn't have an administrator to prepare an agenda for you that was in compliance with the Open Meeting Law. That's normally what the administrator does.

Commissioner Brady – Is it an issue if we have an administrator or not. Or is it an issue of who the administrator is. The Mayor indicated Jan Warnke would be taking over those services.

Ms. Hill – No, she is not the administrator because the possession has been terminated. That is what the City Council voted to do. I agree it is a very complicated situation. I would recommend that you talk to the Mayor and the City attorney.

Commissioner Brady – Then I move that we close the meeting until we can figure out where we are because we certainly have no desire to violate any public law regarding open meetings and that would be what I recommend at this time. Mayor Stronks, can I say one thing? I would admonish Sheryl to address her comments to our city attorney and let her respond.

Ms. Hill – I will certainly do that, but you gave them instructions that violate Title 17.

Mayor Stronks – I'm just saying that these are serving, they are not getting paid for what they are doing and they are not lawyers.

Commissioner Brady – I move that we close the meeting because we have got some things that we are not in compliance with. What I don't want to be involved in is where this becomes an obstructive environment. Where every time we go to have a meeting this is the issue because folks are dissatisfied over who's doing the job versus whether the job exists or not. Commissioner Reimann seconded the motion. Motion passed.