

**Heather Hanover**  
*Chair*

**James Eshelman**  
*Vice-Chair*

**Commissioners**

**Scott Dzurka**, *Mayor*  
**Eric Hufnagel**, *Commissioner*  
**Mark Holden**  
**Melvin Renfrow**  
**Wendy Ward**  
**Eric Harger**  
**Brian Mills**



**CITY OF ST. JOHNS  
PLANNING COMMISSION**

**AUGUST 9, 2023  
REGULAR MEETING MINUTES**

**1. CALL TO ORDER**

The meeting of the St. Johns Planning Commission was called to order by Chair Hanover at 5:30 p.m.

Members Present: Heather Hanover, Scott Dzurka, Eric Hufnagel, Mark Holden, Wendy Ward, Melvin Renfrow (arrived at 5:54 p.m.), James Eshelman, Brian Mills

Members Absent: Eric Harger

Staff Present: Chad Gamble, City Manager; Mindy Seavey, City Clerk; Chris Khorey, McKenna

**2. APPROVAL OF AGENDA**

Motion by Commissioner Dzurka seconded by Commissioner Holden to approve the agenda as presented.

YEA: Hanover, Dzurka, Hufnagel, Holden, Ward, Eshelman, Mills

NAY: None

Motion carried.

**3. APPROVAL OF MINUTES – JULY 12, 2023 MEETING**

Motion by Commissioner Holden seconded by Commissioner Dzurka to approve the minutes as presented.

YEA: Hanover, Dzurka, Hufnagel, Holden, Ward, Eshelman, Mills

NAY: None

Motion carried.

**4. PUBLIC COMMENT FOR NON-AGENDA ITEMS**

There were none.

**5. PUBLIC HEARINGS - NONE**

**6. NEW BUSINESS**

A. Chain Link Fences in Front Yards Ordinance

Chris Khorey, McKenna, said this issue has been advocated by at least one resident for the city to take up following denial of a zoning permit. He said he wanted to see if there is any interest in a change. He discussed: the fence can be no higher than 3' and has to be decorative. He said the person said they didn't have anywhere to let their dog out. He discussed both sides of the issue.

There was a discussion of:

- Chain link fences in the front yard deter from attractiveness.
- There is no requirement that a fence be installed when getting a dog license.
- Height of decorative fences is 4' maximum, not 3'.
- Having an ordinance in place that is more restrictive, but can allow for variances.
- The request was in a historic part of the city with a smaller lot.
- Adding a list of things that make a chain link fence decorative.
  - Defining "decorative"
    - Long term maintenance of the decorative part of the fencing and how to enforce.
- Frequency of this type of request.
  - Mr. Khorey said he and Ken have been intaking for 4 months or so, and rejected 2 or 3 front yard chain link fence requests.
- Parking requirements for corner lots.
- Chain link fences on the side yard up to the sidewalk.

Trevor Breen, 205 W. State Street, was present. He said at the very least you could make black vinyl (in a chain link fence) a requirement, that makes it almost vinyl.

Commissioner Renfrow arrived to the meeting at 5:54 p.m.

There was a consensus of opinion of the planning commission to stay where we are with this requirement. If there is a request for a variance, they might want to take a look at it.

Mr. Khorey said residents of the city can petition for zoning changes.

## B. Pets Amendment

Mr. Khorey discussed the survey that was done.

Chairperson Hanover said this refers to animals over 4 months of age.

There was a discussion of:

- The reason for reviewing this.
  - When they worked on the chicken ordinance it became more of a discussion about pets.
- The definition of a kennel.
  - Mr. Khorey said section 155.004; simply 3 or more that are 4 months or older; section 155.437, licensed by county, 300' from next house over, dog runs with concrete surface, submit animal waste disposal plan to city; some cases SUP (special use permit).
- We have the nuisance ordinance in place no matter how many dogs someone has.
- Why change if we are not having any issues.
  - There are no limits on pets in the chicken ordinance so the kennel standard is what is left.
- A limit for the total number of pets.

City Manager Gamble said he talked with Jessica about problems globally in regards to pets. He said the only thing she said has been problematic is cats and feeding of cats that someone doesn't own.

Mr. Breen said the previous owner of the house he owns did bring in stray cats. As far as a kennel, he discussed his dogs and said he doesn't have a cemented run.

There was a discussion of:

- Possibly changing the terminology to a combination of 6 animals.
- Quality of life issues.
- If the maximum is increased to 6, we still have the nuisance language to deal with issues.
- No requirements for space or fencing of animals except for chickens and horses.
- Issues with feral cats.
  - Mr. Khorey discussed section 92 that pertains to animals generally. Also, we have a prohibition of dogs running at large. We could add something for cats running at large, but he doesn't think it is a zoning issue.
  - What is listed under the nuisance ordinance.
  - Having our attorneys look into what other communities have relating to cats.
- Right now, with dogs 3 or more would be a kennel.
  - Mr. Khorey said 3 is very common. Technically, the changes to chapter 92 do not need to come to the planning commission, but that doesn't mean you can't review and make recommendations to the city commission. The section in the chicken ordinance was related to total pets.

Mayor Dzurka said it would be helpful to have this body vet a cat ordinance and make a recommendation to the city commission.

City Manager Gamble said we can do research on what other communities are doing.

Chairperson Hanover said to research similar sized cities.

Motion by Commissioner Ward seconded by Commissioner Mills that the Planning Commission set a public hearing to amend zoning to 3 dogs.

Commissioner Mills asked if we are stirring up a hornets' nest here. With a public hearing, we are going to have to defend ourselves on 3 instead of 4-5.

There was a roll call vote.

YEA: Hanover

YEA: Dzurka

YEA: Hufnagel

YEA: Holden

YEA: Ward

YEA: Renfrow

YEA: Eshelman

YEA: Mills

NAY: None

Motion carried.

There was a discussion of:

- Ducks
  - A lot of cities that allow chickens do not allow ducks.
  - If collecting eggs it falls under livestock; if not, falls under pets. Ducks are a gray area.
  - At the previous public hearing there was no discussion from the public about ducks.
  - Mr. Khorey said it would be up to the zoning administrator of what category they are in. There is a mechanism in place if someone shows up with ducks and we have a problem. He said he doesn't think two ducks is going to cause a problem. He discussed cages and birds.

### C. Planning Commission Member Absence Policy

Chairperson Hanover said we haven't had this on other committees, but they started it on the downtown board.

Mr. Khorey said it is common in other communities for 3 unexcused absences. Usually, the by-laws say unexcused and usually members will vote to excuse the member. He said he thinks that is a common and fair standard. He said included in your packet are your by-laws from 1969. He said he has a concern about article 3 section 5 which says you can have meetings in private. He said that is no longer allowed with OMA (Open Meetings Act). He said there are at least two changes that need to be made to these by-laws. He said other procedural things are not consistent with how the city commission operates.

City Manager Gamble said we can look at sending it over to our attorneys and bring it back for discussion.

There was a discussion of:

- Whether or not the city commission would have to approval the planning commission by-laws.
- Whether the 3 meetings would be consecutive or for the whole year.
  - Mr. Khorey said the most common is three meetings in a calendar year.
  - If there would be any distinction made between the city commission members that are serving on the planning commission.
    - Mr. Khorey said that should be laid out in the by-laws.
  - Excused versus unexcused absences; maybe two unexcused absences.
- The issue of people coming to the planning commission to get things approved and the delay due to a lack of quorum for a meeting.

## **7. OLD BUSINESS**

### A. Election of Vice Chair

Chairperson Hanover said we can't have either of the city commissioners be the chair or vice chair.

Commissioner Renfrow said his only hesitation is that he coaches in the spring and the meets were on Wednesdays sometimes. He said due to that he is going to say no at this time.

There was a discussion of the chair position.

Motion by Commissioner Dzurka seconded by Commissioner Hufnagel that the Planning Commission nominate James Eshelman as Vice Chair of the Planning Commission.

YEA: Hanover, Dzurka, Hufnagel, Holden, Ward, Renfrow, Eshelman, Mills

NAY: None

Motion carried.

## **8. COMMISSIONER COMMENTS**

Commissioner Hufnagel said it was nice to be back on the planning commission and he enjoyed his time on the planning commission in the past. He said it is great to see new faces, this is a great opportunity and he is glad you are committing the time to do it.

Chairperson Hanover said when she was first on the planning commission, they always got the paper packets. She said she printed off this page, but it would be nice to have physical packets here.

Commissioner Hufnagel said he agrees. He said he likes to mark stuff up at the meeting and it is helpful to have both. For years, our big mantra has been sidewalks. We have a lot of empty sidewalk areas in town. He said he went and looked at the house on Sturgis Street and they still need to put sidewalk in.

Mr. Khorey said Ken Skunda is doing the day-to-day zoning permits and he will make sure he is aware of the sidewalk requirement.

## **9. ADJOURNMENT**

Motion by Commissioner Ward seconded by Commissioner Dzurka that the Planning Commission adjourn the meeting.

YEA: Hanover, Dzurka, Hufnagel, Holden, Ward, Renfrow, Eshelman, Mills

NAY: None

Motion carried.

The meeting was adjourned at 7:09 p.m.