

City of Keene  
New Hampshire

**PLANNING, LICENSES AND DEVELOPMENT COMMITTEE**  
**MEETING MINUTES**

**Wednesday, December 13, 2017**

**7:00 PM**

**Council Chambers A**

**Members Present:**

David C. Richards, Chair  
Philip M. Jones, Vice-Chair  
George S. Hansel  
Bart K. Sapeta

**Staff Present:**

Elizabeth A. Dragon, City Manager  
Tom Mullins, City Attorney  
Tara Kessler, Planner  
Mark Howard, Keene Fire Chief  
Rhett Lamb, ACM/Planning Director  
Kurt Blomquist, Director Public Works  
Dan Langille, Assessor  
Patricia Little, City Clerk

**Members Not Present:**

Robert B. Sutherland

**Other Councilors Present**

Terry Clark  
Carl Jacobs  
Jan Manwaring

**Mayor Kendall Lane**

Chair Richards called the meeting to order at 7:00 PM.

1) **Vicki Bacon, Body & Soul Road Runners - Request to Use City Property** - Red Cap Run  
Kurt Blomquist, Public Works Director advised a protocol meeting is needed and that this application will be back before the Committee in January 2018. He also noted this is a Community Event.

Councilor Hansel made the following motion which was seconded by Councilor Jones.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Request to Use City Property for the Red Cap Run be placed on more time to allow the necessary protocol meetings to be held.

**2) Hannah Pelkey, Atlas Pyro Vision - Request to Discharge Class C Fireworks – Atlas Pyro Vision**

Stephen Pelkey, CEO of Atlas Pyro Vision addressed the request noting he is here representing Ms. Kidder who won the fireworks display through an auction. He advised this is typical Class C fireworks displays, which will last six to seven minutes. Mr. Pelkey noted Atlas carries \$12,000,000 of insurance where the City requires only \$1,000,000. Mr. Pelkey reported the site reviews are complete and all permits have been obtained.

Fire Chief Howard reported all requirements have been met; adding the City is just waiting for the date.

Chair Richards asked for Committee questions. Councilor Jones asked if the applicant was aware of the fees for City Services and the Permit. Megan Burke Kidder noted she was provided the information this evening by the City Clerk and she is willing to take care of this.

There being no further comments from the Committee or public, Chair Richards asked for a motion.

Councilor Jones made the following motion which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Megan Burke Kidder be granted permission for the discharge of Class C fireworks on Saturday, December 23, 2017 at a private function at her home on 361 Chesterfield Road contingent on the following: subject to the customary licensing requirements of the City Council; that the location is deemed compliant with all applicable New Hampshire Fire Safety Codes and approved by the Fire Department; that the petitioner obtain a Class C Fireworks Permit; that the fireworks vendor furnish a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene and the petitioner as additional insured; and, compliance with any recommendations of City Staff. In addition, the petitioner agrees to absorb the cost of any City services provided.

**3) Renewable Energy Advocacy Letters to NH Legislature - Cities for Climate Protection**

Ann Shedd, of Greenwood Avenue and Chair of the CCP Committee shared the charge of the Committee explaining the annual request for letters to the Legislature. Ms. Shedd noted goals from the Comprehensive Master Plan outlining the integration of alternative energy sources into the community, and the desire for energy efficiency. Continuing Ms. Shedd said our ability to reach these goals would be impeded by adoption of HB-114 and HB-592. The CCP Committee is requesting the City send a letter to the Legislature opposing passage of these Bills because they conflict with New Hampshire's renewable energy goals, the Climate Action Plan, and Keene's Comprehensive Master Plan. She noted the motion from the Committee's November meeting was very confusing and a revised one has been submitted.

Ms. Shedd outlined the two Bills noting HB-114 proposes freezing New Hampshire's portfolio standard at its current level of 6% rather than increasing it to 15% to reach the goal of 25 percent renewables by the year 2025. She explained the effect this would have on Renewable Energy Certificates. The second Bill, HB-592, proposes to pull New Hampshire out of the nine state Regional Greenhouse Gas Initiative (RGGI). An amendment to HB-592 proposes redirecting all RGGI proceeds to direct consumer rebates rather than maintaining the 20% that has been used to

fund energy efficiency programs. The CCP Committee's recommendation to Council is that New Hampshire should remain in RGGI and that the State's share of RGGI proceeds should continue to support energy efficiency programs. Ms. Shedd noted programs supported by RGGI proceeds. Concluding her comments Ms. Shedd introduced Representative Marjorie Shepard, of Marlboro.

Chair Richards asked for Committee questions or comments. There being none he asked for public comments.

Representative Marjorie Shepardson, of Marlboro said the vote on both Bills coming out of Committee was very close (11-10); and there is hope it will be overturned on the floor. It would be very helpful if Keene and other cities could send letters in support of the RGGI program and energy efficiency. Representative Shepardson suggested it is cheaper to do the energy efficiency work than to pay for the kilowatt hour. Ms. Shedd shared a graph from ISO New England depicting New Hampshire's energy demand up to 2025. Ms. Shedd noted the biggest bang for the buck is with energy efficiency programs. Representative Shepardson said the cost for energy transmission for New Hampshire is continuing to rise when compared to other New England states because we are not investing in energy efficiency as much as other states. As other states continue to use less and we use more New Hampshire will end up with a bigger cost for transmission that all of New England shares. We currently pay 9.5% of the total New England costs. Representative Shepardson hopes the Committee will support the CCP Committee's request to oppose these Bills.

Noting the importance of this issue Councilor Sapeta thanked Representative Shepardson and the CCP Committee for bringing this forward.

Nancy Kelley-Gillard, of 72 Reservoir Street commended Representative Shepardson and Ms. Shedd for the work they have done. Additionally she is grateful to the City for its initiatives to reduce our greenhouse gases and for supporting RGGI.

Peter Hansel, of 61 Bradford Road shared a personal experience with a recent energy audit conducted at his home. This resulted in work needing to be done and through initiatives from the RGGI program half the cost is being covered. Mr. Hansel said if these funds are cut off it will hurt us. He continued we need to guard against erosion of incentives.

Terry Clark, Ward 3 Councilor said these Bills are obviously the products of lobbying efforts from large companies and individuals who do not want us to do these things. He asked if the Committee thought the City Council should be advocating against such legislation just like the lobbyists who advocate for this type of legislation. He commented on the City Council's role to protect the people and represent the other side of the equation. Councilor Jones responded to Councilor Clark suggesting it is the role of the City Council because we do have a CCP Committee that has a relevant charge.

Mayor Lane spoke in favor of this. He reported he and the City Manager met with a local company official today. This company received a \$100,000 RGGI grant to refit the lighting in their manufacturing plant. Mayor Lane urged the Committee to support this request.

Rhett Lamb, Planning Director pointed out a typo in the prepared motion; change Comprehensive Management Plan to Comprehensive Master Plan. Also on the third line of the

motion Councilor Hansel recommended changing Renewable Energy Goal to Renewable Energy Goals.

There being no further comments from the Committee or public Chair Richards asked for a motion.

Councilor Sapeta made the following motion which was seconded by Councilor Jones.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the Mayor send a letter to the NH Legislature requesting a “no” vote on January 3, 2018 regarding HB-592 and HB-114 because they conflict with the NH’s Renewable Energy Goals and the City’s Comprehensive Master Plan.

**4) Airport Advisory Commission - Change of Name and Responsibilities** - City Manager Elizabeth Dragon, City Manager said this is a two-part recommendation; a change in the Committee’s name and their charge. She would like to see the name changed to “Airport Development and Marketing Committee.” Regarding the change to their charge the City Manager said she would like to see them focus more on the economic development piece for the Airport, and becoming Ambassadors for the Airport. She continued we need the help of these Committee members in reaching out to other organizations if we want to be successful in encouraging economic growth at the Airport. The City Manager has some ideas for brainstorming with the Committee if Council is so inclined. She noted the next step in the process would be to direct staff to develop an ordinance.

Chair Richards noted his support. Councilor Hansel asked for clarification that this is one committee actually having a member from Swanzey serving on it. The City Manager confirmed a Swanzey resident is on the Committee. She reported she will be attending the Swanzey Selectmen’s meeting next Wednesday. The City Manager has also met with the Swanzey Town Administrator to discuss ways we can work together to support the Airport.

Chair Richards asked for public comments.

Ann Shedd, of Greenwood Avenue asked what ambassador means in terms of that Committee representing the City without having any specific authority. The City Manager explained the Committee would still be advisory with no specific authority. The Committee would be ambassadors in the sense of communicating the importance of the airport in the community and overall economic development.

There being no further comments from the Committee or public Chair Richards asked for a motion.

Councilor Hansel made the following motion which was seconded by Councilor Jones.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that City staff be instructed to introduce an Ordinance for 1st reading that would change the name of the Airport Advisory Commission to the Airport Development and Marketing Committee with the charge of the Committee to be to take a proactive role in the development of the Keene Dillant-

Hopkins Airport by collaborating with other City and local economic development efforts to implement the airport master plan. In addition, the committee members would also serve as ambassadors for the airport both locally and regionally.

**5) Relative to Adopting the Provisions of RSA 79-E “Community Revitalization Tax Relief Incentive” Resolution R-2017-41**

Rhett Lamb, ACM/Planning Director commented he and Tara Kessler are here to provide a summary of the drafted Resolution after the discussions at the last meeting. Mr. Lamb noted Dan Langille, of the Assessor’s Office was also present to answer questions. Ms. Kessler distributed copies of the map for the proposed district, dated December 2017, along with the four questions discussed at the previous meeting.

Ms. Kessler suggested beginning discussion with the map provided. She said the map is essentially an outline of the two recently adopted districts; Neighborhood Business District and the Business, Growth, and Reuse District with the exception of parcels in the Downtown TIF District. This is the area staff recommends the City start the 79-E District she said; adding it is possible to expand this area in the future.

Ms. Kessler moved onto and discussed the four definitions.

- A. Qualifying Structures
- B. Eligible Projects
- C. Public Benefit
- D. Tax Relief Period

Mr. Lamb pointed out some of the elements discussed by Ms. Kessler are the result of discussion at the previous meeting. Mr. Lamb reiterated City Council would have the authority under the application process to approve a project and to determine the period of tax relief associated with it. Chair Richards said this seems like what we wanted and asked for questions from the Committee.

Referring to “Qualifying Structures” Councilor Jones said you mentioned qualifying as a non-residential building; so are we eliminating residential buildings. Mr. Lamb agreed the RSA does allow for residential buildings. Mr. Lamb also reiterated staff’s recommendation to set our priority on business development in this area. He said we have isolated this to zoning districts that are asking for and encouraging a business development concept. Councilor Jones continued there are non-conforming residential properties within those districts and asked if it would be better to include them now. Mr. Lamb reiterated earlier comments regarding business development.

Referring to the previous meeting, Councilor Sapeta noted his suggestion was to expand the district down south into the eastern Keene neighborhood. He continued even if it does not happen for the next five years it is there and available to the properties there. Councilor Sapeta suggested adding another bullet under A. Qualifying Structures that says “residential structures that are converted into 51% non-residential structures would qualify.” Councilor Sapeta added because it touches on Historic Structures which some of the properties in this expanded area would or could apply to.

Chair Richards clarified Councilor Sapeta is saying we would have to change or extend the map and change the language in A. Qualifying Structures. Mr. Lamb said he heard Councilor Sapeta speak to two areas of potential expansion; 1) to the south in the exclusively residential area which would overlap with our recently adopted Residential Preservation District. Mr. Lamb also heard 2) moving it easterly or closer to the Main Street in the area along Marlboro Street, which would extend into primarily Commercial zoning (intersection of Marlboro and Grove Streets). Mr. Lamb does not feel this can be done under the definition of 79-E with the need to be associated with a Downtown zoning district. Councilor Hansel said he agrees with staff's recommendation to not include residential in this program. He sees this as an economic development tool and they could get in a sticky situation if we give tax relief to homeowners. Councilor Hansel does recommend taking a targeted approach to the proposed district.

Chair Richards agreed this was discussed at the previous meeting and then backed off of with the decision to focus on bringing in the economic development. He asked if there was anything that would stop us from expanding this district in the future. Mr. Lamb reiterated his comments to this question from the previous meeting noting the CBD overlays with the TIF District, which conflicts with 79-E. Mayor Lane commented he agrees with Councilor Jones' concern for multi-family residential rehabilitation adding it is a mistake to not include this category as part of the program. Mayor Lane commented on the need to attract reinvestment into that neighborhood.

Carl Jacobs, Ward 2 Councilor clarified there is a different map of the economic revitalization zone; Mr. Lamb confirmed. Councilor Jacobs referred to properties on Dunbar Street and asked why they are not on the map provided this evening. Ms. Kessler explained the economic revitalization zone (ERZ) program was recently adopted along the Marlboro Street corridor which encompassed the Business Growth Reuse and the Neighborhood Business Districts as well as two properties along Dunbar Street. This is an incentive program to reinvest in underutilized buildings or vacant industrial properties, it is administered at the state level, and is a tax credit program; not a tax relief program. The Dunbar Street properties exist in the TIF District as well as the Central Business District. Ms. Kessler explained the differences between the TIF District and 79-E. She added it would not be beneficial to the City to locate 79-E within the TIF District. Mr. Lamb reiterated the ERZ is a state run program for business taxes associated with the state and not associated with any local tax program; 79-E deals with property tax on a local level and the ERZ program is exclusively a business tax program through the state. Councilor Jacobs asked if the two districts could overlap. Mr. Lamb replied in the affirmative adding it just would not make sense. He reiterated how both programs work and the effects one would have on the other. Councilor Sapeta said he has the same dilemma; to him it is important to see an underdeveloped property developed. He suggested we could put the two districts together and let the developer chose which one to utilize. Chair Richards commented it is not about a developer choosing which one to use; we use the increment in the TIF District to fund other things. Mr. Lamb agreed and adding all the incremental value collected on those properties is used to fund public projects in the TIF District. If you give that increment away under 79-E then that incremental value is not available to pay off the TIF bond. But only for five years Councilor Sapeta added. Mr. Lamb agreed adding he understands where Councilor Sapeta is going. He also suggested giving away the increment in the TIF is a slippery slope; investments in the TIF have been very successful. Mr. Lamb cited the development of Railroad Square as an

example as well as the Library project.

Noting he hears what the Mayor and other Councilors have said about expanding the zone, Chair Richards asked what it would take to do that (changing the language, moving the lines, and the costs). Mr. Lamb started with the area noting the only area in that neighborhood eligible for 79-E would be the newly established Residential Preservation District. Referring to a previous map he noted it would also include some areas along Grove Street (shown in pink). The intent of this district is to transition from multi-family to single-family. Mr. Lamb continued Councilor Hansel hit the nail on the head with respect to concerns staff has in relation to residential incentives recognizing there are other areas in the city which need the same the same type of incentive as this neighborhood. It might be hard to justify doing it here and not somewhere else. Mr. Lamb suggested potentially 79-E is not the right mechanism to do that in other areas farther from downtown. Councilor Hansel said he does not remember one project utilizing 79-E throughout the state that was a residential structure.

Chair Richards asked for further questions or comments.

Councilor Jones asked if this would work on the Gilbo Avenue Overlay. Mr. Lamb said that is a good question and noted we did not look at that area because of the TIF Overlay and our concentration on Marlboro Street.

Referring to B. Eligible Projects Councilor Hansel asked if the replacement projects had to be included. Ms. Kessler indicated she would research the question further after the meeting. She also noted her understanding that the statute defines the requirement for a replacement; the owner would have to demonstrate the replacement would provide public benefit to a greater degree than rehabilitation. There are also other requirements the owner would have to meet.

Referring to the Resolution, Councilor Jones asked where the border was defined. Ms. Kessler said the Resolution refers to the map (distributed earlier) which outlines the boundaries of the 79-E District. The map will be attached to the Resolution when it goes to Council.

Councilor Sapeta said he is not convinced we should not include more properties in this round. He does not know what mechanism to use to look into more properties being added from that neighborhood. He suggested more time or going to Council with a modification.

Chair Richards shared his thoughts. He said basically we are creating these districts at will so we can come back later and create another one in that neighborhood. Mr. Lamb agreed the district could be amended. Noting others feel this should be included Chair Richards said he recognized staff was not asked to look at this information. He recommends moving forward on this and asking staff to look at the impacts of expanding the zone, and what benefits we would see from the expansion. Councilor Hansel agreed we should get this done and going. Councilor Sapeta agreed it should move forward with specific language added to bring it back. Mr. Lamb suggested this language be added to the recommendation regarding the resolution.

Ms. Kessler noted the end of the resolution points out it becomes effective 60 days after adoption, which was requested by staff to allow time to develop the application forms and

process.

Chair Richards asked Councilor Jones if he had the specific language for adding in the Gilbo Avenue and the Neighborhood Revitalization Zone. Mr. Lamb suggested the motion would be to recommend City Council adopt Resolution R-2017-41 and direct staff through the City Manager to research the application of 79-E in the other locations.

Rather than complicating the Resolution, Attorney Mullins suggested the background notes are clear regarding what you would like staff to do. It was Committee consensus to make only one motion with the understanding direction is given to staff through the background notes.

There being no further questions or comments Chair Richards asked for a motion.

Councilor Jones made the following motion which was seconded by Councilor Hansel.

On a vote of 4-0 the Planning, Licenses, and Development Committee recommends the adoption of Resolution R-2017-41.

**6) Mayor Lane - Proposed Amendments to the City Council Rules of Order**

Chair Richards recognized Mayor Lane. Mayor Lane reported the Council's Rules of Order were being reviewed in preparation of the 2018-2019 City Council term of office. He and the Charter Officers have reviewed the Rules over several meetings. The majority of the proposed changes to the Rules of Order are housekeeping and are meant to clarify language or recognize current processes. In addition to these minor changes, there are more substantial changes such as the change to the responsibilities of the PLD Committee. Other significant changes include:

- Restricting the use of electronic devices during the Council and Committee meetings
- Adding new responsibilities for the Planning, Licenses and Development Committee and the Finance, Organization and Personnel Committee
- Clarifying the current opportunity for direct referral of communications by the City Manager to City staff
- Adjusting the timeline for submittal of proposed amendments to the annual operating budget
- Adjusting the timeline for filling City Council vacancies
- Transferring responsibility for updates to the Council Policies to the City Manager

**Committee questions Sections 1-9**

Referring to Section 9 Chair Richards said he thought that was already a provision regarding the City Manager's attendance at Council meetings. Mayor Lane explained there was no provision for the City Manager to attend all meetings so it was added.

Regarding Section 4 Councilor Jones commented if there is no quorum how could a temporary Chairman be elected and perhaps a reference should be made to having the meeting rescheduled by the City Manager. The Councilor stated if there was no quorum the Council could not elect a temporary chair. The Mayor agreed that you could not at that meeting, but if the Mayor was vacant for a prolonged period of time, this provision would allow a temporary chair. Mayor



Lane replied if the position of Mayor is vacant you would elect a temporary Chair; that person would have the same authority the Mayor would have.

### Section 10

Chair Richards commented he is in favor of the restriction on using electronic devices during a meeting for web browsing, texting, etcetera. Mayor Lane shared a situation where a City Councilor posted to Facebook during a meeting and referred to that as troublesome.

Carl Jacobs, Ward 2 Councilor commented he is troubled by a blanket prohibition. He feels there may be information he can access to help him be a better participant in the discussion. Chair Richards asked if this information could be provided to everyone in the room while it is being looked at. Councilor Jacobs suggested it is no different than bringing in a piece of paper. Chair Richards clarified this does not pertain to audience members; only those sitting on the Committee. Chair Richards and Mayor Lane indicated Councilors should come to the meetings prepared and be focused on the meeting. Councilor Sapeta suggested changing the language to refer to devices that do not refer to the task at hand. Councilor Jones said he uses his calculator on his smart phone when people are talking about figures and he looks up past notes for facts. Councilor Hansel noted his confliction pointing out he feels this is rude and inappropriate behavior during a meeting. At the same time, he feels this is a weird area to be mandated.

Councilor Sapeta reiterated his suggestion to reword the language to suggest there be no web browsing that is not relative to the task at hand. Chair Richards asked how you would know what another Councilor is doing. Mayor Lane said you would have to rely on other Councilors to enforce this. Councilor Hansel asked if it was in the Mayor's purview to establish a certain level of meeting decorum. Mayor Lane replied in the affirmative noting he cannot see what all 15 people are doing at their desks.

Terry Clark, Ward 3 Councilor said this may be something that diminishes the standing of individual City Councilors. He continued there are other things in here that trouble him such as Section 18 "Permission to Address the Council." Councilor Clark agreed he does not think this has ever happened, but that does not mean it may not. Chair Richards clarified this only refers to full City Council meetings. He continued he does not feel this is about silencing anyone; it is about decorum. To the Councilor's point, Attorney Mullins explained there was no process for that. Attorney Mullins continued this becomes a ruling of the Chair; Councilors can challenge a ruling of the Chair without taking away the authority of the Council as a whole to act. Councilor Sapeta asked if this was in the rules. Attorney Mullins replied in the affirmative.

Chair Richards directed the discussion back to Section 10.

Councilor Hansel made a motion to remove the portion of Section 10 that reads "The Mayor and Council members shall refrain from engaging in electronic communications and general web browsing while Council meetings are in session. This includes but is not limited to phone calls, text messaging, emailing and posting to online social media platforms." Councilor Jones seconded the motion to get it on the table.

Chair Richards and Councilor Sapeta noted they would not support the motion. Councilor Sapeta suggested keeping it as it is while adding specific language to say electronic communications and general web browsing while Council meetings are in session are allowed only if they pertain to the particular task at hand. Chair Richards said we will not be amending amendments. He asked for public comments; there being none he asked for additional Committee questions or comments.

Councilor Jones said he agrees with Councilor Hansel, but he does not like the communication part. People should not be sending him a text asking how he plans to vote or Councilors posting on social meeting during the meeting. Councilor Jones continued he does not mind someone looking up information. Councilor Hansel reiterated his suggestion to take the language out completely.

On a vote of 2-2 the motion to amend Section 10 failed. Chair Richards and Councilor Sapeta voted in opposition.

Attorney Mullins commented this is really an aspirational statement; like business attire. Attorney Mullins suggested changing the language to “the Mayor and the Council members should refrain from using electronic communication and general web browsing not germane to Council meetings while City Council is in session.”

Councilor Sapeta made the following motion which was seconded by Councilor Jones.

On a vote of 3-1 the Planning, Licenses, and Development Committee recommends the following language change “The Mayor and the Council members should refrain from using electronic communication and general web browsing not germane to Council meetings while City Council is in session.” Chair Richards voted in opposition.

#### Sections 11 through 14

Referring to Section 12, Chair Richards asked if this was only after a vote. Mayor Lane explained that once he announces “are you ready for a vote” a Councilor should not get up and walk out because they do not want to vote. Bathroom breaks should be taken before the vote is announced.

In Section 14 Mayor Lane noted at City Council meetings a Councilor can only speak twice. This has been changed to reflect the current practice of allowing a Councilor to speak three times.

#### Sections 15 through 20

Chair Richards asked for clarification on Section 15 “Voting and Conflict of Interest.” Attorney Mullins said the idea is you should not be out lobbying other Councilors if you have a conflict of interest.

Councilor Hansel referred to Section 17 “Motions” and asked for the reasoning behind eliminating the motion to adjourn. Attorney Mullins commented a motion to adjourn is not required under Robert’s Rules or otherwise.

Councilor Jones said he is unsure where this goes, but he has seen it twice where the MSFI Committee recommended approval of a project and then their recommendation goes to another Committee. There could be a conflict when MSFI approves a project and then FOP says “no” in terms of funding the project. Councilor Jones does not feel this is necessary and noted it is not addressed anywhere in this document. Mayor Lane agreed it is not in here. He continued we have on some occasions with issues about finances said the MSFI Committee can recommend whether they want to do something or not and then send their recommendation on to FOP to decide if there is money available somewhere to pay for it. We have tried to let FOP make the decision as to where the money would come from. Councilor Jones asked what happens if MSFI approves a project and FOP rejects it. Mayor Lane advised it would be decided by the full Council.

Attorney Mullins referred to Section 19 “Motion to Adjourn” and suggested the language be changed from “A motion to adjourn shall be in order...” to “An adjournment shall be in order...” He also suggested changing the title to Section 19 to “Adjournment.” The recommended changes were accepted by Committee consensus.

#### Sections 21 through 25

Referring to Section 23 “Standing Committees” Councilor Hansel commented he is happy to see the legislative review placed with this Committee.

Section 25 Communications: the addition of “or directly to the City Manager” was discussed and outlined by the City Clerk. Chair Richards commented on how this will streamline the process; adding tonight’s first agenda item was a perfect example. Chair Richards noted his only concern is that at some point this will have to come to Council, even if the communication is resolved. He pointed out that step is not listed here. The City Clerk provided Chair Richards further information on the process to alleviate his concern. She clarified any petitioner that is not satisfied with the decision has the opportunity to come back to Council. If the decision is satisfactory to the petitioner the communication will never hit the agenda. Councilors will receive notice in their boxes and this will close out as part of the Council process. The City Clerk continued not every sort of administration action will come back for the Council’s endorsement. To keep you in the loop we will be adding a new section to the Novus agenda under the title Items Referred Directly to Staff. You will see this on the agenda; not in the packet, similar to more time items. Chair Richards said he would like to see it on the agenda and in the packet so he can at least take a look at it. The City Clerk suggested Novus has the capability to include it in the packet so it is only visible to the Councilors; so it is not confusing to the public. Chair Richards clarified he would like to see it in the packet when it first comes in. Carl Jacobs, Ward 2 Councilor suggested the first sentence is not clear that communications are submitted through the Clerk’s Office. Attorney Mullins suggested adding “through the City Clerk’s Office” after or directly to the City Manager. The City Manager referred to Section 26, second paragraph, second line where it already says that we can do this process. The City Manager explained she is working with the City Clerk to create a system that makes it easy for us to track, and to make it easy for Council to know when that is happening. She also noted the role Administrative Assistant, Helen Mattson has in this process.

Jan Manwaring, Ward 1 Councilor said her issue with this is that City Councilors are sidelined. She hopes the Clerk’s Office would ask if the individual has contacted their City Councilor. She

fears City Councilors will not be seen as being helpful. Mayor Lane asked if a Councilor would have the ability to pull the communication off the list and have everyone appear before the Committee. Attorney Mullins commented if it is going to be on the Committee agenda and intended to be acted upon administratively the Council has the right to pull anything from a Committee agenda. Chair Richards and Councilor Manwaring discussed the differences between the MSFI Committee and the PLD Committee. The City Manager said her hope is not to diminish the role of the Council in any way, but to make their job easier. Additionally she hopes to make the process more user-friendly for people writing the communications. Councilor Sapeta said he does support this and wanted to make sure the viewers understand this in no way will diminish their ability to petition their local government. The City Manager noted individuals still have the ability to go straight to Council. Councilor Jones asked if it really had to be on the agenda; he suggested a monthly notice of administrative actions. The City Clerk explained the actions that could be taken. Mayor Lane commented the Committee does not have to adopt this tonight; we can adopt the existing rules in January.

### Sections 26 through 39

Councilor Manwaring referred to Section 39 “Council Policies” asking why it is just the City Manager that can bring questions forward. Chair Richards explained this is for existing policies and Councilors can write a letter at any time requesting a review. Councilor Clark clarified this was put in place in 2006 just to get us to start reviewing things; Mayor Lane concurred. Councilor Clark suggested if we have already reached the 20% then this can be eliminated. Chair Richards agreed with Councilor Clark. The City Clerk noted that although the 20% quota has been obtained yearly, there are still some policies that have not been reviewed since their initial adoption. Attorney Mullins clarified the Committee agreed by consensus to delete the entire last sentence in Section 39.

Councilor Jones made the following motion which was seconded by Councilor Hansel.

On a vote of 4-0 the Planning, Licenses, and Development Committee recommends the adoption of the proposed amendments to the City Council Rules of Order.

7) **Adjournment** - There being no further business before the Committee Chair Richards adjourned the meeting at 9:37 PM.

Respectfully submitted by,  
Mary Lou Sheats Hall  
December 15, 2017