

Lewiston City Council
Public Hearing & Special Meeting Minutes
August 22, 2017
Lewiston City Hall – 6:00 P.M.

NOTE: In the absence of Interim City Administrator/Clerk Cheryl Knight, Mayor Carlson is taking minutes.

1. Call to Order

The City Council and Planning & Zoning Commission met in joint session for a Public Hearing and Special Meeting. Mayor Carlson asked P&Z Chairman Jeremy Kelly to call the meeting to order.

2. Roll Call

Planning & Zoning took roll call. Present (4): Jeremy Kelly, Paul Doran, Jeremy Neeck, and Pat Matzke-Engrav. Absent (2) Roy Kryzer & Tim Dahl.

Mayor Carlson took roll call for the City Council. Present (5): Councilors Larry Rupprecht, Bryce Lange, Dan Robertson, Jeremy Kelly, and Mayor Carlson. Absent (0).

Other members of the public were present.

3. Public Hearing (Run by the Planning & Zoning Commission)

Motion to open the public hearing made by P&Z Chairman Kelly, seconded by Commissioner Paul Doran. All P&Z commissioners voted in favor. Motion carried.

3.1 Zoning Amendment 907.03

This proposed amendment would remove the word poultry from City Code 907.03 - Performance Standards for Conditional Uses in General #5.

“All pets must conform to other ordinance regulations for cats, dogs, Etc. No sheep, cattle, hogs, goats, ~~poultry~~, or llamas shall be considered household pets. No exotic animals such as tigers, lions, etc., regardless of age shall be considered as pets. ~~Poultry~~, reptiles, and fowl in general must be housed indoors only to be considered household pets.”

Public comments and discussion included:

Questions: Is the only reason for proposing to change this wording because of the proposed ordinance 504.08 Raising or Keeping Chickens in Non-Agricultural Zones?

Answer: Yes

No Other Comments

3.2 Add Ordinance 504.08

The following ordinance is being proposed as an addition to the city code:

504.08 – Raising or Keeping Chickens in Non-Agricultural Zones

1. *On a parcel in an approved district, with the exception of agricultural zones, the raising or keeping of fowl of not more than twelve (12) chicken hens on a parcel in an R-1 district shall be allowed provided that the following standards are met:...*
 - a. *Chickens shall be fully contained on the property at all times.*
 - b. *Food materials shall be stored in metal containers with tight fitting lids.*
 - c. *All housing, pens, and containment areas shall be maintained in a clean, sanitary, and order free environment and shall be free from the presence of rodents and vermin at all times.*
 - d. *Chickens must be housed within an accessory structure in R-1 districts. No chickens shall be housed within any part of a residential dwelling.*
 - e. *No coops or runs shall be permitted in side or front yards.*
 - f. *Coops and runs shall be screened with a solid fence with a minimum height of four (4) feet.*
 - g. *Coops and runs shall be no less than twenty-five (25) feet from the primary dwelling and twenty-five (25) feet from primary dwellings on adjacent properties.*
 - h. *Only one (1) coop shall be allowed on the property and must be at least twenty-four (24) inches off the ground and must be constructed using rodent resistant materials.*
 - i. *A run may be no more than twenty (20) square feet per chicken.*
 - j. *Neither the keeping of roosters, nor the slaughtering of chickens shall be permitted.*
 - k. *The sale of chicken products such as but not limited to eggs, part of or whole chickens shall be prohibited.*
2. *It is unlawful for any person to keep or harbor chickens on any premise unless issued a permit by City Council.*
 - a. *There shall be an annual fee for the keeping or harboring of chickens as set forth by Ordinance 1000.04.*
 - b. *The permit shall only be issued after a permit application has been completed.*

- c. *The permit application shall contain a scaled diagram of the property, proximity to adjoining properties, size of the coop, size of the run, and distance from all structures on the property.*
- d. *Each permit shall expire annually on December 31st . City Council may revoke or suspend a permit for violations of this Ordinance.*

Public Comments and Discussion included:

- The ordinance was drawn up by looking at what neighboring communities have done with their chicken ordinances. Commissioner Doran explained how the commission took time debating the maximum number of chickens a resident would be allowed to have. It was explained that because of the rate at which baby chicks perish (especially during cold weather,) 4 is too small of a number to have as a maximum number. Also, when raising chickens for eggs for a family, 4 is too small of a number. 12 is more realistic for survival rates and egg production for a family.
- Councilor Rupprecht commented that NBC had done a story on chickens in residential settings and how there has been a rise in salmonella in communities allowing chickens. People are treating the animals too much like pets and bringing them into the house. It was pointed out that our ordinance would prohibit people from keeping the chickens in the house. A representative from Benson Farm service explained that when baby chicks are bought and a customer picks them up for delivery, instructions on how to prevent the spread of salmonella are given to each customer. It was also mentioned that when a permit for chickens is purchased, the city could provide similar information. The city council will also have the authority to revoke or suspend a permit for violations of the ordinance, for example if someone is caught housing chickens inside the residence.
- Letter (f) “Coops and runs shall be screened with a solid fence with a minimum height of four (4) feet.” was questioned. It seemed to contradict itself with the words screened and solid. After discussion it was suggested to change the wording to “Coops and runs shall be fully enclosed with a minimum height of four (4) feet.”
- The allowable size of a run and the meaning of rodent resistant vs. rodent proof were discussed.
- The word “order” in letter c should be changed to “odor.”
- No further comments.

3.3 Fee Schedule: 1000.04

The proposal adds Annual Chicken Permit Fee of \$20.00 to the list of General Licenses/Permits.

Public comments and discussion included:

- Chairman Kelly explained this would be an annual fee for safety and health reasons. To make sure residents continue to follow the ordinance.
- Mayor Carlson asked if this fee would be prorated for partial years. The answer was no.
- No further comments.

3.4 Fee Schedule: 1000.07

The existing city ordinance refers to a sign permit and associated fee. This proposed addition will add a fee of Sign Permit Fee \$25.00 to the Planning and Zoning list of fees.

Public comments and discussion included:

- Clarification that this fee is a one time fee when a new sign is being placed, not an annual fee for every sign in town.
- No further comments.

Motion to close the public hearing made by P&Z Chairman Kelly, seconded by Commissioner Jeremy Neck. All P&Z commissioners voted in favor. Motion carried.

The following motions were made by the Planning & Zoning Commission.

3.1 Zoning Amendment: 907.03

Motion by Jeremy Kelly, second by Paul Doran to recommend to council the proposed amendment to 907.03, the removal of the word poultry from paragraph 5, as presented. All voted in favor. Motion Carried.

3.2 Add Ordinance 504.08

Motion by Jeremy Kelly, second by Pat Matzke-Engrav to recommend to council the adoption of proposed Ordinance 504.08 with the following corrections:

- In letter c, change the word order to odor
- Letter f shall read “Coops and runs shall be fully enclosed with a minimum height of four (4) feet.”

All voted in favor. Motion Carried.

3.3 Fee Schedule 1000.04 General Licenses/Permits

Motion by Jeremy Kelly, second by Jeremy Neeck to recommend to council the addition of the Annual Chicken Permit Fee of \$20.00 to the list of 1000.04 General Licenses/Permits.

All voted in favor. Motion Carried.

3.4 Fee Schedule 1000.07 Planning and Zoning

Motion by Jeremy Kelly, second by Pat Matzke-Engrav to recommend to council the addition of the Sign Permit Fee of \$25.00 to the list of 1000.07 Planning and Zoning.

All voted in favor. Motion Carried.

Planning and Zoning Adjourn

Motion by Paul Doran, second by Jeremy Kelly to adjourn. All voted in favor. Motion Carried.

City Council Adjourn

Motion by Councilor Lange, second by Councilor Robertson to adjourn. All voted in favor. Motion Carried.

Respectively Submitted By:
Mayor Carlson