

Village of Fall Creek
Minutes of Public Hearing & Plan Commission Meeting
August 4, 2015

1. **Call to Order:** 6:30 p.m., Village Hall Meeting Room, 122 E. Lincoln Ave., Fall Creek
2. **Roll Call:** Members Present: Chairman Chester Goodman, Jeff Ballentine, Helen Hartmann, Bob Jenkins, Curt Strasburg, Curt Van Auken, Dane Zook. Members Absent: None. Staff Present: Deputy Clerk Joan Drehmel. Also Present: Kelley Gustaveson, 10 citizens.
3. **Certify Open Meeting Law Requirements Have Been Met:** A notice of the meeting and an agenda was posted in the three public places, newspapers were notified and property owners within a 300' radius of 628 S State Street were notified by letter.
4. **Adopt Agenda:**
 - MOTION (Jenkins/Ballentine) to approve the agenda as printed. PASSED, without negative vote. Curt Strasburg recused himself and sat in the audience.
5. **Public Hearing re: Village Board Petition to Rezone 628 S State Street from Two-Family Residential District (R2) to Single-Family Residential District (R1):** Chairman Goodman opened the public hearing at 6:02 p.m. He explained that the Village Board petitioned for this rezone. On 3/18/15 the Board approved the petition to rezone the property to R2 to accommodate Kelley Gustaveson who had lost her home due to a fire. Her plans to build a duplex to reside in one half and rent out the other have not materialized. The property is now listed with a realtor. The Village Board felt that she has reneged on the plans she spoke of when the rezone was approved. Village ordinance states that zoning amendments may be initiated by the Plan Commission, Village Board or by owners of the property proposed to be changed. Richard Ziemann asked that the Plan Commission deny the petition. He felt that to do otherwise could open the Village to a potential lawsuit. He felt the Village Board should stand by their original decision that was based on facts that have not changed in 4 months. Kelley Gustaveson asked for clarification of when such board discussion took place. She could have cleared up any issues if she had been asked. Bob Briesemeister reiterated his feelings from the previous public hearing that he did not want the property zoned R2 because of past experience with duplexes in the neighborhood. Jessie Strey thought the Village Board is infringing on Gustaveson's rights to do with her property as she sees fit, within the confines of the law. Vern Ming was originally opposed to rezoning the lot to R2, but he has had to move on. He just wants the property cleaned up and the foundation hole filled. Andrew Strey felt that the basis for a rezone should be done for the right reason. Linda Sommerfeldt was originally opposed to rezoning the lot to R2, but has accepted the Board's decision. She questioned the logic for this petition and also concerned about a possible lawsuit. Chairman Goodman closed the public hearing at 7:25 p.m.
6. **Consider Petition to Rezone 628 S State Street:** Dane Zook asked why the Village Board felt the need to change the zoning after only 4 months. Chairman Goodman explained that there was discussion among the board members that some of them had received complaints about the property, the lack of action on filling the foundation hole, and the for sale sign that went up shortly after the Board had approved the rezone. These factors led them to reconsider their decision that they felt had been made in good-faith. Jeff Ballentine commented that he is against the petition to rezone to R1. The Plan Commission thought long and hard when coming to their decision on 3/10/15. He felt that even though it is hard to stand firm when people complain, the Village Board should stand by their decision now.

- MOTION (Zook/Van Auken) to recommend approving petition to rezone 628 S State Street from Two-Family Residential District (R2) to Single-Family Residential District (R1), and recommending that Kelley Gustaveson be present at the Village Board meeting on 8/10/15. FAILED, roll call vote: Ballentine-no, Goodman-no, Hartmann-abstain, Jenkins-no, Van Auken-yes, Zook-yes.

Curt Strasburg returned to his seat.

- MOTION (Jenkins/Van Auken) to convene meeting at 7:35 p.m. and to reconvene at 7:40 p.m. for a short break. PASSED, without negative vote.

- 7. Public Hearing regarding Village Zoning Ordinance Amendment:** Chairman Goodman opened the public hearing at 7:40 p.m. He explained that the amendment to §268-45.3 of Chapter 268, Zoning, Signs would inflict a fine of \$10 per day for any sign not in compliance with Village Code. The property owner and/or sign owner would be notified by the Zoning Administrator and would have 10 days to comply. The fine would begin on the 11th day. The sign and any structure would be removed after 60 days of serving the notice, with any costs for removal being assessed to the property owner. There was no public comment.
- 8. Plan Commission Discussion on Village Zoning Ordinance Amendment:**
 - MOTION (Van Auken/Jenkins) recommending approval of amendment to §268-45.3.Zoning, Signs, to include a \$10 per day fine for non-compliant signs. PASSED, roll call vote: Ballentine-yes, Goodman-yes, Hartmann-yes, Jenkins-yes, Strasburg-yes, Van Auken-yes, Zook-yes.
- 9. Adjourn:**
 - MOTION (Strasburg/Hartmann) @ 7:45 p.m. PASSED, without negative vote.

Joan Drehmel, Deputy Clerk