

Board of Adjustment
February 16, 2021

Item	Motion/Description	Page
Call to Order	Gary Friedman, Chair of the Board of Adjustment called the meeting to order at 11:06 a.m. via virtual meeting	1
Roll Call	A quorum was established with roll call.	1
Pledge of Allegiance		1
Approval of the Agenda	Approved	1
Approval of the Minutes from January 19, 2021	Approved as amended	1
Approval of Findings/Conclusions Case #2020-2894 #3 Placita Rafaela Setback/Stepback Variance	Approved	2
Old Business	None	2
New Business	None	2
Staff Communications 1. Ethics and Open Government Training	Discussion Only	2-3
Matters from the Board	None	4
Adjourn	With all business conducted for the Board of Adjustment, the meeting was adjourned at 12:00 p.m.	4

Board of Adjustment
Via Virtual Meeting
Tuesday February 16, 2021

A. CALL TO ORDER

Gary Friedman, Chair of the Board of Adjustment called the meeting to order at 11:06 a.m. via virtual meeting due to the current health restrictions. A quorum was established with roll call.

ROLL CALL

Present:

Gary Friedman, Chair
Rachel Winston, Vice Chair
Coleen Dearing, Secretary
Donna Reynolds
Doug Maahs
Daniel Painter
Grant Alexander

Absent:

Staff and Others Present:

Noah Berke, City Land Use
Sally Paez, City Attorney's Office
Linda Vigil, Stenographer

B. PLEDGE OF ALLEGIANCE

NOTE: All items in the packet for all agenda items were incorporated herewith by reference. The original packet is on file with the City Land Use Staff. Any additional attachments will be labeled as exhibits.

C. APPROVAL OF AGENDA

MOTION: Secretary Dearing moved to approve the agenda as presented with a second from Member Reynolds.

ROLL CALL VOTE: All members voted in favor of approval (6-0), motion passed.

D. REVIEW AND APPROVAL OF MINUTES FROM January 19, 2021

Corrections/Changes:

Page 5, second paragraph. The home was built in 1992 and the second story was built in 1970.

Change to:

The home was built in 1932 and the second story was added in 1973.

MOTION: Member Maahs moved to approve the minutes as amended, with a second from Member Painter.

ROLL CALL VOTE: All members voted in favor of approval (6-0), motion passed.

Chair Friedman entered the meeting.

E. APPROVAL OF FINDINGS/CONCLUSIONS

1. Case #2020-2894 #3 Placita Rafaela Setback/Stepback Variance(s)

MOTION: Member Painter moved to approve the Findings of Facts and Conclusions of Law for Case #2020-2894 with a second from Chair Friedman.

VOTE: All members voted in favor of approval (6-0), motion passed.

F. OLD BUSINESS

None.

G. NEW BUSINESS

None.

H. STAFF COMMUNICATIONS

Ethics and Open Government Training (Sally Paez, City Attorney)

Ms. Paez explained part of her duties she has to train the Board on the City's Open Government and Ethics Training.

The training was presented as a slideshow presentation. The overview was given on Open Meetings Act (OMA) and Inspection of Public Records Act (IPRA) and Ethics.

The rules for an open meeting is that anytime there is a quorum, to discuss public business or take action by voting the meeting must be open and available for the public to make comment. Ms. Paez explained a rolling quorum and suggested members be aware of it.

Ms. Paez explained how they notify the public and present an agenda of the meetings they have. Minutes are required and do not need to be detailed as long as the date time, place and who was present and a record of how each member voted. There are exceptions for closed meetings. Ms. Paez explained OMA allows for meetings to be reconvened if there are complications or situations where they would like to continue with a meeting.

Ms. Paez explained remote attendance and the virtual attendance. The Attorney General provided guidance which all City Boards and Commissions follow.

Ms. Paez discussed the Inspection of Public Records Act (IPRA). Any documents in any format is kept as a record for the City. This statute has some exceptions. Emails and text messages can also be considered a public record.

Ms. Paez explained the City's IPRA procedure. If a board member gets a request there is a process as well. Ms. Paez explained the violations surrounding IPRA requests.

Ms. Paez discussed ethics and the City policy. Board members are not to decide on a case if they have a conflict of interest. Ms. Paez explained improper gifts.

Ms. Paez explained quasi-judicial acts which is what their cases are considered. The city code precludes the Board from inspecting the property sites. However, they can speak to City staff about cases.

Ms. Paez discussed disclosure and recusal for example if they get an email on a case. They should recuse themselves if they cannot be impartial. If they have an issue with the appearance of impropriety they can always discuss with her.

Ms. Paez explained they should always utilize Roberts Rule of Order for meetings to make decisions. They can put a motion on the floor and then debate. Each member can speak twice to ensure they are professional. Ms. Paez discussed secondary motions and time to end debate.

Ms. Paez explained voting and when the Chair is able to vote.

Member Alexander asked who they represent.

Ms. Paez explained how the members cannot speak as a private citizen at another Land Use Boards. If it is something else at another committee, they can speak on their own behalf with no City interest.

Ms. Winston asked how they can notify applicants if they wish to correct a decision. Ms. Paez explained they can make a motion or ask that it be placed on a future agenda.

Chair Friedman asked if it would be published and notified on an agenda.

Ms. Paez discussed point of order in meetings. They can always have Ms. Paez check her book.

Mr. Berke asked that Ms. Paez to brief the board on the media inquiries.

Ms. Paez explained a rule that the Chair can speak on behalf of the Board. There is a new Public Information Officer (PIO) at the City and she recommends they coordinate with staff and the PIO first.

Mr. Berke suggests they do not take media inquiries on a case before the Board makes a decision.

Secretary Dearing stated as a realtor they are required to take similar training however this training was more .

Secretary Dearing asked if Mr. Berke was going to send a contact sheet with terms listed. Mr. Berke was fine tuning it and will send it this afternoon.

I. MATTERS FROM THE BOARD

None.

J. ADJOURN

With all business conducted for the Board of Adjustment, the meeting was adjourned at 12:00 p.m.

SIGNATURES

Gary S. Friedman

Gary Friedman, CHAIR



Linda Vigil, Stenographer