

Fountain Green Planning Commission Work Meeting with
Fountain Green City Council & Mayor
Fountain Green City Hall
January 30, 2020 7:34 p.m.

Attendance: Nate Strait, Julio Tapia, Joseph Papenfuss, Heather Papenfuss, Larry Woodcox, Michelle Walker, Bryan Allred, Tom Hansen, Willard Wood, Stuart Smith, Stuart Krukiewicz, Kyle Rowley, Shelith Jacobson, Riley Hanson, and Scott Evans

Excuse: Rod Hansen

Citizens in attendance: Homer Workman

- Bryan calls the meeting to order and thanks everyone for coming. He asks Shelith to read the Notice of Violation that the City attorney has approved. After reading the Notice, Shelith asks for any suggestions for clarification of improvement. After discussion and keeping in mind that they want to keep the Notice relatively short, they decide that the third paragraph should include instruction to contact the City Hall within 14 days of receipt of the Notice to schedule meeting with the Planning Commission to discuss remedial action. Riley motions to revise the Notice of Violation as described above. Stuart K. seconds the motion and all vote in favor. Shelith will make the change before sending any Notices to offenders.
- Fines will not be assessed if the offender has contacted the City Hall to get on the Planning Commission Agenda unless and until the offender does not appear at the Planning Commission meeting as scheduled. The Notice will be delivered by the City Policeman or by certified mail. Fines will be \$50/day until the 20th day after fines begin to accrue and will then be a final \$500 – capping at \$1500. The City may choose not to fine an individual if circumstances warrant an exception to the rule. Mayor Wood stresses that the City workers must keep an accurate record of who is sent the Notice, who responds and when, and who attends the Planning Commission meetings.
- Homer interjects that it is unconstitutional to fine people for the purpose of obtaining revenue. Shelith explains that the City is allowed to fine people for violations and the Mayor stresses that they are not trying to raise funds for the City, they are just trying to bring people into compliance with the Ordinances.
- Bryan suggests that the Planning Commission cannot handle 20 applicants all at one time. Mayor Wood requests that Michelle assign only 5 at a time to a particular Planning Commission meeting – first come will be first served, but as long as they have responded they will not be fined until they have had opportunity to meet with the Planning Commission.
- The Planning Commission points out that they have had to deal with a lot of unprepared applicants and after discussion, it is proposed that Michelle or Paula will give each applicant a Quick Reference and talk them through it to make sure they know that every item must be complete before they can be put on the Planning Commission Agenda. The applicant will turn in their completed packet before the Planning Commission Agenda must be posted (one week before the meeting of the Commission). Mayor Wood asks Heather if she would be able to preview application packets to make

sure they are complete no less than one week before the Planning Commission meeting. She agrees.

- Bryan suggests that if the Planning Commission has more than enough members for a quorum, an extra, experienced member of the Commission could meet in the hall to help make sure each applicant is ready. The counter suggestion is that if Heather finds a packet incomplete, she should contact the applicant to explain what needs to be finished before coming to the Planning Commission meeting. Chapter 3.3 allows the City 30 days to review plans! If Heather can review plans within one week, the City is doing better than what is allowed. Chapter 3 also implies that an applicant doesn't even need to appear at the Planning Commission meeting – the Commission can review the packet and decide approval or not without the applicant being required to attend. If a permit is granted, they can be notified to pick up their packet and permit from the City Hall. If it is not approved, the applicant would be notified about what needs to be rectified and asked to reapply for the next meeting of the Planning Commission.

- Shelith asks for help from the Planning Commission to cite Chapter and specific section for each violation on the list of Current Building Violations. Referring to the Land Use Ordinance books, they cite Chapter 7.2-3a for any and all setback and/or fire lane violations. Chapter 3.2A is proposed to explain the need for a permit. Irrigation easements are not specifically addressed in the Land Use Ordinances, but would be dealt with when the offender came to respond to a permit or setback violation. The Commission helps Shelith update the Violations list where the offender has died or sold the property. Heather also adds several more violations that she has noticed, but not added to the list because nothing was being done to enforce the Ordinances. She notes that many more storage containers have been brought into the City without permits. The County wants them anchored, but does not usually want to inspect them. Mayor Wood suggests sending a notice throughout the City to advise everyone that storage containers are considered like a shed and do require a permit. Shelith asks that, in the future, violations should be reported as soon as noticed. Mayor Wood agrees.

- Michelle would like to address the violation of her son, Jordan, when he built his porch with a roof that did not meet the 16' east setback that he had stated on his application and plans to the Planning Commission. She reads from the August 9, 2018 Planning Commission meeting minutes: *"Mr. Walker did not have his house plans with him when he had Mike and Matt sign his application and will need to have them stamp and sign his house plans before taking them to the County."* The Commission went ahead and signed the permit. Michelle asks if the Commission had an opportunity to study the proposed house plans because she knows that her son made a copy, but the only plan the Commission members remember is the plot plan that is in the Jordan Walker file in the City Hall which implies that the "porch" is a patio with just flatwork. Mayor Wood asks why Roger didn't notice the 9'6" east setback for the porch when he checked the setbacks before the foundation was poured. The Commission explains that when Roger checks the setbacks, the porch is usually not marked out since it is added after the foundation is poured. An easement from the east neighbor was proposed, but an easement does not change the property ownership and it is expensive. The Walkers feel like the porch roof is not part of the house. Bryan explains that the County is being very strict with regard to porches and their roofs. Shelith interjects that "the elephant is in the room" and we need to quit looking to blame someone – mistakes were made on both

sides. We now need to deal with the problem. Riley suggests a conditional use permit that would prohibit brush or trees being planted east of the porch to reduce the risk of fire spreading and allow a little better access for fire fighters. The existing trees should be cut down. The conditional use permit should be filed with the County in case the property is sold later – the conditions would still apply to the new owners. Mayor Wood suggests that all Planning Commission meetings should be recorded like the City Council meetings are. He is willing to provide a recorder for the Commission. Joseph points out that if Jordan Walker's house plans are stamped and signed by Bryan after the date of the Planning Commission meeting that would also answer whether or not Mr. Walker had brought his house plans to the Commission meeting. Shelith would like to see both parties just move on – both sides made mistakes. Joseph agrees and states that a mistake is not setting a precedent. We just need to make sure to be more careful in reviewing building plans in the future. Being kind and helpful often ends up causing more problems and hard feelings in the end.

- The next question is who will be the enforcer of the consequences of failing to comply with the offered courses of remediation listed in the Notice of Violation? Mayor Wood states that the City Policeman will be the enforcer and also will be tasked with noting any active building not on the list of Current Building Permits. If an offender does not comply with one of the actions offered in the Notice of Violation they will be referred to the Court for settlement.

- Tom suggests that the Notice of Violation should not be sent until after the next Planning Commission meeting to allow the offenders adequate time to respond and prepare to meet with the Commission. The next Planning Commission meeting is scheduled for Thursday, February 13. Shelith will plan on sending a Notice of Violation to each of the offenders on the list of Current Building Violations on Friday, February 14. Michelle and Paula will schedule respondents with the Planning Commission 5 at a time – first come, first served.

- Bryan has one last request – he points out that the Planning Commission Secretary is the lowest paid secretary in the City and does a very good job. He would like to see her get a raise in pay. Mayor Wood directs Shelith to get this item on the next City Council Agenda.

- Larry whispers that he would motion to adjourn the meeting. Nate and several others second the motion and all vote in favor. The meeting adjourns at 9:30 pm.