

MEDORA PLANNING AND ZONING COMMISSION
Official Proceedings on December 19, 2017
(Subject to board review and approval)

Meeting was called to order at 6:03 p.m. by Kinley Slauter. Present were Aaron Axvig, Doug Ellison, and Jim Bridger. Ben Brannum was absent. Slauter reminded the Council of the Commission decision made in April, 2017 that absent members can join a meeting by phone only when deemed an emergency by the Commission. Brannum had notified the City Auditor that he was going to be absent. It was the consensus that there was no need to have him phone in since there was a quorum present. Minutes from the November 21 meeting were reviewed. Steffen added that there was a name error. Bridger made the motion to approve the minutes with correction of the name error. Second by Ellison. Motion passed unanimously.

Application No. 17-44, a proposal from TRMF at 275 Broadway for a bronze plaque to be added at new Theodore Roosevelt statue base, was reviewed. The bronze plaque would include a TR quote, sculptor name, dedication date, donor names. It would be flat on the sidewalk right in front of the statue. Ellison made the motion to approve No. 17-44. Second by Bridger. Motion passed unanimously. Slauter added that threaded studs would be drilled into the concrete.

Under Misc. Business, a zoning violation regarding Application No. 16-45 was reviewed. Norbert Sickler's application to add onto his privacy fence was approved by the Zoning Commission on 12-20-16. The approved application was for an addition that would be the same as the existing fence. The constructed fence differs from what was approved. Slauter opened the floor to Sickler for statements:

- This started with his request to extend his picnic shelter
- Comments were made that a 6' high fence would hide neighbor's trailer
- He was told by Slauter that if neighbor applied to build a fence, he'd also be approved
- It's not safe to have a 6' fence all the way to the property line
- He almost saw an accident happen in the area, and he doesn't want a lawsuit if there's an accident because of his fence
- He feels there have been many controversial requests approved
- He feels ordinance needs to be added with well-written fence requirements so it's clear for future applicants.

Slauter replied that quoting him is misrepresentation. Regarding the connection of the picnic shelter and fence, there was no "this means that" and one application was never contingent on the other. The purpose of this discussion is to talk about what was applied for, approved, and then built. The process is to use the permit application to build something. Sickler had agreed to the terms of the application. Any application can be built as approved, come back to Commission for further consideration, or just don't build it. Something different was built than what was approved without ever coming back to the Commission. The process is for the Commission to determine if there is a violation and then make a recommendation to the City Council.

Sickler would like a new a new ordinance drawn up. He didn't build the entire fence 6' in height for safety concerns. If it is found to be a violation he feels it should fall under the new ordinance. Ellison added that Sickler did understand the approval was for a 6' fence and he consciously chose to build it shorter. Changing the ordinance is a separate issue. In the past if there's been violations, entities have been fined. There is a violation, and the question is if Commission should offer a period to rectify before taking to Council. Bridger added that the Commission had acted on an ordinance that was in effect, so Sickler needs to adhere to what was approved. Axvig also agreed that this is a violation.

After further discussion, Slauter referred to the violation ordinance. Ellison recommends a rectification date of May 15 and a fine of \$250-\$500. Sickler added that he'll also have costs to redo the fence. It was the consensus of the Commission that a \$250 fine is appropriate for this violation.

Bridger made the motion to recommend to the City Council a \$250 fine and a deadline of May 15, 2018 to bring the entire fence to 6' in height or a May 15, 2018 deadline to remove the entire fence addition, for not adhering to the original approved Application No. 16-45 and City Ordinance. Second by Ellison. Motion passed unanimously. This recommendation will be added to the January 4, 2018 Council Agenda.

Slauter added that Sickler makes a good point that our ordinances don't address fences very clearly. Ellison agreed and that it would be worth getting attorney and law enforcement input. Steffen will check into "model ordinances" for fences.

There being no other business, Axvig moved to adjourn. Without objection, meeting adjourned at 7:08 p.m.

ATTEST: _____ Kinley Slauter, President

ATTEST: _____ Carla Steffen, City Auditor