

**MINUTES OF THE HUNTSVILLE TOWN
PLANNING COMMISSION MEETING**

MEETING DATE: July 13th, 2017
PLACE: Huntsville Town Hall, 7309 E. 200 S.
TIME: 7:00 P.M.

NAME	TITLE	STATUS
Ron Gault	Planning Commission Chair	Present
Brent Ahlstrom	Planning Commissioner	Excused
Preston Cox	Planning Commissioner	Present
Rex Harris	Planning Commissioner	Present
Sandy Hunter	Planning Commissioner	Excused
Karen Klein	Planning Commissioner	Present
Mike Engstrom	Town Council Member	Excused
Gail Ahlstrom	Clerk/Recorder	Present

Citizens: Kerry Wangsgard Clark Wangsgard

1-Ron Gault called the meeting to order, there is a quorum present.

2-Discussion and/or action on property disputes on 7600 E. 700 S.:

Ron Gault mentioned that he has had several inquiries about Kerry Wangsgard’s property that is for sale on 700 S. and he wanted to make sure the Realtor knew that the Town’s position is that there is no final decision on whether this is a private road or a town road yet. Kerry asked the Commissioners what the procedure was for filing a nuisance complaint. In accordance with the Town’s Nuisance Ordinance in Section 2.2.2 it talks about the definition of a public nuisance.

Kerry said in “Title 2.2.2 Public Nuisance Definitions in reads; A public nuisance is a crime against the order and economy of the Town and consists in unlawfully doing any act or omitting to perform any duty, which act or omission either: 1. Annoys, injures, or endangers, the comfort, repose, health, or safety of the public.” Kerry mentioned that he has had several people look at his property this past week, but people want to know what is happening across the street at Craig Peterson’s place. Kerry stated that he has been begging and pleading for something to be done with Craig’s property for years and nothing has happened. At this point Kerry wants to make an official complaint. Kerry doesn’t want to spend his own money pursuing something he feels the Town should be doing. He shouldn’t have to pay an attorney to enforce Town ordinances.

Kerry feels that he is being financially injured because people are looking at his property, they see Craig’s property, and drive on by. The other part of the Nuisance Ordinance relates to rendering his property unusable or unable to access his property. Craig’s collection of junk moves closer and closer into the road squeezing the roadway. This makes it difficult to remove snow in the winter. Kerry commented that he has gotten flat tires from the debris in the roadway.

“2. Unlawfully interferes with, obstructs, or tends to obstruct or renders dangers for passage, any lake, stream, canal, or basin, or any public park, square, street or highway. 3. In any way renders residents insecure in life or the use of their property.”

Item 5 lists items of junk, “All discarded metals, scrap metals, iron, glass, paper, wood, building materials, plastics, fiberglass which may have value second hand but not in its present condition, unused or discarded bicycles, tricycles or other recreational vehicles or parts therefore, waste paper products, unused or discarded building materials, machinery or machinery parts, lumber, accumulations of dirt, gravel, ashes, or fire remains, or any inoperable or abandoned vehicles, parts, or any other waste materials.” All of the items listed in the Towns Ordinance are on Craig’s property and just keeps getting added to and added to even inoperable vehicles as listed in number 6.

“6. Inoperable or Abandoned Vehicle – Includes any trailer, semi-trailer or motor vehicle not currently registered and licensed in this state or another state, that cannot be operated in its existing condition because the parts necessary for operation such as, but not limited to, tires, windshield, engine, drive train, driver’s seat, steering wheel or column, gas or brake pedals are removed, destroyed, damaged, deteriorated, or nonconforming.” Kerry stated that Craig has multiple vehicles that are not registered and do not run on his property. Kerry said there is someone living in Craig’s trailer. There is no water.

Kerry said Title 2.5 explains the procedure for after a Nuisance complaint has been filed. “Title 2.5, Abatement Determination; Notice Upon complaint or during periodic patrols, the Huntsville Town Ordinance Inspector is authorized and directed to inspect and examine real property situated within the corporate limits of Huntsville Town for the purpose of determining whether, in their opinion, the property contains objects or conditions of the kind in nature described above and for the purpose of determining whether the existence of the objects or conditions create or constitute a nuisance as defined in this section.

The Ordinance Inspector shall notify the Huntsville Town Council, in writing, of their findings and of their recommendation. Upon direction from the Huntsville Town, the Ordinance Inspector will be authorized and directed whether to proceed or not with the process as described herein. In the event the Huntsville Town Council accepts the Ordinance Inspector’s determination that the property constitutes a nuisance, upon direction from the Huntsville Town Council, the Ordinance Inspector shall: A. Ascertain the names of the owners and occupants and description of the premises where such objects and conditions exists; B. Prepare a form letter explaining the ordinance and its definition. The letter should encourage all residents who could be in violation of this Title to take measures to remove or correct would-be violations. This form letter should be sent to all Huntsville Town Residents whom are affected by the violation and include a phone number in case anyone has questions. C. After a period of thirty (30) days, if nuisances have not been resolved, another form letter will be sent directly to the offenders. This letter should mention the previous form letter that went out to all affected Huntsville Town residents and it should take note that this particular offender has not been in contact with the Huntsville Town Ordinance Inspector, etc. This letter should inform the possible offender that: he/she has 30 days to be in compliance with the ordinance; to-wit: remove or correct the violation forthwith and if that doesn’t happen a citation will be issued.

D. If the specific offender does not comply within the thirty-day time frame after the second letter, a citation should be issued by the Ordinance Inspector, Weber County Sheriff or Weber County Constable. This citation shall inform the violator that he/she has been cited for a Nuisance pursuant to the Huntsville Town Title, a Class C misdemeanor, and the violator has a certain time period to contact the Clerk of the Huntsville Town Justice of the Peace Court in which to schedule a hearing. E. At the hearing (the arraignment) the Huntsville Town Attorney will be present, as a plea negotiation may be in order. Plea negotiations shall vary based on the severity of the nuisance or the prior record of the violator.”

If the ordinance is followed, the offender has, in essence 90 days to correct the nuisance violation, this pushes the problem into fall and winter and nothing gets done. Kerry is asking the Commissioners and Town Council to enforce the Town’s Ordinance. He would like an inspector to go take a look at Craig’s property, write a letter and get the ball moving on this matter. Kerry brought up the fact that Craig has numerous buildings on his property; a couple of them are large enough to require a building permit. Kerry doesn’t think Craig obtained a plan or permit for these structures. Kerry asked what happens when someone builds a structure without a permit and it’s in violation of Town ordinances; can the Town demand that the structure be torn down?

Rex mentioned that Title 2 doesn’t fall under the Planning Commissions responsibility, but the Commissioners can make a recommendation to the Town Council to address this issue. Ron said there is no question that this property is in violation of the Nuisance Ordinance. An adjoining property owner is submitting a complaint. Ron felt that the Commissioners should make a recommendation to the Town Council that this property is in violation of the ordinance. Rex agreed that it doesn’t make sense to have ordinances that are not enforced. This is not a new issue. This is not the only property in town that is in violation. Will the Council single out one property owner or apply the ordinance equally. **Ron motioned that the PC makes a recommendation to the TC that the Commissioners have received a Nuisance Complaint from Kerry Wangsgard regarding Craig Peterson’s property being in violation of the Nuisance Ordinance and the PC finds this claim to be valid. The PC recommends the Council takes action on it.** Preston seconded. All votes aye. Motion passed.

VOTES: APPROVED	
AYES:	Commissioner Ron Gault Commissioner Preston Cox Commissioner Karen Klein Commissioner Rex Harris
EXCUSED:	Commissioner Sandy Hunter Commissioner Brent Ahlstrom
NAYS:	

3-Review requirements on Flood Insurance:

Rex reported that he met with people from the FEMA office a couple of weeks ago for training on the National Flood Insurance Program. The Town is new to the NFIP program. The Town needs to include a statement on the Land Use application that says if someone falls within the flood plain or not. The Town will need to be stricter when allowing people to build in a flood plain; this would need to be done by ordinance.

There is only one small area within Town boundaries that falls under the flood plain, and that is Clark Wangsgard's property, unless the Town annexes more property. There needs to be a mechanism in place that acknowledges that the PC has reviewed the flood plain maps when issuing a Land Use Permit. If this is done correctly, then the property owner could qualify for flood insurance. Rex thought another line on the Land Use Permit would be enough. Ron asked Rex to review Title 15.13, Flood Plain Zone, and report back to the PC on whether it needs to be updated or not. Gail mentioned that the reason she pursued getting the Town qualified to participate in the NFIP is that FEMA has grant money that is uncapped with a 25% match. She was thinking that she could write a grant to help secure a redundant water source for the Town, but the Town needed to participate in NFIP. People can't get flood insurance unless the Town participates in NFIP.

4-Discussion and/or action on zoning on home located at 7340 E. 200 S.: (See Attachment #1)

This matter was brought up because the Farley's sold their home and the new buyers wanted to know what zone they were in. The County plat maps show this home as being zoned Residential and the Town has always thought the property was zoned Commercial. The Commissioners reviewed the Town's zoning map and compared it to the County's zoning information on homes along 200 S. and they do not match up. The only property that isn't showing up as zoned commercial on the entire block from 100 S. to 200 S. and 7300 E. to 7400 E. is the old Anderson home that was torn down, it is still zoned residential and the library.

Gail met with the county's GIS mapping department a year ago to update the Town's zoning and boundary map. The Commissioners need to decide if they are in agreement with the current county's zoning, and if not, what should be done about it. Rex noticed that Steve Johnson's property is still zoned AV-3, Steve wanted to subdivide his property into ¾ acre lots. Rex suggested holding a public hearing to clarify what the Town intends the zoning to be. Ron agreed the PC should generate a map of what the PC thinks the zoning of properties is, notify the property owners, hold a public hearing, and listen to public comments. Zoning maps going back to 2009 show the zoning the same way the 2016 zoning map does.

5-Citizen Comments:

There were none.

6-Commissioner Presentations:

There were none.

Set date for next PC meeting:

The next PC meeting will be held on August 10th, 2017.

Preston made a motion to adjourn. Karen seconded. All votes aye. Motion passed.

Meeting adjourned at 8:35 P.M.

Gail Ahlstrom, Clerk/Recorder

Ron Gault, Chairman

