Tioga Planning and Zoning Special Meeting

January 20, 2015

Minutes

Members present: Gary Spooner, Don Zacharias, Travis Wittman, Dan Larson

Members absent: John Wilson

Visitors present: Rich Zakrajsek, Kevin Killough, Jodeen Bergstrom-Dean, Ben Johnson

The Special Meeting of the Tioga Planning and Zoning Commission was called to order by Dan Larson at 5:30 pm on January 20, 2015 at Tioga City Hall.

A Public hearing was held on 42 Grill’s application for a conditional use permit for 2 years. Jodeen Bergstom-Dean stated that she was able to purchase the lot behind her from Rick Koropatnicki who bought it from a trust. Dean stated she has a quick claim deed to the property and is currently waiting on signatures as this is in a trust. Once the paperwork for the said property is in order she will move forward with putting a building on the lot and will then bulldoze the old building to accommodate for offset parking. Dean’s original plan was to build a 2 story building but with all the economic inconsistencies she will have to get with her engineers to re-evaluate the building. The new building will seat 50-75 people as that is what the current building holds and she would like to sustain what they have now or make it bigger. President Dan Larson stated that Dean needed to address the safety and code issues and asked if she is willing to work with the city. Dean asked if the city wanted her to tear the addition down and go back to the original building; there would be no seating then. President Larson told Dean that he had requested her to meet with himself or the building inspector, Rich Zakrajsek, the prior month but there was no meeting. Dean added she had a meeting with Zakrajsek and told him she had a contract with Hegstad Furniture to purchase the building for her business. Dean stated when she allowed Zakrajsek to talk to Hegstad, she had called the next day and no longer had a contract with the business owner. Dean added that’s why she gets a little defensive; she did not want it to be public knowledge that she was buying the lot until she had the deed in hand. Zakrajsek stated that they had sent out registered letters for the P/Z meeting in November and the city did not get a response. That was 60 days ago. Dean added that the letter did not say she needed to respond, it just said there was a meeting so she attended the second meeting. Zakrajsek had contacted Dean’s husband and asked him to be at the meeting in November; at that time Zakrajsek as if there was a plan in place and Dean stated they had a contract with Hegstads and all they had to do was sign. Therefore Zakrajsek had asked Hegstad to verify that you guys were going to move forward with your plans. Hegstad stated that you had not been back to meet with him and the only time you had met with him was several months prior to look at the building. Dean stated she had a contract in hand waiting for her lawyer to read over and that there were a couple pieces of paper missing. At this point the City attorney Ben Johnson interrupted and said this was not relevant the issue is was the permit that was issued in 2011 for 2 years to operate and put up that shed for the winter. That building has been operating for 2 years illegally without planning and zoning approval and you didn’t have a permanent permit given to you. Without extending the conditional use permit or issuing a new permit some sort of action has to be taken in regards to the operation of the building. This is the first issue that needs to be addressed. The second issue that needs to be addressed; Johnson does not think it’s appropriate for planning and zoning to take into consideration anything other than a permit with the fees paid and a plan drawn out. The next item would be whether or not to approve another conditional use permit with a timeline to get a permanent structure in place. Wittman asked if it was feasible to get the non compliant items compliant within 30 days. It was brought to the committees attention by Dean that the bathroom is not for public use. Dean said she needed clarification on what items needed to be compliant. Larson said he would like to see the bathroom meet compliance. Larson would like Dean to meet with Rich to figure out some way to get the building up to code with a timeline as she needs some time to build the new building. . Johnson advised Dean that it is not the building inspectors job to meet with her and do a walk through and tell her all the items that need to be compliant.

Wittman brought up the planning and zoning ordinance that addresses compliance to the health and welfare of the public. If we are not in compliance we cannot let the business continue operating.

Dean advised the building inspector that the city had prior to Rich approved everything at that time now we are advising her that items are not compliant. Dean said she is not going to spend a lot of money to bring everything to code just to tear it down when she builds the new building. During the lengthy discussion Jodeen made several points in her defense regarding the compliance of the building. Zacharias made a motion to approve the application through October 2015 with the understanding the items discussed would need to be compliant by the deadline. If the items are not compliant by the deadline of conditional use the business will be closed. Motion seconded by Spooner. Roll call: Ayes; 3 Nays; 1

Being no further business, the meeting adjourned at 6:05 pm.

 Desiree Hanson

 City Deputy Auditor