

Special Council Meeting
March 19, 2008
11:00 a.m.

Present: Lisa Romney, city attorney.

Roll Call: Mayor Eldon Barnes, Council members Thomas Allred, Boyd Mickel, Pam Anderson, Bryan Sorensen, and Michael Workman. All present.

Executive Session: Council member Boyd Mickel made the motion to go into executive session concerning pending imminent litigation at 11:03 a.m. Council member Pam Anderson seconded the motion. There was no discussion. All present were in favor.

Council member Boyd Mickel made the motion to end executive session at 12:36 p.m. Council member Michael Workman seconded the motion. There was no discussion. All present were in favor.

Adjournment: Council member Boyd Mickel made the motion to adjourn.

Executive Session Notes

March 19, 2008, 11:00 a.m.

Mayor Barnes stated the city attorney, Lisa Romney had come down to discuss the Robert Allred Zoning Permit issue, and that to be fair council should listen to the attorneys opinion concerning the Robert Allred issue.

Lisa Romney introduced herself and gave a brief history of her law career. Ms. Romney stated that she was going to give pros and cons of attempted negotiations with the Allred's, and the council could make a decision as to what the city's strategy should be.

Ms. Romney stated that the first zoning permit that was submitted to council had a garage/shop/shed that was approved by the council that was submitted June 1, 2007. When the permit was submitted to the county for a building permit living quarters were added. The Building Inspectors told Mr. Allred that he needed Spring City's approval for the living quarters. On July 18, 2007 Clarence Sorensen signed the zoning permit but did not write in the margin a date, as well as discussing allowable living quarters with Mr. Allred. Mr. Romney stated that the Building permit submitted to the county had been changed. Ms. Romney gave the time line as to the next steps the city took to deter the problem.

Ms. Romney stated that the city could argue that Mr. Allred should have known the ordinances. Ms. Romney stated that the city could argue that Clarence does not have the final approval of building permits. Ms. Romney stated that Mr. Allred had not acted in good faith with the city.

Ms. Romney stated that there are holes in the city's case that are not without risk. Ms. Romney stated that the city had approved the permit with a kitchen, the city had not followed the city ordinances of approval, and the city had not required blue prints that would actually show what the zoning permit was allowing. Ms. Romney stated that the Allred's had ignored the city's request to concerning the conflict with the zoning permit.

Ms. Romney stated that the Allred's would like to negotiate and did not want to go through a public hearing. The Allred's would like to resolve this issue. Ms. Romney stated that council should consider negotiations, or they could opt to let the Board of Adjustments do their job.

Council discussed different options of negotiations that would not require a public hearing. Council discussed what they were willing to allow in the building. Council discussed that a separate zoning permit be required with blueprints of their plans. Council discussed the option of annual inspections for five years.

Ms. Romney stated that the city should in good faith try to resolve the issue without going to court. Council discussed that the city attorney, Mayor Barnes and Council member Workman set down with the Allred's and their attorney in a closed meeting to discuss negotiations or possibilities that could be established by the Allred's.

Executive Session ended.