

**CITY OF FAIRFIELD**  
**Regular City Council Meeting**  
#FY 19-03  
Thursday November 8, 2018

The mayor Scott Marolf called the City Council meeting to order at 7:02 p.m. Roll call was taken by Mickey Dalin. In attendance were Council Members: Terry Lee, Doug Hoskinson John Pine and Natalie Quinonez Planning and Zoning Administrator Audience members in attendance were Linda Thomas, Steve Cox, Bobbie Walton, Chuck Baldwin, Ted Miller, Harold Stroud, WW Knox, Ted Larsen, Randy Pew, Clell G Ballard and one unknown signature. Tyler Ballard arrived at the meeting at 7:12p.m. Also representing the City of Fairfield Geoffrey A. Schroeder Attorney.

**APPROVAL OF AGENDA: Council President Terry Lee moved to approve the agenda as written Second by Councilmember John Pine Motion passes 3-0.**

**CONSENT AGENDA:**

**Council President Terry Lee moved to approve the minutes from the last meeting Second by Councilmember Tyler Ballard. Motion passes 4-0.**

**Council President Terry Lee moved to approve the claims as presented Second by Councilmember Tyler Ballard. Motion passes 4-0.**

**TABLED ITEMS:**

**Nuisance Ordinance:** remained on the table

**Personnel Manual:** remained on the table

**Ordinance #263 Vandalism in Park:** remained on the table

**Servline Insurance-ACTION ITEM** remained on the table

**NEW BUSINESS:**

**A. Public Hearing Petition to Lift Stop Work Order-Knox Council President Terry Lee motioned to go into a Public Hearing for Petition to lift stop work order for Mr. Knox the motion was seconded by Councilmember Doug Hoskinson motion passes unanimously by roll call vote 3-0.** Geoff Schroeder spoke and introduced himself and explained that he was the attorney for the City of Fairfield from MSBT Law. Mr. Schroeder asked if the city council and the petitioner had a copy of the staff report. Geoff Schroeder stated that it was *customary for the petitioner to present his case first. Ted Larsen introduced himself as Mr. Knox's attorney. He stated that he had had a chance to review the staff report. He would follow with addressing some of the items and arguments raised in the staff report. His arguments are as follows: 1) Mr. Knox on August 2017 submitted a building permit application requesting to build an inclement dog facility and RV storage facility. Aug 18, 2017 Mr. Riley issued the permit. On October 9<sup>th</sup>, 2017 Mr. Riley issued a stop work order. The language on the stop work order was questioned by the petitioner. He read the stop work order as written as follows: The sauna tubes "may not or do not meet" setbacks. Mr. Larsen stated that the setbacks were issued erroneously as 25 feet from the right of way. He explained that they are 20 feet under the zoning of the City of Fairfield. Mr. Larsen goes on about the stop work order stating that in the stop work order Mr. Riley indicated that no pins are available to determine the right of way. The term or length of the stop work order is of such time set backs are proven. Mr. Larsen stated that in the petition to lift stop work order Mr. Riley cannot prove where set backs are which initiated several letters back and forth between attorneys and*

eventually, we have arrived at this point. Mr. Larsen stated that we still do not know where the set backs are.. That is why the stop order should be lifted. Mr. Larsen also stated that the Cities Attorneys in the staff report indicated that the petitioner's arguments to lift the stop work order were citing the wrong code and arguments are irrelevant. The Cities Council cited IBC 115 for their arguments. The petitioner looked at IBC 115. Mr. Larsen stated that using that code Mr. Riley indicates that he did not know where the set backs are which petitioner stated was another reason the stop work order should be lifted. 2) Second Argument the petitioner made was that Mr. Riley is not certified. So, when he issued the stop work order he was not certified. The petitioner read the information from Idaho code 39-4108 Idaho Building Code Act it states that after July 1 2002 state and local government building officials shall hold a license. When the petitioner requested a public records request of Mr. Riley's credentials it showed that Mr. Riley is not a certified building inspector. 3)Also, in the Cities follow up letter it made the fence part of the issue. In 2005 the fence was built. It is over 13 years old. The petitioner received the code that was in place in 2005 from the City of Fairfield and it stated that medium density district show no restrictions. Mr. Larsen made the comment that to enforce the stop work order is unsupported by the facts and the fence should not be an issue. Geoff Schroeder City Attorney spoke and addressed the item brought forth by the petitioner. He addressed the setbacks which he stated that the burden is on the applicant. Also, he stated that setback requirements are City Zoning Code not the International Building Code. He stated that in previous conversations there was a request to have a survey done. The attorney showed the preliminary survey. He stated that the City requested to have the survey done at the Cities expense. The point in question Lots 17a 19 you can see the structures are 15- 20 feet inside the city right of way (inside the City street right of way). We received the City code requirement and it is never lawful to build on the City right of way. Petitioner for the defendant stated that the accuracy of the survey needs examined. You can see more fences with similar issues. Audience in favor in lifting stop work order spoke first. Mr. Knox spoke stating that he worked with the city regarding drainage on his fence. The City of Fairfield's Attorney stated that the matter at issue is a building permit. The fence is a separate matter. Mr. Knox stated there are 11 more fences out in the City Right of Way. No other comments for the Petitioner. Those opposed to lifting the stop work order Bobbie Walton 2<sup>nd</sup> ave east stated that they built a garage that is in compliance with the City. The stop work order should stay in effect. Steve Cox stated that Mr. Knox did not stop work on his buildings even though he was out of compliance. The snow slides off his building into the street. He also stated that they had to be in compliance with a garage they built Mr. Knox should also have to be in compliance to build his buildings. No other public comment. **Council President Terry Lee motioned to close public hearing Second by Councilmember John Pine. Motion passes 4-0.** Tyler Ballard spoke and wanted to know the timeline to deliberate on the matter. The City Attorney answered that City Council has 28 days. **Councilmember Tyler Ballard motion to table the deliberation on the decision until the next city council meeting. Second by Doug Hoskinson. Motion passes 4-0.**

**B. Water and Sewer Charges 319 Alturas Ave E:** Clell Ballard met with the City council regarding a piece of property that he has purchased next to his property. Mr. Ballard was not told there is water and sewer on the property. There is not an existing building on the property. He asked the council if they would let him turn the water and sewer off. He is not going to develop the property. The council reviewed the request. **Councilmember Doug Hoskinson motioned to table the discussion until next week. Second by Council President Terry Lee motion passes 4-0.**

**C. RV Dump Station** Councilmember John Pine spoke on the Rv Dump Station at the park. He mentioned that the forest service appreciates it and all the users do also. A

grant opportunity through the rv sticker program would make it easier to maintain and can stay open longer. **Motion by Council President Terry Lee to allow Steve Frost to apply for a grant to update the RV Dump Station Second by Tyler Ballard motion passes 4-0.**

## **CONTINUED BUSINESS**

- A. Sidewalk Discussion:** Mickey explained that Steven Yearsley had called about the grant for the sidewalks that we were applying for the 2 blocks North of School. He went to a meeting and found out the engineering fees are not included in the grant. Steven told Mickey that they would be around 30,000 which we have in our sidewalk fund. **Council President Terry Lee moved to apply for the grant for the sidewalks. Second by Doug Hoskinson. Motion passes 4-0**
- B. Fee Schedule: no report**
- C. Speed Control Lights: no report**
- D. LHTAC Road Project: no report**
- E. Ackerman-Estvold-** Antonino Conti had the grant paper work ready for the sign grant that the council approved at the last meeting. He explained the paper work. He needed permission from the council for the Mayor to sign the grant application. **Council President Terry Lee motioned to have the Mayor sign the sign grant application Second by Councilmember John Pine motion passes 4-0.**
- F. Mulch Soldier Creek Ditch Bank-Action Item**
- G. MOU SHERIFF'S OFFICE-no report**

## **9. REPORTS**

- A. Mayor's Report and Correspondence:** Mayor Marolf explained a complaint filed with DEQ and the out come of the complaint. There was not a problem with what the City was doing.
- B. Water and Sewer: no report**
- C. Streets and Alleys: no report**
- D. Parks and Recreation: no report**
- E. Fire and Police: no report**
- F. Public Works Superintendent: no report**
- G. Planning and Zoning Administrator:** Natalie stated that on West Sage Street someone is doing major remodeling. Mr. Riley issued a stop work because the person won't purchase a building permit. The person is still doing work. Natalie wanted to know what the Council wanted to do. Hopefully the state (DBS) will step up and help with the issue. Council for the City would like to have an executive session next week. Natalie asked if we could try and get the codification online. Council for the City stated he could copy it and send it to us.
- H. City Clerk/Treasurer: no report**

**ADJOURNMENT: Councilmember Tyler Ballard moved to adjourn Second by Councilmember John Pine motion carried 4-0. Meeting adjourns at 8:25 p.m.**

Next Regular Council meeting will be Thursday November 15, 2018 at 7:00 p.m. at  
407 Soldier Road

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Scott Marolf, Mayor

ATTEST: \_\_\_\_\_  
Mickey Dalin City Clerk