

**PANGUITCH CITY COUNCIL MINUTES**

**MAY 15, 2007  
CITY COUNCIL - 4:00 P.M.**

**LIBRARY CONFERENCE ROOM  
25 SOUTH 200 EAST  
PANGUITCH, UTAH 84759**

Present at the City Council meeting were Mayor J. Arthur Cooper, City Manager Allen K. Henrie, City Recorder Cindy B. Johnson, City Council Members John Orton, Greg Payne, Nick Reynolds, Tim Smith and Attorney Barry Huntington. Eric Houston was absent.

**OPENING CEREMONY** The opening ceremony was conducted by Nick Reynolds.

**ADOPTION OF THE AGENDA**

Nick Reynolds moved, seconded by Greg Payne to adopt the agenda as outlined. The motion passed with all in favor.

**PLANNING AND ZONING RECOMMENDATION - CROFTS APARTMENTS**

Cade Crofts reported that Allen K. Henrie brought to their attention that he faced his building the incorrect way. Cade assumed they could place the building either way because it was a corner lot.

John Orton asked Allen to explain the entire ordeal to them. Allen said that he met with Richard Crofts and discussed the set backs. The city also drew on the permit the set backs and went over it in detail with Cade. On the application the building is facing South and the address for the lot shows the south as the front of the lot. Concerned citizens and some planning and zoning commission made the city aware that they were building the front to face the south and were not allowing enough set back in the rear of

the building, which makes the building out of compliance. Allen then told the workers and talked with Cade on the phone and told him to stop work on the building until this issue is resolved.

Cade Crofts reported that we did not fill the project approval form out correctly and that the west of the building is the front. There is no window or door on the west of the building. Michele Crofts feels that they should be able to claim the west as the front if they put a door and a window on the west side along with a side walk on that side.

Allen K. Henrie stated that common sense tells you the front door faces the front of the lot. The law is somewhat ambiguous but the front of the lot is mainly where the front door faces. In the ordinance it reads for the front of lot as follows:

**PANGUITCH CITY SPECIAL COUNCIL MEETING  
MAY 15, 2007  
PAGE 2**

Lot, front of, front of lot, means the boundary of a lot bordering on a street, in the case of a corner lot, either street may be the front of the lot.

Michele and Cade Crofts thought that meant they could deem either the west or the south as the front of the lot.

John Orton said he has been past their building and it is very obvious what the front of the lot is. He asked them how they could have thought they could call the west the front. John also asked what the city is supposed to do when someone else comes in and asked if they can do the same. John asked what they would have to do to make the building in compliance. John asked Cade why he did this when he knew this was not right.

Cade was trying to make it so that both renters would have 25 feet of lawn on the side of the two apartments. Michele Crofts feels that several people in town enter their homes from the side and the side faces the street. However, their homes are not out of

compliance.

Mary Ann Crofts stated the city needs more apartments and they are just trying to make things better. She said the city should have made sure that Cade knew in detail of the setbacks and made sure everything was just right before they gave him the okay to begin.

Allen stated when Cade came into the office, he went into detail with him the set backs, made sure he knew the rear set back was 25 feet and there was no questions by Cade and he signed the approval.

John Orton asked Cade if he honestly did not know what the front and the rear of the property was. Cade admitted that he bent the rules a bit. Nick Reynolds thanked Cade for saying that. He asked Cade why he continued to build after he was told to stop. Cade said that all of the materials were already there or coming and could not be returned. Therefore he was only out two days wages for the workers to continue after he was told to stop building.

Attorney Barry Huntington feels we have two options. One is to make them tear it down the other option is to work with them. He also explained tearing it down would most likely end up in a economic waste lawsuit that would be difficult to defend.

Planning and Zoning agreed to allow the Crofts to continue to build. The city needs to decide if we are going to accept or reject their decision and if we are going to do anything or nothing about it.

Mayor Cooper feels we are at the point that we do not need to keep on **PANGUITCH CITY SPECIAL COUNCIL MEETING**  
**MAY 15, 2007**  
**PAGE 3**

going over the issue. We need to decide whether or not we are going to accept or reject

the planning and zoning's recommendation.

Cade asked if instead of putting a door, window and sidewalk he paid the city for what that would cost as a penalty.

Richard Costigan asked if the legal address were changed if the building would be in compliance.

Tim Smith discussed his feelings regarding the issue. He does not feel Cade was doing this to spite the city. He does not feel that by putting a door, window and sidewalk on the west it solves the problem. Earlier Cade said that he would be willing to pay a fine. If the city does not impose a fine, everyone will feel as though they could do anything they want, whenever they want. He does not feel we should make them tear the building down because of the economic waste issue. He said he would be embarrassed that down the road someone would come and show others what this city council let someone get away with.

The city council discussed imposing a fine, a healthy fine, in our ordinance.

Cade Crofts feels he deserve paying a fine.

John Orton feels that Cade came into Allen and Allen was very through and honest and Cade went against what he was told he could do. Then when Allen came and instructed him to stop building he did not. John feels Allen was in the right and Cade was totally in the wrong. If we let this go and implement a fine he feels we are opening ourselves wide open. He also feels the structure needs to be brought into compliance even if that means to tear it down and start again. He feels the ordinance is very clear.

Tim Smith asked if anyone else was in favor of tearing the building down. No one else said that tearing down the building was the answer. He feels that something needs to be done. If he were facing a \$50,000 fine he would think twice before doing something

out of compliance.

Greg Payne stated that we could not provide sewer and water until the building was in compliance.

Michele Crofts said we are just regular people trying to make things better. She does a lot for Panguitch and her heart is here. She is sincerely apologetic for what they have done. They know there is a lack of housing and were not trying to do something wrong.

**PANGUITCH CITY SPECIAL COUNCIL MEETING  
MAY 15, 2007  
PAGE 4**

Tim Smith stated that we are looking at this as a Croft/City issue but we need to follow our ordinance. John Orton does not see how we can let this go. Greg Payne said we need to rewrite the ordinance to state that we can fine up to 50% of the finished value and until things are rectified there will be no city services. He feels that by putting a door, windows and a side walk leading into the laundry room is ridiculous.

Nick Reynolds said he is getting really tired of loop holes in our ordinances and is so frustrated that our ordinances are not followed. He asked why we have ordinances if they are not going to be followed.

**Nick Reynolds moved to fine the Crofts \$3,000.00 and implement a penalty on the structure or property.**

There was no second on this motion.

**Tim Smith moved, seconded by Nick Reynolds to amend the current ordinance so this does not happen again by imposing a fine of up to 75% of the appraised structure and property value in addition the authority to tear the structure down. Clear definition of front of structure, fine the Croft's \$1,500.00 and allow them to**

**continue to build. The motion passed. John Orton opposed.  
Meeting adjourned at 6:00 p.m.**

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J. Arthur Cooper, Mayor

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Cindy Johnson, City Recorder