

**RUGBY CITY COUNCIL MEETING MINUTES
TUESDAY, JUNE 20, 2023 – 7:00 PM
ARMORY COUNCIL CHAMBERS AND MICROSOFT TEAMS**

Mayor LaRocque called the meeting to order at 7:00 pm.

Council members recited the Pledge of Allegiance.

Roll call was taken by Mayor LaRocque.

Council Members present: Schneibel, Kraft, Lotvedt, Gannarelli, Brossart, Larson, Nelson, and Zachmeier.

Council Members present by TEAMS: none.

Also present were Mayor LaRocque, Attorney Murray, Chief Bommersbach, Public Works Director Munyer, and Auditor Stewart.

The council considered the agenda. There was a motion by Nelson to approve the agenda as presented. Second by Brossart, all voting yes, motion carried.

The council considered the June 5, 2023, regular council meeting minutes. There was a motion by Schneibel to approve the June 5, 2023, regular council meeting minutes as presented. Second by Kraft, all voting yes, motion carried.

The council considered the amended May 15, 2023, meeting minutes. There was a motion by Lotvedt to approve the amendments, by Attorney Murray, to the minutes of the May 15, 2023, meeting. Second by Zachmeier, all voting yes, motion carried.

The council considered the May 2023 Rugby Police Department report. Chief Bommersbach explained the department had 97 calls for service, 27 citations, 10 arrests, 6 vehicle accidents and 15 medical assistance calls in the month of May. There was a motion by Larson to approve the May 2023 Rugby Police Department report. Second by Schneibel, all voting yes, motion carried.

Portfolio Holder Reports

Buildings: Portfolio Holder Lotvedt explained that Zachmeier has been working with the Computer Store to get the Armory audio set up. She explained that NDTC would be the best fit for the installation of an Armory camera system. There was a motion by Lotvedt to accept the NDTC camera installation bid. Second by Nelson, roll call vote, all voting yes, motion carried.

Finance: Portfolio Holder Nelson had nothing to report.

Ordinance: Portfolio Holder Zachmeier had nothing to report.

Personnel: Portfolio Holder Gannarelli explained he visited with Mandie Medalen, Library Director, about how her first couple of months have been going. They also discussed the summer reading program and other programs she is working on.

Public Safety: Portfolio Holder Larson explained the 2019 Tahoe had a deer hit. Estimates and repairs are in the works.

Public Works: Portfolio Holder Kraft had nothing to report.

Recreation: Portfolio Holder Schneibel explained they had some behavior issues on the recreation bus. The Recreation Director has sent a message out to the parents to explain the expectations on the recreation bus.

They discussed the weeds on Diamond 2. Schneibel explained that Rugby Lawn and Tree has been down to spray. They will be coming back down to respray Diamond 2. Diamond 1 and Diamond 3 have been sprayed and are looking better. Rugby Lawn and Tree has sprayed 6 inches on either side of the fence lines this year as well.

Planning and Zoning

LaRocque explained that Dave Holzworth had applied for a variance to build a third garage stall. The Planning and Zoning Committee recommended to deny the variance. LaRocque explained that the variance requested three feet over the owner's property line. There as a motion by Lotvedt to deny the variance for Dave Holzworth. Second by Kraft, all voting yes, motion carried.

Dallas Hager applied for a variance for his garage rebuild and third stall, that he is requesting a variance for one foot over the setback on the back corner of his garage. On the southside he will be three feet over the set back, but still 34 feet from the curb. There was a motion by Kraft to approve the variance for Dallas Hager. Second by Larson, all voting yes, motion carried.

LaRocque explained that Peter and Chelsey Wyatt had a variance that Planning and Zoning considered. Planning and Zoning had recommended that their variance be moved to the City Council for a decision. Larson explained that according to Wyatt's lawyer, Bruce Gibbens, the restrictive covenants for the lot in question, do not apply. Gibbens addressed the council regarding his client's property in Southview Estates. He explained that the council could not enforce the restrictive covenants for the land. Murray did not agree with this opinion. He explained the Wyatt's have an approved building permit for the garage that was built on the lot. He informed the council that the building permit did not make mention of any additional regulations, i.e. adjoining lot, etc. Murray explained that all of the ordinances applied to the building permit for a private garage, and that it was an accessory building. Gibbons questioned if the city could enforce a restrictive covenant and why a variance was necessary since the building permit was already issued? Murray explained that the building permit was not a variance of the zoning ordinances.

Chelsey Wyatt addressed the council regarding the property and a potential buyer, who would improve the current property. The improvements would be living quarters. Wyatt believes that this will satisfy the neighborhood and themselves. She explained that initially they had a purchase agreement for the house and shop. Due to a property line dispute with the house property and financing the purchaser of the house did not want the shop in the end, according to Wyatt. LaRocque asked if Wayne Wentz backed out of purchasing the shop. Wyatt explained that after the homebuyer purchased the home, Wayne Wentz no longer wanted to buy the shop.

Murray explained that multiple ordinances explain that a garage is an accessory building, and that the building permit was for a private garage, which is defined as an accessory building. The Wyatts owned property that was adjoining to it to build an accessory garage, and the ordinances treat this as one single parcel when all the adjoining property is owned by a single owner. She explained that when the house was sold without the garage, is where the problem arose. Murray explained that after the house was sold, the private garage was the only building on the property, and therefore, was a zoning violation because it is not a primary building, but rather is only an accessory building. Murray explained that the Wyatts created the zoning violation, and that the City did not in any way cause the zoning violation.

Jamie Wald, realtor, explained that she called the City Auditor to see if the garage could be sold separately. Wald explained that she was told it could be sold separately. Neil Lotvedt asked if this statement was in writing that the property could be sold separately, and Wald said no. Murray explained that there was no legal advice or legal opinion that the property could be legally sold without creating a zoning violation and that City Attorney Murray was never asked this specific question about separating the property before it was sold by the Wyatts.

Chelsey Wyatt explained that they are looking for a way to sell the shop and resolve the issue.

Gibbens explained that he does not believe the restrictive covenants apply any longer as the original grantor no longer exists. There was not a blanket covenant on the lot. Murray did not agree with the legal interpretation by Attorney Gibbens.

The council discussed the written objections that were filed for the Planning and Zoning meeting.

Lotvedt asked Wyatt's to have Muriel Johnson sell her ½ lot that is south of the property in question to have the shop on an entire lot. Wyatt did not feel comfortable doing that.

Chelsey Wyatt again asked the council to allow their current proposed buyer to purchase the property and add living quarters to it. She questioned the council as to what the best solution would be.

Gannarelli explained that he disagreed with Lotvedt's request to ask Muriel Johnson to sell her ½ vacant lot.

Gibbons explained that Wyatts are offering a solution to satisfy the city and that a buyer would turn the shop into a residence.

Zachmeier explained that Leah Wentz had stated that on September 13 the Wyatts requested to cancel the purchase agreement and that Wyatts had stated they were going to put the property out on bids in the future because of all the interest in the property. Peter and Chelsey Wyatt explained that Wentz's withdrew because of Amber Sattler's lending issue. Zachmeier confirmed with Wyatt's that Leah and Justin Harper were lying and what they said was not true. The Wyatts agreed that they were lying.

Kraft explained that the size of the lot and the size of the structure, the lot and building are not exceeding the 30% coverage.

Gannarelli questioned Attorney Murray as to the authority the city has to make a motion with a contingency that allows the Wyatts to sell their property and the buyer has to make the structure a living home. Murray explained that they can potentially make a settlement with the current property owners. She explained that the city has liability for anyone who objects. She explained that the property owner is currently violating an ordinance. Zoning stated that the current structure is an accessory building, not a stand alone building. Murray explained that allowing anyone to violate the ordinance may open it up for anyone to violate any ordinance. Larson asked what the problem was with turning the current property into living quarters. Murray explained that the Wyatts would need to provide something in writing before the City Council should even consider anything, and it could potentially be a solution, but any proposal would have to meet all the zoning requirements.

Gibbens asked if a possible solution to the issue would be having the buyer, include in the purchase agreement, to turn the shop into a residence. They discussed restrictive covenants. Lotvedt asked Wyatts to come back with a sales agreement for the council to consider. Gibbens would like a definition of a residence from the council.

Nelson explained that the best option is to have the purchase agreement include the addition of living quarters to the garage. Schneibel suggested that a time frame be added to the purchase agreement, for adding the living quarters.

LaRocque asked that Gibbens email the purchase agreement to Attorney Murray before the next council meeting. Murray asked that Wyatts speak to the neighbors who had sent in correspondence opposing the sale of their garage, about the proposed purchase agreement and the addition of living quarters.

Kraft asked if a variance is necessary if living quarters are added to this structure.

Murray explained she would look at the purchase agreement and compare it to the ordinance to ensure no other violations.

There was a motion by Lotvedt to table the Wyatt Variance until July 3, pending the purchase agreement. Second by Zachmeier, all voting yes, motion carried.

Unfinished Business

Troy Munyer, Public Works Director, proposed a fall clean-up date of October 7 or October 14. He explained that he needs to verify with Circle Sanitation what day would work.

New Business

The council reviewed the Public Works budget requests for 2024. Munyer explained that the largest item is the snowblower for the payloader. The estimated cost for this is \$220,000. This

would allow Public Works to windrow the snow and then blow the snow directly into the truck box to haul out. Munyer explained the current snow removal procedures they follow.

Munyer has overhead doors included in his request that they discussed. He explained his request to put tin on the well house roofs.

Gannarelli explained he had several citizens question him about the grass seeding with the 2 ½ Ave Project. He explained that the new grass, or weeds, along the project needs to be looked at because of the lack of grass and number of weeds growing. He explained that Wagner Construction is going to look at this problem. Stewart explained that she spoke to Wagner Construction, and they will be coming through this week to take a look at this. Wagner will correct whatever they can once they assess the situation. He will advise of the solution they arrive at. Gannarelli asked that this be on the next meeting agenda to follow up. Murray suggested an email be sent for an update for the next meeting.

The next meeting is scheduled for July 3, 2023, at 7:00p.m.

The council reviewed correspondence regarding the Pierce County Multi-Jurisdictional Multi-Hazard Mitigation Plan Update.

There being no further business to transact or come before the council at this time, there was a motion by Lotvedt to adjourn the meeting. Second by Larson, all voting yes, motion carried. The meeting was adjourned at 8:22 p.m.

*These are unofficial minutes, subject to edits, and have not been approved by the city council.