

7:00 pm

May 17, 2017

**624th MEETING OF THE  
HORSESHOE BEND CITY COUNCIL**

Mayor Goff called the meeting to order with Councilpersons Cooper, Green, Fisher and Riley present. Also present, City Clerk Gina Elmer and Attorney Tony Pantera.

Pledge of Allegiance

Councilwoman Green made a **motion** to approve the agenda. Councilwoman Cooper **seconded**. All ayes. **Motion carried**.

Councilman Cooper made a **motion** to approve the previous minutes for the April 19, 2017 meeting. Councilman Riley **seconded**. All ayes. **Motion carried**.

Councilwoman Cooper made a **motion** to approve and pay the City's bills presented. Councilwoman Green **seconded**. All ayes. **Motion carried**.

**New Business:**

- Keith McReynolds:  
Keith bought the piece of property at 132 Adams which was previously owned by Robin Youren. The property has a water/sewer bill of \$7,017.76 still owed. Keith would like forgiveness of this bill. He says he would be willing to pay \$1000.00 towards the bill and says the City still owes him \$800.00 for some work he did on the sewer lagoon. Councilman Riley proposes that he pay half of the bill minus the \$800.00 for his old invoice. Councilwoman Fisher feels Keith should not have to pay the bill since it was not his property at the time. Councilwoman Cooper made a **motion** to accept the \$1000.00 to be paid and forgive the rest of the bill currently owed at 132 Adams. Councilwoman Green **seconded**. All ayes. **Motion carried**.
- Lease Agreement with Corps of Engineers:  
Councilwoman Green made a **motion** to have the Mayor sign the lease agreement with the Corps of Engineers. Councilwoman Cooper **seconded**. All ayes. **Motion carried**.
- Timbermill Grant:  
Amy Woodruff says that she and Tony Pantera will look the grant over before it is finalized or approved.

**Old Business:**

- Deliberations for Acacia Fisher Daycare Application:  
Councilwoman Cooper asks Acacia what changes she has made to her amended application. Acacia has addressed the points and concerns staff had about her application. Tony Pantera asks how she came up with the numbers for traffic flow and to please clarify the open space on her site plan. Acacia says that the number of people who have shown interest in being her clients determined the traffic flow stated in her application. The open space is the entire space between the mobile home on the property and the proposed daycare. Acacia also feels that the ordinance supports water hookups to the

existing meter with an application. Amy says that improvements usually have to be in place when the business is occupied, but they can be deferred for two or three years as set forth in the development plan that will have to be completed. She also explained why individual meter to determine usage. Tony presented the City Code pertaining to water meters and individual hookups. Tony says the original application, staff report and amended application will be labeled Exhibits 1, 2 and 3 respectively. Tony directs Council to page six of the staff report. Acacia says that there are not any other suitable commercial sites available in Horseshoe Bend for a daycare. **Councilwoman Cooper** made a **motion** to accept staffs findings pertaining to 9-16-02(A) the application provides internal and external benefits that include the provision of additional jobs and provision of additional services for the residents of the community. **Councilwoman Green seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, and Councilwoman Green-aye. Motion carried.**

**Councilman Riley** made a **motion** to adopt staffs findings pertaining to 9-16-02(B) the application is marginally compatible with the current land use. **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, and Councilwoman Green-aye. Motion carried.**

**Councilwoman Cooper** made a motion pertaining to 9-16-02(C) that the application is marginally supported by the Comprehensive Plan. **Councilman Riley seconded. Roll call: councilman Riley-aye, Councilwoman Cooper-aye, and Councilwoman Green-aye. Motion carried.**

**Councilwoman Green** made a **motion** that the designated open space meets the ten percent required by 9-16-03. **Councilwoman Cooper seconded. Rollcall: Councilman Riley-aye, Councilwoman Cooper-aye, and Councilwoman Green-aye. Motion carried.**

While deliberating on page eight of Exhibit 2 there was frustration about the PUD application process. There was also discussion about some changes to the ordinances that should be made concerning PUDs in general. **Councilwoman Cooper** made a **motion** stating that the application meets most of the requirements in 9-16-05 and the rest of the requirements will be covered in the Development Agreement. **Councilwoman Green seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, and Councilwoman Green-aye. Motion carried.**

**Councilman Riley** made a **motion** that the application generally meets the requirements set forth in 9-16-06(A). **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, councilwoman Cooper-aye, and Councilwoman Green-aye. Motion carried.**

**Councilman Riley** made a **motion** that the application marginally meets the general concepts set forth in 9-16-06(B). **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, and Councilwoman Green-aye. Motion carried.**

**Councilwoman Cooper** made a **motion** to adopt the same findings as 9-16-05 as it achieves buffering and compatibility. **Councilman Riley seconded. Roll call:**

**Councilman Riley-aye, Councilwoman Cooper-aye, and Councilwoman-Green. Motion carried.**

**Councilwoman Green** made a **motion** pursuant to 9-16-06(D) that no design techniques were found preferable to strict adherence to the zoning ordinance which would be a lot split/subdivision and appropriate rezone. **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, and Councilwoman Green-aye. Motion carried.**

Tony Pantera sites 9-7-08.5 the facts to consider when imposing conditions for a Conditional Use Permit. A written development agreement is required for the Planned Unit Development. This will include final plans for installation of City water/sewer, buffering, landscaping, and daycare use as described in the application. **Councilman Riley** made a **motion** as a condition of the CUP that the project comply with HCC Chapter 11 Off Street Parking and Loading Requirements including 9-11-02 Accessible Parking Spaces, 9-11.04.01 Ingress and Egress, 9-11-06 Off Street Parking Requirements, and require applicant to pave ADA space with the rest of parking being  $\frac{3}{4}$  inch road mix for the first three years. After three years, the project will have to meet the requirements in code 9-11-04.04. **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, and Councilwoman Green-aye. Motion carried.**

**Councilwoman Green** made a **motion** to approve the Conditional Use Permit to allow Toddler Town Daycare in a Residential Zone. **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, and Councilwoman Green-aye. Motion carried.**

**Councilwoman Cooper** made a **motion** for the following conditions to be imposed for the CUP: 1) The modular building is required to install independent City utility services-water and sewer. 2) The Commercial use area of the property should be specifically defined and described. The area of use cannot be expanded is not transferable to a new owner. 3) The project should be required to submit a complete traffic circulation plan to the city showing the parking configuration and vehicle circulation for all users of the service drive. 4) The Commercial project is required to conform to City's applicable ordinances including but not limited to site plan development, paved parking with storm water management, access improvements, and regulations related to signage.

**Councilman Riley seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, and Councilwoman Green-aye. Motion carried.**

- Jon Dufresne:

Jon had sent an email to Tony Pantera requesting an answer to the question of his lot at 101 Locust being eligible for a lot-split. Tony emailed that he could submit an application. Jon asks whether his lot is eligible to be split. Tony reiterates that he is eligible to submit an application for a lot-split.

**Department Updates:**

- EMS:  
Judith Hutton has fourteen people signed up to take the EMT class. The class will start at the end of the month and will take about ten weeks to complete. Councilwoman Green asks if Judith had talked to the Medical Director about his letter to the Council. Judith says there has been better communications between them and he has signed all the documents needed for the class.
- Public Works:  
According to Michele Brothers, they have been pumping 68,000 gallons of water a day and 1.4 million the last month. They have been dealing with high turbidity in the water and doing general maintenance. She also informed the Council that there is something wrong with the spray truck so they have to figure out a solution to that problem.
- City Engineer:  
They have just been working on the NDPES permit for discharge.
- City Attorney:  
Tony Pantera said that the students are working on a final draft for the changes to be made in the ordinances.

**Public Comments:**

Pat Howell wanted to know if Horseshoe Bend had a plan for the upcoming eclipse. Mayor Goff spoke about the issue.

Meeting Adjourned 10:00pm.

**ATTEST:** \_\_\_\_\_  
**City Clerk**

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**Mayor**