

7:00 pm

July 20, 2016

**608th MEETING OF THE
HORSESHOE BEND CITY COUNCIL**

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

Pledge of Allegiance

Councilwoman Green **moved** to approve the agenda Councilman Riley **seconded**. All ayes. **Motion carried.**

Councilwoman Green **moved** to approve the minutes of the June 15, 2016 council meeting. Councilman Riley **seconded**. All ayes. **Motion carried.**

Treasurer's Report:

Treasurer Terri Lawson presented the bills for review and a written report to the Council. Councilwoman Cooper **moved** to approve the bills as presented Councilwoman Green **seconded**. All ayes. **Motion carried.**

Public Hearing:

Open Hearing 7:02 p.m.

Tamarack Mill LLC-Comprehensive Plan Official Land Use Map Amendment, a Zoning Ordinance Amendment, an 8.78 acre Annexation, a Rezone, and a CUPs for a log yard/saw mill facility, located on the northwest side of the intersection area of Highway 52 and Highway 55 in Horseshoe Bend, Idaho.

Lisa Bachman, JUB Engineers representing Tamarack Mills LLC, 250 S Beachwood Ave, Suite 201, Boise, Idaho: They have been working on grants with city to help with water and sewer needs and have acquired more land since the last public hearing that gives more access to Hwy 52. There has been much support shown for this project and they wish to thank everyone for their help so far. They request that the 281.44 acres owned by Tamarack Mills, LLC be zoned as M2 industrial. There is also a request for CUPs allowing a sawmill and log yard in a M2 zone, an onsite gravel pit for use during construction, reduction in parking spaces to 21 specific to the amount of employees instead of square footage, allowing gravel on log yard portion of site for base instead of pavement and more landscaping in the south berms instead of circle planters in parking lot. Tamarack is planning on completing the log yard within the next year or so depending on the markets. They would like their building permit to be extended for 10 years.

Amy Woodruff, city engineer, 442 S. 9th Ave., Caldwell, Idaho: Amy went over the staff report. She included that Lisa Bachman has done a good job going over the application so Amy covered

the Comprehensive Map. She then pointed out the properties to be annexed and rezoned. Tony Pantera asked that we label the Staff Report Exhibit A and the application with maps Exhibit B.

Testimony

Oral:

Mike Fry, 57 Porter Creek, Horseshoe Bend, Idaho: IN FAVOR Mike stated as a neighbor he thinks this is an awesome project to go forward with. They will make better neighbors than a residential zone. It is awesome for our economy and as a forest owner will create a place locally for our wood to go. He then adds, as the Fire Commissioner for Zone 2 which includes the City of Horseshoe Bend, there is great concern about a water source for fire protection. Mike is afraid that the city water system will not be able to provide the volume of water needed to suppress a fire and would cost too much. He feels they should try and find another water source. The Fire District needs to be advised if additional specialized equipment is needed for fire suppression and encourages suppression systems. As a supervisor on the Squaw Creek Soil and Water Conservation District they discussed at their last meeting the need for a storm water management plan due to the impervious layer of asphalt. Tamarack may want to look into revegetation on steeper ground. Mike also is on the Weed Advisory Board and said that there has been a history of weeds on that property. Tamarack may need to contact Boise County Weed Control for assistance with spraying invasive weeds. Tony Pantera wanted it on record that Mike Fry was here in an official capacity for all three entities.

Brenda Wood, 76 Meadow Dr., Idaho City, Idaho: NUETRAL She wishes not to testify.

Written:

Idaho Department of Transportation: Their letter was read by Tony Pantera, submitted as Exhibit C, and entered into the record.

Rebuttal

Lisa Bachman, JUB Engineers, 250 S Beachwood Ave, Suite 201, Boise, Idaho: Amy Woodruff is looking at a study for facility plan amendment that will help with the upgrades needed to provide a better water supply for fire suppression. They realize the need for upgrades and will do their best to work with the city as the project moves forward. They will address the need for a storm water management plan. Tamarack will spray to keep the weeds under control so that they are good neighbors. They are looking into another grant that will allow them to do a traffic impact study. ITD has gone back and forth on the need of this study. Now that they have acquired more properties they will sit down with ITD and go over what all will be needed to gain the access permits for Hwy 55 and Hwy 52. Mayor Hanson asked her to go over the grants we currently have. The Gem Grant includes an infrastructure study in the amount of \$40,000 for water and sewer. A \$15,000 grant from USDARD for an access study and the cost of access permits was also hosted by the city. They will continue with the city to look for implementation grants to help with the water and sewer systems to assure there will not be any negative impact for the citizens of Horseshoe Bend. Tony Pantera asked how they felt the plan development zoning and rezoning would benefit the city. Exhibit A goes over this very well by describing economic goals and creating jobs for the community. Lisa feels Tamarack will be a great

addition to the community because they are family run and oriented. The rezoning will be a natural continuation of the M2 zone allowing the site to be developed which is an asset for the community.

Councilman Riley inquired of the noise level. Rodney Krogh, president of Tamarack LLC, said that everything inside will be heavily insulated and also enclosed. They will also be using belt driven systems, so the loudest noise will be the forklift backup alarms. Once they get the Meridian mill up and running they will bring in an engineer to look at the layout of the buildings so it will best fit their needs.

Public Hearing closed: 7:39 p.m.

Deliberations

Tony Pantera directs council to pg.18 and 19 of Exhibit A concerning the Comprehensive Plan Official Land Use Map Amendment regarding Section 9-5-17. The question to the Council is will the recommendations further the Comprehensive Plan. Exhibit A finds it is in line with the Comprehensive Plan goals. **Councilwoman Cooper** feels it will be good for the economic development and historical goals of the City. She also said that the zoning will be compatible with each other since it is just expanding an already established industrial zone across Hwy 55. She has no concerns with this. **Councilman Riley** asked what the old mill property is now zoned. **Mayor Hanson** said it is now zoned as mixed use because back when the mill closed there was a clause by Boise Cascade not to allow a saw mill for 25 years so there was no thought given to zoning as such. **Councilwoman Cooper** is concerned about the amount of water needed and the impact on the city's water system. **Amy Woodruff** agreed that the system is already limited but any upgrades will benefit all of the residents. They will be looking at all sorts of alternative water sources to benefit the community. The project is really strongly supported by the City's Comprehensive Plan.

Councilwoman Cooper made a **motion** pursuant to Section 9-7-02.1 to adopt the Comprehensive Plan Official Land Use Map Amendment finding that the amendment is not in conflict with the Comprehensive Plan and the amendment serves the general welfare of the community. **Councilwoman Green seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Tony Pantera then continues with the Zoning Ordinance Amendment to add a log yard and saw mill as a CUP in a M2 zone regarding Section 9-7-02.2. **Councilwoman Cooper** feels we have addressed most the concerns. This ordinance change is supported by the Comprehensive Plan and there are no concerns about neighboring zones. **Councilwoman Green** was concerned about the access to Hwy 52 and Hwy 55, but those concerns are to be addressed between ITD and the applicant.

Councilman Riley made a motion pursuant to Section 9-7-02.1 to approve the Zoning Ordinance Amendment to include saw mills and log yards as a conditional use in a M1 or M2 zone as needed finding that the amendment does not change the political subdivisions by providing public services the changes are not in conflict with the Comprehensive Plan and the amendment serves the general welfare of the community. **Councilwoman Cooper seconded.**

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

Tony Pantera next informs the council of the Annexation portion of Exhibit A, on pg.21, where the applicant is requesting the annexation of three parcels totaling 8.78 acres as described there in. Staff has found that the property to annex is Category A which means it is contiguous or adjacent land and or land that the property owner wishes to annex. Council has no concerns with property being described as Category A. **Mayor Hanson** clarified for the record the 3 parcels: 5.9 acres at 5208 Hwy52, 1.5 acres at 76 Stone Ln. and 1.38 acres at 78 Stone Ln. for a total of 8.78 acres.

Councilwoman Green made a **motion** pursuant to Section 9-7-07 to approve the annexation request for the properties set forth in the application finding that the properties qualify as Category A as the owner is requesting an annexation and the property is contiguous to the City the property should be zoned M2. **Councilman Riley seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Tony Pantera directs the Council to pg.21 of Exhibit A to the rezoning of 272.66 acres from existing zones to M2 zone. Council needs to decide if the rezoning is in conflict with the City's Comprehensive Plan. Staff finds that the rezone generally meets the requirements of Section 9-5-17 and is supported by the Comprehensive Plan and Official Land Use Map (as amended). The Council also needs to look at how the proposed rezone would further promotes the objectives and purposes of the Zoning Ordinance. The filing fee was paid and rezone application is attached to Exhibit A. There is a time limitation on the rezone where if the council adopts the rezone it cannot be changed for a period of four years unless the owner requests it.

Councilwoman Cooper made a **motion** pursuant to Section 9-7-02.2 to approve the rezoning amendment to M2, finding that the amendment does not change the delivery of services by any political subdivision providing public services, the changes are not in conflict with the Comprehensive Plan, and the amendment serves the general welfare of the community. **Councilwoman Green seconded. Roll call: Councilwoman Green-aye, Councilwoman Cooper-aye, Councilman Riley-aye. Motion carried.**

Tony Pantera presents the next item which is the CUP portion on pg.22 of Exhibit A. There are six requests that have been submitted. **Amy Woodruff** brings up that it is hard to make conditions without knowing the actual set up of the operation. She advises to be thoughtful of the conditions and maybe we can revisit the conditions at the building permit level. **Tony's** concerns are the hours of operation, what types of lighting will be used and what kind of impact it will make on the neighborhood or surrounding businesses. He would like to know the purpose of the berm at the south end of the property and if the berm would be for screening purposes. The water issues on the property will be addressed at a later date. **Rodney Krogh** says they are working on a sawmill design and will be bringing an engineer on site for the demographics of the project. The berm is so that people cannot see everything going on during the project. The lighting will be for security reasons at night. Hours of operation will be mostly during the daytime hours, but will depend on the amount of timber available to them by the State, Forest Service and private

lands. The mill will be very efficient so it will be able to process a lot of lumber in a day. The only work at night would be for maintenance such as clean up on the kiln. They are hoping to find rock on the property to use for the onsite gravel pit for development of their property. **Tony Pantera** suggests that we approach each request individually. **Councilman Riley** wanted to know the general use for the gravel pit and will it be onsite only. Large portion of the site will be paved but they want the gravel for the other areas such as the log yard. **Rodney Krogh** added that their need for a gravel pit is to cut cost since hopefully they will find rock on the property. This way they do not have to haul rock in and can stock pile it for use in the log yard. **Tony Pantera** continues through the individual requests for CUP giving conditions that could be put on all. **Mayor Hanson** has concerns about the parking spaces and how many visitors there will be. **Tony** states that staff finds that since it is a unique business they feel one space per 500 ft. of floor space is sufficient based on need. **Amy** adds that it is a secure site and people are probably not going to just pulling in. **Lisa Bachman** had some clarification on the parking lot being surfaced with gravel. The majority of the parking lot will actually be paved, but their request is needed mainly for the log yard and other areas of the property. **Tony Pantera** states that there is substantial historical value to having a log yard and sawmill in Horseshoe Bend. It would be very beneficial to the town providing jobs and economic growth.

Councilman Riley made a **motion** to allow the Conditional Use Permit Section 9-5-17.2 for a gravel pit in a M2 zone with the conditions on hours of operation and comply with the Horseshoe Bend nuisance ordinance. **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Councilwoman Cooper made a **motion** to allow the Conditional Use Permit Section 9-5-17.2 to allow a sawmill in a M2 zone with the conditions on hours of operation and follow the guidelines set by the Horseshoe Bend nuisance ordinance. **Councilman Riley seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Councilman Riley made a **motion** to allow the Conditional Use Permit Section 9-5-17.2 for a log yard in a M2 zone with the conditions on hours of operation, lighting for security, complying with Horseshoe Bend nuisance ordinance, and coordinating with local fire district commission on the availability of water for fire suppression. **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Councilwoman Cooper made a **motion** pursuant to 9-11-01F to allow the parking to be developed to serve the number of employees not calculated on the gross floor area but not less than 21 spaces. **Councilwoman Green seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Councilwoman Cooper made a **motion** pursuant to 9-11-04-04B to allow the parking lot, service drives, and vehicle storage areas to be surfaced with gravel. **Councilwoman Green**

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

Councilman Riley made a motion pursuant to 9-11-04.04.H-3 to allow the required parking planter area to be deleted from the parking lot and the planter gross area included in the south berm area to be not less than the amount required for the parking lot. **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Councilwoman Cooper made a **motion** to allow the applicant to seek a review on the conditions imposed by the Council to revise CUP conditions on request. **Councilwoman Green seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

New Business:

- Confirm Gina Elmer as City Clerk:
Councilwoman Green made a **motion** to confirm Gina Elmer as City Clerk, add as a signer of checks, and remove Tracy Wright as a signer of checks. Councilwoman Cooper seconded. All ayes. **Motion carried.**
- Betty Hefner water leak:
Mayor Hanson read a statement saying that we received a letter from Betty Hefner's son stating that Betty's water bill for April was high due to a water leak. He had a plumber come in and fix the leak. They are requesting some relief on her April bill. Half of the cost of the bill for the overage is \$56.92.
Councilwoman Cooper made a **motion** to reduce Betty Hefner's April water bill by \$56.92. Councilwoman Green seconded. All ayes. **Motion carried.**
- Budget work shop:
Mayor Hanson described the breakdown of the general fund and the water/sewer fund. **Councilwoman Cooper** made a **motion** to adopt and publish the tentative budget. **Councilman Riley seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**
Councilwoman Green made a motion to adopt and publish the tentative water/sewer budget. **Councilman Riley seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**
- Water and Sewer Hookup fees:

Gina Elmer explained that we needed to have a set fee schedule to set up a water and sewer service payment plan. This way there is no question of the policy. Tony Pantera will prepare a draft amendment to the ordinance to reflect a payment option.

Old Business:

- Flood Damage prevention Ordinance #248:
Tony Pantera will amend this ordinance and bring in a draft reflecting the changes required.

Department Updates:

EMS- EMTs had nothing to add. Mayor Hanson read a resignation letter from Melissa Siebel. **Councilman Riley** made a **motion** to accept Melissa Siebel's resignation as of July 22, 2016 and for her to return any city owned property. **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Michele Brothers, Public Works- They are pumping a lot of water over 11 million gallons this month. They have completed the seepage test which was a success with DEQ. They are working with the control engineer on SCADA. The levee inspection went well. The problem area that we have is by the football field and we are waiting for the report to make any decisions. The GPS mapping done by Idaho Rural Water is completed and will be very helpful in the future. The air conditioner at the sewer plant quit working so they got an estimate to replace it from Cascade Refrigeration. The replacement cost will be \$1,437.00.

Councilwoman Green made a **motion** to approve the replacement of the air conditioner in the sewer plant at the cost of \$1,437.00. Councilman Riley **seconded**. All ayes. **Motion carried.**

Amy Woodruff, Civil Dynamics, City Engineer –Amy is suggesting that we try to move the grant funds that we have for the School Rd. to Madison Ave. The work to be done will probably be to widen with an overlay. A letter with the request will be sent.

Attorney Tony Pantera – He has nothing to report.

Mayor Hanson – There were two very successful fund raisers for fireworks this year thanks to community support. The fireworks for next year will be paid for in advance. Mayor Hanson also presented Marty Broom with a proclamation on the 4th of July proclaiming 4th of July 2016 Marty Broom Day.

Meeting Adjourned at 10:20 pm.

ATTEST: _____

Acting City Clerk

Mayor