

7:00 pm

August 17, 2016

**610th MEETING OF THE
HORSESHOE BEND CITY COUNCIL**

Councilwoman Cooper called the meeting to order with Councilpersons 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 July 20, 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.
FY 2017 Budget

Terri Lawson, Treasurer: This is the proposed budget and has been published in the paper as required. Tony Pantera asked if the budget was a direct reflection of the budget workshop. Terri agreed. The budget has not changed much this year. The City engineer is trying to move the grant money given for School Rd to Madison Ave. Councilwoman Cooper asked if there was a line item for fireworks and Terri affirmed it. Councilwoman Cooper asked Terri to state how much the budget is and she did so.

Testimony

Oral:

There was no oral testimony.

Written:

There was no written testimony.

Rebuttal

Terri stated that the health insurance plans have gone up by five percent. We are keeping the current plan because it is still more cost effective than the other plans offered.

Public Hearing closed: 7:07 p.m.

Deliberations

Tony Pantera asked the Council to consider if the budget reflected the budget workshop accurately. Council agreed it did.

Councilwoman Green made a **motion** to approve the FY 2017 Budget and authorizing Mayor Hanson to sign. **Councilman Riley seconded. Roll call: Councilman Riley-aye, Councilwoman Green-aye, Councilwoman Cooper-aye. Motion carried.**

Public Hearing:

Open Hearing 7:09p.m.

Mulligan Rezone RZ01-16 from a C1 to a C2 zone.

John E. Mulligan, 43 Rainbow Ridge, Garden Valley, Idaho: He and his wife, Tina Mulligan, have a car dealership, Pine Tree Motors, in Emmett. They found the Sellin property in town and want to move their business to Horseshoe Bend. The demographics suggest the pre-owned car lot will do well in Horseshoe Bend. Their plan is to sterilize the weeds, cover the lot with ¾ inch rock, landscape, and put in a 24' x40' building with a covered deck and log siding. They are proposing to put the lot in and make it look more presentable to the public. Tony Pantera brought up the fact that the City's ordinance requires a paved lot. John said the cost of paving would not be feasible since they are leasing the property. He talked to ITD they would require an engineered traffic study for egress, so they suggested he look into using the School Drive on the north end of the property. John said that he cannot afford the additional expense of \$90,000 to \$100,000 for paving. Tony wanted to make it clear that John was not asking for a variance on the required paving at this time, but that a variance would be required moving forward. Council has no questions at this time.

Amy Woodruff, city engineer, 442 S. 9th Ave., Caldwell, Idaho: Amy presents the staff report, Exhibit 1, on pg12 with the regulatory taking of analysis. Staff finds that the rezone generally meets the requirements of Section 9-5-17. The rezoning will require an amendment to the Official Land Use Map. Rezoning to C2 would be a continuation of the zone to the east and the south of said property. Amy states that if the Council adopts the proposed rezone a reversal or change could not be made to the property without the written consent of the property owner for four years. Council also needs to consider the effects of any proposed change upon the delivery of services by any political subdivision providing public services, including school zones. Amy said that a variance and a site plan would be required for gravel instead of pavement. The rezone is generally supported by the Comprehensive Plan of the City. The City would need to require that access to HWY 55 be granted by ITD before the zoning certificate would issued. A building permit is required for the intended office structure. She also suggests that Council find out the number of vehicles the applicant plans on staging on the one acre site. Tony Pantera asked if the property is rezoned to a C2 would a car lot be allowed and would a CUP be required. Amy said if the rezone is granted no CUP is required.

Testimony

Oral:

Tina Mulligan, 43 Rainbow Ridge, Garden Valley, Idaho: IN FAVOR – She wishes not to testify.

Patti Graham, White Horse Grocery, 388 HWY 55, Horseshoe Bend, Idaho: She stated that she is in favor of the project but has a few concerns or questions. She wanted to know if the car lot would service vehicles, would the business fit in with any overall plan the city has for the look of our town along HWY 55, how many vehicles would be on the car lot, and with the one year lease if gravel was put in now would they pave it at a later date.

Written:

Idaho Department of Transportation: Their letter was read by Tony Pantera, submitted as Exhibit #2, and entered into the record.

Rebuttal

John Mulligan, 43 Rainbow Ridge, Garden Valley, Idaho: John said they will have 25-30 newer vehicles on the lot. They want to improve the lot with landscaping and make sure that is presentable with cars all lined up nice and neat. If the business does well they have the option to buy. John feels the business will be an asset to the community since people would have a place to consign their cars and motorhomes. It would clean up that aspect of the neighborhoods and streets. Councilman Riley asks how many cars would be on the lot. John replies no more than forty and it will never look overcrowded. Councilwoman Green asks about the building that they would be bringing in for an office. John explains that the building was purchased from Garden Valley School District. He said they are well constructed buildings and with the improvements they plan to make to the outside it will look very nice sitting on the lot. Councilwoman Green also asked if they planned on buying the property and if so would they consider paving it then. John said, depending on how the business does, they would buy the property after one or two years. He feels the gravel would better serve the car lot due to oil leaks, since that gravel could be just picked up and removed. Amy asked what year the building was that they were moving in for an office. He feels it is newer than 1976 since it was owned by the school and their standards are set so high by the Education Department. John will definitely check into the age of the building. Tony has a few questions for Staff about the requirements that need to be fulfilled by the applicant. Amy replies that they will need a building permit for the office and a variance for gravel instead of pavement. John had a question about who owns the school road north of the property and will it change the address if his ingress and egress is off of that street. Councilwoman Cooper says that it is still in question as to who owns that street and they do not feel it will change the address. Amy adds that, in reading the letter from ITD, ITD does not want to stop the ingress or egress from HWY 55 they just want improvements to insure the safety of traffic. Councilwoman Cooper also asked if the City has water lines on that property, and does the City have an easement. Amy answers that there is a main line on that property and there is a permanent easement.

Public Hearing closed: 7:43p.m.

Deliberations:

Tony states that the code sections to consider are 9-7-02.1, 9-7-02.2, and 9-7-02.3. He says that Staff has done a good job of laying that out on page 12 of Exhibit #1. In 9-7-02.1 the things to consider is whether changing from C1 to C2 will increase public convenience or necessity, or for the general welfare of the public. Decide if a new business will help out the community at large. Councilman Riley asked about allowed uses in C1 and C2 zones and the differences of these two zones. The definition for a C2 zone is on page 8 of Exhibit #1. Councilman Riley feels the C2 zone would be appropriate there in that location, but is concerned about it being so close to the school. Tony directs the question to the Council does a rezone promote the objectives and purposes of the Zoning Ordinance pursuant to 9-7-02.2. Council needs to consider the effects of any proposed change upon the delivery of services by any political subdivision providing public services, including school zones, within the planning area of the City. Councilman Riley feels that this rezone loosely fits the City's future plan, but he does not know if it's a good fit. Tony directs Council to 9-7-02.3 discuss any adverse effects to city services and political subdivisions. Councilwoman Cooper says that Council could table this matter until the next meeting if they feel it would help make their decision easier pursuant to 9-5-03L. Tony makes the suggestion to amend the Zoning Ordinance to allow a car lot in a C1 zone with a conditional use permit.

Councilman Riley made a **motion** pursuant to 9-5-03L continuing the discussion and decision until the September 21, 2016. **Councilwoman Green seconded. Roll call: Councilman Riley-aye, Councilwoman Green-aye, Councilwoman Cooper-aye. Motion carried.**

Public Hearing:

Open hearing: 8:01p.m.

American Reserve Munitions- CUP-04-16 to establish an ammunitions assembly facility at 125 Mill RD in a mixed use zone

Wendell Thompson, American Reserve Munitions, 12014 W. Mesquite Dr., Boise, Idaho: Their plan is to lease 3,000 sq. ft. of the existing building on the property at 125 Mill Rd. and produce pistol and rifle ammunition. They started out as a research and development company and have developed ammunition for the military and police departments. They have spent several years developing their own line of ammunition, and are now in six different states including Texas, Wyoming, Utah, Montana, North Dakota, and Idaho. The building here on the old mill site will be an ideal space for the company as it continues to grow. The three principals, who are all from Boise, would like to have their business in Horseshoe Bend to benefit the community on a whole by providing employment and technology. Councilwoman Cooper asked how the business operates on a whole. Wendell explains that the components are brought in from other sources in shipping containers and the ammunition will be assembled here. Since they are not doing any manufacturing of the parts there will be no fumes, dust or chemicals. The only waste they will have would be cardboard boxes. The ammunition will then be shipped out in containers as well. Councilwoman Cooper is concerned with the safety of this business. Wendell explains that they work very closely with ATF as it is essentially their governing body. They are required to have 4x4 ft., one inch thick, boxes as vaults for the components. Any outside storage containers would be monitored extensively by cameras and locked with very secure and special locks. They have

to maintain log books on their inventory and can be inspected by the ATF at any time. Tony asked how many jobs the company would provide for the community. Wendell said initially they would start out with the three principals, by the end of the year probably eight to ten, and within two years about thirty jobs would be provided. Tony asks about the certification that ATF provides, and if they could provide the City with a copy of this paperwork. The ATF is waiting for approval from the City before they will issue the needed license.

Amy Woodruff, city engineer, 442 S. 9th Ave., Caldwell, Idaho: Amy directs the Council to pages seven and eight of the staff report section 6 the findings of fact. She then sites Section 9-5-16, Table 2A which allows for manufacturing, assembling, fabricating, processing, packing, repairing or storage uses in the Mixed Use Zone by Conditional Use Permit only. The land use is the decision that is before the Council, but it is in your scope to require the licensing they need for their business from ATF. Staff found that the proposed use is not in conflict with the Comprehensive Plan. She would suggest that a site plan, the number of employees, and hours of operation be provided, an enclosed area be designated to be used for trash/garbage containers, and the CUP can be reviewed two years after approval as conditions on the CUP.

Testimony:

Oral:

Wes Barrus, 4080 W. Columbia, Meridian, Idaho: IN FAVOR He wishes not to testify.

Mike Fry, 57 Porter Creek Rd, Horseshoe Bend, Idaho: IN FAVOR He feels it is a good idea to encourage any employment opportunities in Horseshoe Bend, especially since the building is already established. He is also speaking tonight for the Fire District 3. They were wondering if the fire suppression system was still operational and if the maintenance has been done on the system since the mill was closed. Wes Barrus states that the fire suppression system is in working order and exceeds the required suppression by the State Fire Marshall. They have extra hazard duty sprinklers in place and everything is current. They are willing to work with the fire district and do training.

Uriah Womack, 123 Madison Ave. #5, Horseshoe Bend, Idaho: He has been providing all of the yearly maintenance on the fire suppression system. The system is in fine working order.

Written:

No written testimony.

Public Hearing closed: 8:19p.m.

Deliberations:

Councilwoman Cooper said that the City needs to receive a copy of the licensing for our purposes. Tony states that the CUP may be allowed with conditions under specific provisions of the Ordinance, subject to the ability of political subdivisions, including school zones, to provide services for the proposed use, and when it is not in conflict with the Comprehensive Plan.

Council agrees that the use is compatible with the surrounding area and is not in conflict with Comprehensive Plan. The council wishes to adopt Staff findings on recommendations for the CUP. **Councilman Riley** made a **motion** to approve the Conditional Use Permit pursuant to 9-7-8.4 with the following conditions. 1) They provide a site plan. 2) Provide an enclosed area for waste. 3) The CUP shall be reviewed after two years and conditions may be adjusted as necessary and further reviews, if necessary, shall be designated at that time. 4) They stay current with all state and federal licensing, standards and provide documentation to the City. **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Green-aye, Councilwoman Cooper-aye. Motion carried.**

New Business:

- Appropriation Ordinance:
Councilwoman Green made a **motion** to adopt and publish the Annual Appropriation Ordinance #250 **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Green-aye, Councilwoman Cooper-aye. Motion carried.**
- Parking on Valley View Drive:
Gina Elmer, City Clerk said there have been several complaints about residents parking in the streets a blocking other residents driveways. Mary Michel, who lives on Valley View Drive, says several of the families have multiple cars. The family at the end of the cul-de-sac has eight vehicles, four of which are not registered. Councilwoman Green said she has had difficulty delivering food boxes to families. Tony will coordinate with the local authorities to start writing tickets per Councilwoman Cooper's request.
- Laura Baker, Boise County Commissioner, District #3:
The bridge on Boise Street is still closed due to the cost of repairs. They have received a bid from Forsgren Associates Inc. on repairing the bridge for \$87,500, and there is no guarantee that it will support as much weight as before. Boise County is willing to donate some supplies that they have on hand which will bring the cost down a little bit, but does not have the funding right now to repair the bridge due to the high cost of wild fires in our county right now. The bridge has not been taken off the table as a possibility, and they wanted to give an update on where they are at with this project. Councilwoman Cooper thanked Laura for providing us with this update. Laura has been in contact with Region 4 Development about maybe helping with a grant. The County is at a standstill right now but will keep us informed. They are still in the gathering information phase.

Old Business:

- Flood Damage prevention Ordinance #248:
Tony made the changes to the ordinance as authorized. Councilwoman Cooper wanted to know if the ordinance could be published by title due to the length of the document. Tony said he would check into this and let the treasurer know. **Councilwoman Cooper** made a **motion** to adopt and publish the Flood Damage Prevention Ordinance #248. **Councilwoman Green seconded. Roll call: Councilman Riley-aye, Councilwoman Green-aye, Councilwoman Cooper-aye. Motion carried.**

- Water and Sewer Ordinance:
Tony will have this Ordinance prepared for the September 21, 2016 City Council meeting.

Department Updates:

EMS- Sandy stated that there are four EMTs that need to take the a CPR class to renew their cards. **Councilman Cooper** made a **motion** to approve CPR classes for the EMTs as needed. **Councilwoman Riley seconded.** All ayes. **Motion carried.** There was also a request by EMTs to attend the Southern Idaho EMS Conference. **Councilwoman Green** made a **motion** to allow three of the EMT personnel to attend the Southern Idaho EMS Conference for training. **Councilman Riley seconded.** All ayes. **Motion carried.**

Michele Brothers, Public Works- They are still pumping a lot of water over 10 million gallons this month. They are putting in a new PH meter because it quit working. The SCATA system at the sewer plant was not working properly but they now have that problem fixed. Jobie Catherman, Public Works, said they are testing some new chemical pumps at the water plant, because they have six pumps that are outdated and they are looking into replacing them. There was also a discussion about the effects the wildfires will have on our water system.

Amy Woodruff, Civil Dynamics, City Engineer –Amy is still trying to move the grant funds that we have for the School Rd. to Madison Ave. They should be getting the results from the lagoon testing back from DEQ soon and will go over it with the City. She is not concerned about the results at all. The facility planning is also going well.

Attorney Tony Pantera – He has nothing to report.

Public Comment:

Terry Simmons, 349 HWY 55, Horseshoe Bend- He has made many complaints, over the last three and a half years, to the City and feels they haven't been addressed. Tony told him he would look into the situation and the City will try to resolve it. Mr. Simmons also brought up that we should have four City Council members. Councilwoman Cooper informed him that Mayor Hanson is talking to a couple of citizens about being on the Council. Mayor Hanson has every intention of appointing someone.

Councilwoman Cooper made a **motion** pursuant to IC 74-206 1(F) for an executive session. **Councilwoman Green seconded. Roll call: Councilman Riley-aye, Councilwoman Green-aye, Councilwoman Cooper-aye. Motion carried.**

Meeting Adjourned at 9:23 pm.

ATTEST:

Acting City Clerk

Mayor