

7:00 pm

September 21, 2016

**612th 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 Councilwoman Cooper **seconded**. All ayes. **Motion carried.**

Councilwoman Cooper **moved** to approve the minutes of the August 17, 2016 council meeting. Councilman Riley **seconded**. All ayes. **Motion carried.**

Public Hearing:

Open Hearing 7:03 p.m.

Mulligan's request for an amendment to the zoning ordinance to allow an auto sales lot in a C1 zone with a CUP, a CUP for an auto sales lot in a C1 zone, and a variance to allow a gravel parking surface where a paved surface is required.

John E. Mulligan, 43 Rainbow Ridge, Garden Valley, Idaho: He was here last month with an application for a rezone, but it was determined that an amendment to the zoning ordinance allowing a car lot in a C1 zone might be a better solution. Since, a rezone may have allowed an unacceptable business in that area. Tony Pantera asks how the amendment would help the general welfare of the community. John said it would not create a lot of jobs, but they would have to hire someone to detail the cars on the lot. He also would send the car repair work to our local business. Also, allowing consignments on the lot would help to get the vehicles for sale off our city streets.

Amy Woodruff, city engineer, 442 S. 9th Ave., Caldwell, Idaho: Amy explains that the applicant requested a rezone last month from a C1 to a C2 zone, but during deliberation it was decided that an amendment to the existing zone allowing an auto sales lot in a C1 zone with a CUP would better support the Comprehensive Plan. She directs the council to page 18 of the staff report which shows TABLE 2. This is the table that would be amended to allow surface auto sales and service with a CUP. The applicant is also seeking a CUP to allow a car lot in a C1 zone and a variance to allow a gravel parking service where a paved surface is required. This is generally supported by the Comprehensive Plan. She directed Council to the staff findings for each of these requests. She says, based on the site plan submitted, it looks like the applicant will gain access off of School Rd.

Testimony

Oral:

Jess Cooper, 19 Harris Creek Rd., Horseshoe Bend, Idaho: Jess voiced his concerns about the extra traffic on School Rd. since that intersection is the main crossing for the elementary students. The parents that drop off their elementary students primarily use School Rd. The further development of this property may cause too much congestion at the intersection of School Rd. and Highway 55. He is on the School Board of Trustees and will bring it up at their next meeting. He also showed concern for the school age children walking among the cars causing damage. Jess provided a plat map acquired from the county and questions ownership of School Rd. He feels it would be better for the applicant to gain access from Highway 55.

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

Written:

Idaho Department of Transportation: Their letters were read by Tony Pantera and entered into the record.

Rebuttal

John Mulligan, 43 Rainbow Ridge, Garden Valley, Idaho: John has talked to ITD and since the parcel has been split into two half acre parcels the old access that people have been using is not legal. He will have to put something across this access to prevent the public from entering and he feels the access from School Rd. would be safer for the public. The entrance to the car lot would be about half way down on the north side of the parcel. John addressed Jess Cooper's concern of safety by stating that his hours would be from 10:00 a.m. to 5:30 p.m. John has talked to the Superintendent of the Horseshoe Bend School District. The Superintendent is going to bring it to the School Boards attention, but he told John that he did not for see any problems. John said that the increase of traffic would only be about five or six cars a day. He says that another reason they like to use the three quarter inch rock is that it creates more noise when you walk on it. The noise brings attention to the fact that people are there and helps with deterring people who do not want to be seen. John and Tina like the look of the gravel and feel that it enhance the landscaping that they have planned. They plan on building a split rail fence following all the specifications from ITD and not interrupting the vision triangle. John explained his site plan for the car lot to the Council. He has no problem with the kids walking through his lot, and does not feel it will pose a problem. Tina will do all of the landscaping making it all very presentable. The existing trees will not be disturbed and the office will sit next to them on the lot. They will put log siding on the office and add a porch on the front to make it look nice. Tina would like to put a large elk sculpture in the landscaping. He said there should not be a problem with drainage at all since the lot naturally has drainage to the west. Councilwoman Cooper asks what type of security they have planned for the car lot. John says they will put up lighting making sure that the light does not reflect into peoples' homes or traffic. Councilman Riley wanted to know how people with trailers would maneuver through the lot. John states that they would be able to pull right through the lot and come back out on to School Rd. Tina also wanted to inform the Council that the trailer being used as an office is legal to move and set up. It was manufactured in October of 1990. Amy added that School Rd. is a paved public right of way. The City has a right at least by

prescription to utilities. It is paved and the City maintains it. By prescription means that by default a road maintained by the City or ITD creates a right of way. This does not mean that it has been deeded to the City or that the City owns it. Boise County would have to be consulted to find out who legally owns School Rd. Since School Rd. is between two nontaxed entities, Amy says folks are not real motivated to find out who actually owns it. She just wanted to make clear that the School Rd. is a public right of way until the Horseshoe Bend School District and the City can come to some agreement.

Public Hearing closed: 7:44p.m.

Deliberations:

Tony states that are three things to address before the Council. The first request is to amend Table 2A page 11 of Exhibit A to allow a car lot in the C1 zone with a CUP. The things that need to be considered are whether the amendment serves the public convenience or serves the general welfare of the public. They also need to consider the effects on political subdivisions including school zones. He also covers the suggestions made by Amy in the Staff Report which says that this amendment is generally supported by the Comprehensive Plan and it is their decision as to whether the amendment should be permitted. Councilman Riley has no outright objection to the amendment, but he is concerned about the access to the school. Councilwoman Cooper has no objection for car sales in a C1 zone. Mayor Hanson brought to Council that there is access to School Rd from Sonora and the alley behind it. She also said that the school has a gate on the southwest corner of the tennis court that was used primarily for security reasons. The majority of the car lot's traffic will be present on the weekend, probably Sunday afternoon. Tony states that there has not been any negative correspondence concerning the amendment. The next question posed is whether the amendment serves the general welfare of the public. There will be three jobs created and possibly more work for the auto repair shop. Councilman Riley says that recreational vehicle sales are not covered under this amendment and would require an additional request. There was discussion on how to proceed, because John says this is a major part of his business. He will have to amend his application to reflect the sales of recreational vehicles.

Councilman Riley made a motion to table deliberations for the ordinance amendment, CUP, and variance for John Mulligan to allow the applicant to amend his application. Councilwoman Green seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.

The public hearing for Vicky Davis CUP has been rescheduled for October 12, 2016 at 7:00 p.m. and will be properly noticed.

New Business:

- Jim Kaczmarek, Boise County Sheriff:
Sheriff Kaczmarek introduced himself. He had planned to come earlier but the wildfire in Boise County had been taking up a lot of his time. He came before the Council to discuss the contract between the City and Boise County Sheriff's Department. The contract has been the same for the last six years. They are contracted to provide 40 hours of police

services weekly for \$60,000 per year with a monthly report provided. He said since last October they have responded to 946 incidents in Horseshoe Bend. It takes about 2.19 hours to clear and complete everything needed for an incident report. They have issued 350 traffic citations with the average traffic stop lasting 18 minutes. Sheriff Kaczmarek says they have provided more hours than contractually required, and that they are requesting a six percent raise in their contract. They have hired three more officers and there is now a school resource officer. He is working to improve the efficiency of his office and they have been doing a lot of training at the cost of \$2.8 million. There are problems keeping officers in Boise County, because once the officers are trained they go to higher paying jobs in other cities or counties. Mayor Hanson tells him that the City's budget for the 2017 fiscal year has already been approved and published. She said the City would look into maybe expanding our service in the next fiscal year. Councilwoman Cooper would like to see more communication between the Sheriff's Department and the City of Horseshoe Bend. Mayor Hanson appreciates that the officers drive our city streets often and to make themselves visible during school hours. Councilwoman Cooper made a **motion** to accept and have the Mayor sign the law enforcement contract for forty hours per week with Boise County Sheriff's Department. Councilwoman Green **seconded**. All ayes. **Motion carried**. Sheriff Kaczmarek also gave us an update on the Pioneer Fire. He said that \$95 million has been spent on the fire at this point and that most of the active fire is in Valley County. They are already working on a response plan for landslides that may happen in the burned area.

- ICRIMP-Terrorism Rejection letter:
Councilwoman Green made a **motion** for the Mayor to sign the terrorism rejection letter for the ICRIMP insurance policy. **Councilwoman Cooper seconded. Roll call. Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Old Business:

- Water/Sewer Resolution 2016-04:
Tony Pantera read Resolution 2016-04 into the record. **Councilwoman Cooper** made a **motion** to adopt and publish the Water/Sewer resolution 2016-04. **Councilman Riley seconded. Roll call: Councilman Riley-aye, Councilwoman Green-aye, Councilwoman Cooper-aye. Motion carried.**
- Findings and Conclusions for Tamarack Mills LLC:
Tony Pantera did a review of the records, minutes and staff report to complete the facts and findings he presented to the Council. The conditions, set forth by the Council, for the gravel pit were discussed. The Council decided to limit the hours of operation for the gravel pit to daylight hours only. Tony then reviews the rest of his findings. **Councilman Riley** made a motion to adopt the findings and conclusions as written and authorizing the mayor to sign. **Councilwoman Green seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Department Updates:

Treasurer- Councilwoman Cooper made a **motion** to approve the bills. Councilman Riley **seconded**. All ayes. **Motion carried**.

EMS- Sandy has nothing to add at this time.

Michele Brothers, Public Works- Michele said they process 9 million gallons of water in August and as of today 5 million in September. They have been working on the SCADA system at the sewer plant and hope to have it fixed soon. Jobie Catherman added that it may require a new SCADA system. Amy Woodruff explained that there is a crack in the flock basin and they are trying to find a way to keep it working properly through the winter. The flock basin is 25 years old and needs improvements.

Amy Woodruff, Civil Dynamics, City Engineer – Amy is coordinating with Terri to submit invoices and get the City reimbursed for work done on the Water/Sewer Facility Plan. Reimbursement should come from the grant we received. Amy told of a meeting with ITD about the new bridge being built on Hwy 55 in 2017. There was discussion of the relocation of the sewer main that runs under the current bridge. Mayor Hanson added that a lot of good things came from the meeting to prepare for the new bridge.

Attorney Tony Pantera – Tony read an email from Richard Linville concerning the court case against Littlecook’s and how prosecuting attorney is going to proceed. Tony also set up a conference call with John Roberts about the EMS Joint powers Agreement.

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 that the City was doing everything possible to resolve his complaints against Eric McKee and Venita Olsen.

Meeting Adjourned at 9:25 pm.

ATTEST:

City Clerk

Mayor