

7:00 pm

October 19, 2016

614th 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 Tony Pantera.

Pledge of Allegiance

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

Councilwoman Green **moved** to approve the minutes with the changes discussed by Council of the September 20, 2016 Council meeting. Councilman Riley **seconded**. All ayes. **Motion carried.**

Councilwoman Cooper **moved** to approve the minutes of the September 21, 2016 Council meeting. Councilwoman Green **seconded**. All ayes. **Motion carried.**

Councilman Riley **moved** to approve the minutes of the October 12, 2016 Council meeting.

Councilwoman Green **seconded**. All ayes. **Motion carried.**

Councilwoman Cooper **moved** to approve and pay the bills. Councilwoman Green **seconded**. All ayes. **Motion carried.**

Public Hearing:

Open Hearing 7:04 p.m.

Tony Pantera explained that this public hearing was a continuation of the public hearing held on September 21, 2016. Council decided to continue this public hearing at a later date to allow John Mulligan to amend his application. The application now reflects John Mulligans request for a Zoning Ordinance Amendment, to provide for a Conditional Use Permit for an automobile sales and service, and a Conditional Use Permit for a trailer and recreational vehicle sales and rental, and a variance from Horseshoe Bend City Code that requires the site to be paved and equipped with storm drain facilities. John has nothing else to add at this time as he gave testimony at the last public hearing. Amy Woodruff added that the only change made was the expanded use to include surface trailer and recreational vehicle sales and rental.

Testimony:

Written:

Idaho Department of Transportation: The ITD letter was entered into the record as Exhibit 4.

Deliberations:

Tony reads from the staff report the findings concerning the zoning ordinance amendment. He explains that Council needs to give particular attention to 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. The zoning ordinance amendment would require a finding of public convenience or necessity, or for the general welfare. Mayor Hanson adds that both automobile sales and service and trailer/RV sales and rental are now prohibited in a C1 zone which is the reason for the request by John Mulligan. **Councilwoman Cooper** made a **motion** pursuant to 9-7-02.1 to amend Table 2A to allow surface automobile sales and service, and recreational vehicle sales and rental in a C1 zone with a conditional use permit as it would serve the general welfare and provide public convenience. **Councilman Riley seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Tony Pantera explains that staff finds the request for a CUP to be harmonious with the Comprehensive Plan. Amy Woodruff adds that the Comprehensive Plan is pretty elastic and generally supports the request. **Councilman Riley** made a **motion** to approve the Conditional Use permit pursuant to 9-7-08.4 subject to conditions to be set forth by the Council.

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

Tony Pantera explains the conditions to be considered by Council as listed in the staff report. Councilman Riley asks how long the conditions can be set for. Tony says that the conditions can be set for any length of time and a specific time can be set to revisit the conditions. John Mulligan is concerned about the length of these conditions and about any new conditions that will be set after these conditions expire. He is planning to purchase the property if the business is successful, but is going to try and lease the property for a term of five years. He would ask for at least thirty-six (36) months before the first review to see how the business does. Councilwoman Cooper asks about the lighting. John says the lighting will be faced down to cover the area around the vehicles that will be for sale and be on a timer or sensor. John's hours of operation will be as follows Monday-Friday 10am - 5:30pm and Saturday 10am - 2pm. The lights would be on primarily at night for security reasons. He would make sure that the lights were not disturbing the neighbors. There was much discussion about the conditions and the length of the CUP. John says he will try to match the duration of his lease with the duration of the CUP.

Councilman Riley made a **motion** to grant the Conditional Use Permit be granted for a surface automobile sales and recreational vehicle sales in a C1 zone with the conditions that the applicant comply with all Horseshoe Bend City Ordinances, failure to comply will be cause for review or revocation of the CUP, and that the CUP will expire in five years. **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Tony Pantera informs the Council of the requirements to be met for a variance to allow gravel on a lot that is required to be paved. These requirements are listed on pages 19 and 20 of the staff report. Councilwoman Cooper is concerned about oil spills and how they will be cleaned up. John says that it takes a lot of oil to create a hazard, but the gravel would be easily removed and replaced if oil were to spill on it. John is considering the black volcanic rock which would look nice and create natural drainage. He says that paving the entire lot would cause a financial hardship. He would not be able to open his business here if that were the case, because it is such a big lot to pave. There was much discussion about the other businesses in the city that are not paved and whether granting the variance would be interpreted as a special privilege. There was

also discussion about the required parking and handicapped spaces. **Councilwoman Green** made a **motion** to grant the variance pursuant to 9-7-09.05 with the condition that there are sufficient paved handicapped spaces required and that the entirety of the vehicles sales lot be paved within five year period. **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Public Hearing closed: 8:30 pm.

New Business:

- EMS Director:
Councilwoman Green, Councilman Riley, and Tonya Rogers met with Judith Hutton to interview for the position of EMS Director. Councilwoman Green made a **motion** to appoint Judith Hutton as EMS Director. Councilman Riley **seconded**. All ayes. **Motion carried.**
- Keith Mc Reynolds:
Keith did not come to the meeting.
- Computer Arts Agreement:
Councilwoman Cooper made a **motion** to accept the Computer Arts Agreement and authorizing the Mayor to sign. Councilwoman Green **seconded**. All ayes. **Motion carried.**
- Cascade Refrigeration Agreement:
Councilwoman Green made a **motion** to accept the Cascade Refrigeration Agreement and authorizing the Mayor to sign. Councilman Riley **seconded**. All ayes. **Motion carried.**
- Laura Baker:
Laura called earlier in the day to say she had a scheduling conflict and would not be able to attend.
- Ordinance #251:
Ordinance #251 needed to have one small edit. Tony Panterta said that in the fourth paragraph annexation needed to be changed to annexation and zoning. Councilwoman Cooper made a **motion** to waive the three reading rule and read by title only. Councilwoman Green **seconded**. All ayes. **Motion carried. Councilwoman Cooper** made a **motion** to adopt Ordinance #251, publish as needed, and authorizing the Mayor to sign. **Councilwoman Green seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Old Business:

- Planned Unit Development Agreement:

Tony Pantera prepared the PUD Agreement between the City of Horseshoe Bend and Vickey Davis. Both parties agreed to the conditions on pages two and three.

Councilwoman Green made a **motion** to approve the Planned Unit Development Agreement and authorizing the Mayor to sign. **Councilman Riley seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Department Updates:

- **EMS:**
Sandy Fenton appreciates the City addressing her concern over the amount of time Tammy Morganroth has signed up to be on the ambulance. She also wanted to know if the new director could send letters to EMTs that have not been putting in the required forty-eight hours per month. Tony Pantera stated that it is at the discretion of the new director, but he is willing to help with any questions she may have concerning the EMS policy. Frank Fenton has requested a representative from OSAGE to come fix the door on the ambulance.
- **Public Works:**
Michele Brothers provided samples of the water coming down the Payette River after the recent rain. These samples were to show how well the flock was working to take the debris out of the water before filtering. She said we produced seven million gallons of water in September and three million so far in October. They have purchased new turbidity filters with last year's budget. They also purchased new computers for both the water and the sewer plants. This computer upgrade will allow a virtual machine to be downloaded to run the SCADA. Michele has a great concern with the stock piling of sand by the hydro-electric company. Tony has written them in the past concerning the sand, but he will contact them again about the sand. Jobie invited a college class to come tour the water plant this week. The sewer line on Hoff Street had to have roots from nearby trees cleaned out of it. There are other repairs that need to be done to the line in the spring.
- **City Engineer:**
Amy Woodruff said she is working on getting grant reimbursement for work that has been done. She is looking into the easements for the water and sewer mains south of the new bridge. Mayor Hanson asks if there are grants for water/sewer rates. Amy says she has a spreadsheet from Rural Water that calculates water rates.
- **Mayor:**
There was a meeting at City hall with the ambulance directors from Boise and Valley counties. Mayor Hanson said it was a very informative meeting and that they have gained new and well informed contacts. The meeting was about an hour and a half long. They covered the difference between employees and volunteers, and discussed stipends. Councilwoman Cooper said she feels we need to put signs up to prevent people from

driving on the levy. There has been a real problem with people driving behind the school to access the football field. She is going to talk to the school about locking the gate and putting up new signs. She also had another complaint about the property on Riverside Dr. that we are in litigation with.

- **Treasurer:**
Terri Lawson reported that Brian Davies was having problems with a PERSI payment from fifteen years ago when he was Mayor that the City was supposed to have paid. Tony Pantera is going to find out about our responsibility in this manner.

Public comment:

- There was no public comment at this time.

Councilwoman Cooper made a **motion** to enter into executive session pursuant to IC 74-206 1(F) at 9:30pm. **Councilwoman Green seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Council came out of executive session at 9:41pm.

Councilwoman Cooper made a **motion** to accept the Mediation Settlement Memorandum between the City of Horseshoe Bend and Canyon Street MHP, LLC. **Councilwoman Green seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.**

Meeting Adjourned at 9:42 pm.

ATTEST:

City Clerk

Acting Mayor