

7:00 pm

October 12, 2021

**702nd MEETING OF THE
HORSESHOE BEND CITY COUNCIL**

Mayor Goff called the meeting to order with Councilpersons Riley, White, Corvinus and Chartier. Also present Gina Elmer City Clerk and Anthony Pantera, City Attorney

Pledge of Allegiance

Councilman White made a **motion** to approve and amend the agenda by moving the executive session to the beginning of the meeting before the new business. Councilman Riley **seconded**. All ayes. **Motion carried**.

Councilman White made a **motion** to move into executive session per IC 74-206 (1) (F) to discuss possible litigation at 7:03 pm. **Councilman Riley seconded. Roll call: Councilman Corvinus-aye, Councilman White-aye, Councilman Riley-aye, Councilman Chartier-aye. Motion carried.**

Council came out of executive session 7:06 pm.

New Business:

Deliberation on Deer Valley Subdivision:

Tony addresses the Council saying that city staff, Mayor and City council received an email from a community member about Deer Valley Subdivision. He said that this email is not to be considered when deliberating about the application. Tony states that the application should be deliberated in the order of annexation, rezoning, and then the PUD (Planned Unit Development). Councilman Riley asked why the PUD wouldn't be discussed first in case it did not pass. Amy Woodruff started to explain why you would consider the annexation first, and Virginia Jakovac interrupted stating that she objected to Amy being allowed to speak during the deliberation. Tony continued the explanation stating that without the annexation being passed the PUD could not be considered. Tony then read staffs findings concerning the annexation of the 5.9 acres. Several people were interrupting so Tony stated that public testimony had already been heard during the public hearing and was not allowed at this time. Mayor interjected that it was very hard for the Council to discuss and deliberate when people continue to interrupt. Councilman White asks why it was not annexed when the property was. Gina states that this parcel was not part of the original application. Councilman Riley says that this parcel is currently bare land. There was discussion about where exactly the parcel was located on the map. Amy adds when a parcel is annexed to the City it is assigned a zone. The requested zone for this parcel is R3.

Councilman White made a **motion** to approve the annexation of Lot 1 Block 2 Jennifer and Kelly Subdivision 5.9 acres and adopt staffs findings on page three of the staff report.

Councilman Corvinus seconded. Roll call: Councilman Corvinus-aye, Councilman White-aye, Councilman Riley-nay, Councilman Chartier-nay. There was a tie vote so Mayor Goff voted aye. Motion carried.

The deliberation on the rezone application began with Tony explained the process to rezone properties. Tony then discussed staff findings and written testimony that was received from one political subdivision. He then discussed when the application was received and how this was noticed for public hearing. The rezone will include 25.77 acres. Before being zoned M2 in 2017 this property was zoned R3. Amy explained which part of the acreage is being considered for rezone in the application. Councilman Riley said that he did not think that the numbers added up correctly. Amy explained that only a portion of the parcel will be rezoned of the 32.19 acres. 19.8 acres will remain in the M2 (Industrial Zone). Councilman Riley doesn't have a problem with the property being rezoned R3 because that is what zone it was in before 2017. Councilman White asks what concerns Councilman Riley had. Amy then provided an explanation of how the total number of acreage was achieved as shown on the map.

Councilman Riley made a **motion** pursuant to 9-5-17 to approve the rezone of 25.77 acres from M2 to R3. **Councilman White seconded. Roll call: Councilman Corvinus-nay, Councilman White-aye, Councilman Riley-aye, Councilman Chartier-nay. There was a tie vote so Mayor Goff voted aye. Motion carried.**

The deliberations continued with Tony explaining what a PUD (Planned Unit Development) is and what the requirements are for a PUD. Tony asks Amy to explain why a PUD is needed. Amy states that the normal density in the R3 zone is nine to nineteen units per acre and that the density for this project is 5.6 units per acre. The different uses included in the project also require a PUD. Tony addresses the Council and explains the standards to be considered and the steps to creating a development agreement. He also discussed the main concerns brought up during testimony of the public hearing. Amy states that all the streets will be compliant with the city codes and standards. Councilman Riley asks how much are the differences in the code and the application in regards to setbacks. The application is asking for 5ft setbacks on the side yard and city code requires 10ft. Councilman Riley would like to see the setbacks match the city code. There was discussion about the fire department not being able to fight fires in a two story buildings. Councilman Riley adds that one of the problems he sees is the capacity of the water storage and the need of a new storage tank. Tony said that the developer can be asked to upgrade services. Councilman White asks what if the economy crashes who would ensure upkeep on the property. Tony adds that the developer could be made responsible if the project is not completed if it was included in the development agreement. There was discussion about the Comprehensive Plan, economic growth, jobs being created by the development, building permits, and hookup fees. Councilman Riley states that we have a small ambulance service and talks in the past have included bringing EMTs over from the Treasure Valley, but we have nowhere to house them. Could we ask the developer to build a new EMS station to house EMTs from out of town. Tony says you could ask a political subdivision to be helped by the PUD. Councilman Riley would also like to see the additional land owned by David Bailey be put in a trust maybe to preserve the land around the development. He would also like to make sure that the appropriate fencing and landscaping materials are used as stated in the letter from Fish and Game. Tony suggested that he and Amy could get together to create a draft development plan to be considered. David Bailey suggested a workshop to create the draft development agreement. It was decided that a special

workshop meeting would be scheduled for October 27, 2021 at 7:00 pm and deliberation will be tabled until after that meeting.

Public comments:

Kelly Jakovac: Mrs. Jakovac asks why the public wouldn't be able to speak the workshop since the developer gets to add input. Tony says that the applicant will only add input when directly asked a question from the Council. She also thinks that the Council should ask the developer to add sidewalks on Hwy 55 and Hwy 52 for the safety of our children. She does not oppose the subdivision but requests that the public hearing for Deer Valley Subdivision be reopened for the safety of our citizens. David Bailey interrupted and said he has changed his mind that their deliberation should continue and deny the application. He feels he has been treated unfairly by the public and his name and lies thrown all over Facebook. Mrs. Jakovac addresses Mr. Bailey, "what am I lying about", that she heard him tell her husband that the City did not ask for sidewalks. Tony and Mayor Goff ask Mrs. Jakovac to not address the audience and Mr. Bailey leaves the meeting. Mayor Goff adds that public comments are to be made to the Council.

Dave Jakovac: Mr. Jakovac thinks it might be a good idea to reopen the public hearing and maybe create a committee to fix problems and please the public.

Mike Shalimburg: He thinks it would be helpful for the public to have access to all of the documents the Council is looking over in their packets.

Tom Meyer: Mr. Meyer says that his property is right next to the development and that Mr. Bailey has every right to build on his property. He realizes that this process has not been done a lot in Horseshoe Bend, but David has developed a lot of properties and knows what he is doing. The Development Plan is where all the conditions are made and maybe get some suggestions from other cities like Garden Valley to see what they have done. The fact that David walked out of here right now is not good. Tim adds that David owns the property and has gone through the application process with consideration to the Comprehensive Plan. The City should consider this application very carefully.

Steve Leach: Mr. Leach feels that the property was purchased and should be left commercial to encourage more businesses to come here. He says that the bottom line is that more commerce is needed.

Jon Dufresne: Mr. Dufresne states that he is not opposed to the subdivision and he is glad that the Council is taking their time to consider the application.

Meeting Adjourned at 8:36 pm.

ATTEST:

City Clerk

Mayor