

7:00 pm

January 12, 2022

**707th MEETING OF THE
HORSESHOE BEND CITY COUNCIL**

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

Pledge of Allegiance

Councilman White made a **motion** to approve the agenda. Councilman Corvinus **seconded**. All ayes. **Motion carried**.

Councilman White made a **motion** to approve the minutes for the November 17, 2021 and December 8, 2021 meetings of the City Council. Councilman Corvinus **seconded**. All ayes. **Motion carried**.

Councilman White made a **motion** to pay the City's bills as presented. Councilman Riley **seconded**. All ayes. **Motion carried**.

Public Comment:

- Dave Jakovac-He wanted to know if the Council had received the letter that he prepared stating that the City was not in compliance with the Ordinances. He also wanted to know who the president of the City Council is. Councilman Riley said that in the past the Council President was chosen by seniority. Councilman White said that he remembered last time he was on the Council there was just a chairman. Council decided that the Council president will be elected at the next meeting. Councilman Riley said he had not seen the letter.
- Becky Hutchingson- She says that Mike Martin should not be allowed to attend the meetings representing Amy Woodruff. Tony stated that Mike can attend the meetings since Civil Dynamics can have people from her firm attend when she is not available. She also told the Council that Trilogy had been named in a lawsuit with the EPA and that their contractors' license had expired in December.
- Mike Shalimborg- He is concerned with Councilman Corvinus having to leave for a fire call last meeting. He thinks this is a conflict of interest. Councilman Corvinus stated that he now has crew members that can handle incident command so he will not have to leave during the meetings. Also he would never leave the meeting if another councilmember was absent.

Old Business:

- Deliberation on Deer Valley Subdivision PUD:
Councilman Chartier was not present so the City Clerk was asked to try and call him. He was not able to attend the meeting. Councilman White said he was not comfortable continuing deliberation without Councilman Chartier present as this is a very big decision. He suggested a special meeting be held January 18, 2022 at 7:00pm.

- Ordinance 266:
Councilman Corvinus made a **motion** to waive the three readings rule and adopt Ordinance 266 read and publish by title only. An ordinance of the City of Horseshoe bend, Boise County, Idaho, determining that certain lands lie contiguous or adjacent to the city limits of the City of Horseshoe bend, County of Boise, State of Idaho; and that said land be annexed to the City of Horseshoe Bend, Idaho, and declaring said land by proper legal description as described below to be part of the City and to be part of the Residential R-3 Zone; rezoning certain property within the city limits from industrial to R-3 Residential; repealing all ordinances, resolutions, orders or parts thereof in conflict herewith; and directing the City Clerk to add said property to the official maps of the City; and to file a certified copy of the ordinance and map of the areas to be annexed with Boise County, State of Idaho and the State Tax Commission of the State of Idaho, pursuant to Idaho Code, section 63-215, and providing an effective date. Councilman White **seconded**. All ayes. **Motion carried**.
- Ordinance 267:
Councilman Corvinus made a **motion** to waive the three readings rule and adopt Ordinance 267 read and publish by title only. An ordinance of the City of Horseshoe Bend, Idaho, amending Section 3, Chapter 5, Title 1, Horseshoe Bend City Code by amending Subsection A. Regular meetings; Directing the Clerk to assign the next ordinance number and schedule for publication and codification; authorizing publication by summary; and providing an effective date. Councilman White **seconded**. All ayes. **Motion carried**.

Public Hearing:

Public hearing opened 7:22pm.

Craig Cooper was in attendance to represent Elga FitzSimonz, CBF Homes. He explained that even the smallest home plans they have will not fit on the lot and still meet the required setbacks. They are asking for a variance to allow a fifteen foot setback instead of a twenty foot setback. Mayor Goff asked if Councilman Corvinus had looked at the request. Councilman Corvinus said that it would not cause an issue as there is plenty of room for fire equipment.

Staff Report:

Amy Woodruff stated that 50-60% of the lots in Riverbend Subdivision already a 15 foot setback. Staff recommends approval.

Testimony: no testimony was given.

Written Testimony: no testimony was received.

Public hearing was closed at 7:26pm.

Deliberation:

Councilman Corvinus made a **motion** to approve VAR 01-21 based on staff findings.

Councilman White **seconded**. All ayes. **Motion carried**

New Business:

- Swear in new Councilmembers and Mayor:
Mayor Patrick Goff, Councilman Curtis Corvinus and Councilwoman Patricia Burgess were sworn in by the City Clerk.
- Liquor Licenses 2022:
Councilman Corvinus made a **motion** to approve the Liquor License Applications for 2022. Councilwoman Burgess **seconded**. All ayes. **Motion carried**.

Department Updates:

- EMS:
Rindy Quijas said that there was one run in December. The EMT class is going well there are nine people expected to finish the class on February 19, 2022. Acute Care is still working with us to provide service.
- Public Works:
Michele Brothers: They have been pumping a good amount of water and have had lots of call outs for broken pipes. The guys have also been busy plowing snow when needed. The new ozone generators came in and Challenger Electric will be putting them in. Also a representative from Wedico will be here next week to help bring them on line.
- Grant Writer: Cheryl was not able to attend. The mayor gave a summary of what Cheryl had been working on.
- City Engineer: They have been mainly supporting public works. The first order of business is to get the ozone generators dialed in. Then work on getting the production well online.
- Attorney: Tony prepared ordinances and a Declaratory Judgement.
- Mayor: Mayor Goff welcomed Councilwoman Burgess.

Councilman White made a **motion** to go into executive session pursuant to IC 74-206(1)(F) to discuss pending litigation. **Councilman Corvinus seconded. Roll call: Councilman Corvinus-aye, Councilman White-aye, Councilwoman Burgess-aye. Motion carried.** During the executive session the City Attorney advised the Council on the legal ramifications of and legal options for pending litigation and controversies likely to be litigated. Council came out of executive session at 8:02pm. No actions were taken.

Councilman Corvinus made a **motion** to adjourn. Councilman White **seconded**. All ayes. **Motion carried**.

Meeting Adjourned at 8:03pm.

ATTEST:

City Clerk

Mayor