

7:00 pm

April 13, 2022

**711th MEETING OF THE
HORSESHOE BEND CITY COUNCIL**

Mayor Goff called the meeting to order with Councilpersons Chartier, White and Corvinus present. Councilwoman Burgess showed up later. Also present Terrie Nolan sitting in for Clerk Gina Elmer.

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 March 9, 2022 meeting 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 Chartier **seconded**. All ayes. **Motion carried**.

Public Hearing: Park rezone:

7:03 p.m. Attorney Pantera for the City of Horseshoe Bend explained the property was purchased by the City as a possible well site and potential park. It is located in the heart of the city on the west side of Highway 55. A portion of the park was sold to ITD when the new bridge was built and approximately 1.8 acres remains. An application was made and the public hearing was property noticed. The property is currently zoned R1(residential 1) and the request is to rezone to Public zone. The rezoning will not affect the delivery of services to businesses or the school and is supported by the Comprehensive Plan. Councilman White asks if there was anything illegal in the purchase of the property and Attorney Pantera said no. Councilman Corvinus asks if ITD kept ownership of the parcel and the answer is yes. Treasurer Nolan replied that ITD paid a little over \$10,000.00 which went back into the water fund. Councilman Chartier asks if a traffic study was done and Mr. Pantera replied no.

In favor: David Bailey, 18513 N. Goldenridge Way, Boise: He feels that it makes sense for the City to rezone. He has done work for the Chamber of Commerce sketching some plans and states the plans will go to ITD for them to look at the traffic effect.

Opposed: David Jacovac, 120 S. Riverside Dr.: He commends the council for wanting to rezone to public. He believes the property was procured with misappropriated funds in 2015 when Pat Goff was on the Council and this issue has been unresolved for 5.5 years. Money was taken from the water fund and not paid back, not budgeted for. There is a problem with Pioneer Title, it was notorized December 2020. After previous owner passed away and 5.5 years after the deal was made. Something doesn't seem right there. Looking back at the land that was illegally purchased it should have been appraised and auctioned off. There is a state statute that says you cannot receive profits from government property. No budget for the park or financial means to build a park. He submitted a drawing last October or November and he came to get them last week and was told they were discarded and they didn't know why. He got some estimates and they are

\$610,000 to build and basically a million dollar park. The citizens will carry the cost and citizens should be able to vote.

No written comments. No questions pertaining to the rezone Public Hearing closed at 7:14

Public Hearing: Woods Veterans's Memorial Park:

7:15 p.m. – Chamber of Commerce: Kayleen Woods – The land was purchased from her family. She talks about the generosity and compassion of this community. The park will take time to build but she believes it will be a value to the community. There will be many phases to limit the burden to the citizens. They are looking for Grants and fund raising. First will be the infrastructure. She will provide her email and looks forward to engaging with the people.

In favor: Ladona Bauer, 109 and 111 Noland Dr. - She lives close to the area and the greenbelt is behind her house. Families are accessing it already, the river is public why not create a safe place and take pride and share in it.

Opposed: David Jacovak, 120 S. Riverside Dr. – It is apparent that the Veteran's memorial is special to this town and he is not against the memorial. His dad was in the military and he has great respect. The rub is the location and transportation problems. He thinks there is a conflict because of a Council member is on the Chamber and the Mayor and wife are selling tickets to an event for the park. The mayor is making statements that the park is going through regardless. He asks that they recuse themselves from voting. He wants to know who is getting the grant for the sidewalk. The Mayor replied that has nothing to do with the park. ITD says there is not room for a turn lane and cars will be waiting a long time to turn in. Kelly Jacovak – 120 S. Riverside Dr. – She states she is not opposed to the Veteran's memorial, she thinks it is an honorable thing to do for the vets and she gave a handout to the council. She wants to speak directly to the council. She doesn't know the history or whether misappropriated funds were used but she understands the former Mayor gave up her position. She has not seen evidence that money was paid back to the water fund and questions the status of that. On Nov. 5, 2020 the City Council voted to put the Veteran's memorial in the city park, how did the location change. She wants to know how the park will be funded and if by grants where are the matching funds coming from. She asks Mayor Goff why in the Idaho World he stated that there is money for the surrounding area and for the Veteran's memorial and that it is going to happen. Why is there a public hearing if your mind is already made up. Speaking to the council, you are responsible for the City budget and finances. Is the City ready to make the decision for the park without an engineered plan? No one has seen one. Estimate the cost around one million dollars and civil liability if the money isn't paid back and there are citizens willing to sue. What are your priorities? We have an EMS system that takes 45 minutes for a citizen to get an ambulance and that is shameful. Mary Grover, 103 Valley View Dr. – She is concerned about the security. The land is below Highway 55 where illegal activities could occur. The bridge goes over and there are plenty of hiding places. We haven't seen any plans about security. Just because there were no lawsuits when the park was paid for with misappropriated funds does not mean it cannot happen. If this moves forward without the issues answered you could be held liable. I hope you have deep pockets. The City Council does not follow the law and Mayor tells the council what to do. Why are we having a public hearing when his mind is already made up. The expenses will be paid by the citizens. I don't believe the

people are opposed to the park but just opposed to the procedures. It is being done in phases but she wants to see the plan. Deliberation: Attorney Pantera – Property rezone from residential to public zone. Councilwoman Burgess states that even if everything falls through the public will have access to the area. Councilman Chartier asks when the lawsuit is going to happen. No answer. Mayor Goff explains the rezone options. The rezone can be approved if they find it won't impact political subdivisions and is consistent with the Comprehensive Plan. Councilman White moves to table the issue until the next meeting. Councilman Chartier seconds. Councilman Corvinus – nay, Councilman White – yes, Councilwoman Burgess – nay, Councilman Chartier – yes. Tabled. Attorney Pantera is given the okay to finalize the staff report. Councilman Corvinus moves to table the park issue. Councilman Chartier seconded. Councilwoman abstains. All ayes. Motion carried.

- Dawson Lewis: water/sewer hookup – Not present
- Huckle and Sage: Beer and wine license – The current owner has worked with the previous owner to receive their license from the State and County. The only difference from the previous owner is that beer will be consumed on the premises. They will have an enclosed porch out front. Councilman Chartier moves to approve the beer and wine license for Huckle and Sage. Councilwoman Burgess seconds. All ayes. Motion carried.
- Kelly Jakovac: Veteran's memorial park – She has talked to ITD about the traffic issue and there isn't a huge traffic issue like she thought. She states that they, ITD, talked to the Clerk about a traffic roundabout and it wasn't brought to Mayor. She hopes they take everything into consideration because citizens are willing to sue. Jon Dufresne, 121 Payette River Ave. –He is not opposed but there is not enough information to make an opinion. He disagrees with Attorney because he thinks it was a misappropriation of funds. It is a bad spot for safety but it can be remedied with due process. David Bailey 18513 N. Goldenridge way, Boise – He was approved by the Chamber to draw up plans. He is a licensed engineer and volunteered his time. He also hired a surveyor so they will have data for site. There is an approach that already exists and a traffic study or turn lane is not required. Councilwoman Burgess states that the money issue needs looking into. Mayor Goff makes it known that he has not sold any tickets for the event of the park and his wife is her own person and he doesn't tell her what to do. Mayor Goff also adds that there is too much animosity in town. LaDona Bauer, 109 & 111 Noland – When people are saying "we" they are talking about their own group and she asks if they are worried about money why are they talking about suing. Kelly Jakovac would like to have a meeting with the Mayor to work on the animosity. Mayor Goff states that they are just trying to make things better.

Department Updates:

- EMS: 7 passed their test and 2 are scheduled for National test at the end of the month and will be able to start running. Acute care is covering for us.
- Public Works: Jobie Catherman – They have been working hard getting ready for spring. One ozone generator is tuned in second one is scheduled for the 25th. They are finishing up on the well.

- Grant Writer: Cheryl Pleak – She has been working on funding for a new bay with sleeping quarters for the fire shed. USDA has a 15% grant with a 85% loan. Mayor Goff added that we don't have the money for 85% loan. Putting in a little house is being considered. She wishes that people would come together to work on the park and she would like to show people the plans she has.
- City Engineer: Mike Martin: they have been providing support to public works and coordinating with DEQ to connect the well to the water plant
- Attorney: nothing
- Mayor: Mayor Goff thanked everyone for coming. He reminded the people that his email and phone number are on the city website. He did not mean to offend anyone. The City is deep in his heart. The Mayor and Council were voted in to run business. He thanked the police officers for coming.
- Councilman White made a **motion** to go into Executive session according to IC 74-206(1)(f). Councilman Corvinus **seconded**. All ayes. **Motion carried**.

Meeting Adjourned at 7:38pm.

ATTEST:

City Clerk

Mayor