

March 28, 2016

A regular Fruitland City Council meeting was held at Fruitland City Hall on the above date at 7:00 P.M.

Present: Ken Bishop, Reece Hrizuk, Ed Pierson, Jeff Carpenter and Stuart Grimes.

Absent: None.

Others Present: Lee Kudrna, Sam Miller, Dolores Miller, Stephanie Bonney, Hunter Marrow, Tracy Ellwein, Carl Hipwell, Jerry Campbell, Danny Little, JD Huff, Michelle Giokas.

The meeting was called to order by Mayor Bishop and the roll was taken.

Councilman Grimes moved to approve the March 14, 2016 minutes. Seconded by Councilman Carpenter. Motion carried.

Mayor Bishop expressed his concerns regarding the City's current legal counsel. With more complicated civil and criminal issues arising he feels the City is in need of broad based legal counsel with specialization needed in several different fields. Mayor Bishop proposed to unappoint Bert Osborn as the City Attorney and to appoint MSBT Law. Councilman Grimes moved to unappoint Bert Osborn and approve the appointment of MSBT Law. Seconded by Councilman Hrizuk. Roll call vote: Grimes, aye. Carpenter, aye. Hrizuk, aye. Pierson, aye. Motion carried.

Stephanie Bonney of MSBT Law introduced herself to the Council and gave a brief overview of the services they provide. Her firm has nine attorneys and represents well over twenty governmental entities in Idaho. They also specialize in finance and environmental law.

The Council reviewed a Legal Services Agreement for the City of Fruitland and the law firm of MSBT Law, 950 W. Bannock Street, Suite 520 Boise, ID 83702. The purpose of this Agreement is to outline services to be provided by MSBT and to establish a corresponding compensation structure. Councilman Pierson moved to approve the Agreement. Seconded by Councilman Hrizuk. Roll call vote: Grimes, aye. Carpenter, aye. Hrizuk, aye. Pierson, aye. Motion carried.

Citizens Requests -

A request from The Greater Payette Area Chamber of Commerce for a donation to their annual fund-raiser auction was reviewed by the Council. Councilman Pierson moved to donate one ten-yard load of gravel to be delivered within Payette County. Seconded by Councilman Grimes. Motion carried.

Sam Miller, 722 Lilac Street, expressed concerns regarding the current yard sale ordinance. He stated the police moved or removed his signs several times during his recent yard sale. He feels permit holders should be allowed more directional signs so people can find the yard sale and they

should be required to have their address on each sign. Mr. Miller feels the City should not charge for the permit. He agrees people should only be allowed to have three yard sales per year. He feels the setback requirement at the U.S. 95/30 intersection is ridiculous. He would like to see the ordinance amended. This Council agreed to add this topic to the next City Council meeting agenda to discuss possible amendments.

City Engineer Reports –

Tracy Ellwein, Transportation Engineer – Written report.

The Council reviewed a scope of services and design estimate for the Fruitland Community Park splash pad. Councilman Pierson moved to approve the scope of work and design estimate in the amount of \$3,355.00. Seconded by Councilman Grimes. Motion carried.

Councilman Pierson moved to approve the Transportation Engineer report. Seconded by Councilman Hrizuk. Motion carried.

Carl Hipwell, Water/Sewer Engineer - Written report.

Councilman Pierson moved to approve the Water/Sewer Engineer report. Seconded by Councilman Grimes. Motion carried.

The Council reviewed a vehicle disposal request. Police Chief, JD Huff is requesting permission to dispose of a retired 2003 Ford Crown Victoria Police Interceptor with over 100,000 miles. Chief Huff would like to put the vehicle up for public auction using the Public Surplus Auction website with a starting bid of \$1,500.00. Councilman Grimes moved to approve the disposal request. Seconded by Councilman Carpenter. Motion carried.

Proposed Resolution No. 2016-03, Authorization to Destroy Temporary Records was read at length. Councilman Grimes moved to adopt Resolution No. 2016-03. Seconded by Councilman Carpenter. Roll call vote: Grimes, aye. Hrizuk, aye. Carpenter, aye. Pierson, aye. Motion carried.

Proposed Resolution No. 2016-04, Adoption of Idaho Policing Policy Manual was read at length. This manual replaces the Lexipol manual. Councilman Pierson moved to adopt Resolution No. 2016-04. Seconded by Councilman Grimes. Roll call vote: Grimes, aye. Hrizuk, aye. Carpenter, aye. Pierson, aye. Motion carried.

The Council reviewed a request from Zoning Administrator, Rick Watkins to begin the process to revoke a conditional use permit for 1711 N. Whitley Drive. Watkins explained on September 8, 2015 a conditional use permit was issued to Robert & Correna Kessler for a temporary overflow lot at 1711 N. Whitley Drive. The Kessler's have failed to comply with the conditions of their permit. In accordance with Fruitland City Code section 10-2-13.F.2, Watkins is requesting the scheduling of a public hearing before the City Council to consider revocation of Mr. & Mrs. Kessler's conditional use permit. Councilman Pierson moved to approve the request

and to schedule a public hearing during the April 25, 2016 City Council meeting. Seconded by Councilman Hrizuk. Motion carried.

The Council discussed the McQuillin Municipal Law Library that is kept updated by the City and used by the appointed City Attorney. MSBT Law has their own subscription and the City no longer needs to pay the expense of updating the library. Watkins recommends offering the books to the former City Attorney, Bert Osborn. Councilman Grimes moved to offer the books to Bert Osborn. Seconded by Councilman Carpenter. Motion carried.

Councilman Pierson moved to approve the February 2016 Finance Report. Seconded by Councilman Hrizuk. Motion carried.

The Council reviewed a City Hall/Public Safety Facilities Project. Greg Allen of Hummel Architects explained the proposed project. Councilman Hrizuk moved to continue with the development concept and to authorize Watkins to proceed with property negotiations. Seconded by Councilman Carpenter. Motion carried.

Councilman Hrizuk moved to adjourn. Seconded by Councilman Grimes. Motion carried at 8:12 P.M.

Ken Bishop, Mayor

ATTEST:

Rick S. Watkins, City Clerk