

April 13, 2015

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

PRESENT: Ken Bishop, Bud Reifsnnyder, Stuart Grimes, Ed Pierson and Reece Hrizuk.

ABSENT: None.

OTHERS PRESENT: Lucinda Day, Steven Drescher, Kathy Anchustegui, Leroy Atwood, Paula Smith, April Ehrlich, Wayne Irvin, Justin Gibb, Zach Piepmeyer, Dwayne Holloway, Jerry Campbell, JD Huff, Steve Mozingo, and Suzanne Pearcy.

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

Councilman Grimes moved to approve the March 23, 2015 minutes. Seconded by Councilman Hrizuk. Motion carried.

Councilman Hrizuk moved to approve the April 2015 Planning & Zoning Commission report. Seconded by Councilman Grimes. Motion carried.

A public hearing was opened at 7:02 P.M. for the purpose of receiving testimony regarding consideration of a draft ordinance amending Title 10 of Fruitland City Code; reclassifying certain land uses from requiring Conditional Use Permits to classification as Permitted Uses in Commercial and/or Light Industrial zones.

Watkins explained the proposed amendments would move certain land uses requiring conditional use permits in commercial and light industrial zones to permitted uses in commercial and light industrial zones. The Fruitland Planning & Zoning Commission forwarded a favorable recommendation of the amendments with the exception of moving Daycare Centers to a permitted use. They recommended leaving it as requiring a conditional use permit.

No testimony was given and the hearing was closed at 7:05 P.M.

A public hearing was opened at 7:05 P.M. for the purpose of receiving testimony regarding a request by IRVCO Asphalt & Gravel, Inc. for a rezone and comprehensive plan amendment from Single-Family Residential to Multi-Family Residential for the property in the 800 Block of N. Pennsylvania Avenue, between N. Pennsylvania Avenue and Farmers Cooperative Irrigation Canal.

Wayne Irvin, 1267 NE 10th Avenue, Payette representing IRVCO Asphalt & Gravel stated he is requesting a zone change and comprehensive plan change from Single-Family Residential to Multi-Family Residential. He wants to build four duplexes with a common lot over the gas line easement. An additional unit for the property manager will be optional. The driveway to access

the property is 24' wide with a hammer head at the west end to be constructed for emergency vehicle turn around.

Kathy Anchustegui, 204 NW 9th Street stated she lives on the back of the property to be developed. Kathy stated there is a city manhole under the fence she recently constructed and she has concerns that if the fence is removed it will not be replaced correctly.

Steve Drescher, 104 NW 9th Street stated he is opposed to the rezone from Single-Family Residential to Multi-Family Residential. He feels Single-Family Residential is the highest and best use of the property. Mr. Drescher stated the City Council are the stewards of the community and need to consider this request carefully. He feels this area is not compatible with the multi-family zone being requested and the Council should help Mr. Irvin find another more suitable area to develop with Multi-Family Residential. Mr. Drescher feels the development would cause a safety issue with Pennsylvania Avenue stating Pennsylvania Avenue is a de facto green belt with children, joggers, etc. using the street for various activities. The street is too narrow, the shoulder is unpaved and people are forced to use the road. He feels the multi-family development would lead to vehicle accidents.

Wayne Irvin, stated the fence is on an easement, he would need to access the manhole to connect to city services. Mr. Irvin stated he would not have a problem hiring a company to reconstruct the fence and there will be a stop sign installed approaching Pennsylvania from the development.

No other testimony was given and the hearing was closed at 7:17 P.M.

A public hearing was opened at 7:17 P.M. for the purpose of receiving testimony regarding a request by Pelican, LLC for a preliminary plat of Northview Ranch Subdivision No. 3.

Leroy Atwood, developer representing Pelican, LLC, stated he is requesting approval of the preliminary plat of Northview Ranch Phase III. Mr. Atwood stated Phase I is sold out and Phase II is over halfway sold. Mr. Atwood stated Washoe Road would be improved to provide a new traffic pattern and access and a landscape berm would be enlarged with a 6' high fence for privacy.

No further testimony was given and the hearing was closed at 7:23 P.M.

Citizen Requests-

Lucinda Day, 245 SW 3rd Street is requesting two designated one-hour parking stalls from 10:00 AM- 6:00 PM, Monday through Friday to be located in front of the west access to her business on Iowa Avenue. The Council discussed enforcement issues with city staff. Public Works Supervisor Jerry Campbell will put together "Loading Zone" drawings for further consideration rather than limiting parking hours.

Land Use Decisions-

Councilman Pierson moved to approve the proposed Zoning Code Amendments with the exception of Day Care Centers to remain a permitted use with a Conditional Use Permit and the following uses not requiring a conditional use permit in General Commercial zones:

- Auditorium
- Car wash
- Entertainment facility
- Mortuary, funeral home
- Motel
- Private club, fraternal organization or lodge, social club, union hall
- Recreation center, gymnasium, health or tanning spa, or other business offering exercise and/or body conditioning services
- Bakeries, wholesale
- Medical laboratories and facilities

Seconded by Councilman Hrizuk. Motion carried.

Councilman Pierson moved to approve the Comprehensive Plan Amendment and rezone from Single-Family Residential to Multi-Family Residential for the property in the 800 Block of N. Pennsylvania Avenue owned by IRVCO Asphalt & Gravel, Inc. Seconded by Councilman Hrizuk. Motion carried.

Councilman Pierson moved to approve the Northview Ranch Subdivision No. 3 preliminary plat. Seconded by Councilman Hrizuk. Motion carried.

Citizen Requests continued-

The Council reviewed a request from Valerie Dolphus, representing Four Rivers Health Care requesting a gravel donation to be used in their live auction on April 25, 2015. Councilman Pierson moved to donate ten yards of gravel to be delivered within Payette County. Seconded by Councilman Grimes. Motion carried.

The Council reviewed a request from the Fruitland First United Methodist Church, 317 SW 2nd Street for a temporary street closure to accommodate a neighborhood block party on Sunday, June 7, 2015 from 5-7pm. Due to confusion over the exact portion(s) of streets requested to be closed, Councilman Pierson moved to approve the street closure request pending Chief Huff's visit with church officials and his approval. Seconded by Councilman Hrizuk. Motion carried.

City Engineer Reports –

Zach Piepmeyer, Transportation Engineer – Written report.

Councilman Pierson moved to approve the Transportation Engineer report. Seconded by Councilman Grimes. 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.

March 2015 Department Activity Reports –

Councilman Grimes moved to approve the March 2015 Police Department Activity report. Seconded by Councilman Hrizuk. Motion carried.

Councilman Pierson moved to approve the March 2015 Fire Department Activity report. Seconded by Councilman Grimes. Motion carried.

Councilman Pierson moved to approve the March 2015 Public Works Department Activity report. Seconded by Councilman Grimes. Motion carried.

Councilman Pierson moved to approve the March 2015 Building Department Activity report. Seconded by Councilman Hrizuk. Motion carried.

Councilman Grimes moved to approve the March 2015 Ambulance Department Activity report. Seconded by Councilman Reifsnnyder. Motion carried.

Councilman Pierson moved to read Ordinance No. 597 – Reduction of Water/Sewer Capacity Fees, by title only. Seconded by Councilman Hrizuk. Motion carried. Councilman Pierson moved to approve the first reading, suspend the rules and adopt Ordinance No. 597. Seconded by Councilman Grimes. Roll call vote: Grimes, aye. Reifsnnyder, aye. Hrizuk, aye. Pierson, aye. Motion carried.

Proposed Resolution No. 2015-01 - Personnel Policy Amendments, was read at length. Councilman Pierson moved to adopt Resolution No. 2015-01. Seconded by Councilman Hrizuk. Roll call vote: Grimes, aye. Reifsnnyder, aye. Hrizuk, aye. Pierson, aye. Motion carried.

The Council reviewed a memo from City Clerk, Rick Watkins explaining Cable One has incorrectly been charging a 5% franchise fee to its customers in the City of Fruitland. The current franchise agreement is set at 3% by ordinance. Cable One started charging its customers the 5% in the March billing, but has been paying the City the 5% since 2014. The difference in franchise fees paid to the City are approximately \$1700 per quarter or \$4300 vs. \$2600. Watkins recommends the Council hold the fee at 3%. Cable One will then credit their customers' accounts and will adjust the City's franchise fee payment until the error is corrected. Councilman Pierson moved to keep the Cable One franchise fee at 3%. Seconded by Councilman Grimes. Motion carried.

Councilman Pierson moved to read Ordinance No. 593 – Zoning Code Amendments, by title only. Seconded by Councilman Grimes. Motion carried. Councilman Pierson moved to approve the first reading, suspend the rules and adopt Ordinance No. 593. Seconded by

Councilman Grimes. Roll call vote: Grimes, aye. Reifsnyder, aye. Hrizuk, aye. Pierson, aye. Motion carried.

Councilman Pierson moved to read Ordinance No. 598 – Addressing & Street Naming, by title only. Seconded by Councilman Grimes. Motion carried. Councilman Pierson moved to approve the first reading, suspend the rules and adopt Ordinance No. 598. Seconded by Councilman Grimes. Roll call vote: Grimes, aye. Reifsnyder, aye. Hrizuk, aye. Pierson, aye. Motion carried.

The Council reviewed a proposed Equal Pay Policy to allow customers to pay their water/sewer utility bill in twelve equal monthly payments. The Council agreed to not require direct pay and to allow for open enrollment into the program year round. City Attorney, Bert Osborn will draft an Ordinance for review.

The Council reviewed a Consortium Agreement between the City of Fruitland, the City of New Plymouth, Highway District #1 and Payette County Title and Escrow. The purpose of the Consortium is to maintain a certain set of common mapping data in AutoCAD DWG format for the use by all members. In order to maintain the AutoCAD DWG data, it will be necessary to convert ArcGIS Geodatabase data supplied by Payette County. Councilman Pierson moved to approve the agreement. Seconded by Councilman Hrizuk. Motion carried.

The Council reviewed a cost estimate for a facility analysis of the Olde School located at 500 SW 3rd Street for a possible Public Safety Building in the amount of \$8,005. Councilman Pierson moved to approve the proposal with the funding to be taken out of Administration, General Fund - Capital Projects. Seconded by Councilman Grimes. Motion carried.

The March 2015 bills were reviewed by the Council. Councilman Pierson moved to approve the bills. Seconded by Councilman Grimes. Motion carried.

Councilman Hrizuk moved to adjourn. Seconded by Councilman Reifsnyder. Motion carried at 8:41 P.M.

Ken Bishop, Mayor

ATTEST:

Rick S. Watkins, City Clerk