

May 9, 2016

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

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

Staff Present: J.D. Huff, Jerry Campbell, Tracy Ellwein, Carl Hipwell, Michelle Giokas, Danny Little, Stephanie Bonney.

Others Present: Lucinda Day, Ryan Baxter, Grant Baxter, Kelsee Hale, Chris Hale, Hunter Marrow, Bruce Cowgill, Donna Cowgill, Teresa Fabricius, Tim Davis, Weston Davis, Juanee Baxter.

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

Councilman Pierson moved to amend the meeting agenda to add an executive session at the request of Mayor Bishop. The purpose of the agenda item is to confer with the City Attorney regarding ongoing litigation. The reason the item was not placed on the agenda was due to a magistrate court hearing held at 3:00 P.M. today that resulted in the City Attorney needing to confer with the Council. Seconded by Councilman Hrizuk. Motion carried.

Councilman Grimes moved to approve the April 25, 2016 minutes. Seconded by Councilman Carpenter. Motion carried.

A public hearing was opened at 7:03 P.M. to receive testimony regarding a request from Ryan Baxter to amend the Comprehensive Plan and rezone the property located at 1225 S. Pennsylvania Avenue from Neighborhood Commercial to Light Industrial. Ryan explained he would like to construct a 3500 square foot automotive repair shop on the northern parcel of the property. He intends to construct two entrances on the S. Pennsylvania Avenue side of the property. Mayor Bishop asked about intentions to develop the south portion of the property that intersects S. Pennsylvania Avenue and U.S. 95. Mr. Baxter explained he has no immediate plans to develop the property; just to keep it clean. Letters were read from Jerry Campbell-Fruitland Public Works Supervisor, Ricky York-Manager of Farmers Cooperative Irrigation Company, and James K. Morrison-Idaho Transportation Department. There was no opposition to the requests. There was no oral testimony from the public and the hearing was closed at 7:08 P.M.

A public hearing was opened at 7:09 P.M. to receive testimony regarding a request from Fruitland School District #373 to annex property located between S. Kansas Avenue, S. Pennsylvania Avenue and U.S. 95, amend the Comprehensive Plan from Single-Family Residential to Neighborhood Commercial and to zone the property Neighborhood Commercial. Councilman Grimes declared a conflict of interest as he is employed by the School District and recused himself from discussion or voting on the topic. Teresa Fabricius, Superintendent - explained that due to potential safety issues they would like the property within the City's jurisdiction. Letters were read from Jerry Campbell-Fruitland Public Works Supervisor, Ricky York-Manager of Farmers Cooperative Irrigation Company, and James K. Morrison-Idaho Transportation Department. There was no opposition to the requests. There was no oral testimony from the public and the hearing was closed at 7:11 P.M.

A public hearing was opened at 7:11 P.M. to receive testimony regarding a request from Bruce and Donna Cowgill to amend the Comprehensive Plan and rezone the property located at 1011 Victoria Avenue from Single-Family Residential to Neighborhood Commercial with a Development Agreement. Donna Cowgill, 1009 Victoria Avenue explained she is the owner of UnLtd., an internet/telephone based business she has been operating out of the property located at 1011 Victoria Avenue. The property previously had several owners and was used primarily as residential rental property. When the property came up for foreclosure she felt her family could maintain the property and use it as an office rather than rent her previous location at 804 NW 24th Street in Fruitland. Her husband, Bruce Cowgill discussed the concept with Rick Watkins and understood they would not need to do anything further. Her business operates as a subcontractor to U.S. Department of Education dealing with student loan debt collection. Due to the sensitive nature of the business she was required to provide security systems to protect the confidential records. The business utilizes computers and telephones only. There are no walk-ins or vendors. She has operated out of this location for three years. Due to several false alarms she was contacted in September of 2015 by Chief Huff and when he found the property had an operating business, the Zoning Administrator was notified. After attempting to resolve the land use issue a hearing was held with the Fruitland Planning & Zoning Commission to consider a rezone of the property which received an unfavorable recommendation from the Commission. They recommended she consider applying for a Conditional Use Permit. When it was determined a CUP was not the appropriate vehicle to pursue, the current options were put in place. The immediate neighbors are supportive of the rezone. Mrs. Cowgill explained some of the conditions outlined in her Development Agreement application including no signage; maximum of eight employees; when she retires she would rezone the property back to Single-Family Residential. Her neighbors have commented there is less traffic, no noise, and no cars coming and going all hours of the night. Her business hours are 8:00 AM to 6:00 PM. There are no noise, fumes or vibrations involved with her business. The property is at a dead-end street within an old subdivision and several of the homes are being sold and used as residential rental properties. Her immediate neighbors own their properties and they are maintained well. Letters were received from Jerry Campbell-Fruitland Public Works Supervisor, Ricky York-Manager of Farmers Cooperative Irrigation Company, and James K. Morrison-Idaho Transportation Department. There were no objections to the requests. A petition was received supporting the requests signed by neighbors Connie Fortin, Martin Youngberg, and James and Janet Presher. There was no oral testimony from the public and the hearing was closed at 7:23 P.M.

Councilman Hrizuk moved to approve the requests submitted by Ryan Baxter for the property located at 1225 S. Pennsylvania Avenue, including a Comprehensive Plan amendment and rezone from Neighborhood Commercial to Light Industrial. Seconded by Councilman Carpenter. Motion carried.

Councilman Pierson moved to approve the requests submitted by Fruitland School District #373 for the properties located between S. Kansas Avenue and S. Pennsylvania Avenue and U.S. 95, including annexation, a Comprehensive Plan amendment from Single-Family Residential to Neighborhood Commercial and a zoning designation of Neighborhood Commercial. Seconded by Councilman Hrizuk. Motion carried. No vote by Councilman Grimes.

Councilman Hrizuk moved to approve the requests submitted by Bruce and Donna Cowgill for the property located at 1011 Victoria Avenue, including a Comprehensive Plan amendment and rezone from Single-Family Residential to Neighborhood Commercial with a Development Agreement. Seconded by Councilman Grimes. Motion carried.

Lucinda Day presented an updated drawing of the “Welcome to Fruitland” sign proposed by the Apple Jam Committee. Councilman Hrizuk declared a conflict of interest since he is a member of the Apple Jam Board of Directors and recused himself from discussions and voting on this issue. Lucinda explained the sign has been redesigned and it has been determined the best location would be to replace the existing Chamber of Commerce sign at 2405 N. Whitley Drive. It will be lighted by solar powered lighting near the base of the sign. Engineer Ellwein advised they will need to re-draft the foundation drawings to correspond with the new location. It was determined the City would obtain the necessary permits from Idaho Transportation and Councilman Hrizuk would obtain the property owner’s permission. Councilman Grimes moved to approve the location at 2405 N. Whitley for the sign and to allow the Public Works Department to dig the foundation. Seconded by Councilman Carpenter. Motion carried.

Kelsee Hale, Sales & Marketing Representative of L&L Enterprises, 222 SW 3rd Street discussed the Downtown area and asked for assistance in trying to promote business. L&L Enterprises has been in business Downtown for the past twelve years and due to the low traffic is struggling. She requested an opportunity to conduct a sidewalk sale in front of her building. There was also discussion about revising City Code as it relates to Downtown Commercial regulations, i.e. being able to close off portions of SW 3rd Street to vehicular traffic for events. Councilman Pierson moved to grant a 30-day approval for L&L Enterprises to utilize a portion of the sidewalk for a pilot sidewalk sales program. Seconded by Councilman Hrizuk. Motion carried. Kelsee will receive input from the Chief of Police, Public Works Supervisor and Building Official and will report back to the Council on the program’s success.

Tracy Ellwein, Transportation Engineer presented a written report for the Council’s review. Councilman Hrizuk moved to approve the report. Seconded by Councilman Carpenter. Motion carried.

Carl Hipwell, Water/Sewer Engineer presented a written report for the Council’s review. Councilman Pierson moved to approve the report. Seconded by Councilman Hrizuk. Motion carried.

Ordinance No. 609, authorizing vacation of a 20-foot wide utility easement in the 800 Block north of NW 13th Street was submitted for the Council’s consideration. This vacation is requested in order to accommodate the construction of a new medical facility at this location. A new 8” diameter water main is currently being constructed on the same property approximately 65 feet west of the existing main on the property line. Councilman Pierson moved to read Ordinance No. 609 by title only. Seconded by Councilman Grimes. Motion carried. Councilman Pierson moved to accept the first reading, suspend the rules and adopt Ordinance No. 609. Seconded by Councilman Grimes. Roll call vote: Grimes, aye. Carpenter, aye. Hrizuk, aye. Pierson, aye. Motion carried.

Councilman Pierson moved to approve the April 2016 Police Activity Report. Seconded by Councilman Hrizuk. Motion carried.

Councilman Pierson moved to approve the April 2016 Fire Activity Report. Seconded by Councilman Hrizuk. Motion carried.

Councilman Grimes moved to approve the April 2016 Public Works Activity Report. Seconded by Councilman Carpenter. Motion carried. PWS Campbell advised he believes there are several governmental entities that may want to acquire our old wastewater treatment plant equipment we will be salvaging.

Councilman Hrizuk moved to approve the April 2016 Building Activity Report. Seconded by Councilman Grimes. Motion carried.

Councilman Pierson moved to approve the April 2016 Ambulance Activity Report. Seconded by Councilman Hrizuk. Motion carried.

Councilman Hrizuk moved to approve the April 2016 Parks & Trails Committees report. Seconded by Councilman Carpenter. Motion carried. Danny Little reported the Whitewater Park Committee is requesting funding for a feasibility study. He will advise them to submit a proposal with cost estimates that will be considered during the upcoming budget workshop.

The attached bills for April 2016 were reviewed by the Council. Councilman Pierson moved to approve the bills. Seconded by Councilman Carpenter. Motion carried.

Councilman Carpenter moved to go into executive session pursuant to Idaho Code section 74-206(1)(f) to discuss legal litigation with the City Attorney. Seconded by Councilman Grimes. Roll call vote: Grimes, aye. Carpenter, aye. Hrizuk, aye. Pierson, aye. Motion carried at 8:30 P.M. Regular session was re-entered at 8:49 P.M.

Councilman Pierson moved to adjourn. Seconded by Councilman Carpenter. Motion carried. 8:49 P.M.

Ken Bishop, Mayor

ATTEST:

Rick S. Watkins, City Clerk