

February 12, 2024

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

PRESENT: Brian Howell, Tom Limbaugh, Jeff Carpenter, Kari Peterson, Ed Pierson.

ABSENT: None.

STAFF PRESENT: Mark Little, Pete Szobonya, Bill White, Stephanie Bonney, JD Huff, Matt Brock, Rick Funk, Danny Little, Jesse Wetzel, Stuart Grimes, Samantha Herrera.

OTHERS PRESENT: Scherri Farley, Deborah Nelson, Lisa Woods, Kate Woods, Sam Peterson, Charles Baines, Tresa Fugate, Kristine Needs, Marvin Lasnick, Jeremy Mendenhall, Emily Mendenhall, Dave Haidle, Jordan Heinz, Alishia Kauraka, Mike Jirges, Tony Hathhorn, Alana Baughman, Lisa Stallings, Lisa Hillam, Pam Aubrey, Terrette Kapuer, Holly Fugate, Mike Ellis, Rachelle Tippetts, Jason Geary, Micah Geary, Danille Hayes, Macee Voss, Randy Pryor, Richard Frates, Ethan Mittelstadt, Kyleigh Mittelstadt, Rigdon Kauvaka, Howard Kauvaka.

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

Councilor Limbaugh moved to approve the January 22, 2024 minutes. Seconded by Councilor Carpenter. Motion carried.

The Council reviewed a memo from Scherri Farley, Food Service Director of the Fruitland School District requesting permission to use Gazebo #1 of the Fruitland Community Park for the Summer Meal Program from June 3, 2024 until July 31, 2024. Monday thru Fridays from 11:30 A.M. to 12:15 P.M. Councilor Pierson moved to approve the request. Seconded by Councilor Peterson. Motion carried.

The Council reviewed a request from Givens Pursley Attorneys and Counselors at law representing, Treasure Valley Classical Academy (TVCA) requesting a modification to the Development Agreement recorded on September 14, 2023 as Instrument No. 452516 relating to the property located at 500 SW 3<sup>rd</sup> Street. The modification is due to operational changes necessitated by TVCA's current inability to relocate upper class students to a second campus. Based on the current circumstances, TVCA will be eliminating grades 9 and 10 at the present campus, allowing TVCA to remove the modular building at the corner of Colorado and 4<sup>th</sup> Street but requiring additional time to execute the overall operational plan, requiring small adjustments to condition 6 and 9. Condition 10 to be adjusted to reflect the current maximum students through grade 8. TVCA requests the following modifications to the conditions in Exhibit B of the Development Agreement:

- **Condition 6:** For the 2023/2024 through the 2025/2026 school years - ~~only~~, all faculty shall park at the Highway Worship Center remote lots and will be monitored by TVCA. ~~For the 2024/25 school year and beyond~~ After the 2025/2026 school year, faculty will park in the new parking lot on the southeast corner of SW 3rd Street and S. Kansas Avenue.

- **Condition 9:** The modular units at 424 SW 3rd Street shall be removed by September ~~2024~~2026 and required landscaping and parking will be installed.
- **Condition 10:** Maximum number of students shall not exceed:
  - 2023-2024 school year- 594
  - 2024-2025 school year ~~and beyond~~-378 486
  - 2025-2026 school year - 486
  - 2026-2027 school year and beyond- 378

Councilor Limbaugh moved to approve the request for Development Agreement modifications for the location of 500 SW 3<sup>rd</sup> Street. Seconded by Councilor Pierson. Motion carried.

The Council reviewed a Notice of Appeal from Givens Pursley Attorneys and Counselors at law representing, Treasure Valley Classical Academy (TVCA) to appeal the decision made by Fruitland Planning and Zoning Commission dated January 24, 2024 denying a Conditional Use Permit for a new school use at 1000 NW 13<sup>th</sup> Street. The applicant stated that the Commission dismissed evidence indicating that TVCA had fully mitigated the traffic impacts of the proposed development, denied the applicant a fair opportunity to be heard, and stated the decision fails to meet the legal standards of Fruitland City Code and Idaho law. They are asking the Council to reverse the commission's decision.

Councilor Pierson moved to enter into Executive Session pursuant to Idaho Code section 74-206(1)(f)- Potential Litigation. Seconded by Councilor Carpenter. Roll call vote: Limbaugh, aye. Carpenter, aye. Peterson, aye. Pierson, aye. Motion carried at 8:08 P.M.

Regular session was resumed at 8:29 P.M.

The Council deliberated at length, several safety concerns and traffic impact concerns regarding the proposed project. Councilor Limbaugh stated he would be willing to make a motion to table the appeal to allow for the Council and the applicant to meet together in attempts to mitigate traffic and safety concerns. The applicant stated in order for them to move forward, they are requesting a decision on the matter be made during tonight's meeting, and are not interested in continued mitigation.

Councilor Pierson moved to deny the appeal as traffic and safety issues cannot be mitigated. Seconded by Councilor Carpenter. Roll call vote: Limbaugh, nay. Carpenter, aye. Peterson, nay. Pierson, aye. Mayor Howell, aye. Motion carried.

The Transportation Engineer Report was presented by Engineer Pete Szobonya. Councilor Pierson moved to approve the report. Seconded by Councilor Limbaugh. Motion carried.

The Water/Sewer Engineer Report was reviewed. Councilor Pierson moved to approve the report. Seconded by Councilor Carpenter. Motion carried.

The Council reviewed a Pre-Treatment Study- Emerging Contaminates Contract Proposal & Scope of Work from Ardurra Engineers for engineering services not to exceed \$70,000.00. The City of Fruitland intends to study and identify a pre-treatment system to implement at the Water Treatment Plant (WTP). This study address Emerging Contaminates of rising concern, including polyfluoroalkyl substances (PFAS), cyanobacteria and Geosmin. The City does not currently utilize a pre-treatment system. The original design for the WTP incorporated a Polyaluminum Chloride (PACl) dosing process. This system does not respond to the seasonal cold temperatures of the Payette River and was abandoned due to its low effectiveness. This project intends to identify an alternate pre-treatment process that will address PFAS and other Emerging Contaminants of concern. Councilor Pierson moved to approve the Pre-Treatment Study- Emerging Contaminates Contract Proposal & Scope of Work. Seconded by Councilor Limbaugh. Roll call vote: Limbaugh, aye. Carpenter, aye. Peterson, aye. Pierson, aye. Motion carried.

The January 2024 Police Department Activity Report was presented by Chief Huff. Councilor Carpenter moved to approve the report. Seconded by Councilor Limbaugh. Motion carried.

The January 2024 Police Reserve Fund Bank Statement was reviewed by the Council. Councilor Carpenter moved to approve the January 2024 Police Reserve Fund Bank Statement. Seconded by Councilor Limbaugh. Motion carried.

The Council reviewed a memo from Police Chief Huff, requesting to dispose of the old police fleet consisting of 10 vehicles. Chief Huff explained that he intends to strip the patrol cars and sell them at public auction. He is also requesting to have one of the 2017 Ford Explorer SUV's be transferred to the Information and Technology Department for their use. Councilor Carpenter moved to approve the property disposal request and vehicle transfer request. Seconded by Councilor Limbaugh. Motion carried.

The Council reviewed a memo from Police Chief Huff announcing the retirement of Captain Cy Armstrong on March 15, 2024, after 30 years of law enforcement. Chief Huff is requesting permission to gift Captain Armstrong his badge and department issued sidearm in appreciation for his faithful service to the City. Councilor Carpenter moved to approve the gift request. Seconded by Councilor Limbaugh. Motion carried.

The Council reviewed a memo from Police Chief Huff announcing the appointment of Detective Sergeant Scott Crimin to fill the vacancy of the Captain position as of February 1, 2024.

The January 2024 Fire Department Activity Report was presented by Chief Little. Councilor Pierson moved to approve the report. Seconded by Councilor Carpenter. Motion carried.

The January 2024 Fire Department Burnout/Training Fund Bank Statements and Finance Report were reviewed by the Council. Councilor Carpenter moved to approve the January 2024 Fire Department Burnout/Training Fund Bank Statements and Finance Report. Seconded by Councilor Limbaugh. Motion carried.

The January 2024 Public Works Department Activity Report was presented by Public Works Director, Matt Brock. Councilor Pierson moved to approve the report. Seconded by Councilor Peterson. Motion carried.

The January 2024 Building Department Activity Report was reviewed. Councilor Carpenter moved to approve the report. Seconded by Councilor Limbaugh. Motion carried.

The January 2024 Technology Department Activity Report was presented by IT Manager, Jesse Wetzel. Councilor Peterson moved to approve the report. Seconded by Councilor Limbaugh. Motion carried.

The Council reviewed a request to include an interview of the City of Fruitland's IT Manager Jesse Wetzel in their video campaign for the Institute for Pervasive Cybersecurity. Jesse will be interviewed regarding the benefits of the Cyberdome and what it has been able to do for the City of Fruitland. Councilor Peterson moved to approve the participation in the video campaign, Seconded Councilor Limbaugh. Motion carried.

The January 2024 Ambulance Department Activity Report was presented by Ambulance Director, Rick Funk. Councilor Pierson moved to approve the report. Seconded by Councilor Peterson. Motion carried.

City Clerk Suzanne Percy, asked the Council to table the decision regarding Resolution No. 2024-01- Idaho Transportation Department- State/Local Agreement for NE 11<sup>th</sup> Street to NW 16<sup>th</sup> Street-Phase 1 until the next City Council meeting as revisions need to be made. Councilor Peterson moved to table Resolution No. 2024-01 until the next City Council meeting. Seconded by Councilor Limbaugh. Motion carried.

The Council reviewed a 2022-2023 Single Audit engagement letter with Poulsen, Vanleuven & Catmull, PA. Councilor Pierson moved to approve the audit contract. Seconded by Councilor Peterson. Roll call vote: Limbaugh, aye. Carpenter, aye. Peterson, aye, Pierson, aye. Motion carried.

The January 2024 bills were reviewed by the Council. Councilor Pierson moved to approve the bills. Seconded by Councilor Carpenter. Motion carried.

Councilor Carpenter moved to adjourn. Seconded by Councilor Limbaugh Motion carried at 9:46 P.M.

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Brian Howell, Mayor

ATTEST:

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Suzanne Percy, City Clerk