

March 13, 2017

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.

ABSENT: None.

STAFF PRESENT: J.D. Huff, Tracy Ellwein, Jerry Campbell, Danny Little, Michelle Giokas.

OTHERS PRESENT: Kenneth Schappert, Cheryl Spaulding, Greg Pence, Cathy Pence, Kelly Drolinger, Amber Drolinger, Robert Hoffer, Chance Stringer, Kari Peterson, Steven Fowlers, Clyde Warner, Evelyn Warner, Sharon Purdum, Catherine Priscella, Suzanne Nishizaki, Bryan Nishizaki, Marvin Schnabel, Javier Marquez, Lisa Woods, Seneca Woods, Jared Taggart, Ernie Alger, Leroy Atwood, Tyson Gertner, Wende Gertner, Charles Otte, David Eastman, Mark Rawlings, Phil Spurling, Eunice Nickels, Dieter Nickels, Isabel Salinas, Conner Ortiz, Carolina Palomarez, Rodney Frates, Brian Howell, David Bartle, Cindy Bartle, Margaret Trent, Robert Kehrer, Avery Russell, Natalie Chavez, Sharon Harmon, Trevor Caster.

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

Councilman Grimes moved to approve the February 27, 2017 City Council meeting minutes. Seconded by Councilman Carpenter. Motion carried.

At 7:02 P.M. a public hearing was continued from December 12, 2016, in order for the Council to review the topography regarding a Sidewalk/Landscaping Variance requested by Ryan Baxter for his property located at 1225 S. Pennsylvania Avenue. Mr. Baxter emphasized the shape of the land and the steepness of the elevation along U.S. 95 would make it difficult to conform to the City Code standards for a five foot wide landscaping strip behind the curb plus an eight foot wide detached sidewalk. Zoning Administrator Watkins explained the Variance application is only for the 1225 S. Pennsylvania Avenue property; not the triangular shaped property where U.S. 95 and S. Pennsylvania Avenue intersect. He also explained the building permit was only issued because the plans, including the sidewalks, landscaping, etc. conformed to City Code. To receive the building permit in order to begin construction, only to apply for a Variance was not appropriate. The hearing was closed at 7:10 P.M.

A public hearing for requests by Pelican Development LLC for annexation, a comprehensive plan amendment from Large Lot Residential to Single-Family Residential, a zoning designation of Single-Family Residential, a Variance request for three lots not meeting the one hundred foot lot depth requirement, and a Preliminary Plat for Northview Ranch Subdivision No. 5 was opened at 7:11 P.M. Leroy Atwood, Managing Member, explained the development was the fifth phase of the overall Northview Ranch Subdivision master plan. The subdivision will consist of 28 lots. The reason for the Variances on three of the lots is they are 2.5 feet or less, short of the 100 foot depth minimum requirement. All three of the lots are substantially more than the minimum 7500 square feet requirement. As there was no testimony the hearing was closed at 7:14 P.M.

A public hearing for requests by Woodgrain Millwork, Inc. for annexation of 1177 N. Pennsylvania Avenue with a Comprehensive Plan Amendment from Agricultural to Heavy Industrial and a zoning designation of Heavy Industrial; on the NW 16th Street frontage located between the Farmers Canal and railroad tracks a Comprehensive Plan Amendment from General Commercial to Heavy Industrial and a rezone from General Commercial to Heavy Industrial; a Development Agreement regarding the entire Woodgrain complex of 300 NW 16th Street, including the 1177 N. Pennsylvania Avenue property; and a Variance of Employee Parking Requirements for the entire Woodgrain complex of 300 NW 16th Street, including the 1177 N. Pennsylvania Avenue property was opened at 7:14 P.M.

Councilman Hrizuk advised the Council he had inadvertently participated in ex parte' communications regarding these requests and would not participate in the discussion or voting on the issues.

David Eastman, representing Woodgrain Millwork, explained their public hearing with the Fruitland Planning & Zoning Commission had been held and gave a brief overview of the content of the applications. He explained the parking variance was requested due to city regulations requiring one parking space per 1000 square feet of gross building area. The current and future buildings at Woodgrain total 565,000 square feet. This includes 152,000 square feet of warehousing that does not accommodate employee operations other than loading and unloading lumber. It is projected that 420-425 parking spaces would be needed. Woodgrain has been in discussions with Treasure Valley Transit regarding potential bus service being made available for their employees. Woodgrain is currently working with the City on potentially sharing the Tesoro Logistics property for parking if the City can obtain the property for conversion into an equestrian themed public park area. With this in mind he is requesting a temporary employee parking lot on the NW 16th Street property with the caveat it not be required to be paved until a permanent parking solution is determined. Answering questions submitted by the City Council, Mr. Eastman explained the 1177 N. Pennsylvania Avenue site is to be used for the unloading of raw material to be processed at the facility. Trucks entering and unloading is estimated at 5 to 15 trucks per day. There would be no off-loading during evening hours. They intend to construct a seven foot high masonry wall between Woodgrain and Desert Rose Estates manufactured home park. Woodgrain is requesting deferring installation of landscaping along N. Pennsylvania Avenue until the street is reconstructed.

All written testimony presented to the Fruitland Planning & Zoning Commission was received by the Council along with an updated letter from Tesoro Logistics.

Oral testimony:

Brian Howell, 100 NW 16th Street, Space #33 – He resides at the end of the existing masonry wall separating Woodgrain from Desert Rose Estates. He is concerned about security, storm drainage, noise and dust as presented to Fruitland P&Z. He is also concerned about the backup alarms on the forklift operations. He commented on a recent situation February 25, 2017, when the forklift began operations at 11:50 P.M. and repeated every 30 minutes all night. He had understood the noise was to be ended by 11:00 P.M. and has found that City Code states 7:00 P.M. He has witnessed the hysters operating every night with the backup alarms turned off,

which is a violation of OSHA regulations. He is requesting the Council enforce the noise regulations, the wall and buffering be completed and that storm drainage be completed. There are 120 homes in Desert Rose and he has no confidence that Woodgrain will do what they are supposed to do.

Kari Peterson, 205 Magnolia Avenue – Concerned about all of the young families in the vicinity of Woodgrain and the condition of N. Pennsylvania Avenue. It is very congested especially when Mesa Park is operating. Concerned about the 7:00 AM to 7:00 PM trucking operation when there is the most activity on the street. Worried about property values going down.

Sharon Purdum, 100 NW 16th Street, Space #36 – Her home is in front of the newly constructed storage building. She realizes progress needs to occur. However, the storage vats are transferred near Spaces #33 and #34 by hyster at 2 to 3 in the morning causing lots of noise. She understood a special circumstance allowed this to happen, but how often would this happen? The buffer wall is next to her property, but it did not make the noise any less.

Rod Frates, 301 NW 16th Street – representing the landlord Mary Ann Miller – Woodgrain does not allow their employees to smoke on Woodgrain property. Therefore, the employees park along NW 16th Street, including in front of his home all night long with vehicles running and revving their engines during breaks.

Clyde Warner, 100 NW 16th Street, Space #34 – The existing wall is not ten feet tall as it relates to his space. Recently moved to this location from Nampa, Idaho. He is a light sleeper and he hears Woodgrain operations all night. The property needs to be paved. He has emphysema and cannot take the dust. He sees the pros and cons of the requests.

Robert Hoffer, 100 NW 16th Street, Space #31 – His concern is for his mom. He used to work for Woodgrain and enjoyed it. His mother has congenital heart disease and asthma. Her hearing condition makes noise difficult to adjust to. Dust is a problem. An employee working on the Woodgrain property threw an exacto knife and hit his mother's dog. This greatly upset his mother, who witnessed the incident. Does not understand why this activity has not been dealt with. Park has good neighbors and is run well. Woodgrain should do better background checks on employees.

Evelyn Warner, 100 NW 16th Street, Space #34 – She resides at the end of the wall that exists. She retired from Simplot after 26 years as a waste water treatment plant operator. She is concerned about the air quality. Around 2:30 P.M. every day the air smells like glue. She relocated from Nampa, Idaho a few months ago. Her husband is on oxygen and cannot handle the dust that will be generated. Last week the lot was full of lumber and Woodgrain was transferring lumber with hysters at 11:30 P.M. The backup alarms were operating. She has limited access to Mesa Park and is concerned about the traffic.

Tyson Gertner, 303 NW 9th Street – Was employed in trucking for 20 years and has lived on NW 9th Street for 11 years. Concerned about noise impact on the neighborhood and would like a policy implemented to keep the Woodgrain smokers off of the public streets.

Cheryl Spaulding, 193 Ash Loop – Has COPD. Her street is occupied by 55 and older individuals. She is concerned about the trucks and employee cars parked along NW 16th Street all night with motors running creating exhaust smoke. The onion plant has odors at times. There is not enough emphasis on air quality.

Suzanne Nishizaki, 7255 Elmore Road – Concerned about the truck traffic pattern between Fruitland and Emmett. Her father lives at 1040 N. Pennsylvania Avenue. There is an influx of traffic to and from Mesa Park. Bikers and joggers travel N. Pennsylvania Avenue. Her father has difficulty backing out of his driveway due to the traffic. Woodgrain employees are constantly smoking in front of her father's fence and throwing their cigarette butts on the ground.

Javier Marquez, 205 NE 11th Street – His child boards the school bus near the Woodgrain entrance. There are no shoulders on N. Pennsylvania Avenue. Many vehicles are parked over the fog line during tennis season. There is a lack of adequate street lighting. There is no street light in front of Mesa Verde bus stop. The trucking route makes no sense to him. The traffic around Desert Rose, Mesa Park and Apple Road Subdivision makes the road dangerous. Many people have invested in their homes. N. Pennsylvania Avenue should be buffered from commercial property. Woodgrain will have a negative impact.

Greg Pence, 310 NE 11th Street – Dust, noise, discarded cigarette butts is disturbing to him and his neighbors. Woodgrain has a responsibility to the neighborhoods and don't seem to care about them.

Glenn Sinclair, 309 NE 11th Street – N. Pennsylvania Avenue is too narrow and not very functional for truckers. Backup alarms on hysters cannot be turned off. He has a lot of history in Fruitland, working for Idaho Power Co. for 40 years. Smoking designated areas need to be provided.

Seneca Woods, 210 NE 12th Street – Concerned about an increase of semi-trucks causing a backup near the tennis courts. Concerned about wear and tear on the streets.

Trevor Caster, co-owner of Desert Rose Estates – Appreciated the City Council looking at the County P&Z applications. Would like the City Council to look out for this area. Does not want loading/unloading activities on N. Pennsylvania Avenue. He prefers an employee parking lot on this site. Woodgrain causes an unfair and unnecessary hardship on the elderly and disabled neighbors. Woodgrain operations are negative to home values. If the Council were to approve the applications he requested nuisance ordinance provisions be included in the Development Agreement. At the P&Z hearing 27 trucks per day was mentioned. The lighting and wall are not working. The backup alarms on the hysters are 100-110 decibels which causes noise problems. City Code and Comprehensive Plan provide explanations about what should be in the Development Agreement prior to any approvals.

David Bartle, 2533 N. Brewings Circle, Boise, Idaho – Submitted a written document outlining nine conditions of approval and a landscape map calling for a double row of evergreen trees. The site plan submitted for the east storage building should be used. All of the plants and trees that

were on the 1177 N. Pennsylvania Avenue property are now gone. Backup alarms on hysters are supposed to be loud. Their intent is to provide safety.

Phil Spurling, 100 NW 16th Street, Space #104 – Has been the resident manager of Desert Rose Estates for 9 years. The wall is not as effective as it used to be due to the raising in elevation over time of the Woodgrain property. In some places the wall is only 4 feet above grade. The storm water runs to NW 16th Street and is collected in Desert Rose's storm drains. On behalf of Dale Wilson of Space #29, Mr. Wilson is the most vocal of all the residents. The diesel exhaust from the forklifts is bad. When swamp coolers are operating, they pull the exhaust into his home. The noise level is high.

David Eastman, representing Woodgrain Millwork – The employee smoking issue is unacceptable and will be dealt with immediately. The truck traffic pattern will be access to NW 16th Street from U.S. 95; staged on the west side of the Woodgrain property to be checked in. Trucks will then be directed via N. Pennsylvania Avenue to the unloading site, two trucks at a time to prevent congestion issues. The storm drainage structure has been engineered and installed on the 1177 N. Pennsylvania Avenue property and is functional. Construction of the wall will mitigate noise issues. City Code requires paving, landscaping, barriers, etc. and Woodgrain intends to comply with City Code. Forklift backup alarms have not been disabled.

City Attorney Stephanie Bonney explained OSHA regulation 29 CFR Part 1926.601(b)(4) only requires backup alarms to be heard over ambient noise. Therefore, they do not need to be 100 decibels or higher.

Mr. Eastman explained extensive background checks are conducted on all employees. The proposed improvements will actually decrease truck and hyster traffic. Converting the N. Pennsylvania property to an employee parking lot would not be practical. Trucks have been using the entrance/exit on N. Pennsylvania Avenue for 20 years. The exterior building lighting will be shielded. Truck operations will end at 7:00 P.M. and only hysters will operate after that time. The wall height should be 7 feet above grade. He would like to see an end date determined in the Development Agreement for development of N. Pennsylvania Avenue.

Chief J.D. Huff explained that Title 8-Noise, of City Code has industrial areas as open and should be addressed in the Development Agreement.

PWS Jerry Campbell explained the NW 16th Street proposed parking area east access is too close to the railroad tracks and would create a vehicle stacking issue at the stop bar. Two accesses are shown on the site plan and either one should be eliminated or relocate the east access. The sewer main is not needed to be relocated. Mr. Eastman explained that Woodgrain agrees the sewer relocation is not necessary.

The hearing was closed at 9:06 P.M.

Regarding the Ryan Baxter variance request Councilman Hrizuk moved to approve the variance as requested. Seconded by Councilman Carpenter. The vote resulted in a tie with Mayor Bishop voting in the negative. Motion failed. Councilman Carpenter moved that an 8' attached sidewalk

be permitted with a minimum of 12' depth of landscaping behind the sidewalk. Seconded by Councilman Hrizuk. Motion carried.

Councilman Grimes moved to approve the Pelican Development requests of annexation, Comprehensive Plan Amendment from Large Lot Residential to Single-Family Residential, Zoning designation of Single-Family Residential, Variance of lot depth of Lots 2, 3, and 4 of Block 10, and preliminary plat of Northview Ranch Subdivision No. 5. Seconded by Councilman Carpenter. Motion carried.

Councilman Pierson moved to table all decisions regarding the Woodgrain Millwork requests pending review of a Development Agreement to be drafted by the City Attorney, City Clerk and Woodgrain. Seconded by Councilman Grimes. Motion carried. Councilman Hrizuk did not vote.

A request dated 3/7/2017 for an adjustment of the February 2017 sewer bill was submitted by Swire Coca Cola, USA, 605 NW 4th Street. Due to the snow load the facility was evacuated until the load could be reduced. This time lapse caused some of their raw product to expire. Swire worked with Sewer Superintendent Rick Schultz to test the disposal through the sewer system. The loading was suspended when test results proved an overload to be eminent on the treatment plant. The results for two test days were factored into the February bill causing an unusually high sewer billing. The removal of the two days test results would reduce the bill by \$29,517.05. Due to the extenuating circumstances and constant contact between Swire and the City, Councilman Pierson moved to adjust off \$29,517.05 of the sewer bill for February 2017. Seconded by Councilman Grimes. Motion carried.

Transportation Engineer Tracy Ellwein presented the Transportation Engineer Report. Councilman Hrizuk moved to approve the report. Seconded by Councilman Grimes. Motion carried.

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

The February 2017 Police Activity Report was submitted by Chief Huff. Councilman Pierson moved to approve the report. Seconded by Councilman Hrizuk. Motion carried.

Chief Huff requested permission to dispose of several seized and forfeited firearms by a sealed bid solicitation from local authorized gun dealers. The firearms consist of three rifles, two shotguns and five pistols. Councilman Pierson moved to authorize the disposal request. Seconded by Councilman Carpenter. Motion carried.

The February 2017 Fire Activity Report was submitted by Chief Campbell. Councilman Pierson moved to approve the report. Seconded by Councilman Carpenter. Motion carried.

The February 2017 Public Works Activity Report was submitted by PWS Campbell. Councilman Hrizuk moved to approve the report. Seconded by Councilman Grimes. Motion carried.

PWS Campbell requested an amendment to the engineering contract regarding the S. Pennsylvania Avenue improvement project by adding an update to the final construction plans, specifications and estimate, and preparation of construction bidding and contract documents. This additional work is estimated at \$7,023.00. Councilman Pierson moved to approve the engineering contract amendment. Seconded by Councilman Hrizuk. Motion carried.

The February 2017 Building Activity Report was submitted by Building Official Little. Councilman Grimes moved to approve the report. Seconded by Councilman Carpenter. Motion carried.

The February 2017 Ambulance Activity Report was submitted by Ambulance Director Giokas. Councilman Grimes moved to approve the report. Seconded by Councilman Hrizuk. Motion carried.

The February 2017 Parks & Trails Committee Report was reviewed. Two options for improvements to Mesa Park were included in the report as presented by Planmakers to the Mesa Park committee.

Councilman Pierson moved to read Ordinance No. 619, Repealing Chapter 1 of Title 5, City Code – Fire Department, by title only, suspend the rules and adopt it. Seconded by Councilman Grimes. Roll call vote: Grimes, aye. Carpenter, aye. Hrizuk, aye. Pierson, aye. Motion carried.

The February 2017 bills were reviewed. Councilman Hrizuk moved to approve the bills. Seconded by Councilman Grimes. Motion carried. Due to the vacation scheduling of the Accounts Payable Clerk in April it was the consensus of the Council to pay the March bills at the normal time in April with final approval at the April 24th meeting.

Councilman Hrizuk moved to adjourn. Seconded by Councilman Carpenter. Motion carried. 10:15 P.M.

Ken Bishop, Mayor

ATTEST:

Rick S. Watkins, City Clerk