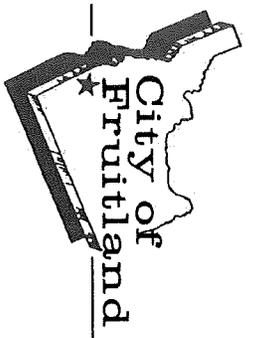


- A) Call to Order
- B) Roll Call
- C) Approval of August 12, 2019 Minutes- **ACTION ITEM**
- D) **Public Hearing- 7:00 P.M.**
 - 1. 2019-2020 Budget & Foregone Increase
- E) **City Council Hearings- 7:00 P.M.**
 - 1. Potentially Dangerous Dogs
 - a) Jessie Mitchel, 1815 N. Whitley Drive, Space #10
 - b) Brianne Peden, 1408 Lucille Avenue
 - 2. Justin Sargent, 423 S. Pennsylvania Avenue- Temporary Use Permit Revocation
- F) August 2019 Fruitland Planning & Zoning Commission Report- **ACTION ITEM**
- G) Citizens Requests
- H) Decisions- **ACTION ITEMS**
 - 1. Potentially Dangerous Dogs
 - a) Jessie Mitchel, 1815 N. Whitley Drive, Space #10
 - b) Brianne Peden, 1408 Lucille Avenue
 - 2. Justin Sargent, 423 S. Pennsylvania Avenue- Temporary Use Permit Revocation
- I) City Engineer Reports – **ACTION ITEMS**
 - 1. Civil
 - 2. Transportation
 - 3. Water/Sewer
- J) Ordinance No. 657- General Obligation Bond Ordinance- **ACTION ITEM**
- K) Ordinance No. 658- 2019-2020 Appropriations- **ACTION ITEM**
- L) Resolution No. 2019-02 Certifying Use of Foregone Tax Levy- **ACTION ITEM**
- M) City Attorney, Stephanie Bonnie- Discussion-Fair Labor Standards Act- Exempt Employees & Personal Time Off- **ACTION ITEM**
- N) July 2019 Financial Report- **ACTION ITEM**
- O) Executive Session: Idaho Code section 74-206(1)(f)-Pending Litigation- **ACTION ITEM**
- P) Adjournment- **ACTION ITEM**



CITY OF FRUITLAND SIGN-IN SHEET

PUBLIC MEETING FOR: **City Council**
 LOCATION: **City Hall- 200 S. Whitley DR.**
 DATE/TIME: **8-26-19 7:00 P.M.**

The City of Fruitland monitors attendance to ensure equal opportunity. We appreciate your providing this information. This information will only be used to monitor attendance at public meetings and for affirmative action purposes, as specified by law (CFR 43.21.9).

Name (Please print or write clearly)	Title/Representing	Address (City, State, and Zip)	Phone	Please check the appropriate boxes	
Suzanne Pearce	City	200 S Whitley	452-4421	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Disabled	<input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> White <input type="checkbox"/> Other
Dave Hess		105 S Pennsylvania	208-359-8586	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Disabled	<input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> White <input type="checkbox"/> Other
Laurie Price	City	200 S. Whitley	452-4421	<input type="checkbox"/> Male <input type="checkbox"/> Disabled	<input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> White <input type="checkbox"/> Other
Marcia Smith	City	200 S. Whitley	452-4421	<input type="checkbox"/> Male <input type="checkbox"/> Disabled	<input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> White <input type="checkbox"/> Other
Pat Ryan	Fruitland	1705 N Whitley	452-318	<input type="checkbox"/> Male <input type="checkbox"/> Disabled	<input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> White <input type="checkbox"/> Other
Charles Ote		1208 Jessica Ave Fruitland	739-9446	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Disabled	<input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> White <input type="checkbox"/> Other
Bi Pedon	Fruitland			<input type="checkbox"/> Male <input type="checkbox"/> Disabled	<input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/> Other
J. Anne & Dylan	'1'	4127 Gordon Pk		<input type="checkbox"/> Male <input type="checkbox"/> Disabled	<input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/> Other
James Mitchell	Fruitland	1875 Northview Dr #10	208 596 2365	<input type="checkbox"/> Male <input type="checkbox"/> Disabled	<input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> White <input type="checkbox"/> Other

August 26, 2019

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, Brian Howell, Kari Peterson, Ed Pierson.

ABSENT: None.

STAFF PRESENT: J.D. Huff, Jerry Campbell, Danny Little, Marcia Smith, Laurie Price, Suzanne Percy, Stephanie Bonney.

OTHERS PRESENT: Duane Hess, Spencer Hess, Pat Ann, Charles Otte, Brianne Peden, J'Deane Edvalson, Jessie Mitchell, Griffin Hewitt, Teresa Burnett.

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

Councilor Grimes moved to approve the August 12, 2019 minutes. Seconded by Councilor Carpenter. Motion carried.

A public hearing was opened at 7:01 P.M. to receive testimony regarding the proposed 2019-20 budget and foregone property tax disposition. The Clerk read the proposed expenditure totals per department and fund. As there was no public comment the hearing was closed at 7:04 P.M.

A City Council hearing was opened at 7:05 P.M. to fulfill a request by Jessie Mitchell, 1815 N. Whitley Drive, Space #10, for the opportunity to refute the designation of her white boxer mix breed as a Potentially Dangerous Dog. All evidence was received by the City Council from Chief Huff. Chief Huff explained the same dog had bitten Tom Pallis, neighboring property owner during an unprovoked attack. Recently, a complaint by Patricia Ann was filed for the dog killing cats and being aggressive toward her. The dog was licensed in 2016, but not since. As Ms. Mitchell was not in attendance the hearing was closed at 7:07 P.M. Ms. Mitchell appeared later in the meeting and the hearing re-opened at 7:20 P.M. Ms. Mitchell denied all complaints against her dog, C.J. and that it is never off her property. Testimony was presented by Teresa Burnett. The hearing was closed at 7:35 P.M.

A City Council hearing was opened at 7:07 P.M. to fulfill a request by Brianne Peden, 1408 Lucille Avenue, for the opportunity to refute the designation of her black and white heeler breed as a Potentially Dangerous Dog. All evidence was received by the City Council from Chief Huff. Chief Huff explained this is the only incident of this type from this dog. Previous complaints have been filed. But not for a dangerous dog situation. He explained evidence shows the dog escaped from the owner's home, ran across the street and bit a ten year old boy. The boy kicked the dog away and the dog chased another boy before returning home. Brianne Peden testified her dog, Ellie, is not a dangerous dog. This is an isolated incident and the bite was the result of the children trying to pick it up. The dog has had a sore leg since a previous surgery on the hip and leg had been performed. Testimony was presented by Bobbie Diaz and J'Deane Edvalson. The hearing was closed at 7:20 P.M.

A public hearing was opened at 7:35 P.M. to receive testimony regarding the proposed revocation of a Temporary Use Permit issued to Justin Sargent, 423 S. Pennsylvania Avenue.

Zoning Administrator Watkins reported the revocation of the Temporary Use Permit is due to a recreational vehicle being used by the applicant as a residence no longer being needed as the relatives under the care of Mr. Sargent have not resided on the property for some time. Mr. Sargent was not in attendance and the hearing was closed at 7:36 P.M.

The August 2017 Fruitland Planning & Zoning Commission report was presented by Zoning Administrator Watkins. Councilor Peterson moved to approve the report. Seconded by Councilor Grimes. Motion carried.

Councilor Grimes moved to amend the agenda by placing Executive Session ahead of Decisions and to go into Executive Session pursuant to Idaho Code section 74-206(1)(f) - Pending Litigation. Seconded by Councilor Carpenter. Roll call vote: Grimes, aye. Carpenter, aye. Peterson, aye. Pierson, aye. Motion carried at 7:40 P.M.

The Council returned to session at 7:53 P.M.

Based upon the evidence provided by Chief Huff regarding the Potentially Dangerous Dog designation for the white Boxer breed, named C.J. owned by Jessie Mitchel, 1815 N. Whitley Drive, Space #10, Councilor Carpenter moved to designate the dog as Potentially Dangerous and grant a ten-day period to fulfill the registration requirements of a Potentially Dangerous Dog as outlined in Fruitland City Code section 5-2-15.A. Seconded by Councilor Peterson. Motion carried.

Based upon the questionable circumstances and past history of the Blue Heeler/Aussie mixed breed, named Ellie, owned by Brianne Peden, 1408 Lucille Avenue, Councilor Pierson moved to not declare the animal as a Potentially Dangerous Dog. Seconded by Councilor Peterson. Motion carried upon a tie-breaker vote in the affirmative submitted by Mayor Howell.

Based upon the evidence provided and lack of any response by Justin Sargent, Councilor Grimes moved to revoke the Temporary Use Permit (Hardship) for 423 S. Pennsylvania Avenue. Seconded by Councilor Carpenter. Motion carried.

The City Transportation Engineer report as submitted by City Engineer Bill Russell was reviewed. Councilor Grimes moved to approve the report. Seconded by Councilor Peterson. Motion carried.

Councilor Grimes moved to read proposed Ordinance No. 657, calling for a General Obligation Bond election, by title only. Seconded by Councilor Peterson. Motion carried. Councilor Pierson moved to accept the reading, suspend the rules, and adopt Ordinance No. 657. Seconded by Councilor Grimes. Roll call vote: Grimes, aye. Carpenter, aye. Peterson, aye. Pierson, aye. Motion carried.

Councilor Pierson moved to read proposed Ordinance No. 658, adopting the 2019-20 fiscal year budget, by title only. Seconded by Councilor Grimes. Motion carried. Councilor Grimes moved to accept the reading, suspend the rules, and adopt Ordinance No. 658. Roll call vote: Grimes, aye. Carpenter, aye. Peterson, aye. Pierson, aye. Motion carried.

Councilor Pierson moved to read proposed Resolution No. 2019-02, certifying the use of \$29,180 Foregone Tax Levy in the 2019-20 budget, by title only. Seconded by Councilor Grimes. Motion carried. Councilor Pierson moved to accept the reading and adopt Resolution No. 2019-02. Seconded by Councilor Grimes. Motion carried.

City Attorney Stephanie Bonney provided a workshop on the Fair Labor Standards Act and answered questions from the Council and staff regarding overtime, comp time, pay schedules, salaried vs. hourly employees, and related matters. It was decided to schedule an executive session at the September 23rd meeting to review and discuss possible FLSA exemption designation for staff members.

The July 2019 Finance Report was reviewed. Councilor Pierson moved to approve the report. Seconded by Councilor Carpenter. Motion carried.

Councilor Carpenter moved to adjourn. Seconded by Councilor Peterson. Motion carried. 9:55 P.M.

Brian Howell, Mayor

ATTEST:

Rick S. Watkins, City Clerk