

November 12, 2018

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, Jeff Carpenter, Ed Pierson, Kari Peterson, Stuart Grimes.

ABSENT: None.

STAFF PRESENT: Bill Russell, Carl Hipwell, JD Huff, Jerry Campbell, Danny Little, Suzanne Percy, Stephanie Bonney.

OTHERS PRESENT: Lynn Stone, Ynnet Baxter, Grant Baxter, Helen Dickinson, James Prather, Todd McCurry, Eric Anderson, David Eastman, Charles Stites, Dawna Jackson, Carol Wininger, Rob Ruth, Ted Pettet.

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

Councilor Grimes moved to approve the October 22, 2018 minutes. Seconded by Councilor Carpenter. Motion carried.

A public hearing was opened at 7:04 P.M. for the purpose of receiving testimony regarding a request by Woodgrain Millwork for an amendment to the Development Agreement as it relates to additional employee parking requirements in the vicinity of the existing NW 16<sup>th</sup> Street office facilities at 300 NW 16<sup>th</sup> Street.

David Eastman, representing Woodgrain Millwork, explained when the development agreement was created Woodgrain had plans to construct two new buildings and increase the size of the workforce. They have since decided not to construct the buildings and therefore no longer need the additional parking. Mr. Eastman further explained they have another parking lot on site that more than exceeds their parking requirements. For this reason, they are seeking to amend Item #4 in Exhibit B of the Development Agreement.

No further testimony was given and the hearing was closed at 7:06 P.M.

A public hearing was opened at 7:06 P.M. for the purpose of receiving testimony regarding a request by the George & Dawna Jackson Living Trust for a variance of the rear yard setback for an accessory structure on their property located at 1485 Tamarack Street.

Dawna Jackson, 1485 Tamarack Street explained they hired a contractor to build the storage shed on site and was not aware of the setback requirements. Mrs. Jackson stated the shed is 5' from the side property line and 30" from the rear property line. Mrs. Jackson explained they have nowhere else they can place the shed and would have to have two feet removed from the shed to conform to City Code.

Charles Stites, 1381 Tamarack Street, explained he was in support of the request for a variance.

Carol Wininger, 1577 Tamarack Street, explained she is in support of the variance request.

Zoning Administrator, Rick Watkins explained written testimony has been received and entered into the record from David and Joan Marino, 1580 Tamarack Street, Charles Stites, 1381 Tamarack Street, Carol Winingar, 1577 Tamarack Street.

No further testimony was given and the hearing was closed at 7:15 P.M.

A public hearing was opened at 7:16 P.M. for the purpose of receiving testimony regarding a request by James Prather for Annexation, Comprehensive Plan Amendment and zoning designation of Light Industrial for property north of NW 9<sup>th</sup> Street on N. Whitley Drive.

James Prather and Todd McCurry stated they are requesting Annexation, Comprehensive Plan Amendment and zoning designation of Light Industrial for property north of NW 9<sup>th</sup> Street on N. Whitley Drive to allow for two, 5-acre parcels for development of auto dealerships.

David Eastman representing Woodgrain Millwork stated Woodgrain Millwork is in full support of the request.

Zoning Administrator, Rick Watkins explained written testimony has been received and entered into the record from City Water/Sewer Engineer Carl Hipwell, Public Works Supervisor Jerry Campbell, Warren Ujiye of Andeavor, Farmers Co-Operative Irrigation Company, City Transportation Engineer William Russell, and Idaho Transportation Department.

No further testimony was given and the hearing was closed at 7:19 P.M.

A public hearing was opened at 7:19 P.M. for the purpose of receiving testimony regarding a request by EVI-Fruitland LLC for a variance of the required parking spaces for 1255 Allen Avenue, Zone Change and Comprehensive Plan Amendment from Neighborhood Commercial to Multi-Family Residential for Parcel I being Lots 1, 2 & 3 in Block 1 of Valencia Subdivision and Parcel II being Lots 11, 12 and 13 in Block 1 of Valencia Subdivision, and Preliminary Plat of Springcreek Estates No. 2 Subdivision.

Eric Anderson, representing EVI-Fruitland LLC, explained EVI is requesting a variance of the required parking spaces being reduced to 1 space per 1300 square feet of building rather than City requirements of 1 space per 250 square feet of building. This would result in a parking requirement dropping from 160 spaces to 30 spaces or 1 stall for every 2 beds. EVI feels this is a reasonable request with this development being dedicated as an Assisted Living Facility and current City Code does not address this type of facility. Mr. Anderson further explained they do not meet the threshold for a traffic study requirement as requested by ITD.

Zoning Administrator, Rick Watkins explained written testimony has been submitted and entered into the record from City Water/Sewer Engineer Carl Hipwell, Public Works Supervisor Jerry Campbell, Farmers Co-Operative Irrigation Company, Warren Ujiye of Andeavor, ITD, and City Transportation Engineer William Russell.

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

Lynn Stone, 2306 Shamrock Court stated his concerns regarding the pedestrian pathway currently under construction on Shamrock Court. Mr. Stone stated he was not contacted regarding this path and doesn't think the City should make changes just because one person requests it.

Grant & Ynnet Baxter, 2205 Shamrock Court explained their concerns regarding the pedestrian pathway being constructed near their home on Shamrock Court. They stated Shamrock Court is very narrow and adding a sidewalk directly behind their driveway drastically shortens the distance for backing out and they are concerned for anyone who would access the walkway at night with only one street light.

Upon consultation with PWS Campbell and City Transportation Engineer Bill Russell, Councilor Pierson moved to reduce the fence opening and path width to five feet. Seconded by Councilor Grimes. Motion carried.

Councilor Pierson moved to approve the request for an amendment to the Development Agreement as it relates to additional employee parking requirements in the vicinity of the existing NW 16<sup>th</sup> Street office facilities at 300 NW 16<sup>th</sup> Street. Seconded by Councilor Carpenter. Motion carried.

Councilor Pierson moved to deny the request by the George & Dawna Jackson Living Trust for a variance of the rear yard setback for an accessory structure on the property located at 1485 Tamarack Street, with the shed to be removed or modified to conform to City requirements no later than June 30, 2019. Seconded by Councilor Grimes. Motion carried.

Councilor Pierson moved to approve the request by James Prather for Annexation, Comprehensive Plan Amendment and zoning designation of Light Industrial for property north of NW 9<sup>th</sup> Street on N. Whitley Drive. Seconded by Councilor Grimes. Motion carried.

Councilor Pierson moved to approve the request by EVI Fruitland LLC for a Preliminary Plat of Springcreek Estates No. 2 Subdivision. Seconded by Councilor Grimes. Motion carried.

Councilor Pierson moved to approve the request by EVI Fruitland LLC for a Zone Change and Comprehensive Plan Amendment from Neighborhood Commercial to Multi-Family Residential for Parcel I being Lots 1, 2 & 3 in Block 1 of Valencia Subdivision and Parcel II being Lots 11, 12 and 13 in Block 1 of Valencia Subdivision. Seconded by Councilor Peterson. Motion carried.

Councilor Pierson moved to approve the request by EVI Fruitland LLC for a variance of the required parking spaces for 1255 Allen Avenue. Seconded by Councilor Grimes. Motion carried.

City Attorney, Stephanie Bonney recommended the Council review the current zoning code for possible updates; particularly parking requirements for different land uses.

Ted Pettet, Executive Director-Payette County Recreation District, 1200 N. Pennsylvania Avenue, explained PCRDC is currently using a building owned by the City for equipment storage and they would like to expand the building for additional storage with the understanding the City

would still own the building. Councilor Grimes moved to approve the building expansion request with the City to provide roofing materials for the existing building and PCRD to provide the labor. Seconded by Councilor Carpenter. Motion carried.

Councilor Pierson moved to approve Resolution No. 2018-06 Utility Deposit Account-Additional Signers. Seconded by Councilor Grimes. Roll call vote: Grimes, aye. Carpenter, aye. Peterson, aye. Pierson, aye. Motion carried.

The Council reviewed a memo from City Treasurer, Rick Watkins regarding a lot donated to the City in Northview Ranch Subdivision #6. Watkins explained at the July 23, 2018 City Council meeting, the Council accepted the donation of a ¾ acre lot within the Northview Ranch Subdivision No. 6 from Pelican Development, LLC with the provision the City be responsible for the \$85,557 improvements to NW 6<sup>th</sup> Avenue and Washoe Road adjoining the lot. The decision provided the funds be taken from State Revenue Sharing - Capital Projects. The work has now been completed. The invoice for the work is \$89,457.75. Additional charges were necessary due to tree removal and other unforeseen circumstances. Since the intent of the donated property is for a future fire substation (General Fund) and the General Fund unanticipated cash forward is \$382,000 it is suggested the Council pay the invoice from General Fund-Capital Projects rather than State Revenue Sharing-Capital Projects. The budget would be amended at a future date to account for the unanticipated cash forward in General Fund. Councilor Grimes moved to approve the funding transfer request. Seconded by Councilor Pierson. Motion carried.

The Transportation Engineer Report was presented by City Engineer Bill Russell. Councilor Carpenter moved to approve the report. Seconded by Councilor Peterson. Motion carried.

The October 2018 Police Department Activity Report was presented by Chief Huff. Councilor Grimes moved to approve the report. Seconded by Councilor Carpenter. Motion carried.

The October 2018 Fire Department Activity Report was presented by Chief Campbell. Councilor Pierson moved to approve the report. Seconded by Councilor Grimes. Motion carried.

The October 2018 Public Works Department Activity Report was presented by Public Works Supervisor, Jerry Campbell. Councilor Pierson moved to approve the report. Seconded by Councilor Carpenter. Motion carried.

The October 2018 Building Department Activity Report was reviewed. Councilor Pierson moved to approve the report. Seconded by Councilor Peterson. Motion carried.

The October 2018 Ambulance Department Activity Report was reviewed. Councilor Pierson moved to approve the report. Seconded by Councilor Carpenter. Motion carried.

The Council reviewed a Year End Patient Fee Summary report.

Councilor Grimes moved to allow the Fruitland Fire Department to use the former ambulance quarters for training before the Public Works crew demolishes and recycles the building. Seconded by Councilor Peterson. Motion carried.

The Council reviewed the October 2018 Parks & Trails Committees Activity report.

Councilor Pierson moved to enter into Executive Session pursuant to I.C. 74-206(1)(f), Litigation and I.C. 74-206(1)(c), Acquire an Interest in Real Property. Seconded by Councilor Grimes. Roll call vote: Grimes, aye. Carpenter, aye. Peterson, aye. Pierson, aye. Motion carried at 8:50 P.M.

The Council came out of Executive Session at 9:12 P.M.

The Council reviewed an Industrial Sewer User's contract dated effective November 1, 2018 between Dickinson Frozen Foods and the City of Fruitland. Councilor Pierson moved to approve the contract. Seconded by Councilor Grimes. Roll call vote: Grimes, aye. Carpenter, aye. Peterson, aye. Pierson, aye. Motion carried.

Councilor Pierson moved to authorize City Transportation Engineer Services & Grant Writer Procurement for development of NW 9<sup>th</sup> Street and NW 7<sup>th</sup> Street. Seconded by Councilor Carpenter. Motion carried.

The October 2018 bills were reviewed by the Council. Councilor Pierson moved to approve the bills. Seconded by Councilor Carpenter. Motion carried.

Councilor Peterson moved to reschedule the December 24, 2018 City Council meeting to December 17, 2018. Seconded by Councilor Grimes. Motion carried.

Councilor Carpenter moved to adjourn. Seconded by Councilor Grimes. Motion carried at 9:22 P.M.

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Brian Howell, Mayor

ATTEST:

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Rick S. Watkins, City Clerk