

CITY COUNCIL REGULAR SESSION

SEPTEMBER 9, 2019

203 Broadway Ave N

PRESENT:

Michael Higbee	Council President	Elizabeth Barker	Treasurer
Pam McClain	Council Member	Karen Drown	Clerk
Kyle Hauser	Council Member	Regie Finney	Public Works Director
Sue Gabardi	Council Member	Scott Bybee	City Engineer
Andrew Wright	City Attorney	Concerned Citizens	

PUBLIC HEARING called to order at 7:07 PM.

Karen Drown confirmed a quorum.

Scott provided an overview of the application for the vacation of the public driveway located 1/8 of a mile West of Fruitland Avenue that begins on 4150 North Road and extends South for 1/8 of a mile as officially shown on the recorded plat of Fruitland Subdivision as recorded on July 25, 1910. Scott also stated the city is neutral in their position it is just shown as a public right-of-way by the plat.

Michael asked the applicant to make a statement.

Mike Bourlotos described the public driveway and explained that currently it straddles a fence line. He also noted that Lots 3, 4 and 7 have been combined. He stated that he has no intent on splitting Lot 5. He added that irrigation runs center down the driveway. He presented information on where canal company gates are located and how the irrigation works.

Michael asked if there was any testimony in support of the vacation.

Theresa Strolberg, who owns Lot 2 Block 1 since 1973 supported the vacation of the driveway. She stated her property is a farm and not part of the city. She also stated the ditches are paid for by the user at that point. She added she does not want to have a road that she would have to write the Buhl Highway District and ask them not to spray.

Michael Mings, prior owner of Lot 5 Block 1. He bought the property in 1994 and owned until recently sold to Mike Bourlotos. He also noted the users take care of the water.

Cheryl Mings, prior owner of Lot 5 Block 1. She also stated the owners take care of their own water after the head gate. The driveway is used to access the pasture in the back of the property. She noted those opposing have several access points around their property.

Michael asked if there was any testimony against the vacation.

April Courtright, owner of Lot 3, 4 and 7 Block 1, stated she had owned it since 2018. She noted their future plans included the ability to build and develop the back portion of her property. She was told when she purchased that driveway would be forever public access and that she disagrees with the vacation. She asked that the vacation be postponed until all facts and documents can be in order.

Larry Robinson, partial owner of Lot 3, 4 and 7 Block 1. He noted if the driveway was vacated then there would be no access to Lot 7 of his property. His plans when the property was purchased was to build a home of his kids and access the back of his property. He also noted the just found out about the driveway to the south of Lots 4 and 7. He stated he is not out to stop anybody; he just wants to gather facts first.

Charlotte McNair, real estate agent for April Courtright and Larry Robinson. She noted when she worked through the sale of the property for Lot 3, 4 and 7 that access was part of the property. If the driveway is removed, they lose access to the north part of Lot 7.

Michael asked if the applicant would like to rebut.

Mike Bourlotos detailed more information stating the Twin Falls County GIS map shows the driveway to the south of Lots 4 and 7. He also noted that is front door is 15 feet from the edge of the driveway in question and his wellhead is on the edge of the driveway.

Michael Higbee closed the public hearing at 7:36 PM.

REGULAR SESSION called to order at 7:37 PM.

#### CONFIRMATION OF QUORUM:

Karen Drown confirmed a quorum.

#### OLD BUSINESS:

- ... Minutes of August 26, 2019: Pam McClain moved to approve the minutes; Sue Gabardi seconded the motion. There was no discussion and the motion passed.
- ... Monthly Claims for Payment: Pam McClain moved to approve the monthly claims for payment; Kyle Hauser seconded the motion. There was no discussion and the motion passed.
- ... Monthly Reports: Pam McClain moved to approve the monthly department head reports; Sue Gabardi seconded the motion. There was no discussion and the motion passed.

- ... Clerk/Treasurer Report: Pam McClain moved to approve the clerk/treasurer report; Sue Gabardi seconded the motion. There was no discussion and the motion passed.
- ... Monthly Report: Scott stated that he is currently working on a new application for an ICDBG project. The application is due in November but will not know until February.

He also informed Council that Twin Falls County has a desire to get more involved within impact areas. He and Teresa attended a meeting to review the areas of concern.

He updated Council that the Seneca subdivision is still being worked on, one area of concern is John Root the original surveyor passed away in August. But Scott stated he had been in contact with TitleOne.

#### NEW BUSINESS:

##### Review and Consideration of Chamber of Commerce Request for Harvest Time Festival:

Michelle presented the Chamber would like to hold the Harvest Time Festival in the RV Park behind the Chamber office. It would be on October 12<sup>th</sup> from 2 until 9 PM. She stated she has talked to both North Canyon and Valley Co-Op concerning the event. She stated the food and craft vendors and beer garden would all be contained within the park. The chamber will be carrying the liability coverage for the event. Pam moved to approve the festival with the beer garden. Sue seconded the motion. It was noted that Council like the new location for the festival. There was no further discussion and the motion passed.

Review and Consideration of Vacation of Public Driveway: Kyle moved to approve the vacation of the public driveway. Pam seconded the motion. Scott noted the plotted driveway is only 33 feet and that is not enough to put in a 36-foot roadway, which is a standard roadway. He noted he would rather research before deciding on the request. He also stated from the information he is seeing Lots 3, 4 and 7 are legally joined and would have to go through a lot split to do anything on the back portion. Kyle moved to table this discussion until October 14<sup>th</sup> Council meeting. Pam seconded the motion. There was no further discussion and the motion to table passed.

Review and Consideration of Utility Rate Resolution: Elizabeth explained that she had updated the Resolution to reflect the recommended operation and maintenance fee increase of 1.25%. That increase would put a full account to be \$142.00, user only at \$72.58 and a landlord at \$71.20. Kyle moved to approved Resolution No. 403. Pam seconded the motion. Kyle noted that the city has to pay to operate and everything comes at a cost. Michael stated he preferred to do small increases like this. There was no further discussion. Michael took a roll call vote. Sue voted yes, Pam voted yes, Kyle voted yes and Michael voted yes. The motion passed.

Review and Consideration of 2019-2020 Appropriation Ordinance: All members of the City Council having been furnished a copy of the proposed Ordinance No. 997 and being fully apprised of the content and purpose of said Ordinance, Pam moved that the provisions of Idaho Code Section 50-902 which require that said Ordinance be read on three (3) different days, two (2) readings by Title only and one (1) reading which shall be in full, be dispensed with and that said Ordinance be pass upon one (1) reading by title only. Pam requested a roll call vote on the motion. Kyle seconded the motion. There was no discussion. Kyle voted yes, Sue voted yes, Pam voted yes and Michael voted yes. The motion passed.

Pam moved to approve Ordinance No 997, adopting the 2019-2020 Fiscal Budget. Sue seconded the motion. There was a roll call vote. Kyle voted yes, Sue voted yes, Pam voted yes and Michael voted yes. The motion passed.

COUNCIL CONCERNS – Kyle has a concern with events at the Gala Showroom and the beer bottles and red solo cups that are left in the streets after the events. He also stated that at the most recent event a group of kids from the event that caused havoc in his store. There was discussion about the special use permit the business has and wondering about where the alcohol is coming from that is being left in the street. Karen and Scott stated they would research and report back to Council

Sue had a concern with the lack of public restrooms at Eastman Park. Regie and Elizabeth both noted they are working on an application requesting a grant from the Seagraves Foundation for not only a restroom but also an ADA lift for the pool and new heater.

Michael asked if the letter had been sent to the owners of the Oasis RV Park. Karen noted that she and Mayor McCauley had drafted a letter and it had just been reviewed by Andrew Wright. She stated it would be going in the mail the next day.

There was discussion concerning the amount of rain that had happened the previous Friday. Regie stated he was in town and Sam was working that day to clear all the drains. There was a question about flooding that occurs on Fair Street since the new subdivisions. Regie noted that the ditches in the area are no longer being cleaned because the gentleman that did it passed away.

CITIZENS CONCERNS – There were none.

MEETING ADJOURNED – Pam McClain moved that the meeting be adjourned; Kyle Hauser seconded the motion and all were in favor. The meeting was adjourned at 8:19 PM.

Minutes prepared by Karen Drown, City Clerk