

**CITY OF GARDEN CITY
CITY COUNCIL MEETING MINUTES
October 14, 2019
5:30 P.M.**

WORK SESSION CALL TO ORDER

1. Mayor Evans called the work session to order at 5:30 p.m.

2. **ROLL CALL**

Council members Beaumont, Higgins, Page and Souza were present.

Staff Present: Rick Allen, Colin Schmidt, Lisa Leiby, Charles Wadams, Lindsey Pettyjohn and Jenah Thornborrow.

3. **MAYOR/COUNCIL REPORTS**

4. **OTHER**

a. Rick Allen, Chief of Police, updated that council on the status of animal control in Garden City. Chief Allen introduced Scott and Jennifer Nichols from the Idaho Dog Park, Homeward Bound program. A proposed agreement with the dog park is on the regular council meeting agenda for approval.

The meeting adjourned at 5:47 p.m.

REGULAR COUNCIL MEETING CALL TO ORDER

A. Mayor Evans called the meeting to order at 6:00 p.m.

CLERK CERTIFIED MEETING NOTICE

The meeting was noticed in accordance with Idaho Code 74-204.

B. **ROLL CALL**

Council members Beaumont, Higgins, Page and Souza were present.

C. **PLEDGE OF ALLEGIANCE**

Mayor Evans led the Pledge of Allegiance.

D. **CHANGES TO AGENDA**

E. **CONSENT AGENDA**

1. **Approval of Minutes September 23, 2019**

Approval of Minutes September 30, 2019

2. **Ratification of Accounts Payable Claims**

3. **FY2020 ICRMP Joint Powers Agreement**

4. **FY2020 Valley Regional Transit – Annual Cooperative Agreement**

5. **Ratification of Business License – Roots Market 3308 W. Chinden**

- **Add On/Off Premise Beer and Wine**

Action: Councilmember Higgins moved to approve the consent agenda as presented and Councilmember Beaumont seconded.

ROLL CALL VOTE:

Councilmember Beaumont	YES
Councilmember Higgins	YES
Councilmember Page	YES
Councilmember Souza	YES

The motion passed.

F. SPECIAL BUSINESS

1. Mayor Evans read the National Libraries Week Proclamation into record and thanked the Friends of the Garden City Library for all of their support.
2. Mayor Evans read the Extra Mile Day Proclamation into record.
Mayor Evans presented a special certificate of recognition to Russ Heller as an Extra Mile Hero for his work on the Garden City Library Board of Trustees.

G. ORDINANCES, RESOLUTIONS, CONTRACTS

1. **Request for reconsideration of approval of SAPFY2019-1/PUDFY2019-1 acted upon by the city council on 08/12/2019.**

Charles Wadams, City Attorney, presented the staff report on the request for reconsideration.

Hannah Ball, Urban Willow LLC, 215 E. 34th St., Garden City, 50% managing partner, presented the request for reconsideration to the council.

Action: Councilmember Higgins moved to deny the request for reconsideration. There was no second. No action was taken by the council.

2. **PUBLIC HEARING: SUBFY2019 - 4: Sherry McKibben with McKibben + Cooper Architects and Urban Design are requesting approval of a preliminary plat subdivision located on 34th, 35th, and Carr Streets. The subdivision is proposed within the 34th Street Specific Area Plan.**

Hannah Ball, Urban Willow LLC, 215 E. 34th St., Garden City, 50% managing partner, presented the application to the council.

Jenah Thornborrow, Development Services Director, presented the staff report on SUBFY2019-4.

Mayor Evans opened the public hearing at 7:02 p.m.

The following individual spoke regarding the application:

Neutral

1 - Louis Landry, 211 E. 33rd St., Garden City, Fairview Acres Lateral Water Users Association representative.

No one from the audience came forward to speak.

Applicant Hannah Ball provided rebuttal.

Action: Councilmember Beaumont moved to hold the public hearing open and continue this item to a date certain council meeting of 10/28/2019 and Councilmember Souza seconded.

The motion passed with an audible 4-0 vote.

3. **PUBLIC HEARING: SUBFY2019 -5: Gary Asin is requesting approval of a two-lot combined preliminary/final plat subdivision located at 3588 N. Prospect Way, Ada County Parcel Number R9242370040. The property is described as Lot 4, Block 1, Waterfront District Subdivision.**

Pat Teally, applicant representative, presented the application to the council.

Jenah Thornborrow, Development Services Director, presented the staff report on SUBFY2019-5.

Mayor Evans opened the public hearing at 7:20 p.m.

The following individual spoke regarding the application:

Neutral

1 – Tom Baskin, 3688 Willowbar Way, Garden City.

No one from the audience came forward to speak.

Applicant do not provide any rebuttal.

Mayor Evans closed the public hearing at 7:24 p.m.

Action: Councilmember Beaumont moved to approve SUBFY2019-5 with the modification of striking site-specific requirement #4 on page 5 of the Findings of Fact, Conclusions of Law and Decision and Councilmember Souza seconded.

ROLL CALL VOTE:
 Councilmember Beaumont YES
 Councilmember Higgins YES
 Councilmember Page YES
 Councilmember Souza YES

The motion passed.

4. Request for reconsideration of City Council’s 09/23/2019 decision document to deny an amendment to SUBFY2017-1/PUD2013-2 originally heard at the 09/09/2019 city council meeting.

Kim Trout, 3778 Plantation River Dr., Garden City, applicant attorney representing Surfer’s Paradise LLC presented the request for reconsideration.

Action: Councilmember Beaumont moved to grant the request for reconsideration to a date certain council meeting of 11/12/2019 and Councilmember Higgins seconded.

ROLL CALL VOTE:
 Councilmember Higgins YES
 Councilmember Page YES
 Councilmember Souza YES
 Councilmember Beaumont YES

The motion passed.

5. Appeal of Planning and Zoning commission’s lack of action for VARFY2019-2 for property located at 520 E. 47th St. AND appeal of the Design Review Committee’s denial for DSRFY2019-6 for a new 12-foot high privacy fence for property located at 520 E. 47th St.

Mark Butler, 1675 E. Bishop, Eagle, ID, presented the request for appeal on behalf of the appellant.

Jenah Thornborrow, Development Services Director, presented the response.

Council deliberated the request and considered additional comments by Mr. Butler.

Action: Councilmember Beaumont moved to affirm the decision of the Design Review Committee and Councilmember Higgins seconded.

ROLL CALL VOTE:
 Councilmember Page YES
 Councilmember Souza YES
 Councilmember Beaumont YES
 Councilmember Higgins YES

The motion passed.

Action: The city council reviewed and voted on each item of the required findings under Garden City Code 8-6B-9 (Variance) on the Findings of Fact, Conclusions of Law and Decision of the Planning and Zoning Commission regarding VARFY2019-2:

- 1 – Souza- NO; Beaumont- NO; Higgins- NO; Page- NO
- 2 – 1st vote: Beaumont- NO; Higgins- NO; Page- NO; Souza-YES
 Mayor and council discussed the wording of the finding for clarification.
 Councilmember Souza moved to re-vote on finding #2 and Councilmember Higgins seconded. The motion passed with a 4-0 audible vote.
- 2 – 2nd vote: Beaumont- YES; Higgins- YES; Page- YES; Souza-YES
- 3 – Council took no action on finding #3.
- 4 – Page- NO; Souza- NO; Beaumont-NO; Higgins-NO
- 5 – Souza- NO; Beaumont- NO; Higgins- NO; Page- NO

Action: Councilmember Higgins moved to deny the appeal based on the findings of items 1-5 voted as noted above and Councilmember Souza seconded.

ROLL CALL VOTE:
 Councilmember Beaumont YES
 Councilmember Higgins YES
 Councilmember Page YES
 Councilmember Souza YES

The motion passed.

6. **SECOND READING: ORDINANCE 1013-19; AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REPEALING GARDEN CITY CODE TITLE 5 (“TRAFFIC”), CHAPTER 1 (“TRAFFIC CODE”), SECTION 4 (“STOPPING, STANDING OR PARKING”) AND APPROVING THE REVISION, COMPILATION, CODIFICATION, AND ADOPTION OF TITLE 5 (“TRAFFIC”), CHAPTER 1 (“TRAFFIC CODE”), SECTION 4 (“STOPPING, STANDING OR PARKING”) TO CLARIFY GARDEN CITY PARKING CODE AND PROHIBIT RECREATIONAL VEHICLES, UTILITY**

TRACTORS, AND LARGE COMMERCIAL VEHICLES FROM PARKING ON PUBLIC STREETS IN CERTAIN CIRCUMSTANCES; PROVIDING ALL OTHER ORDINANCES INCLUDED IN THE OFFICIAL CODE ARE STILL IN EFFECT NOTWITHSTANDING SOME PROVISIONS THEREOF BEING ELIMINATED; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING CITY CODE PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Charles Wadams, City Attorney, presented the staff report on Ordinance 1013-19 outlining de minimis changes to the Ordinance from the first reading.

Action: Councilmember Beaumont moved to have the second reading of Ordinance 1013-19 by title only and Councilmember Souza seconded.

ROLL CALL VOTE:

Councilmember Higgins	YES
Councilmember Page	YES
Councilmember Souza	YES
Councilmember Beaumont	YES

The motion passed.

The city clerk read Ordinance 1013-19 by title only.

Action: Councilmember Higgins moved to suspend the rules and adopt and publish Ordinance 1013-19 and Councilmember Beaumont seconded.

ROLL CALL VOTE:

Councilmember Page	YES
Councilmember Souza	YES
Councilmember Beaumont	YES
Councilmember Higgins	YES

The motion passed.

7. RESOLUTION 1073-19; A RESOLUTION APPROVING A SERVICE AGREEMENT FOR CANINE CARE AND MANAGEMENT SERVICES BETWEEN GARDEN CITY AND HOMEWARD BOUND LLC; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF GARDEN CITY; AND PROVIDING AN EFFECTIVE DATE.

Charles Wadams, City Attorney, noted a couple of minor clerical errors on the agreement.

Action: Councilmember Beaumont moved to approve Resolution 1073-19 as corrected and Councilmember Souza seconded.

ROLL CALL VOTE:

Councilmember Souza	YES
Councilmember Beaumont	YES
Councilmember Higgins	YES
Councilmember Page	YES

The motion passed.

H. UNFINISHED BUSINESS

I. NEW BUSINESS

J. EXECUTIVE SESSION for the following purposes:

Action: Councilmember Beaumont moved to enter into executive session in accordance with Idaho Code § 74-206(1)(f) at 8:23 p.m. after which the meeting will adjourn and Councilmember Higgins seconded.

ROLL CALL VOTE:

Councilmember Beaumont	YES
Councilmember Higgins	YES
Councilmember Page	YES
Councilmember Souza	YES

The motion passed.

K. ADJOURNMENT

The meeting adjourned at 8:39 p.m.

ATTEST:



Lisa M. Leiby, City Clerk

APPROVED:



John G. Evans, Mayor

