

City of Glenns Ferry City Special Council Meeting October 1, 2020

The Special City Council meeting of the City of Glenns Ferry was opened and called to order at 7:00 pm on Thursday, October 1, 2020, by Mayor Monty White.

Members Present: Susan Case, Dani Martinez, Billy Galloska, Mayor Monty White

Staff Present: Teresa Parsons, Lori Freeman, Geoffrey Schroeder

Others Present: Dena Marchant, Ray Duryee

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Item 1. OPEN MEETING/ROLL CALL:

Parsons: Roll call taken.

Susan Case Dani Martinez Ken Thompson Billy Galloska

Mayor Monty White

For the Record: Ken Thompson – Absent

Item 2. PLEDGE OF ALLEGIANCE:

Item 3. MOTION TO: [ACTION ITEM]: Adopt Agenda:

Case: I'll make that motion to accept the agenda.

Martinez: I'll second.

Mayor White: All in favor, all-ayes.

Item 4.

BEGIN PUBLIC HEARING:

Mayor: I Mayor Monty White, declare the Public Hearing open.

Parsons: 7:01pm

1. PUBLIC HEARING FOR PROPOSED AMENDMENT TO OFFICIAL ZONING MAP OF THE CITY BY REZONING CERTAIN PARCELS OF PROPERTY FROM HEAVY INDUSTRIAL (M-2) TO COMMERCIAL (C):

Mayor: Public Hearing for proposed amendment to Official Zoning Map of the City of Glenns Ferry by rezoning certain parcels of property from Heavy Industrial (M-2) to Commercial (C).

Do you want me to explain the procedures or do you want me to?

A. Explanation of Hearing Procedures/Presentation by Mayor:

Schroeder: I just wanted to, if your interested we can shorten that up a little. You can just say that this is the time or maybe I'll just do it for you.

Mayor: Go for it.

Schroeder: This is time for people to way in effected landowners or neighbors who have received notice of this. If they want to testify either in favor or opposed or neutral about this and so the hearing procedures is you have to sign in, you have to state your name, then you give testimony about what you think. Do members of the Council have the staff report?

Mayor: Is the.

Case: Oh, are you talking about this? I was thinking Planning and Zoning, pardon me.

Schroeder: So, with the staff report in hand, I think we can skip making a presentation unless the members of the Council would like staff to explain the nature of the changes. Absent that, I think Mr. Mayor you can ask if any member of the public wishes to give any testimony.

Mayor: Do we also ask if anybody has had any outside the hearing communication with any other parties?

Schroeder: Yes, that wouldn't hurt.

Mayor: Does anybody have anything to declare that they have had outside contact with any the parties under this?

Mayor: Ok, we will move on then.

B. Mayor Mention Written Testimony Received and From Whom. Give:

Mayor: I do not have any written testimony, nobody submitted any. We only have one person; Dena has elected not to testify as a citizen tonight.

2. TESTIMONY TAKEN:

a. Testimony – Supporting:

Parsons: Dena.

Marchant: Yes.

Parsons: Did you want to testify tonight?

Marchant: Yes, briefly.

Parsons: State your name for the record.

Marchant: Dena Marchant.

Parsons: State your address for the record.

Marchant: 193 W Harrison.

Parsons: Are you in favor, neutral or not in favor.

Marchant: I'm in favor.

Mayor: Do we take the testimony at this time?

Schroder: Yeah, go ahead.

Parsons: We can take your testimony at this time.

Marchant: Ok, I would just like to say that this change to the zoning will make it possible for us to use the lot that the council has given us use of for the new shelter. And because lots are at a premium in town, we really don't have a lot of other choices, so I am very strongly in favor of the change.

Mayor: Ok, Thank you. Is there any further testimony supporting?

b. Testimony – Uncommitted: 0

c. Testimony – Opposed: 0

Case: What's the time to ask questions? I just have one question.

Mayor: It would be in deliberations, wouldn't it?

Schroder: Actually now would also be a good time, because if you have questions about this, the nature of the zoning that would have been something the staff report should cover and so if you have remaining questions concerning it, either Lori or I would be happy to answer those.

Mayor: Ok, we will open it to questions.

Case: I don't think I am aloud to ask the question I want to ask. So, I will just.

Schroder: Why would that be?

Case: Well, because the question is really about what the land use will be for, not for the zoning, in it of itself. In other words, I have a question about the kennel building itself. As it applies to this lot and I didn't know if I could as that if its.

Schroder: I think. Well, so that is a City owned piece of property.

Mayor: Yes.

Case: Yes.

Schroder: And so, you are zoning you own property. And you can ask questions about what you would or wouldn't do on your own property, that is entirely different than say.

Case: Ok.

Schroder: Uh, some other persons action on their property.

Case: Ok, so, as it is in a, there's homes right around there. Um, does anyone know if the new building in its construct is fairly soundproof. In other words, neighbors aren't going to be hearing loud barking dogs.

Mayor: um, the meetings that I have attended, can I answer that?
Schroder: Sure, yeah, yeah.
Mayor: The meetings that I have attended with the folks that are purposing this is this building will be a state of the art, and part of it will be soundproofing that goes along with it. The dogs will have access to outside kennels, but it will be when they are physically when somebody is physically there exercising them. And so, the committee that was, is still looking into this was very aware of the noise issue and their designing the building to take care of that.
Case: Wonderful and the animals will never be on the outside kennels overnight?
Mayor: No.
Case: Ok, that was all I have.
Mayor: Ok, any further?
Schroder: Lori is going to look in the zoning code, but I think we have a copy of it, to see if rather that use would actually be permitted or conditional in that area. And I'm not... that's not the code.
Lori: It doesn't have that... (inaudible)
Mayor: Also, the two adjoining landowners have, give their blessing to it, matter of fact they have donated to it.
Case: Oh, wonderful. I knew we weren't allowed to talk about it out in public so, I was. I ya..
Mayor: Yeah, that's true.
Case: I was trying not to solicit information, so I thought best to save my question for here.
Mayor: I am glad you were being very cautious.
Case: Diligently, so. Vigilantly, so.
Schroder: We might need to, how long out in the future is this?
Mayor: Two or three years.
Schroder: Ok we have more work to do on that question.
Case: Ok, thank you.
Mayor: Ok. If there is no further testimony support, uncommitted or opposed, or any new evidence that has come up, new testimony that has come up I will close the meeting. I declare the meeting closed.
Schroder: Actually, the Public Hearing.
Mayor: Public hearing, excuse me correct that.
3. CLOSE PUBLIC HEARING: (No Motion Needed)
Parsons: 7:08pm

Item 5.

BEGIN PUBLIC HEARING:
Mayor: I open the Public Hearing, for a public hearing for Variance Application, for Ray & Debra Duryee, 665 West 3rd Ave to reduce setback requirements from 20 feet to 10 feet in a Commercial Zone, for the proposed use to construct a storage/shop building for the sole use of the applicant.
Parsons: 7:09pm
1. PUBLIC HEARING PUBLIC HEARING FOR VARIANCE APPLICATION, RAY & DEBRA DURYEE, 665 WEST 3RD AVENUE TO REDUCE SETBACK REQUIREMENTS FROM 20 FEET TO 10 FEET IN A COMMERCIAL ZONE, FOR THE PROPOSED USE TO CONSTRUCT A STORAGE/SHOP BUILDING FOR THE SOLE USE OF THE APPLICANT.
1. Explanation of Hearing Procedures/Presentation by Mayor:
Mayor: Again, we'll make is short, but this, the explanation of the hearing proceedings is that we will take any written testimony receiving from whom, we will take testimony in supporting, testimony uncommitted and testimony opposed.
2. Mayor Mention Written Testimony Received and From Whom. Give:
Mayor: At this time, I have not received any written testimony that I am aware of. Do we know of any written testimony?
Parsons: No, sir.
Mayor: Ok, is there anybody that needs to declare that they have had other information of contact with the applicants?

Mayor: I have to declare that I did take a telephone call from Mr. Duryee, its been two or three years ago I think, and we did meet publicly up there, together at the sight, so he could show me what he was talking about, but we did not get into any specifics or anything that day. All we talked about was the road right away was on his property. And so, I have not had any contact with Mr. Duryee since. Ok. We will now take testimony supporting.

Schroder: Actually Mayor, start with the applicant.

Mayor: Ok, we will start with the applicant. Please join us, up here.

Duryee: My name is Ray Duryee, I own the property at 665 3rd street across from the tractor company, it used to be the old Blinking Light Coffee shop. I bought it; I bought the property to place a shop storage building on it. We moved here for California a few years back and I still have lots of things in California and I want to bring them up, put them out of sight and have a building large enough that I can park my RV in it during the winter months. The way that the lots is configured, which there are two 50-foot-wide 150-foot-long lots, and currently 3rd Street bisects one of the lots. So, when you start applying the set back requirements to the amount of the parcel that is left outside of the road right of way, the road it is not in the right of way. Then the building that I would like to do, which could be perhaps a 40 by 60 or 80, just really doesn't fit. So, I am requesting that the setbacks be reduced. You may recall in a Commercial Zone there are no setbacks, however the code specifies that if its next to a residential property, or zoned section, then the residential setbacks apply. And so once you put those setbacks on it, it kinda shirks it down to where the size building I would like to do is not feasible unless I move it to the rear of the lot closer to the residential. So, I want to keep it to the front as far away from the residential as possible. Do you have any questions, that is really the creaks of it?

Mayor: Questions at this time?

Schroder: Yes, do you have questions for the applicant?

Mayor: Yeah, do ahead.

Case: Actually, I don't it makes sense to me, I don't have a question of the applicant, but I do have questions.

Mayor: Go ahead.

Case: My questions would be to the City. One is: Has Planning and Zoning made any sort of recommendations or are they not in this loop?

Schroder: I can answer that, Geoff Schroder, City Attorney, I believe, not sure if it says it in here, it should somewhere. But the Planning and Zoning Commission did recommend that the Council approve this.

Case: Ok, I missed that, I apologize.

Schroder: So yes, this comes to you with the recommendation to approve.

Case: And then may I ask you, as the Attorney, do you see any problems with this, because it seems to make sense to me, but I just want to know if there is any legal issues we are overlooking?

Schroder: Um, no that might be better for the deliberation period, but I can just state and its contained in the staff report the State Code and the City Code standards for granting a variance are outlines in the staff report. Both Planning and Zoning and the planning and zoning staff and I evaluated it, and it met those legal requirements. And the limitation lot size is due to no fault of the applicant and so, that it's pretty straight forward that way.

Galloska: They only question I have, and maybe you can answer this sir, is this application says that the requested variances is to eliminate the setbacks, are we eliminating it or are we modifying it?

Schroder: I thought we clarified that, I made sure that we made a very good solid record of it at the Planning and Zoning Commission, and made sure that that was the motion, was to make it 10 feet and not eliminate them all together.

Galloska: Sure.

Schroder: Because the applicant initially applied for eliminating them all together and sub sequentially revised his application to simply reduce it to ten feet.

Galloska: Ok.

Mayor: Is there anything you would like to add, or say at this point?

Duryee: No, the Attorney pretty well covered it.

Mayor: Ok.

Duryee: The Planning Commission did approve it and they did have a question about the setbacks as well. And the reason for the setback is to allow cleaning around the building obviously, but there is also a King Hill waterline that comes in on the property line that I want to stay away from.

Galloska: Sure.

Duryee: To mark sure it doesn't get interfered with.

Mayor: Any further questions?

Martinez: I just want to clarify that 3rd Avenue is actually going through your property, correct?

Duryee: Correct.

Martinez: As so you want to get closer to the road because that is actually your, so that you stay far enough away from the residents, right?

Duryee: Well, with the road there, which is a topic for another discussion. I only have roughly 60 feet, from the south property line to the road, so from the time I stay 10 feet away from the property line and build a 40 foot building, if I am able to do that. That only leaves about 10 feet to the edge of the existing pavement. And the road tapers through the lot and so it gets wider as it goes easterly, which will allow room for the rest of the building.

Martinez: Ok.

Mayor: Anything further?

2. TESTIMONY TAKEN:

a. *Testimony – Supporting:* 0

b. *Testimony – Uncommitted:* 0

c. *Testimony – Opposed:* 0

3. CLOSE PUBLIC HEARING: (No Motion Needed)

Mayor: I close the public hearing on this item at this time.

Parsons: 7:16pm

Item 6. MOTION: [ACTION ITEM] City Council to Approve/Deny the Proposed Amendment to Official Zoning Map of the City by Rezoning Certain Parcels of Property from heavy Industrial (M-2) to Commercial (C): (ROLL CALL VOTE)

Schroder: This required amendment to the Zoning Ordinance and we don't have the draft Ordinance ready, but what you can do tonight after taking the public hearing is to vote to adopt said Ordinance and then that would permit us to put that Ordinance in front of you at the next Council Meeting in its full draft. And basically, just says An Ordinance of the City of Glenns Ferry amending the zoning map with the laundry list of the parcels similar to that resolution that is contained in there.

Mayor: Is there a motion taking into effect what Mr. Schroder brought forward?

Case: Did we receive any mail at all regarding this.

Mayor: Yes, received one letter, quite a while back, I sent a response back and told them there would be a public hearing. I haven't heard from them since.

Case: Were they opposed, in favor or questions?

Mayor: I would say it was opposed.

Schroder: Do we have that letter.

Mayor: Yes, it should be in the file.

Schroder: If you can recall Mr Mayor, what the content of the letter was.

Mayor: It was specific to the noise.

Schroder: On the dog kennel?

Mayor: Ah-hu

Schroder: Oh, ok. So that is not relevant to rezoning the property. The dog kennel would be a use that the City seeking to engage in.

Mayor: They specifically said that they were concerned about dog kennel being there and the noise. I wrote back and I told them in general, and I can get you all a copy of my letter back to them. Was that we are a long way down the hill from making any decisions on where the dog kennel was going to be or what. That when we have public hearings or meetings out that they were welcome to attend.

Schroder: I want to clarify for the record and the Council Benefit that, that is not an issue before the Council, and it is not an issue that is relevant to the decision to rezone.

Mayor: And that is what I thought.

Schroder: So you did not receive any letters about rezoning the property?

Mayor: No.

Galloska: I think that is where the confusion come in with the testimony we heard from tonight, was that was why it was being rezoned.

Mayor: No, we are rezoning for a lot of different reasons.

Schroder: There is a whole bunch of property in the City that is being rezoned. There is a list of lots, and there is tones of them. Many pieces of property outside the one that the city has. The P&Z Clerk and I just reviewed the Zoning Ordinance it doesn't appear like in either the Heavy Industrial or the Commercial that a dog kennel would be permitted at all. So, there is still time to protect the members of the public in terms of amending or modifying this ordinance to permit such a thing. But that is not before you right now.

Case: You just gave me what I needed to hear to make a motion.

Mayor: I want to clarify that the reason I did not bring up that letter was I did not think it was germane to what we were discussing.

Schroder: It's not.

Martinez: So regardless of what the zoning is that we do tonight, has no say in yes or no with the dog pound. That is something that we will have to talk about at a different meeting.

Schroder: That is correct. This would not, lets say and it is not clear to me exactly because I am just glancing at the code, it is not clear to me exactly that a dog kennel is permitted in that zone now, nor is it clear to me that approving this would permit a dog kennel. In other words, you still retain complete control on whether or not you can put a dog kennel there.

Case: That's what I needed to hear, and I feel comfortable making the motion that we go ahead and do the rezoning according to the P & Z recommendation

Martinez: I will second.

Mayor: All in favor, roll call vote.

Parsons: Councilwoman Case – aye, Councilman Galloska – aye, Councilwoman Martinez – aye.

Item 7. MOTION: [ACTION ITEM] City Council to Approve/Deny Variance Application to Reduce Setback Requirements From 20 Feet to 10 Feet in a Commercial Zone, for the Proposed Use to Construct a Storage/Shop Building for the Sole Use of the Applicant, Ray & Debra Duryee, 665 West 3rd Avenue. (ROLL CALL VOTE)

Martinez: I will make that motion.

Galloska: I'll second.

Mayor: All in favor, roll call vote.

Parsons: Councilwoman Case – aye, Councilman Galloska – aye, Councilwoman Martinez – aye.

Schroder: I would like to add one thing. So similar to the Ordinance that will be following for your approval. The Planning and Zoning Clerk has begun a draft and I will finish it up for her, and you will have the findings and facts conclusion on law, which is a legal document that gives him the permission and you can approve that at your next session, but you have approved it as of this. Just the find of facts that will be the legal document that goes in the permanent records of the City permitting it.

Item 8. ADJOURN: [ACTION ITEM]

Case: I make motion to adjourn.

Galloska: I'll second.

Mayor White: All in favor, all-ayes.

Meeting was adjourned at 7:25 pm.

Approved by the City Council: _____ / _____ / _____

Monty White – Mayor

Attest: _____
Teresa Parsons - Clerk/Treasurer