

CITY OF GENESEE

Location: 235 W Chestnut Street, (Fire Station) Genesee, ID 83832

CITY COUNCIL

November 17, 2020

REGULAR MEETING

MINUTES

6:00 PM

CALL TO ORDER - The Genesee City Council met November 17, 2020. Mayor, Steve Odenborg, called the meeting to order at 6:00pm.

ROLL CALL - Present at the meeting, Council Members John Hermann, Nyla Roach, Cody Bailey(via Zoom), Bill Krick, Deputy City Clerk/Treasurer Debi Zenner and Clerk/Treasurer Karyn Wright(via Zoom).

VISITORS: Danny Santiago, Roger Kinyon, Cody Kinyon and Jennifer Tengono

CONSENT AGENDA: John made a motion, seconded by Bill, to accept the consent agenda, along with payment of the bills and Financial Statement, as presented. **ROLL CALL VOTE: Krick, Hermann, Roach, Bailey; Ayes; motion carried.**

UNFINISHED BUSINESS:

CEDA Membership: Christine Frei, executive director of CEDA, gave an overview of some of the things CEDA does for communities. The City of Genesee has been a member for two years. Currently, they have 26 of 29 of incorporated communities as members and 40 or 50 members of the business community, UI and others. Encouraged everyone to go to their website to see their economic development plan; which includes the comprehensive land use plan for other small communities. One of the main issues, for small communities, is planning for broadband. Eventually there will be a Fiber connection between Moscow and Lewiston, Lewiston to cottonwood and cottonwood to Grangeville. CEDA wrote a grant for this and possibly Genesee could have an option to connect in. Will hear soon if they have received the grant. Also CEDA is working with Kendrick on their wastewater project and also going to try and help Juliaetta with their wastewater project. They helped with building Genesee's Fire Station. Christine will send the powerpoint as a pdf so council can see everything she's discussed. Also, they have two board member positions available, if anyone is interested.

NEW BUSINESS:

Danny Santiago- Gave a brief presentation regarding alternative Internet for Genesee. Danny works out of Lewiston, currently. Has worked in IT for many years; works for City of Lewiston, AVISTA, and others. Danny has been hearing several complaints about how slow the internet in the City of Genesee is and he would like to help us out. He is currently looking for real estate on Chestnut Street, but not having a lot of luck. If anyone knows of a place, he would appreciate any ideas. FINALLYGOODISP.COM is his website. Since he works for over 9 radio stations, he can get direct internet from those locations. Prices begin at \$35 household and \$95 for commercial. Would like to launch this January 2021.

Power Point Presentation by Jennifer Tengono- Jennifer Tengono went over her power point presentation as an overview to get everyone up to speed on the zoning change from residential to commercial, on the William Larsen property. Jennifer says it complies with the comprehensive plan and it is not an illegal spot zone. Some of the residents and neighbors have signed Roger's petition, that this would be ok with them.

Rezone Recommendation from Planning & Zoning-Cody Bailey, said it bothered him, the Kinyon's started this business without double checking whether or not it would be allowed. He feels the only one positively affected by this rezone would be the Kinyon's.

There were questions about how many people actually signed the petition that live in the affected area or will be affected by the business, as Council looked at the names/addresses on the petition, not very many. Jennifer discussed it would bring more tax revenue into the community and provide jobs.

In discussion about what is the intended purpose of the shop, it was mentioned that many people, in Genesee, build large shops next to their houses, but that doesn't mean they are going to rezone their property from residential to commercial. Jennifer said this particular property has been used as commercial property in the past, without a rezone. The property is located right next to Old Highway 95.

Steve Myers, a resident across the street, has moved because of the noise and dust, and feels he'll have difficulty selling his house, if this business will be allowed to continue operating.

Bill Krick also mentioned this property is in the flood plain and there would be a lot of issues selling this property for building lots.

From 1983 to 1995 this property was assessed as a commercial building, according to the tax assessor. After 1995 it was assessed as a residential building. According to tax assessor, it was a farm designation.

Roger Kinyon said Bill Larsen dug a ditch with the agreement between him and the City to drain cow creek, so the Vestal's addition water would drain there. The City was supposed to maintain the ditch. John said from 1995 to present, it's basically been used as a resident.

Jennifer Tengono said this property has been a mixed use of agricultural and residential and the majority of the property will continue to be agriculture. She also maintains this is not an illegal spot zone and does comply with the comprehensive plan.

Since this property has been there, approximately 30 houses have been built in that area, because it is a residential area.

Attorney for Steve and Patti Myers, Jon Hally - has reviewed the power point. He maintains this is an illegal spot zone, and is not consistent with the comprehensive plan. Regardless whether it's consistent with the comprehensive plan, as to intent, specifically, he discourages the rezone. Over the years, the homes have been built because it's a residential area. If you change it, you are changing the comprehensive plan. Change has been more towards residential instead of commercial and cannot be rezoned according to the ordinance. Spot zoning - a zone change that singles out a spot of land in a residential area; according to the City's ordinance, 10-16-1: DECLARATION OF POLICY AND STANDARDS FOR REZONING: For the purpose of establishing and maintaining rezoning of land is to be discouraged and allowed only under certain circumstances. Mr. Hally doesn't see that this rezone would benefit the residents, only the owner. The comprehensive plan that was created and defined residential properties, was to establish, develop and protect; Protect the quiet of the residents. Mr. Hally respectfully requests the City Council deny this request. The City has the obligation to protect that residential area.

Jay Roach – asked about the City’s attorney and what her opinion is. The Mayor read Jennifer’s comments. She recommends Council make their decision tonight.

Bill Krick wondered where the decision goes from here, since Bill Larsen has passed away. The Estate has not been settled yet, but the Kinyon’s had a lease to purchase with the owners and now the son of Bill. Roger is the Lessor. Jim Larsen has guardianship. Based on the lease agreement, the rezone attempt is still enforceable with all concerned; the Larsen property and the Kinyons.

John Hermann said they have been operating this business without a business license and only when a neighbor complained, this was brought up to the Council.

Cody Bailey wants to make a decision tonight, as all Council members sat in the planning and zoning meetings and listened to everything.

John made a motion to Deny the rezone request, seconded by Cody; **ROLL CALL VOTE: John-AYE, Nyla-AYE, Bill-NO, Cody-AYE; AYES have it, motion carried.**

Council’s reason for their decision:

Cody believes this is an illegal spot zone and is not consistent with comprehensive plan and not benefiting anyone but the property owners.

John-Believes this violates the City Code 10-16-1, as well as violates the comprehensive plan.

Nyla-Believes this also violates City Code 10-16-1 and believes it’s very clear the property was zoned residential. People built and bought houses on that property with the understanding it was residential. Feels bad for the Kinyon’s because it’s a good business just in the wrong place.

Bill-was under the impression this was already zoned commercial back in the 1980s, as it was a business and several businesses were in there after that. It’s structured a business and is in a flood plain and wouldn’t be a good place to build houses.

Capitalization threshold increase (change threshold from \$500 to \$5000 per Audit request)- Hayden & Ross auditors request we increase this threshold. Bill made a motion, seconded by John to increase the threshold to \$5000; **VOICE VOTE: AYES, motion carried.**

Agreed Upon Procedure Audit-Hayden and Ross-Auditing the City’s portion of the Bond Account for the fire department. Rural will also have an independent audit. Bill moves to allow Hayden and Ross to Audit the General Obligation Bond, seconded by Nyla, (May 2018 to Sep 2019); **ROLL CALL VOTE: Hermann, Roach, Krick, Bailey; AYES, motion carried.**

DEPARTMENTAL AND STAFF REPORTS

John-Debi and Karyn have gone through most of the audit will be presented to Council in a month or two.

Nyla-Men’s bathroom at RV park is locked because the wind. The hardware was replaced and is afraid the wind will open the door and will break it. Nyla talked with Dustin about putting a handle on the inside. Bill suggested moving the door to the other side, or maybe building a wall for a wind break? John says they make different grades of closures too, if Nyla wants to look into that.

Bill- wondering where we are at with the land purchase and PNW? Steve said Ryan was going to check with DEQ to see if we could give them an interim payment? Wagner has had this on his desk for a couple of weeks. Jennifer Douglass suggested we give them a down payment. Bill is not in favor of doing that. Feels it's between Wagner, (PNW's attorney) and our attorney, Jennifer. Steve will talk to Sean tomorrow. Bills feels Mt. Waterworks is working hard on this.

Water-possibly December the test holes will be drilled. Genesee Avenue would be the first spots done. Fire Department-approved two members last night. Next meeting will bring applications for Council's approval. Regarding COVID and training, it was discussed the Fire Department should consider doing virtual training. Other places are now doing this for continuing education, fire, and EMS training. 24 members would cost approximately \$2400/year. Will get more information for the next meeting. The City's Covid submittal deadline is December 7th, in case this would fall under that category.

Cody-We've gotten just a little snow...had Drew sand the hills. We will do our best to stay on top of the snow. Will evaluate each snow event and see if/when we should plow. Wondering about the traffic control stuff on Chestnut Street and what it's there for? Bill wondered if Council members could run the city equipment, if needed. Cody said the Council is only supposed to serve on council and not do what the city employees are doing.

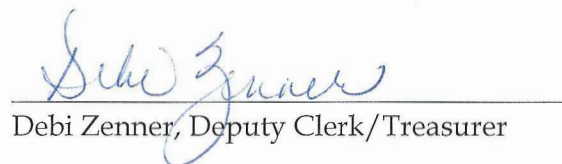
Steve-will pick up iPads and laptops for everyone. Jay, our computer guy, is having trouble with email addresses. These will all come with Office 365. Please add to the next meeting, the water facility plan public comment period and the Hazardous mitigation plan will need to be voted on. The City also received a check for \$1K, from the Mayor's Fitbit challenge. This money needs to be donated. It was suggested to possibly purchase an external defibrillator for the Senior center. Bill will check on prices.

Cody also mentioned to Bill he needs to keep John in the loop on Fire Department information, as that is his department.

Also mentioned the Governor moved us back to Stage 2, so we can't have more than 10 people at our Council meetings and should adhere to this.

ADJOURNMENT-Bill made a motion, seconded by Cody, to adjourn at 8:15pm. **VOICE VOTE: Ayes; motion carried.**


Steve Odenborg, Mayor


Debi Zenner, Deputy Clerk/Treasurer