

New Plymouth City Council Meeting  
MONDAY  
16 May 2016  
6:30 P.M.  
New Plymouth City Council Chambers (Library)

On the 16<sup>th</sup> of May, 2016, the New Plymouth City Council meeting was called to order at 6:30 P.M. by Mayor Beth Earles. The Pledge of Allegiance was led by Councilman Rick York. Roll call was taken with council members Ron Rouse, Bill Warnke, Rick York and Cora Kurth in attendance.

Staff members in attendance were Public Works Superintendent Beau Ziemer, City Clerk Danielle Painter and Deputy Clerk Alishia Elliott.

Guests included Jan Morrison, Ron Chapman, Rod Tegethoff, Hank Treat, Rosette Treat, Rodney Precht, Sara Jackson, Trevor Bonfiglio, and Mary Kirkpatrick.

**Regular Agenda – Councilwoman Kurth moved to approve the regular agenda. Councilman Rouse seconded the motion. The voting was unanimous in favor of the motion.**

**Consent Agenda – The consent agenda included May 2nd, 2016 City Council minutes, May 9<sup>th</sup>, 2016 Special City Council Minutes, public works report, Payette County Sheriff's report, and claims totaling \$31,671.87. Councilman Warnke moved to approve the consent agenda. Councilman York seconded the motion. The voting was unanimous in favor of the motion.**

#### Old Business

##### ANIMAL ORDINANCE AND DOG FORM

The council received the City of Payette's dog license application. The council unanimously decided it would be beneficial to mirror the City of Payette's form for New Plymouth's dog license application. There was discussion on what should be included in the form and what should be changed. Councilman Rouse then recommended that the price for the 3 year dog tag be three times the regular fee, of the single year dog tag.

#### New Business

##### P&Z VARIANCE – APPEAL

Councilman Rouse stated that Mrs. Jackson falls within all of the ordinances for her garage. Councilman York agreed with councilman Rouse. Councilwoman Kurth commented that the council needs to do it right and not set precedent. City Clerk Danielle Painter informed the council that code 11-14-16 states "Any use which is permitted as a conditional use in a zone under the terms of this Chapter shall not be deemed a nonconforming use in such zone, but shall, without further action, be considered a conforming use." A conditional use must have been applied for to make the garage conforming. Mayor Earles stated that it is not the city's intention to keep nonconforming buildings. Councilman Rouse commented that because it was an existing structure it abides by the ordinances. **Councilman Rouse moved to overturn Planning and Zonings decision, of denying the variance application submitted by Sara Jackson. Councilman York seconded the motion. The voting was unanimous in favor of the motion.**

##### LETTER OF SUPPORT FOR CITY OF PAYETTE AIRPORT

Councilman York commented on how the airport helps the City of Payette's economy. **Councilman York moved to send a letter of support for the City of Payette Airport. Councilman Rouse seconded the motion. The voting was unanimous in favor of the motion.**

#### Ordinances & Resolutions

##### ORDINANCE #350 – Varmints

Councilman York requested changes to ordinance #350, regarding allowing citizens to discharge a firearm within city limits. **Councilman York moved to table "Ordinance #350 – Varmints." Councilman Warnke seconded the motion. The voting was unanimous in favor of the motion.**

#### Public Comments

RODNEY PRECHT (212 W PARK) read the definition of a carport from the New Plymouth online city code. Mr. Precht felt that three walls were enclosed on Sara Jackson's carport, so Mr. Precht believes

that Mrs. Jackson's carport was defined as a garage. Mr. Precht also stated that the shed in the back is an accessory building and has a 5 foot setback requirement, as stated in the code (11-4-14 (B)). Mr. Precht stated that the shed would not need a variance and the charges for the variance should be dropped.

TREVOR BONFIGLIO asked the question "does an accessory building need a variance to replace the roof?" Councilman York answered with no, it falls under general maintenance. City Clerk Danielle Painter stated that there are ordinances that contradict each other. Mr. Bonfiglio then asked the question "who verifies setbacks?" Public Works Superintendent Beau Ziemer replied with, it's the owner or contractors responsibility to submit a correct and accurate plot map.

ROSETTE TREAT (213 W PARK) spoke in regards to code 11-14-6 "USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING: Any use which is permitted as a conditional use in a zone under the terms of this Chapter shall not be deemed a nonconforming use in such zone, but shall, without further action, be considered a conforming use." A conditional use is defined as "A nonprincipal use permitted within a district, requiring a permit and approval of the city." Mrs. Treat commented that when it is grandfathered in, it is not considered that (non-conforming) anymore. Mrs. Treat also stated "It is not the responsibility of the city to make nonconforming buildings conforming. You cannot interpret the law just how you please to do. If the law says that that's what it is and so that's the way it is unless you change the law."

RON CHAPMAN (321 SE AVE) attended the council meeting to ask for an update on the POW/MIA flag motion, made in a prior meeting. Councilman Warnke informed Mr. Chapman that they are still trying to get the light fixed on the flag pole in front of the Co-Op. City Clerk Danielle Painter informed Mr. Chapman and the council that she is still trying to order a flag for the indoor pole, because the one presented to the city by Mr. Chapman was too small for the flag pole. Mr. Chapman requested that the motion, from a prior meeting, be changed so that the POW/MIA flag be flown outside of City Hall, below the American Flag. The state capital has it this way and the state flag is flown on a separate pole. Mayor Earles replied that this item can be added on the next agenda to discuss. Mr. Chapman also asked about a demolition permit and if it was needed for him to tear down his carport. City Clerk Danielle Painter recommended Mr. Chapman contact the building inspector.

ROD TEGETHOFF (217 SW PARK) asked the council for an explanation of why the Kiwanis is being put on hold for the park equipment addition. Mayor Earles informed him that the city would like to create a master plan for the park and that the council will bring up the topic at their first budget workshop on June 6<sup>th</sup>. Councilman York asked Mr. Tegethoff to meet with Public Works Superintendent Beau Ziemer, to draw out the plan for the new playground equipment provided by the Kiwanis. Councilman York requested Mr. Tegethoff present this to the council at the next meeting.

#### Mayor and Council Comments

COUNCILMAN YORK reminded the crowd that High School graduation is happening this month.

Councilman York also reminded everybody to get out and vote on Tuesday.

COUNCILMAN ROUSE commented on how he is concerned with the city's stance on non-conforming buildings. Councilman Rouse disagrees with the process for non-conforming buildings. Rod Tegethoff requested to comment on behalf of Planning and Zoning; he stated that the laws are set to give guidance for the future. Rod Tegethoff felt that the Planning and Zoning commission based their decision off of the laws.

#### Adjournment

**Councilwoman Kurth moved to adjourn the council meeting. The motion was seconded by Councilman Warnke. The voting was unanimous in favor of the motion.**

The meeting adjourned at 7:20 P.M.

Approve:

Attest:

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Beth Earles, Mayor

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Alishia Elliott, Deputy City Clerk