

**ELK RIVER CITY COUNCIL**

**Monday, September 12, 2022**

**9:00 a.m. to 10:32 a.m.**

**Regular Monthly Council Meeting and public hearing regarding Doug Nelson conditional use permit application at 102 South 1<sup>st</sup> Street continued**

**Members Present:** Mayor Dave Brown, Councilwoman Tena Williams – phone, Councilwoman Diana Olson – phone, Councilwoman Marsha Martin, Councilwoman Connie McCartney

**Staff Present:** Christina Bartlett – Clerk/Treasurer, Randy Ball – Public Works

**Visitors:** Michelle Bly: TD&H Engineering, Lawren & Teresa Harper, Randy Johnson, Barb Smith, Tom Stroschein, Doug Nelson, Kami Nibler – phone, Debbie Manwaring, Dave Olson, Wayne Wilson: Fire Chief, Mike Blewett – phone, Doug & Helen Craig

1. Call to order: Mayor Dave called the meeting to order at 9:00 a.m.
2. Pledge of Allegiance: was said.
3. Public Hearing for proposed Conditional Use permit submitted by Doug Nelson, 102 S. 1<sup>st</sup> Street continued
  - a. Open Hearing: Mayor Dave opened the hearing at 9:04 a.m. and made opening comments on how the hearing would proceed. Clerk Christina went over the Finding of Facts Report. She stated that she has had the City Attorney and others review it. The updated application and the rules he is setting up for his RV Park is also included.
  - b. Comments: Applicant Doug Nelson wanted to make a few things clear. Anyone can make improvements to their property without a permit through the city unless it's for a building then a city building permit is required. He has all the electrical and plumbing permits that are required. There is no environmental study needed on his property because it has existing water & sewer. He called DEQ to verify that. Two RV's are allowed on each lot in town and he has two lots. So he is only looking at an additional two RV's total. The town survives on tourism. Since Doug and his wife have purchased the lots it's been cleaned up and one of the better looking properties in the downtown area. In the future it will have new fencing and gravel area. Work has been completed for this year.
    - Randy Johnson [104 North 2<sup>nd</sup> Street, PO Box 133, Elk River, ID] stated that he disagrees with Doug Nelson that Elk River would not survive without tourism. He says this town has supported itself without tourism and that they do not need his trailer park.

**City Council:** none.

**Testimony Provided, Supporting:**

- HELEN CRAIG [104 Mill Street, Elk River, ID 83827 ~ 605 24<sup>th</sup> Street, Lewiston, ID 83501] spoke of their experiences in Elk River over the years. They have a few camp spots on their property in Elk River. One is for an Elk River Volunteer firefighter. Another spent 5 weeks last summer volunteering to feed the wildland firefighters. Another brought in groceries for everyone that summer. They help out with events and other things in Elk River as part-timers. They have never been treated any different for living in their camper in Elk River.

**Testimony Provided, Against:**

- (Exhibit N) BARBARA M. SMITH [101 South 2<sup>nd</sup> Street, PO Box 182, Elk River, ID] submitted a letter against that Clerk Christina read aloud. Barbara is requesting that the Governing Body hold a special meeting to address the negative issues and possible issues that were brought up at the August 17, 2022 public hearing. She had seven (7) bullets listed.
- (Exhibit O) CATHY & MIKE DINOTO [206 South 3<sup>rd</sup> Street, Elk River, ID ~ PO Box

- 8966, Moscow, ID 83843] submitted a letter against that Clerk Christina read aloud. They stated that that have been weekenders for 22 years. She thinks an RV park with full hookups is a great idea but the location raises concerns. Their concerns included how will the RV park get rid of their garbage, is there going to be a stay limit and campers being able to get into and set up in the RV park would block traffic.
- (Exhibit P) BETTY KNIGHT [101 North 1<sup>st</sup> Street, PO Box 141, Elk River, ID] submitted a letter against that Clerk Christina read aloud. She stated that she understands that there are permits to be applied for that haven't been and ordinance that aren't being followed. She is concerned about the overflow of vehicles being parked around her place.
  - (Exhibits Q & R) "ELK RIVER RESIDENTS [Elk River, ID] received anonymously through the mail. One envelope was addresses to "Mayor Dave Brown" and the other to "Elk River City Council". Both letters state the same thing and are against the conditional use permit. Clerk Christina read one of the copies aloud. They stated that they are property owners and full time residents. They don't believe it's in the best interest of the citizens of Elk River to have temporary housing within the city limits, especially the center of town. Potential negative impacts include: negative on property taxes, increased noise and disruption to nearby homes, vehicle parking concerns. They feel the available surrounding campgrounds provide enough space.
  - (Exhibit S) DEBBIE MANWARING [311 North 1<sup>st</sup> Street, PO Box 64, Elk River, ID] submitted a letter against that Clerk Christina read aloud. She stated that the application fails to comply with at least 2 requirements in city ordinance 102c, Article III, Section C Zoning Districts, item K Recreational Vehicle Parks. Item 4: each space shall be 25' by 50" and included off street parking spaces. Item 8: off street parking shall be provided in accordance with standards code.
  - (Exhibit T) DAVID AND KIM BURROWS [206 South 3<sup>rd</sup> Street, Elk River, ID ~ 114 E. Juniper Street, Genesee, ID 83832] submitted a letter against that Clerk Christina read aloud. They would like to think that the mayor, city council and property owner would adhere to the rules in ordinance 102c. They do not like the idea of an RV park in the middle of town.
  - (Exhibit U) JON D MILLER [110 Front Street, PO Box 136, Elk River, ID] submitted a letter against that Clerk Christina read aloud. He stated that it will bring more traffic, noise, drunk driving and underage, unlicensed and uninsured drivers. It will add stress to our aging infrastructure and no consideration to full time residents. There is no enforcement of the rules and ordinances when there are complaints, no law enforcement except for big weekends and they don't enforce our ordinances. Increased ATV activity making loud noise and most likely driving impaired. The city provides free water & sewer at the ATV dump that is subsidized by the residents. The city needs to put the full time residents above the tourists.
  - (Exhibit V) RUBY STROSCHEIN [305 North First Street, PO Box 168, Elk River, ID] submitted a letter against that Clerk Christina read aloud. She stated that the previous week she signed a petition objecting to the conditional use permit. She would have to also approve variances on 25x50 RV parking spaces for all 6 hookups, sewer hookups for all 6 spaces, sufficient parking for 2 vehicles per space for 6 RV spaces. The property owner proceeded with the development without approval by the city council for the conditional use permit. There was suggestion at the previous public hearing that overflow parking would be allowed at the Dent Road parking lot owned by the Elk River Recreation District. She would be disappointed if the Recreation District allowed this

with the RV Park being in direct competition. She does love this community and living here.

- BARB SMITH [101 South 2<sup>nd</sup> Street, PO Box 182, Elk River, ID] Barb asked if copies of the application could be made for people to look at when she is referring to it. The Mayor stated no. Numerous statements and comments left out of the meeting minutes. The motion was to table the CUP application not the decision so the meeting today is premature. First public hearing may not be legal because the applicant was not in accordance with the law when we had it. She didn't get the letter in the mail, it was brought to her. There a possibility that a lot of people didn't get them. First and second applications are not in accordance of city ordinance 102c. First Public Hearing was not extended but closed by the Mayor and it shouldn't be allowed to be extended.

Finding of Facts Report: #2 is not correct; #6 isn't laid out; article 5, section b, #7 not addressed at all; #3, item 5 Doug stated some may be there more than 180 days through hunting season, #4 & #8 no mapping of parking, supposed to provide 2 for each spot. If Doug had done a controlled access highway permit it would have addressed some of that; #7 it has already created problems for Barb with the dust created and shaking of her house while they were compacting the ground. There is no evidence that the building would have been condemned and it was taken down in an illegal matter as per DEQ. Doug stated that the fence would be 23 feet from the center line of the highway, the right of way is 30 feet. Not in accordance of commercial use of the ordinance. No ITD permit. Comprehensive Plan: she feels it competes with existing RV parks in town. She doesn't think he should get kudos for getting rid of the existing structure illegally.

- DEBBIE MANWARING [311 North First Street, PO Box 64, Elk River, ID] stated that Ruby Stroschein had addressed in her letter that this is setting a precedent that this is okay if the CUP is approved. Financial impact on Elk River as temporary housing does not increase revenue or property values.
- RANDY JOHNSON [104 North 2<sup>nd</sup> Street, PO Box 133, Elk River, ID] made his comments known last meeting. This is an emotional thing for him not a factual thing. He doesn't know how you can disregard the comments and emotions of the people of this town that are against the trailer park

**Testimony Provided, Neutral:**

- None.

**Rebuttal:**

DOUG NELSON: Doug stated that he contacted the Idaho Transportation Department about the access permit. They said it is \$50 for every entrance for every resident that lives on Highway 8 ending at the Elk River Post Office. No one in Elk River has a permit and no one has had one since 1966. The gas station entrance/exit is legal and so is everyone else. If one person applies for a permit then everyone will get a letter from the Idaho Transportation Department stating they need to get a permit.

c. Close Hearing: Mayor Dave closed the hearing at 9:42 a.m.

4. Approve minutes August 17, 2022 Council Meeting: Councilwoman McCartney made a motion to accept the minutes from the August 17, 2022 Council Meeting. Councilwoman Martin 2<sup>nd</sup>. Roll call vote: Councilwoman Williams – aye, Councilwoman Olson –aye, Councilwoman Martin – aye, Councilwoman McCartney – aye. **Motion Carried.**
5. Financial Report: Councilwoman Olson made a motion to accept the financial report. Councilwoman Martin 2<sup>nd</sup>. Roll call vote: Councilwoman Williams – aye, Councilwoman Olson –aye, Councilwoman Martin – aye, Councilwoman McCartney – aye. **Motion Carried.**

- a. Pay bills: Councilwoman Martin made a motion to pay the bills. Councilwoman McCartney 2<sup>nd</sup>. Roll call vote: Councilwoman Williams – aye, Councilwoman Olson – aye, Councilwoman Martin – aye, Councilwoman McCartney – aye. **Motion Carried.**
6. Reports
- a. Clerk: Christina went over the Clerk’s report. The Fall AIC workshop is October 18<sup>th</sup>. The council and mayor need to let Christina know if they wish to attend and she will register you. Also the monies for the shooting range upgrades have been coming in.
  - b. Public Works: Mayor Dave went over the Public Work’s report. In the Davis Estates, 11 of the 17 meters have been installed so far and they are working on the rest. Councilwoman Williams asked if the City is being affected by the manpower shortage that is affecting Inland North Waste. She was told at this time it is not.
  - c. Mayor: Mayor Dave reported on the usual running of deposits and water/wastewater samples.
  - d. Council: Councilwoman Olson said that they are finished with the 911 sign project. 167 signs have been purchased. 26 residents have not purchased a sign. She and Dave presented Fire Chief Wilson with a check for \$1326, monies left from people donating extra towards the signs. The City thanks Dave and Diane for their hard work on this project.
  - e. Fire Department: Councilwoman Williams asked when the fire hydrants would be flushed. Wayne did not know even if the Fire Department would be able to because they are volunteers.
    - Building Report: The barriers around the flag pole have been installed, bricks are continuing to be put in, and security system is being installed this Wednesday.
  - f. Ambulance: Jessica Swearingen has passed her advance EMT test.

**Council Business Items**

7. Wastewater Facilities project
- a. Community Development Block Grant reimbursement request #2: Councilwoman Williams made a motion to approve Community Development Block Grant reimbursement request #2. Councilwoman Olson 2<sup>nd</sup>. Roll call vote: Councilwoman Williams – aye, Councilwoman Olson –aye, Councilwoman Martin – aye, Councilwoman McCartney – aye. **Motion Carried.**
8. Adopt Elk River Transportation Plan contingent upon final comments being reflected in the final version: Councilwoman Williams made a motion to adopt the River Transportation Plan contingent upon final comments being reflected in the final version. Councilwoman Olson 2<sup>nd</sup>. Roll call vote: Councilwoman Williams – aye, Councilwoman Olson –aye, Councilwoman Martin – aye, Councilwoman McCartney – aye. **Motion Carried.**
9. Conditional Use Permit application submitted by Doug Nelson, 102 S. 1<sup>st</sup> Street: Council will consider the conditional use permit application and may approve, approve with conditions or deny the application. The City Council discussed the issue. Councilwoman Martin asked if a condition could be put on the permit such as granting it for 1 year and seeing how it goes. Clerk Christina responded that she didn’t know if that was possible. She does know that the permit is not transferable if the property is sold. Councilwoman Olson is concerned about the sewer loan with a small amount of residents to pay it. Those dumping at the RV dump station are not helping to pay for it. Randy asked if the applicant will be charge a commercial or residential rate if the CUP is approved. He will be charged a commercial rate that the Whispering Pines RV Park. Christina looked up and gave the rates for the RV Park. It was compared with residential, commercial business with a residence included in the building and a commercial rate without a residence in it. It was also stated that extra sewage is needed in our lagoons as the City doesn’t incur enough to feed the organisms in the lagoons. Councilwoman Olson agrees that Elk River needs tourism. Councilwoman Martin made a motion to approve the Conditional Use Permit

application submitted by Doug Nelson, 102 S. 1<sup>st</sup> Street. Councilwoman McCartney 2<sup>nd</sup>. Roll call vote: Councilwoman Williams – aye, Councilwoman Olson –abstained, Councilwoman Martin – aye, Councilwoman McCartney – aye. **Motion Carried.**

10. Resolution 09-12-22.1 – Public Hearing Procedures: have not received from City Attorney, item tabled.
  11. Resolution 09-12.22.2 – Appointing City Council as Zoning Commission: have not received from City Attorney, item tabled.
  12. City Hall flood proofing update: Concrete work is done, had a site visit from the Idaho Department of Commerce who gave the city the grant for the project.
  13. Elk River communication issue update: Tena has been working with Don Gardner, Clearwater County Emergency Management. He has gone back through the previous surveys. Tena updated him on Ziply's known information on the system up here.
  14. Residents Solid Waste tax possible update: none.
- ❖ Meeting adjourned at 10:32 a.m.
  - ❖ Minutes submitted by Christina Bartlett, City Clerk/Treasurer