

CITY OF GAITHERSBURG  
COUNCIL MEETING

JUNE 25, 2013

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PRESENT: Mayor Eric Christensen (absent)  
Council Members: Earl Beattie (Mayor Pro Tem), Kurt Russell, Stacy Pascoe,  
Jeff Kelley  
Police Chief: Rod Mohler  
Public Wks Dir: Chuck Lloyd  
Recreation Dir.: Dawn Lloyd  
City Clerk/Treasurer: Sandy Gaydusek  
City Attorney: BJ Driscoll (absent)

PLEDGE OF ALLEGIANCE: Sandy Gaydusek

PRAYER: Kurt Russell

Jeff moved, Stacy seconded to approve the following consent agenda:

Minutes of June 6, 2013 Special Meeting with one correction

Minutes of June 11, 2013 Council Meeting

Approval of May Expenditures

Approval of May Overall Budget & Treasurer's Rpt.

Approval of the following Building Permits:

Grant Durtschi - new home

Spencer Musselman - fence

Roll Call Vote: Earl – aye, Kurt – aye, Stacy – aye, Kurt – aye, and Jeff – aye. Approved unanimously.

A Public Hearing was held to consider amending Title 10-10-1 through 10-10-9 regarding Special Use Permits. BJ had previously suggested that the code be clarified for better understanding and to correct the grammar. Earl opened the hearing for public testimony. There was no public testimony given in favor of, opposed, or neutral comments. Earl closed the hearing for deliberations. The Council felt this language needed to be amended to suit the needs of the city. Stacy moved, Kurt seconded to accept the changes to this ordinance. Kurt moved, Jeff seconded to suspend the reading of Ordinance #555 on three different days and read the title of ordinance #555 once. Approved unanimously. Kurt read the title of Ordinance #555 in full. Jeff moved, Stacy seconded to adopt Ordinance #555 as written. A roll call vote was taken: Earl – aye, Stacy – aye, - Kurt – aye, and Jeff – aye. Approved unanimously.

A Public Hearing was held to consider amending Title 10-9-5 (J) regarding the number of parking spaces required for Multi-family Dwelling Units. Stacy has previously recommended that for each unit 2 spaces should be required instead of 1 ½ spaces per unit. Earl opened the hearing for public testimony. There was no public testimony given in favor of, opposed, or neutral comments. Earl closed the hearing for deliberations. The Council felt this code needs to be amended to provide more parking for Multi-Family Dwelling Units since most households have two or more vehicles. Stacy moved, Kurt seconded to accept the changes to this ordinance. Jeff moved, Stacy seconded to suspend the reading of Ordinance #556 on three different days and read the title of ordinance #556 once. Approved unanimously. Jeff read the title of Ordinance #556 in full. Stacy moved, Jeff seconded to adopt Ordinance #556 as written

regarding parking for Multi-family Dwellings. A roll call vote was taken: Earl – aye, Stacy – aye, - Kurt – aye, and Jeff – aye. Approved unanimously.

A Public Hearing was held to consider amending Title 10-18-7 regarding the action taken by the Council prior to adopting, revising, or rejecting an amendment to the zoning ordinance/deleting the requirement of a second public hearing to be held by the Council to be consistent with State requirements. Earl opened the hearing for public testimony. There was no public testimony given in favor of, opposed, or neutral comments. Earl closed the hearing for deliberations. The Council felt the city should be consistent with the State and to help streamline the procedure for zoning amendments. Stacy moved, Jeff seconded to accept the changes to this ordinance. Jeff moved, Stacy seconded to suspend the reading of Ordinance #557 on three different days and read the title of ordinance #557 once. Approved unanimously. Jeff read the title of Ordinance #557 in full. Kurt moved, Stacy seconded to adopt Ordinance #557 as written regarding amendments to allow consistency with the State regulations for amendments to the zoning code. A roll call vote was taken: Earl – aye, Stacy – aye, - Kurt – aye, and Jeff – aye. Approved unanimously.

A Public Hearing was held to consider amending Title 10-9A-3 regarding the maximum number of dwelling units for Twin Homes per acre/to delete the maximum number of units and keep the minimum requirement of two dwelling units per 10,000 square feet. Earl opened the hearing for public testimony. There was no public testimony given in favor of, opposed, or neutral comments. Earl closed the hearing for deliberations. The Council felt the intentions of this code are to create the density needed for twin homes. Jeff moved, Stacy seconded to accept the changes to this ordinance. Jeff moved, Stacy seconded to suspend the reading of Ordinance #558 on three different days and read the title of ordinance #558 once. Approved unanimously. Kurt read the title of Ordinance #558 in full. Kurt moved, Stacy seconded to adopt Ordinance #558 as written regarding the maximum amount of dwelling units allowed on one acre pertaining to Twin Homes. A roll call vote was taken: Earl – aye, Stacy – aye, - Kurt – aye, and Jeff – aye. Approved unanimously.

Louise Street from Searle, Hart and Associates presented the city fiscal audit for 2011-2012. She thanked the Mayor and Council for the opportunity to provide the audit. Mrs. Street said the staff has been very helpful. She said they are issuing a clean audit, and there were no irregularities when they reviewed the city documents. Mrs. Street presented a Statement of Net Assets, and explained the Governmental Activities and the Business Type Activities. Mrs. Street discussed the internal controls and there are no deficiencies that are significant or material. She discussed closing the restricted bond funds of \$1646 and moving elsewhere. Sandy said she would place this matter on the agenda. Mrs. Street presented graphs for each fund, and all were in good financial shape. Jeff moved, Stacy seconded to accept the fiscal audit for 2011-20112 as presented. Approved unanimously.

Josh Newell appeared before the Council with an application for a Fireworks Display Permit. Mr. Newell presented a copy of the city code 6-2-10 allowing the display of fireworks and a

packet of information regarding what type of fireworks he would like to display and a weather report from last year. He said he was issued a Fireworks Display Permit last year and all of the fireworks were kept and displayed as allowed by the permit. Mr. Newell presented a diagram of the intended blast area and the fallout area. He said all of the areas are within the city limits and do not encroach in the county. He said he would like the display to happen on July 3<sup>rd</sup>. Mr. Newell said he would place the fireworks in coolers for storage, and would like to temporarily block the road with caution tape. He said he would limit the fallout area and intended to purchase the fireworks that would stay within the limits. Earl said he appreciates the work that Mr. Newell has done to make the display a safer event. He asked if there were lots in the subdivision that were empty at this time. Mr. Newell said there is one empty lot and another that is being excavated for a home. Earl asked if the police had any complaints last year. Rod said there were a few calls regarding the noise, but after it was explained that a permit was issued, the complaints didn't go any farther. Jeff and Stacy both felt they would like to talk to the Fire Chief and the Police Chief before making any decisions. Jeff said the city has a lot of discretion based on what our attorney has found out through research. Earl said the city can require a bond up to 1 million dollars. Sandy said Mike Carter, the Fire Chief could not be in attendance tonight, but stated that he would recommend the permit be denied due to the housing change from last year, however if a bond was obtained he would be in favor of the permit. Earl said he would not be in favor of blocking off the street, nor of a fireworks display that could lead to property damage. Jeff said he agrees, but each year there are fireworks lit off over the entire city. David Frei said he has an issue with the permitting process the city uses. He said the city does not have the jurisdiction to issue a Fireworks Display Permit. He discussed the International Fire code and the fallout area defined in that code. He said he does not like aerial fireworks that stampede his animals. Mr. Frei said he feels the State law should be followed. Mr. Frei requested that if this Display Permit is issued, then to require insurance and be very specific of who is responsible for any damages; who's pocket is the money coming out of. He said he had \$500 worth of damage last year caused by the fireworks that were set off. Jeff said he likes fireworks, however when there is a complaint he feels the issue cannot go forward. Stacy said he has mixed emotions. He said he hates to stop an activity if just one person complains, however he personally won't set off fireworks because of danger concerns. He said however, if there is a group of people that want the Display and all of the standards have been met, it makes a difference. Mrs. Newell asked if during the 45 minutes planned for the event if the horses could have blinders, or any other apparatus that may help. She asked if it is the noise or the aerial display that scares the animals. The Council briefly discussed if they could hold the display in another area. Stacy said it is apparent that the neighborhood has a problem, and he has a hard time getting in a debate with neighborhood issues. Mrs. Newell said she doesn't want to have neighborhood problems either, and wondered if there is another pasture offered for the night, can the horses be moved. The Council will not have time to consider this since there is not another council meeting until after the 4<sup>th</sup> of July. Jeff moved, Earl seconded to deny the application for the Fireworks Display Permit based on the Fire Chiefs recommendation and their concern for damage. Jeff and Earl in favor to deny the permit, and Kurt and Stacy opposed. Motion fails due to a tie vote.

Chuck presented three bids for four street improvement projects. He said out of the three bids one (Knife River) was unresponsive since the projects were not bid individually. The three bids received were:

Project 1(100 Block of S. Holmes): HK Contractors - \$45744.75 Asphalt Maintenance - \$48250.00

Project 2(400 Block of S. Holmes): HK Contractors - \$ 48211.20 Asphalt Maintenance - \$50480.00

Project 3(200 Block of East Fir): HK Contractors - \$ 51552.45 - Asphalt Maintenance - \$53785.00

Project 4(100 Block of West Fir)4: HK Contractors - \$53204.85 Asphalt maintenance - \$55450.00

Stacy moved, Kurt seconded to award Projects 1, 2, 3, and 4 to HK Contractors as low bidders on each project. Approved unanimously.

Earl said there is a vacancy on the P&Z Board and he would like to recommend Kathy Curnutt be appointed to the Board. Earl moved, Kurt seconded to appoint Kathy Curnutt to the Planning and Zoning Board. Approved unanimously.

Sandy said she received a contract from SICOG to administrate the formation and adoption of a new Urban Renewal Plan. The total cost is \$5000 which includes the assessment value of the city, writing a plan, contract, etc. Sandy said BJ has reviewed the contract and could see no problem with it, however he was unsure of the exact scope of work the council wanted. Jeff moved, Stacy seconded to accept the contract as written between the city and SICOG. A roll call vote was taken: Earl – aye, Stacy – aye, Jeff – aye, and Kurt – aye. Approved unanimously.

Sandy said she contacted Chad Fairchild with Century Link regarding the application for a permit to bore and lay fiber optics from State Street running west on West Fir Street. She said Mr. Fairchild is on vacation and could not attend tonight's meeting, however he met with her and Chuck to answer the questions the council had at the last meeting. Sandy said the fiber optics will run clear out to the Interstate at Exit 108. It will be laid in a 1 ½ inch inner duct armor conduit, and will run underneath the sidewalk where the sidewalk currently exists. Chuck said he does not believe the fiber optics conduit will interfere with any water line extension the city may complete in the future. Stacy felt there may not be enough room for a ten foot trench box if fiber optics is installed. Jeff said there may be twelve feet of space before the asphalt is reached. The Council discussed how much room is available in the easement. The Council tabled this matter until Mr. Fairchild could attend a meeting and discuss this further.

Sandy presented Ordinance #559 regarding the definitions of Title 5-9-1 to include dead trees as refuse. She said there are a number of abandoned homes where the trees are dying and becoming a potential danger. Jeff moved, Stacy seconded to accept the changes to this ordinance. Jeff moved, Stacy seconded to suspend the reading of Ordinance #559 on three different days and read the title of ordinance #559 once. Approved unanimously. Jeff read the title of Ordinance #556 in full. Jeff moved, Kurt seconded to adopt Ordinance #559 as written regarding the

definition of refuse to include dead trees. A roll call vote was taken: Earl – aye, Stacy – aye, - Kurt – aye, and Jeff – aye. Approved unanimously.

Sandy said she received notice that the city would be receiving a rebate from Blue Shield Insurance because their pay out ratio did not reach 80%. She said the city should receive approximately \$3000. Sandy said she should receive word on any premium increase to the health insurance for the next fiscal year any time. She said they will also be setting meetings with the employees to receive comments regarding a HSA plan.

Chuck said the restroom at Brinkman Park has been relocated farther than 100 feet from the well. He said he was able to save one of the pine trees, and still have room for the restroom. He said they will be moving one of the porta-pottys down the walk path. Chuck said he will talk to Scott Barry about placing one near the lift station.

Rod thanked Shirley for the article in the Pioneer regarding Karl Bowcutt graduating from the POST Academy.

Rod said he has received some complaints regarding the condition of the tracks near Basic American Foods. Chuck said he has talked to management from the Shelley Plant and they are willing to remove the tracks that are no longer needed, however they need approval from the higher management. The Council decided a letter should be sent to BAF stating the spur has become a road hazard. Chuck said he will also talk to BAF management again tomorrow.

Stacy said he attended the AIC Conference in Boise. He said he learned a lot in the meetings, however he disagreed with some of the discussions.

Kurt said the city needs to decide how the water line will be looped off of the New Sweden Highway. Jeff recommended involving all of the citizens that we may need easements from to see if everyone is in agreement, or if the water line will need to be moved to a different location. Jeff recommended that the city allow Golden Valley Natural's engineer to design the water line and the city engineer to review it. Stacy said he will talk to Kurt Wells, and Ed Sprayberry regarding the needed easement and Jeff will talk to Rich Eaton. Earl said he was willing to accompany each of them to visit with these citizens.

Earl said he appreciates everyone who participated in the public hearings, and he thanked Mr. Newell and Mr. Frei for their attendance and input.

Adjourned: 9:35 p.m.

ATTEST:

 APPROVE 