

TROY CITY COUNCIL
December 11, 2019
REGULAR MEETING MINUTES

CITY COUNCIL MEETING: 5:00 p.m.

PRESENT: Mayor Ken Whitney, Jr.; Councilmen: Paul Groseclose, Mike Yenney, Steve Corr, Bill Abbott, Employees Present: Clerk/Treasurer: Rhonda Case: Attorney: Susan Wilson

GUESTS: Trevor Drollette, Nichole Johnson, Avery Johnson, Patrick Cordova, Josiah Johnson, Eric Lockie, Jeff Shrewsberry, Carol Shrewsberry

MEETING CALLED TO ORDER: Mayor, Ken Whitney, Jr. called the meeting to order at 5:00 P.M.

MINUTES: Steve Corr moved and Mike Yenney seconded to approve the minutes from the meeting on November 13, 2019. Motion passed.

ACCOUNTS PAYABLE: A motion was made by Bill Abbott and it was seconded by Paul Groseclose that the city pays the bills presented for December 2019. Motion passed.

MAINTENANCE REPORT: No report

FOREST MANAGEMENT REPORT: the council reviewed an email from the City Forester, Rich Schafer, and decided that due to the decrease in sale prices of timber the city will not be doing a harvest this winter.

POLICE REPORT: no report

AGENDA:

- **Public Hearing**—Mayor Whitney opened the public hearing at 5:06 p.m. to consider a request from Trevor Drollette of 116 5th Street, Troy to vacate a 20-foot portion of 5th Street adjacent to his property. This public hearing was advertised in the city’s newspaper of record and notice was sent to the adjacent property owners. Prior to the start of the meeting Mayor Whitney disclosed that he had been contacted the applicant regarding this matter but he did not feel that conversation would affect his ability to make an unbiased decision regarding the request. Bill Abbott and Paul Groseclose both made this disclosure: I want to disclose that I had a conversation with the applicant prior to him submitting his request to the City of Troy. I also want to disclose that the applicant and I are both members of the Troy Volunteer Fire and Ambulance. I did not make any representation to the applicant regarding the decision of the Troy City Council or the process. I believe that I am still able to participate in making an unbiased decision on this matter. Public Hearing: the clerk read the summary of the request for vacation of the property (attached). The applicant, Trevor Drollette, spoke to his reasons for requesting the vacation of the portion of 5th Street stating that his application and plans were submitted and approved in May, 2018. The mayor asked the clerk if there were any written correspondence received regarding this public hearing. There were 2 written documents received they are attached to these minutes. The mayor then asked for anyone speaking in favor of the request. No comments were made. The mayor then asked for anyone opposed to the request. Patrick Cordova reiterated the items stated in his written opposition. The mayor asked if the applicant would like to rebut any of the statements made by Patrick Cordova. In his rebuttal Trevor stated that the items that have fallen down the hill (rocks, toys and other debris) were from his five children throwing items down. When he built the structure, he thought he was building on his property and not in the city right of way. He stated that he followed the proper procedures in obtaining approval from the city and county for his permit and he has renewed the permit as required. The mayor then asked for general testimony. Josiah Johnson stated that as long as the structure doesn’t cause additional drainage issues. He is pro property owner and in favor of it. Eric Lockie stated that if his plans were submitted and approved it should be a done deal. Jeff Shrewsberry asked who approved the plans because that is who should be held responsible. Public Hearing closed at 5:22 p.m.
- **Action Regarding Request to Vacate**—Susan Wilson, City Attorney, stated that Eric Pah from Latah County Planning and Building said that the structure is outside the scope of the application and the permit. She also stated that it is the property owners responsibility to know exactly where their property

lines are and build accordingly. The city and county rely on the representation of the property owner that they are building on their property and have met all setback requirements. It is incumbent upon the city council in making their decision to decide if it is within the best interest of the city to vacate that portion of the street. Nichole Johnson asked if the city would ever could foresee actually use that portion of 5th Street. Carol Shrewsbury asked about who would be responsible for maintaining the ditch if it were part of the area vacated to the property owner. She was told that in that case the ditch would be the responsibility of the property owner. Paul Groseclose commented on the issue that may arise with the bank sloughing off. He recommended that there be a condition in the vacation to require the owner to reinforce the bank. He also recommended that the city revise their permit process to make it clear to people applying for a permit to know where their property lines are. No action was taken and the item was tabled until Tuesday, December 17, 2019 at 3:30 p.m. when the city will hold a special meeting. The council needed additional time to review the information presented and visit the site on December 17 as a group.

- **Public Hearing on Variance**— Mayor Whitney opened the public hearing at 6:15 p.m. to consider a request from Trevor Drollette of 116 5th Street, Troy for a variance of 15 feet for the setback requirements for his garage/storage building. This public hearing was advertised in the city’s newspaper of record and notice was sent to the adjacent property owners. Prior to the start of the meeting Mayor Whitney disclosed that he had been contacted the applicant regarding this matter but he did not feel that conversation would affect his ability to make an unbiased decision regarding the request. Bill Abbott and Paul Groseclose both made this disclosure: I want to disclose that I had a conversation with the applicant prior to him submitting his request to the City of Troy. I also want to disclose that the applicant and I are both members of the Troy Volunteer Fire and Ambulance. I did not make any representation to the applicant regarding the decision of the Troy City Council or the process. I believe that I am still able to participate in making an unbiased decision on this matter. Public Hearing: the clerk read the summary of the request for a variance of 15 feet on the set back requirements of the property (attached). The applicant, Trevor Drollette, spoke to his reasons for requesting the variance of stating that his application and plans were submitted and approved in May, 2018. The mayor asked the clerk if there were any written correspondence received regarding this public hearing. There was one written documents received from Patrick Cordova it is attached to these minutes. The mayor then asked for anyone speaking in favor of the request. No comments were made. The mayor then asked for anyone opposed to the request. No comments were made.
- **Action regarding Request for Variance**— No action was taken and the item was tabled until Tuesday, December 17, 2019 at 3:30 p.m. when the city will hold a special meeting. The council needed additional time to review the information presented and visit the site on December 17 as a group. It was moved by Steve Corr and seconded by Bill Abbott to table both the Vacation Request and the Variance Request. Motion passed.
- **Stoner/Wardle Sewer Issue**—this issue was resolved prior to this meeting. No action was taken.
- **311 N Main**—it was moved by Steve Corr and seconded by Mike Yenney to pay for approximately half of the water main that was installed by Kyle Nelson (\$4300). Motion passed.
- **Plowing at Recycling**—it was moved by Bill Abbott and seconded by Steve Corr that the city will assist in keeping the area around the recycling bins at the Sunset Mart plowed out and will place gravel in the area. Motion passed.
- **Mountain Waterworks**—there will be a special meeting workshop with Mountain Waterworks on Tuesday, December 17, 2020 following the special meeting to consider the vacation/variance request.
- **Add/Remove from Accounts**—It was moved by Bill Abbott and seconded by Mike Yenney to add Steve Corr to all city accounts and to remove Ken Whitney, Jr after Steve Corr takes office as the mayor. Motion passed.

Additional Business:

MAYOR WHITNEY’S REPORTS/CORRESPONDENCE:

COUNCIL REPORTS:

BILL ABBOTT: no report
STEVE CORR: no report
PAUL GROSECLOSE: no report
MIKE YENNEY: no report.
TREASURER/CLERK REPORT: no report.

ADJOURNMENT MOTION: A motion was made by Steve Corr to adjourn 6:32 P.M. A second was made by Mike Yenney. Motion passed.

Adjourned at 6:32 P.M.

Ken Whitney, Mayor

Rhonda Case, City Clerk/Treasurer