

CITY OF NEW MEADOWS
REGULAR CITY COUNCIL MEETING
MONDAY, NOVEMBER 12, 2012, AT 6:00 P.M.
NEW MEADOWS DEPOT AUDITORIUM
101 SOUTH COMMERCIAL AVENUE, NEW MEADOWS

Agenda Item 1) Roll Call:

Mayor Spelman called the meeting to order at 6:05 P.M. Council President DeOle Priddy, Council Member Gina Mencer Council Member Angie Moore, and Council Member Heather Wilde were present. City Clerk/Treasurer Jacob “Mac” Qualls and Office Assistant Jessi Martin were present.

Agenda Item 2) Executive Session: Idaho Code 64-2345(1) (b): To consider the evaluation, dismissal, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent.

- Council Member Moore moved to go into Executive Session under Idaho Code 64-2345(1)(b): to consider the evaluation, dismissal, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent; Council Member Mencer seconded the motion. Roll Call Vote: Wilde – Aye, Priddy – Aye, Mencer – Aye, Moore - Aye. Motion carried.

The Mayor and City Council went into Executive Session at 6:05 P.M.

The Mayor and City Council retired from Executive Session at 6:54 P.M.

Regular Session reconvened at 7:00 P.M. City Clerk/Treasurer Jacob Qualls, Public Works Supervisor Doug Buys, and Office Assistant Jessi Martin were present. Public in attendance: AT&T representative Don Shively, Adams County Record representative Fred Erland, Star News representative Kendel Murrant, Kelly Nelson, Brad McGarry, Pam McGarry, Chris Peterson, Larry Peterson, Jeff Roff, Steve Berry, Shannon Berry, Vicki Lafay, Susan Gregersen, Justice Gregersen, Devin Gregersen, Greg Gregersen, and Rise Smith.

Agenda Item 3) Welcome & Pledge of Allegiance:

Mayor Spelman led the Pledge of Allegiance.

Agenda Item 4) Public Input: Member of the public may offer input on city-related items that are not on the agenda for public hearing. Please keep comments to three minutes. Any item requiring City Council action must be placed on a future agenda for consideration. Comments regarding the performance by city employees are inappropriate at this time and should be directed to the Mayor by appointment after tonight’s meeting.

NONE

Mayor Spelman and the Council made the decision to move Agenda Item 8) e to the top of the agenda.

Agenda Item 8e) Communications Tower Discussion – Discuss Planning & Zoning Recommendation on Conditional Use Permit Application to build a Communications Tower at the Industrial Park. The Council may approve, approve with conditions, deny application or schedule a public hearing within thirty days.

AT&T representative Don Shively stated his name and address: 10256 South Sage Springs Circle, South Jordan, Utah. Shively stated an application had been submitted to build an unmanned wireless communications tower at the City’s Industrial Park. Shively pointed out that the tower will provide AT&T subscribers LTE 4G technologies which will provide faster download time. Shively stated that with this new / faster technology the City will benefit from the tower because people passing through will linger in town and spend more money because the service will be available.

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Shively stated that AT&T had worked with city personnel to find a location that would be suitable for the tower to be built in accordance with city's codes and ordinances. Shively stated that AT&T does not believe that the tower would be detrimental and had provided documentation supporting this. He stated that in any instance the information on a communications tower is controversial, but that a learning curve needs to take place in the community. AT&T and other carriers have the experience of helping communities become educated and alleviate concerns. The federal government also passed the telecommunications act of 1996. Shively stated that he knows there are thousands of questions out there and that he is willing to answer as many as he can and he also brought an expert along to answer questions and to help educate the community.

Qualls reminded the Mayor, Council, and citizens that this was not a public hearing and that public testimony in regards to the communications tower could not be submitted. The City Council has the opportunity to approve, approve with conditions, deny the application, delay a decision for up to 30 days while gathering additional information or to schedule a public hearing within thirty days and make a decision at that time. Depending on the Council's decision on what action to take on the application, the public may in fact have an opportunity to give testimony at a later date.

Community member Steve Berry stated that it would be prudent that the Council has all information possible before making a decision.

Council Member Mencer asked if AT&T had been involved with the Planning & Zoning Public Hearing that had taken place. Qualls answered that they had been involved but had recommended denying the application to the City Council because they felt that it did not meet the New Meadows Zoning Code 313-08 Section 13, Subsection 13-4B1b. They explained in a letter to the City Council that they felt the "2005 Comprehensive Plan indicated that the city encourages economic development of the community and because the hearing participants indicated those that own and operate businesses within the community would close their businesses because of potential environmental effects." They also explained further that because "many participants indicated they would pull their children from the school which is one of the largest employers in the city."

Council Member Wilde suggested that the Council schedule a public hearing so that the Council can hear from the public.

Community member Shannon Berry recommended that the Council extend making a decision for at least thirty days so that they can do research and gather information so that they are able to make an informed decision. Qualls stated that to hold a public hearing the City must also give a 15 day legal publicized notice.

Meadows Valley School Principle Dr. Ed Kalinowski asked what weight the Planning & Zoning's recommendation had on the City Council's decision. He recommends that the Council take the thirty day extension and hold a public hearing so people are allowed to testify to them.

Mayor Spelman agreed that the public should be heard and that the Council should gather as much information as possible. Mike Howard asked whether the Council preferred written or verbal testimony. Mayor Spelman stated that if a person is unable to be at the Public Hearing to submit written testimony. Qualls stated that if written testimony is submitted three or four days before the hearing, the Mayor and Council will have a chance to read over the testimony prior to the hearing.

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- Council Member Wilde moved to hold a public hearing within thirty days, in regards to the Conditional Use Permit application for AT&T to build a cell tower at the Industrial Park; Council Member Moore seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried.

Agenda Item 5) Consent Agenda:

a) Review & Approval of Invoices

Council Member Mencer stated that she had been under the impression that the fly over survey and ground survey that had been approved would be all on one invoice. Qualls stated that he would investigate the invoices from Skiftun and 3Di West.

Mencer asked what the invoice for C&N Electric was for. Public Works Supervisor Doug Buys explained that the City is responsible for all maintenance on the Industrial Park Buildings and that every few years an electrician has had to be hired to repair outside lighting. Buys stated that C&N is preparing a quote to replace the current lights with LED lights which should help with the consistent repairs.

Council Member Wilde asked why the invoice from Bert Osborn was so high. Mayor Spelman stated that it was because of more court time.

Council Member Priddy asked why the City would be responsible to pay for the construction candle rental when it was the fault of the contractor that the project took so long. Clerk/Treasurer Qualls stated that the City could pay the invoice and then submit an invoice to the contractor for the difference if they choose, or the city could fine the contractor. Quall also explained that the city was responsible for traffic control per the contract.

Mayor Spelman stated that Animal Control Officer White should be registered to take the flagger course. Qualls stated that he would try to register him, but due to the short notice may be unable to get White into the class.

- Council Member Mencer moved to approve the payment of invoices with the exception of 3D-I, Skiftun Surveying, pending investigation and adding White to the flagger class registration if possible; Council Member Moore seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried.

b) Review & Approval of Time Sheets

Council Member Mencer stated that she didn't have any concerns in regards to time sheets, she stated that she liked the way that the time sheets had been presented in the packet versus what had been presented in the past. Qualls stated that he had been creating the record presented all along but to save paper had minimized what the Council had been presented. Council Member Moore agreed that the more detailed time sheets were easier to follow than what had been presented in the past. Mayor Spelman suggested that overtime be pre-approved by the Council if possible and stated that she would like to see an explanation of reason for overtime on the time sheets.

- Council Member Mencer moved to approve the presented time sheets; Council President Priddy seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried.

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c) Review & Approval of City Council Meeting Minutes – October 9, 2012 & October 22, 2012

Mayor Spelman asked that the October 9, 2012 meeting minutes be worded differently to indicate that she had requested that Qualls obtain approval from the Council before transferring funds. Spelman stated that she would like wording to be added / changed to indicate that she had spoken with Jim McNall with ICRMP and that he had advised the approval prior to the transferring of funds. The October 9, 2012 Meeting Minutes not approved and will be presented at the December Regular Meeting.

- Council Member Moore moved to approve October 22, 2012 City Council Meeting Minutes; Council Member Mencer seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried.

d) Review of Committee / Commission Meeting Minutes

No discussion – informational only.

e) ITD Maintenance Contract – Approve a long term agreement with ITD outlining maintenance of Virginia Street and North Norris Avenue between the city and ITD.

Mayor Spelman explained that the long term maintenance contract with ITD was a standard contract and that at one point it was mentioned that they would help the City unclog storm drains along Virginia Street.

Public Works Supervisor Buys stated that since the city's storm drain system will be providing drainage for the highway, he does not feel that it is unfair to ask for ITD's assistance in unclogging storm drains. Buys said that there was only one access point to the storm drain pipes and that about 400 feet in each direction had been cleaned out and that they pipes were nearly full of fine tightly packed mud, silt, salt and sand.

Council member Mencer asked if the City would get more or less assistance from ITD if they hold the contract. Mayor Spelman stated that it is important to ITD that the contract be signed and that she believes that if the City wants any assistance from ITD in the future signing the contract needs to be a priority.

Community Member Chris Peterson asked if the City could just put a stipulation in the contract stating that ITD will assist the City with the cleaning of the storm drains. The Council Members indicated this idea might be something to have as an amendment. Clerk/Treasurer Qualls stated that he would ask City Attorney Bert Osborn about the possibility of amending the contract. Mayor Spelman stated that she would need to have the Council's permission to sign the contract.

- Council Member Mencer moved to sign the Maintenance Contract with ITD pending the addition of an amendment stating that ITD will assist the City in cleaning out the storm drains; Council Member Wilde seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried.

Agenda Item 6) Communications and Reports: Elected Officials, Staff, and Mailbag Items

Elected Officials - NONE.

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Public Works Supervisor Doug Buys stated that he had not had the time to prepare a written report but was willing to answer any questions. Buys reported that the City had failed the most recent sewer test due to algae growth in the lagoon, he is investigating a solution. Buys reported that ADA ramp/sidewalk project had been completed. About half of city streets had been graded for winter and the other half will be done pending good weather. The pad for the kiosk in the park is nearly ready to be poured. Brad McGarry is finished with the eaves on the front of the Industrial Park and close to 60% finished with the eaves on the back and it looks great. Council Member Moore asked if the new grader had been received, Buys stated that it was scheduled to be delivered by November 16, 2012.

City Clerk/Treasurer Qualls reported that he had been working on preparing for the upcoming annual audit. Qualls stated that the treasurer's report would be completed after the bills are paid. Qualls said that he would be out of the office on Friday, November 16, 2012. Council Member Mencer asked if office assistant Jessi Martin would be in. Martin stated that she would.

Office Assistant - NONE.

Animal Control Officer - NONE.

Mail Bag Items:

Clerk/Treasurer Qualls directed the Council's attention to a consultant's report from III-A which had been included in their packets. Qualls explained that due to regulations placed on III-A, premiums would be increasing substantially. Council Member Mencer questioned whether or not the switching of insurance companies had been a good decision. Qualls stated that because of the regulations placed on III-A a 20%-30% increase would be added to premiums. Qualls reported that the premium increases would slow and that he believes that the new insurance has definitely been a good thing. Council Member Mencer stated that a 30% increase really seemed like a lot. Qualls stated that the City is being fiscally responsible by staying with III-A but the city could choose to get out of the contract if they so choose. Qualls stated that when the budget was formulated, the figure that was utilized was high just in case of this type of scenario.

Qualls reported to the Council that he had discussed the public hearing for the cell tower with ICRMP and AIC representatives and that ICRMP does not cover Planning & Zoning issues. Qualls explained to the Council that if the City enters into a lawsuit on a Planning & Zoning Issue or Land Decision, any awarded amount would come directly from the tax payers.

Agenda Item 7) Old Business:

a) Burn Permit Ordinance – Mayor Spelman would like to discuss issuing burn permits within the city limits.

Mayor Spelman stated that she would like the City to investigate the possibility of issuing a \$10/month burn permit to residents who burn their leaves, bark, and cardboard outside of their home. Funds received from the burn permits could be used to help different entities around the community. Spelman would like to have feedback from members of the community.

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Community member Jeff Roff stated that he had a small fire pit in his back yard and asked whether or not the burn permit would be required for this. Spelman stated that it would not. Council Member Mencer suggested that further investigation be done so that all can fully understand what the City's ramifications could be by issuing burn permits.

Community member Chris Peterson stated that burning garbage is not legal in Idaho, yet he knows that some people do it. He asked what steps he should take to prevent this. Community member Pam McGarry stated that burning garbage is against DEQ regulations and that there is something that can be done if people are doing it.

Mayor Spelman asked if it would be okay with the Council if she continued to gather information on the City issuing burn permits. The Council agreed.

b) Local Option Tax Funding Update – Review / Discuss Local Option Tax Funding Survey results.

Qualls reported that only one business owner had turned in the requested information and that business annually sold \$14000.00 of prepared food. Qualls stated that some of the business owners he had spoken too did not seem to fully understand what the Local Option Tax was or could be for the City.

Qualls explained that the tax would be mostly on tourists, the tax could exempt groceries. Qualls explained that funds received through the local option tax could be used to improve the city's infrastructure or as a property tax relief fund for the tax payers in New Meadows.

Council Member Mencer suggested that business owners be given more information so that they understand what local option tax is. Council Member Moore agreed and suggested that Qualls get information to the chamber. Qualls stated that he would further educate business owners on local option tax funding.

Qualls explained that if the Council decides to move forward with local option tax funding, 60% or more voters who live in city limits would have to approve it. Mayor Spelman stated that further investigation should be done on the option.

Agenda Item 8) New Business:

a) Picnic Tables – Discuss/ Approve: Brett Carpenter from the MV School Shop Class would like to ask the council if the students were to build table and place them in the park, if the city would pay for the materials.

Office Assistant Martin directed the Mayor and Council's attention to a letter from Brett Carpenter, the shop teacher at Meadows Valley School. The letter stated that Carpenter would like the shop class to build two picnic tables for the city's park. The city would pay \$130 per table which includes the materials to build the tables at approximately \$85.00 and a donation of \$45.00 to the shop classes' wood fund. Council President Priddy suggested that the city order two tables.

- Council Member Moore moved to order two picnic tables from the Meadows Valley School shop class at \$130.00 each; Council Member Mencer seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried.

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b) Anti-Salt Ordinance Discussion – Discussion on creating an ordinance banning salt or salt like products that are harmful to public sidewalks.

Mayor Spelman explained that Public Works Supervisor Doug Buys, Gregg Tankersley from Crestline Engineers, and herself had discussed creating an ordinance to ban businesses from using salt or salt like products on sidewalks. Buys suggested that the City purchase and provide sand to the main street businesses as an alternative to salt.

Chris Petersen with C&M Lumber offered to provide buckets for the City to put sand in. Council President Priddy stated that he is responsible for taking care of snow removal in front of the bank and that it would make it more difficult and could cause liability issues if salt is not allowed to be used as ice melt.

Mayor Spelman suggested that the City purchase a load of sand and make it available for businesses so that they have an option.

- Council Member Moore moved to purchase a load of sand to offer local business owners to use in lieu of salt on sidewalks; Council Member Wilde seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried.

c) Banking Authority / Fund Transfer Policy Discussion – Discussion on Banking Authority and how Inter-bank transfers should take place.

Mayor Spelman stated that she had spoken to Jim McNall with ICRMP and that he had suggested that Clerk/Treasurer Qualls obtain Council's approval before transferring money from the City's Sterling Bank account and the LGIP account. Qualls stated that money is transferred between accounts because the interest earned in the LGIP is nearly double of that earned if money is in the Sterling Bank account.

Qualls stated all liabilities are paid through the Sterling Bank Account and deposits are made into the Sterling account, so in order for the City to earn a higher interest rate on funds, the money is transferred to the LGIP account. Qualls also stated that Sterling Bank requires a roster of City staff and elected officials that are allowed to sign checks.

Council Member Mencer suggested that Qualls get more clarification from ICRMP on transferring funds. Council Member Wilde stated that Qualls hands should not be tied by having to wait for Council's approval to transfer money. Mayor Spelman stated that she just wants to be sure that the Qualls and the City are covered.

d) Resolution to pay bills when due – Discuss / Review / Approve a resolution to allow certain routine bills to be paid when due to avoid finance charges.

Qualls discussed a draft resolution that would allow specific routine bills to be paid when due in order to avoid the City having to pay finance charges. He stated they would still come before the council, but after payment.

Mayor Spelman stated that she believes that the resolution is a good idea.

- Council President Priddy moved approve the resolution giving permission to City Clerk/Treasurer Qualls to pay certain specified bill on or before there due date in order to avoid finance charges; Council Member Moore seconded the motion. Roll Call Vote: Mencer – Aye, Moore – Aye, Priddy – Aye, Wilde – Aye. Motion carried.

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e) **Communications Tower Discussion – Discuss Planning & Zoning Recommendation on Conditional Use Permit Application to build a Communications Tower at the Industrial Park. The Council may approve, approve with conditions, deny application or schedule a public hearing within thirty days. – moved to the beginning of the meeting.**

Agenda item moved to beginning of meeting.

f) **City Hall Closure – Discuss / Approve closing City Hall to allow City Employees to take the day after Thanksgiving as an unpaid holiday or vacation day.**

Clerk/Treasurer Qualls stated that in observance of Veteran’s Day which fell on a Sunday, City Hall should have been closed on the following Monday and staff were to have the day off as a paid holiday. Qualls did not realize this until after working that day and found out that the holiday pay could be given to staff on another day. Qualls suggested that City Hall be closed on Friday, November 23, 2012, the day after Thanksgiving and the staff receive holiday pay for that day since all worked on the day after Veteran’s Day which should have been observed.

- Council Member Wilde moved to approve the closing City Hall on Friday, November 23, 2012, and giving City Staff holiday pay for that day; Council Member Moore seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried.

Agenda Item 9) Agenda Items for next meeting: A discussion by the board to have items added to the agenda for the next regular meeting, and / or to set a time, date and place for a special meeting.

NONE

Agenda Item 10) Adjourn

- Council President Priddy moved to adjourn the November 12, 2012 Regular City Council Meeting; Council Member Moore seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried. Meeting adjourned at 8:46 P.M.

OFFICIAL: /s/ Julie Spelman
Julie Spelman, Mayor

ATTEST: Jacob M Qualls
Jacob Qualls, City Clerk