

CITY OF NEW MEADOWS CITY COUNCIL
SPECIAL MEETING MINUTES
NOVEMBER 20, 2012, AT 9:00 A.M.
CITY COUNCIL CHAMBERS, 401 VIRGINIA, NEW MEADOWS

Agenda Item 1) Roll Call:

Mayor Julie Spelman called the meeting to order at 9:08 A.M. Council Members: Gina Mencer, Angie Moore & Heather Wilde were present. City Clerk / Treasurer Jacob Qualls, Animal Control Officer CW White, Adams County Deputy Brian Yoakum, James Yoakum, Lizbeth Edwards, Darby Edwards, Conrad Favatella & Fred Erland were also present. Council President DeOle Priddy was excused.

Agenda Item 2) Welcome & Pledge of Allegiance:

Mayor Spelman led the Pledge of Allegiance.

Agenda Item 3) Vicious Dog Dispute Hearing – The owners of a dog at 500 ½ South Heigho have petitioned for a hearing by the New Meadows City Council to contest the determination by the Animal Control Officer:

Animal Control Officer White explained that he had issued a Vicious Dog ticket to Conrad Favatella over a weekend. He stated that he had been summoned to take a report of the dog biting a child near 500 ½ South Heigho Avenue in New Meadows.

Deputy Yoakum explained that he had taken the call and had spoken with the parents of the victim and took pictures of the bite. He also stated that he had spoken to the owner of the dog. Yoakum explained that the owner of the dog had stated that the dog had chased kids before.

Council Member Wilde asked what breed of dog was the subject of the citation. Mr. Favatella explained that his dog is a Red Healer.

Mayor Spelman stated that she instructed White to issue the citation.

Mrs. Edwards presented the council with a letter with photographs of the dog bite. She stated that the dog has a previous history and she had spoken with Mr. Favatella but he had stated in the past that the dog just likes to play. She asked him that he just keep his dog tied up when not in his direct control. She said that this discussion had worked until most recently when the dog bit her child

Mrs. Edwards explained that the dog had bit through her child's jean pants breaking the skin of her child.

Mr. Favatella explained that he would soon be moving and will be taking the dog with him. He did not feel it was necessary to declare the dog vicious and that he was convinced the dog was not vicious. He stated that he would feel very uneasy with the determination because he has a neighbor as a police officer and the victim lives across the street and feels that they would be constantly watching for the dog to slip outside. He stated he has complete intentions of moving within a week out to Wallace Lane in rural Adams County.

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Mrs. Edwards stated that even if the dog is not deemed vicious it still needs to be chained and under control.

Council Member Moore stated she wanted to make sure that children in the neighborhood are safe.

Mr. Edwards explained that his main concern is that it does not happen to anyone else and wanted to be assured that the dog would be restrained.

Deputy Yoakum stated that he has witnessed the dog chase other children in the neighborhood.

Mayor Spelman stated to Mr. Favatella that the dog needed to be restrained and if it bit anyone else Adams County would be notified.

Agenda Item 4) City Council Determination – Final and Conclusive decision by the New Meadows City Council on the viciousness determination:

- Council Member Wilde moved to declare the dog a nuisance, not vicious but the dog must be in an enclosed area, chained and under somebody's direct control at all times; Council Member Mencer seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried.
- Council Member Mencer moved refund \$50 of the fine imposed and already paid back to Mr. Favatella; Council Member Moore seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried.

Agenda Item 5) ITD Maintenance Contract – Approve a long term maintenance agreement with ITD outlining maintenance of Virginia Street and North Norris Avenue between the city and ITD:

Mayor Spelman stated that she had spoken to Tom Points from the Idaho Transportation Department regarding adding an addendum. She stated that he informed her that ITD cannot be forced to be bound by the agreement with the addendum. She stated that if the agreement is not signed, the city would revert to the 1967 agreement in which the city was responsible for the storm drainage anyway. She stated that Mr. Points is still looking for funding for the city. She stated that the state would not move snow except on agreed terms in the 1967 agreement if a new one is not signed.

Mayor Spelman stated that state will remain responsible for the stop signs and stop bars at the intersection under the new agreement.

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- Council Member Mencer moved to approve the Idaho Transportation Department Cooperative Maintenance Agreement for Highway 95 and Highway 55; Council Member Wilde seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried.

Agenda Item 6) Review & Approve Invoices – Discuss / Review / Approve final payment to S&S Enterprises for completion of constructing eves at the Industrial Park:

City Clerk / Treasurer Qualls presented the bills to be paid report, and also stated that he had spoken to Gregg Tankersly who stated that the contract the city signed with 3di West indicated that the city would have to pay for ground support and the bid did not include the ground survey as provided by Skiftun Land Surveying. Qualls also suggested that the council approve payment to Mr. Favatella for the refund.

- Council Member Wilde moved to approve the invoices for S&S Enterprises in the amount of \$9,869, 3di West for \$6,795, Skiftun Land Surveying for \$2341.50, and Conrad Favatella for \$50; Council Member Mencer seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried.

Agenda Item 6) Adjourn:

- Council Member Moore moved to adjourn the meeting; Council Member Mencer seconded the motion. Voice vote indicated no opposition to the motion, motion carried. Meeting adjourned at 9:49 A.M.

/s/ Julie Spelman
Julie Spelman, Mayor

/s/ Jacob M Qualls
Jacob Qualls, City Clerk / Treasurer