

CITY OF NEW MEADOWS
CITY COUNCIL PUBLIC HEARING
TUESDAY, DECEMBER 11, 2012
AUDITORIUM OF THE NEW MEADOWS DEPOT, 101 SOUTH COMMERCIAL AVENUE,
NEW MEADOWS

Agenda Item 1) Call to Order / Roll Call:

Mayor Spelman welcomed everyone to the meeting and led the Pledge of Allegiance. Council President Priddy, Council Member Mencer, Council Member Moore, and Council Member Wilde were present. City Clerk/Treasurer Qualls, Office Assistant Jessi Martin, and AT&T representative Don Shively were also present. Public in attendance: **See Attachment A.**

Agenda Item 2) Public Hearing: The City Council of the City of New Meadows will hold a public hearing concerning the proposed Conditional Use Permit for a seventy-five foot (75') monopole tower at the Southwest corner of the New Meadows Industrial Park off of West Colt Street in New Meadows, Idaho near the sewer treatment facility.

a) Public Hearing Opened

Mayor Spelman called the Public Hearing to order at 7:03pm. Spelman asked that all community members remain quiet until called to the podium to speak. Mayor Spelman invited AT&T (applicant) representative Don Shively to present the application to the New Meadows City Council.

b) Applicant Presentation

Don Shively, 10256 South Sage Springs Circle, South Jordan, Utah:

AT&T representative Don Shively stated that he was before the City Council with an application for a Conditional Use Permit. Shively reported that he had been working with City Personnel to locate a site to place a Communications Tower in Meadows Valley. Shively reported that AT&T had obtained a lease through the City for the proposed tower site. City Ordinances and National Transmittal requirements had been followed in preparing the application. Shively also drew the Council's attention to pictures that he had submitted of Communications Towers that had been placed in every location imaginable including on schools, hospitals, churches, forest service land and buildings, BLM land, as well as Synagogues. Shively reported that Communications Towers were an acceptable practice and that standards had been met. He asked that City Council approve the application.

c) Staff Report

City Clerk/Treasurer Qualls verbally went over his staff report. **See Attachment B.**

d) Public Testimony

i. Written comments received read aloud

Clerk/Treasurer Qualls read aloud written comment submitted by the Adams County Sheriff's Department. Qualls then moved on to a written comment submitted by Dr. Ed Kalinowski, principle at Meadows Valley School. Since Dr. Kalinowski was present at the hearing Qualls asked if he would like to read his written input aloud or if he (Qualls) should read it. Kalinowski stated that he would address the Council during the opponent testimony segment of the hearing.

ii. Supporter Testimony

David Eaton, 1000 Bitterroot Drive, McCall, Idaho, 83638:

Eaton stated that a lot of the community may not recognize his name, but may recognize his voice from the radio, many people know him as Dave the Radio Slave. Mr. Eaton stated that he had been on the radio for fifteen years. He broadcast at 5000watts from the top of No Business all over New Meadows. The tower he broadcast from also had a cell phone company as a tenant who was broadcasting at about 1/10th the wattage of the radio station. Eaton reported that over all of those years there had never been a health concern conveyed. Eaton stated that he got out of

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the radio business and saw potential for growth in the communications tower business. Eaton made the decision go through the process of building another communications tower. The process took over two years and cost him a great deal of money. During the process of dealing with the different governmental agencies, paying for appropriate studies to be done and having the communications tower built health concerns were never brought up by anyone. Eaton stated that he had seen the notice regarding the public hearing on the cell tower and an owner of a cell tower and a local resident he thought he should come to the hearing and give his support. Eaton explained that the community may remember some associates of Eaton. Al and Rose Manasco, lived in New Meadows for numerous years and had since moved to Florida and purchased a luxury high rise condo building. Manasco's were leasing space to numerous cell phone companies to place their antenna atop the building with no concern about the possibility of a health hazard. Eaton closed by stating that he was hopeful that his supportive and informational testimony would be helpful to the Council when making a decision.

Megan Fuller, 4835 N Villa Ridge Way, Boise, Idaho, 83703:

Fuller reported that she had led an informational meeting at the New Meadows Senior Center on the evening of Thursday, December 6, 2012. Fuller stated that she recognized the faces of a few, but that nowhere near 40 people had been present at the informational meeting. Miss Fuller explained that she had held the meeting to educate citizens on communications towers and the requirements that were enforced by the FCC to ensure public safety.

Fuller stated that she had grown up in Riggins, Idaho and felt that New Meadows citizens should be concerned with gaining state of the art technology in the area. Fuller reported that she was available to answer any questions.

iii. Neutral Testimony

NONE

iv. Opponent Testimony

Jeff Roff, 111 N Cunningham, New Meadows, Idaho, 83654:

Roff reported that he had turned in a briefing for the Mayor and City Council a few weeks prior and that he is hopeful they had an opportunity to read over it. Mr. Roff stated that he would not be speaking of health issues, but fact. Roff said that there were over 160 signatures on a petition regarding location of communications towers within City limits that had been turned in to City Hall. Roff reminded the City Council that they are elected by the citizens of New Meadows and that they are the only representatives that are able to protect the community from large corporations taking over. Roff explained that if over 160 people had signed the petition it is obvious what the decision should be.

Shannon Berry, 3761 Columbine & 700 Virginia, New Meadows, Idaho, 83654:

Berry stated that she would plead with the City Council to deny the application for the AT&T communications tower for several reasons. Mrs. Berry began by citing the economic detriment the installation of the communications tower would cause the community. Berry also described the overall unsettlement within the community that would be caused based on statements that had been made at the Planning & Zoning Public Hearing and the number of signatures on the petition. Mrs. Berry noted that if children were pulled from school, businesses would close down. Berry also mentioned that she felt that the cell phone coverage in Meadows Valley was sufficient. In closing Berry stated that the proposed rent of \$500/month was significantly

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insufficient. She also mentioned that she had attended the informational meeting put on by AT&T on Thursday, December 6, 2012 and that she felt that wattage of the proposed tower was not communicated properly and that the information was misleading to the community. Facts are facts and science is science.

Mike Howard, 3428 Timberline, New Meadows, Idaho, 83654:

Mr. Howard stated that he appreciated all of the work done by city personnel as well as by AT&T during the process of the proposed communications tower. Howard stated that his number one concern is the children in the community. His 1st role as superintendent of Meadows Valley School is to protect and provide the children with a healthy and safe learning environment. Howard reported that when he had asked if there had been any research done on a possible alternative location AT&T had answered no. Mr. Howard wondered why that was and if the city had already signed some sort of contract with AT&T. If the City is financially struggling and it is believed that this \$500/month will bail the City out Howard can recognize that AT&T building a communications tower on City property would benefit the City, but what about the negative effects it could and would have on the community. Howard suggested that City investigate other options to obtain funding.

Heather Wittel, 3223 Clay Lane, New Meadows, Idaho, 83654:

Wittel stated that she had not grown up in Meadows Valley but that since she had moved here has found it to be a nice, safe place for children to live. Wittel explained that in her opinion that would not be the case if the tower was allowed to be built.

Brandy Richards, 3394 Hot Springs Road, New Meadows, Idaho, 83654:

Mrs. Richards stated that she had two children enrolled in Meadows Valley School and that she had already spoken to the McCall School District about taking her children there to school. The McCall District told her that she had not been the only parent from Meadows Valley considering moving their children to McCall for school. Richards stated that she believes that the construction of the communications tower in the proposed location would put the school in financial hardship and could possibly close other local businesses. Richards also mentioned that in her opinion \$500/month was like a slap in the face, that AT&T was paying much more than that at other tower locations. Mrs. Richards closed by stating that besides the economic issues the tower would cause, the proposed tower is aesthetically very unattractive.

Ann DeChambeau, 404 Wiley, New Meadows, Idaho, 83654:

DeChambeau stated that if you want to put a tower up, go ahead, just put it in a cow pasture.

Ed Kalinowski, Principal of Meadows Valley School, New Meadows, Idaho, 83654:

Dr. Kalinowski stated that he was the principal at Meadows Valley School and was representing the board of trustees and that they do not want the cell tower erected at the proposed location period. Kalinowski explained that he is not against the tower, but against the proposed location. Dr. Kalinowski stated that the problem with the tower being so close to the school is that some students would be exposed to it for 8-15 hours on a daily basis. The long-term effects of the exposure are unknown. The short-term problem is that as more antennas are added to the tower, the exposure could be more harmful. Kalinowski does not believe that the location is appropriate. If in five or ten years there is an outbreak of leukemia or any sort of cancer it would be difficult to pinpoint the location of the tower to be a cause. Kalinowski stated that he had heard a list of

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pros expressed by the City but no cons relating to the communications tower. He added that there are other sites in Meadows Valley that could be explored, he is an AT&T customer and he reiterated that he is not against the service that a tower would provide, but is against the proposed location.

Rick Brown, 509 South Miller, New Meadows, Idaho, 83654:

Mr. Brown stated that he had given testimony at the Planning & Zoning Public Hearing on November 7, 2012 and that he had prepared a written statement that the Council should have received. Brown explained that the communications owned by Mr. Eaton are located on top of No Business Mountain and that no one has business being there, so the towers may not be a health hazard. Brown conveyed that if the tower is constructed at the proposed location, kindergarten students would be exposed for a minimum of eight hours a day, for twelve years. The research on this length of exposure is not out yet. The research doesn't have time to catch up. Brown stated that there were 160 signatures on the previously mentioned petition and that those signatures represent more than 50% of the voting community. Brown reminded the Mayor and Council that they are elected officials and that it is their duty to represent how the community feels. Brown believes that the application for the conditional use permit can be denied by the City's own codes, the tower would not be harmonious to businesses, to the community. Brown explained that in his written statement he had described the domino effect that the proposed location of the tower would cause; fewer enrollments in school, school closing, businesses moving, and loss of jobs for citizens. Brown mentioned that no one is against the tower being in Meadows Valley, the community is against the location of the tower. Brown stated that there are numerous ranchers that would gladly lease property for a communications tower. There are several towers within Adams County and Adams County Commissioners would be willing to guide AT&T through the process of putting the tower up at an alternate location, out of city limits. Brown stated that he is a business owner and that he is in constant contact with members of the community, Brown would estimate that over 80% of the community is against the proposed location of the cell tower. Brown closed by stating that he urged the City Council to represent the community and deny the application.

Fred McFadden, 216 South Heigho, New Meadows, Idaho, 83654:

McFadden stated that he had heard all of the testimony regarding research and wanted to make it apparent that all documented research that he had found was within 400 yards of the tower, which encompasses the entire town. Mr. McFadden explained that the community should be concerned about the children in the school, but also about all of the people, babies, and children that live within 400 yards of the proposed location.

Steve Berry, 700 Virginia Street, New Meadows, Idaho, 83654:

Berry mentioned that the people who testified in support of the communications tower were all in the cell phone or tower business and do not live within the community. Berry asked that the Council consider what a tower would do to the beauty of the community before making a decision.

Jason Wittel, 3223 Clay Lane, New Meadows, Idaho, 83654:

Wittel stated that if the tower was put in the proposed location he would be pulling his kids from the school. If the school doesn't have a certain amount of children enrolled it will lose its federal funding. Wittel said that AT&T was banking on the law that the feds put into place.

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Kelly Nelson (Co-Owner of Nelson Machining & Manufacturing), 106 Taylor, New Meadows, Idaho, 83654:

Nelson stated that since he and his wife had initially heard about the proposed cell tower they have been investigating possible effects of exposure. They are very strongly against the proposed tower location. Nelson had surveyed his staff of five all who stated that they would not continue working for Nelson at the Industrial Park if the cell tower was approved to be built in the proposed location. Nelson also declared that he would not continue leasing space at the Industrial Park from the City if the cell tower was built. He would relocate his business. Nelson then read aloud a recent study published by the World Health Organization. Mr. Nelson closed by stating that the proposed cell tower does not abide by the City of New Meadows Comprehensive Plan.

Nancy Smith, PO Box 37, New Meadows, Idaho, 83654:

Smith stated that her father worked for NASA and that her family had moved to Meadows Valley forty years ago due to the fact that the valley is protected against radiation due to the mountains and winds. Smith said that Meadows Valley is scenic and pristine and that it should be kept that way.

Brad McGarry, 3276 Wallace, New Meadows, Idaho, 83654:

McGarry explained to the Council that the proposed tower location is the size of Nelson's Machining & Manufacturing shop. He suggested that the Council expand the Industrial Park and find another business owner to lease the space which would employ community members and bring more people into the community. McGarry said that he is not against the tower, but suggested that a location out of town be attained.

v. **Rebuttal by applicant**

Don Shively, 10256 South Sage Springs Circle, South Jordan, Utah:

Shively stated that he understands that the proposed cell tower is a very emotional topic and AT&T is sensitive to that. Shively stated that he has been in communication with City personnel throughout the process. Shively stated that lease rates would continually increase the same as other businesses leasing space from the City. Shively stated that he had heard a lot of concerns in regards to students and youth in Meadows Valley, that these concerns are emotionally based and he understands them. Shively felt that he had demonstrated that in communities outside of New Meadows communications towers are accepted.

Ed Kalinowski, Principal of Meadows Valley School, New Meadows, Idaho, 83654:

Kalinowski stated that he was not going to rebut what Shively had said but wanted to inform him that he is not looking at the proposed tower emotionally, but factually. Kalinowski stated that he does not care if Salt Lake puts communications towers on hospitals, he does not care if someone chooses to put one in their bedroom but the long term effects of the exposure is unknown and not worth the risk. Dr. Kalinowski mentioned that besides that fact, there is an economic issue. Parents will take their children out of Meadows Valley School which in turn will cause the school to lose federal and state funding. Kalinowski suggested that alternate locations for the tower be explored because in the particular community it is not acceptable.

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Jeff Roff, 111 N Cunningham, New Meadows, Idaho, 83654:

Roff reported that he was not emotional about the communications tower. He had testified regarding loss of dollars and cents in the community. Roff told the Council that the citizens look to them for protection.

Rick Brown, 509 South Miller, New Meadows, Idaho, 83654:

Brown asked Shively how long the communications towers that he had referenced had been in their current locations. Brown stated that he had researched the mentioned towers and that none of them had been in place for any longer than five years.

vi. Close Public Hearing

Mayor Spelman closed the public hearing at 8:14pm.

Agenda Item 3) Review/Discuss/Decision: The New Meadows City Council will review/discuss/decide on the Conditional Use Permit application to allow a seventy-five foot (75') monopole tower at the Southwest corner of the New Meadows Industrial Park off of West Colt Street in New Meadows, Idaho near the sewer treatment facility.

Council Member Wilde stated at this time she would deny the application because the community does not want it at the proposed location, and the Council was elected by the community to represent them.

Council President Priddy stated that it seems to him that the City would lose more than it would gain if the communications tower was built at the proposed location. Priddy feels that the best thing to do is to represent the community and deny the application.

Mayor Spelman stated that she is against the communications tower at the proposed location, that industrially it would not help the City.

Council Member Mencer stated that she has been contemplating her decision for weeks. Mencer stated that she did not appreciate being threatened but that allowing the tower to be built at the proposed location is not what the community wants.

Council Member Moore stated that she has been pondering this issue for quite some. Moore said that she realized that she had been elected to serve the community.

- Council Member Mencer moved to deny the Conditional Use Permit Application due to community and economic detriment it would cause; Council Member Moore seconded the motion. A roll call vote indicated no opposition to the motion; Angie Moore – nay, Gina Mencer – nay, DeOle Priddy – nay, Heather Wilde – nay. Motion failed.

Agenda Item 5) Adjourn

- Council President Priddy moved to adjourn the meeting at 8:21pm.; Council Member Wilde seconded the motion. Voice vote indicated no opposition with all voting aye. Motion carried.

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OFFICIAL: /s/ Julie Spelman
Julie Spelman, Mayor

ATTEST: /s/ Jacob Qualls
Jacob Qualls, City Clerk

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Attachment A

Sign in Sheet

December 11, 2012 – 7pm – New Meadows Depot, 101 South Commercial Avenue,
 New Meadows Idaho

New Meadows City Council Public Hearing (Conditional Use Permit – AT&T Cingular Wireless)

Name	Address	For	Neutral	Against
Shannon Bern	3741 Columbine NW			X
Kendel Mument	1000 1st. McCall ID (The Star-News)		X	X
Megan Fuller	4835 N. Villa Ridge Way Boise, ID 83708	X		
Judy Richards	3363 Woodlawn Rd, NW			X
Dawn Gregson	3432 South End Road			X
Neta	PO Box 813 McCall	X		
Nancy Smith	Box 37 Meadows			X
Mike Howard	3420 Timberline Circle New Meadows			
Brandy Richards	3894 1st Springs Rd			X

choose alternate location Brundage

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Attachment A continued....

Sign in Sheet

December 11, 2012 – 7pm – New Meadows Depot, 101 South Commercial Avenue,
 New Meadows Idaho

New Meadows City Council Public Hearing (Conditional Use Permit – AT&T Cingular Wireless)

Name	Address	For	Neutral	Against
x Jeffrey Roff	111. W. Cunningham Ave.			✓
Brad McCarty	106A West Taylor			✓
Justice + Susan Gregersen	3432 South End Road			✓
Samuel S. Finner	416 N. Heights		X	
Brad Dreyer	310 Katherine NW		X	
Viki LaFay	Cemetery Rd NW			✓
x Ann DC.	404 Wiley		X	
Ruby B.	509 S. Millar			✓
Keith Nelson	16102 N 181 (old road)			✓
Heather Wittell	3223 Clay Lane			✓
Scott Wittell	3223 Clay Lane			✓
Dorsey Edwards	416 S. Heights			✓
Little Greg Gregersen	3432 South End Road			✓
Kyle + Laura Nolder	3425 Timberline Cr.			X
Steve Berry	700 Virginia St			✓
Frank H.	216 S Heights			✓

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Attachment B

Cell Tower Staff Report for December 11, 2012

- The city entered into agreement for a land lease in early 2012 to 'tie up' the property so that the applicant might submit an application for Conditional Use Permit to construct a cell tower.
- The application was received on September 24, 2012 with applicable fee and application.
- Notices were sent to affected property owners as well as others in the general vicinity on October 2, 2012.
- Notice was posted on the property on October 16, 2012.
- Notices were published in the Star News (Newspaper of record) on October 18 & 25, 2012.
- Agendas for this meeting were posted on November 2, 2012.
- Packets for this meeting were delivered on November 2, 2012.
- Meeting location was changed on November 6, 2012 after citizens stated that a large attendance would be present.
- Press was notified of the change in location on November 6, 2012.
- Agendas showing the change in location were posted on November 6, 2012.
- If approved, the applicant will pay the city \$500 per month once constructed.
- New Meadows Planning & Zoning held a hearing on November 7, 2012 – subsequently denying the application.
- New Meadows City Council voted on November 12, 2012 to hold another Public Hearing and gather additional information.
- Notices were sent to affected property owners as well as others in the general vicinity on November 20, 2012.
- Notices were posted on the property on November 26, 2012.
- Notices were published in the Star News (Newspaper of record) on November 21 & 29, 2012.
- Agendas for this meeting were posted on December 6, 2012.

City Council Options:

- Approve the Application as it stands,
- Approve the Application with conditions,
- Deny the Application (citing merit exactly in your motion).

Reasons for Approval;

1. Added Market Value to the community in the amount of an estimated \$300,000 which reduces the levy rate substantially,
2. Increased tax revenue estimated at \$2,500 per year,
3. Increased Public Infrastructure (Telecommunications is an infrastructure),
4. Increased friendliness of our community to visitors because of connectivity,
5. Visitors and tourists will linger longer spending more money in our local businesses,
6. The life of the lease warrants up to \$300,000 in lease income with no impact on the community,
7. The money raised in taxes and lease income predominantly stays in the community,
8. The lease income will help to stabilize the Industrial Park and provide a source for additional income to the Industrial Park to build additional structures to incubate other businesses,
9. People usually under the age of 30 have never had a land line only subscribing to a cell service, thus if approved would provide a valuable asset to the community, its citizens and visitors alike,
10. Increased prospect of business relocation to our community, thus adding jobs to our local economy,
11. Increased educational opportunities for locals,
12. Possibility of adding other antennas to the same tower, thus increasing Industrial Park revenues,
13. Stable revenue source,
14. There are no publically or industry accepted proven studies indicating this type of public infrastructure is detrimental to the health and safety of the public,
15. The project is indeed within the Industrial Zone as outlined in New Meadows Ordinance 314-2008,
16. The application meets the requirements of a Conditional Use Permit process as outlined in New Meadows Ordinance 313-2008,
17. The application meets the "Light Industrial" zone as outlined in the 2005 Comprehensive Plan.

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Attachment B Continued....

If you choose to approve with conditions, staff recommendations would be:

- Applicant to secure site by at least a 6' chain link fence,
- Applicant to mitigate site above the flood plain by at least 2 foot above base flood elevation,
- Applicant to allow other communication companies to utilize tower with their antennas so long as the other companies have leased space from the City of New Meadows or approved by the New Meadows City Council,
- Applicant to pay all associated property taxes,
- Applicant to purchase building permit,
- Applicant to pay for all required improvements to road accessing property (West Taylor Street) using current New Meadows road standards,
- Applicant to pay for all improvements to electrical grid servicing site, water and sewer infrastructure if needed,
- Applicant to provide a FAA Form 7460-1 demonstrating that the FAA has reviewed the proposal and a written approval has been received,
- Applicant to only allow such lighting as required by the FAA as permitted. The FAA lighting requirement shall be met in the least obtrusive manner, as determined by the City Council. Security lighting for the site is permitted as long as it is appropriately downward directed and shielded to prevent illumination at the sitting area boundary to be no greater than 0.2 foot candles,
- Applicant to provide finish and appearance drawings (as built).
- Applicant and City enter into new agreement increasing lease amount (if possible).
- Applicant to list City as additional insured for liability against; theft, damage, vandalism, natural disaster, communications failure, destruction, or other future claims.
- Applicant to support city in securing funding to improve playground equipment at Dorsey Warr Memorial Park & Irma Keska Playground.
- Applicant to support city in securing funding to improve North Commercial Avenue.
- Applicant to allow Emergency Services (ie, local Fire, EMS and Law Enforcement) to attach antenna(s) to tower at no cost.

There may be additional 'conditions' on approval that you may want to include.