

CITY OF NEW MEADOWS CITY COUNCIL PUBLIC HEARING MEETING MINUTES  
APRIL 28, 2014, AT 7:00 P.M.  
CITY COUNCIL CHAMBERS, 401 VIRGINIA, NEW MEADOWS

**Agenda Item 1) Welcome & Roll Call:**

Mayor Spelman called the meeting to order at 7:07 pm. Mayor Julie Spelman called for Roll Call, Council Members Shannon Fairchild, Tony Koberstein, Brad Steiner and Heather Wilde were present. City Clerk Jacob "Mac" Qualls, Office Assistant Angie Moore, Public Works Supervisor Doug Buys and City Contract Engineer Greg Tankersly were also present. Public in attendance: SEE ATTACHMENT A.

**Agenda Item 2) Public Hearing – Block 84, Lots 10-18:** The City Council of the City of New Meadows will hold a public hearing concerning the property at the Northeast corner of North Norris Avenue (Highway 95) and Taylor Street (Block 84, Lots 10-18 of the City of New Meadows Plat Map):

Mayor Spelman opened the public hearing at 7:08 pm.

**Agenda Item 2a) Design Review (50' X 80' Metal Building with a 24' x 24' stuck built structure attached office:**

**Agenda Item 2b) Conditional Use Permit (14 storage units that are 10' x 12' each or a combination of 140' long and 12' deep:**

**Agenda Item 2c) Variance Application (relief from putting in sidewalks) at the corner of North Norris Avenue (Highway 95) and Taylor Street, also known as 400 North Norris Avenue. (Block 84, Lots 10-18 of the City of New Meadows Plat Map):**

Mr. Bill Brown and Mrs. Donna Brown presented their application to the council with the following information that was added to the file in reference to the City of New Meadows letter dated October 28, 2013:

- Communications and Invoice from Skiftun Land Surveying – The written and read communication indicated that the surveyor set three of the four monuments of the property as one had already been set.
- Car Dealership – The written and read response indicated that they will not engage in any dealership car sales until they have their dealership license that will be supplied to the city for verification.
- Completed FAA Form 7460-1 – The applicants presented a Memorandum from Bill Statham, Airport Planning and Development Manager dated November 7, 2013 indicating that Mr. Brown had contacted Mr. Mike Pape to inquire if a FAA Form 7460-1 was required. The memorandum indicated the following:
  - The proposed maximum elevation of the building (3895 feet asl), when constructed as indicated, is 13 feet below the runway end elevation (3908 feet ask) as surveyed.
  - The proposed building, when constructed as indicated, does not penetrate the 20:1 approach slope and does not create an approach obstruction hazard.
  - The proposed building, when constructed as indicated, does not penetrate the 100:1 notification surface and therefore does not require submittal of a FAA Form 7460-1.

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- The proposed building, when constructed as indicated, will not create a Hazard to Air Navigation as regulated in Idaho Aeronautics Law, Idaho Code § 21-513 to 21-520, and Idaho Administrative Code, IDAPA 39.04.02, Rules Governing Marking of Hazards to Air Flight.
- Lighting Design – The written and read response indicated that their lighting design was laid out on their maps of the development for viewing and indicated that all large standing lamp posts would be twenty feet tall and designed to give a downward exposure, shown on the map as a black dot surrounded by yellow, and the lighting on the buildings would be underneath the soffit with approximate ten foot spacing. They also read that the lighting on the storage buildings would be low impact lighting. The main shop sales area would be directional low impact flood lighting.
- Landscape Design & Building Color – The written and read response indicated that the landscape design was laid out on the map of the development for viewing. The applicant indicated that on the east side of the property line paralleling Highway 95 on the northeast and southeast corners would be low maintenance planting beds. On the east property line there would be a low profile split rail fence paralleling Highway 95 and on the retail section of the main building they would have portable planter barrels. The applicant stated that their building would be in neutral tones and stated beige for the main building with the rim on the soffits, windows and doors to be brown. They also requested the latitude to wainscot the retail section of the main building with either stacked rock, river rock, or metal.
- Storm Water Report – The written and read response referred to the city’s contract engineer report dated October 18, 2013 and the request for retention of storm water management. They requested that it be noted that a large portion of the storm water runoff is being received from the State of Idaho’s property known as the airport and also the City of New Meadows McLain Street. They stated that if these two properties would control their subsurface runoff as required by the City of New Meadows Zoning Ordinance section 21-7, section 4, the applicants’ property could easily retain the storm water on site. They requested that the State of Idaho and City of New Meadows be held to the same standards that are required of the applicants property. They indicated their plan of action for storm water runoff and included seasonal average temperature and precipitation of New Meadows:
  - Fill the cut slope with dirt on the north end of the applicants’ property, and seed with low growing vegetation to reduce surface runoff.
  - Install a gradual slope from west to east on the remaining portion of the applicant property and install a berm on the east side paralleling Highway 95 that is seeded and planted with low profile vegetation.
  - They believe that after observation of the spring runoff this year, that the property subs very well and the broken basalt drainage has been accomplished with the disturbance of the large cat and rippers.
  - They plan surfacing the property with crushed rock which will give the surface an appropriate driving surface and serve as a retention and evaporation platform.

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- Development Agreement – The applicants presented a definition of a development agreement and proposed the following agreements:
  - They will work with the Adams County Building Inspector to construct the building to all the standards required by the building code and provide the building inspector with full engineered plans prior to the erection of the building;
  - They will work with the local fire department making sure the building will meet all criteria for their type of structure;
  - They propose their Idaho Dealership (License) will be in hand prior to them retailing vehicles from their lot. They further indicated that a building must be in place under the rules and regulations to become a dealer and operate a dealership;
  - They stated ITL (Idaho Department of Lands) would like to see all reclamation at the site completed and the (reclamation) plan terminated before other activities commence. They propose closing out the reclamation plan would be one of the first items accomplished, as well as the slope and berm for storm water retention. They will provide closing documents from Idaho Department of Lands before moving on.

Mr. Brown stated that there is one item that they will not be doing that was part of their initial application, the car wash. Mr. Brown stated that when a car wash is to be constructed they would follow the Southwest District Health rules and regulations and follow the jurisdictional regulations. Mr. & Mrs. Brown stated that their application identified the items in the Crestline Engineering Report dated October 18, 2013 clearly.

City Clerk Qualls stated that written comments had been submitted with the council packets prior to the meeting.

Mayor Spelman asked for supporter testimony.

**Ricky Brown, 509 North Miller Avenue, New Meadows:**

Mr. Ricky Brown stated that the town needs more businesses. He stated that this application was the first to require storm drainage and asked if the Zillner's were held to the same standard. He stated he believed that this did not seem to be too big of a deal.

**Marsha Shriver, 216 North Commercial Avenue, New Meadows:**

Mrs. Marsha Shriver stated that she wanted the council to know that that she felt the applicant followed the rules. She stated that as far as architectural drawings, the submitted plans were better than paid for plans. She did not believe that there had ever been a requirement of plans for a garage or small addition before.

**Bill Moats, 315 North Cunningham Avenue, New Meadows:**

Mr. Bill Moats testified that he seldom attends meetings because they are entertaining.

**Donna Brown, Applicant, Adams County:**

Mrs. Donna Brown stated that they had made the changes as requested by Crestline Engineers who were hired by the city. She stated that the process has been a learning experience.

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**Bill Brown, Applicant, Adams County:**

Mr. Bill Brown stated that every time there was question, they went back and got more information.

- Council President Koberstein stated that to build a house, blueprints are required, which is the same as any commercial application so that the officials can see exactly what is being proposed.

**Donna Brown, Applicant, Adams County:**

Mrs. Donna Brown stated that she drew plans for their home and her husband who is not a contractor was able to follow the plans.

**Bill Brown, Applicant, Adams County:**

Mr. Bill Brown stated that he wanted to make sure that his application was being held to the same standards as others when personal property is being developed. He reiterated that he wanted to be held to the same standards as others. He also stated that competition is good as long as they have to follow the same process.

**Willy Brown, 501 South Heigho Avenue, New Meadows:**

Mr. Willy Brown stated that he works as a licensed electrical apprentice and stated that at least half of the projects he works on do not have a set of blueprints, but he still pulls wire and turns the power on.

**Curt Barnett, 413 North Cunningham Avenue, New Meadows:**

Mr. Curt Barnett stated that there had been a lot of adversity because of the rock pit. He stated he believed that there had been rock that had been sold off of the pit and he raised the concern. He stated that he is very proud of the community for holding the applicant to the same standards as others.

**Donna Brown, Applicant, Adams County:**

Mrs. Donna Brown stated that they thought the rock pit was not illegal when they started it, but they began to sell the rock and found that they needed to file a Reclamation Plan with the Idaho Department of Lands in which they did as soon as they found that they were not in compliance. She stated that if others wanted to purchase rock they could from Morgan or Tamarack.

Mayor Spelman called for neutral testimony.

**Doug Buys, Public Works Supervisor, New Meadows:**

Mr. Doug Buys stated his only concern was where the storm drainage would be going.

- Mr. Bill Brown stated that in the 1960's the whole town flooded and mice were floating. He stated that the city was built on the lowest spot in the valley. He stated that 50-75% of the subsurface water comes from the airport and city street. He stated that by berming and using crushed rock that they water will stay on the property and believed the crushed basalt would allow the water to permeate into the ground.
- Mr. Curt Barnett stated that he owns property adjacent to the applicant and that runoff does come from the airport and had to hire a backhoe to drain to the city's drainage area.

Mr. Buys also asked if there would be floor drains that would be connected to the city's sewer system.

- Mr. Bill Brown stated that there would not be floor drains for the project and instead, collected storm waters would be retained on site.

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Mayor Spelman called for opponent testimony.

**Dennis Nau, 3962 Hot Springs Road, Adams County:**

Mr. Dennis Nau stated that he was present to make sure that the safety of the local pilots and the airport were represented. Mr. Nau stated that Laurie McNichol from McCall Aviation had submitted to him an email indicated some of the same problems he has identified in his written comments. Mr. Nau stated that his testimony is limited to the safety of the public as well as pilots. There is substantial risk, liability and safety concerns that need to be addressed. He stated that lighting can also be a concern from vehicles parked on the north and the south approaches of the runway. Mr. Nau stated that there could be a substantial revenue loss from pilots choosing not to use the New Meadows airport any longer because of the proposed project being constructed. He stated that local pilots have a program in which they adopt an airport. He stated that once safety of an airport goes down, the airport loses money and asked that the council look deeper into the issue. Mr. Nau stated that the 20:1 grade slope is not an issue, but the 50:1 Runway Protection Zone would be violated by two and a half feet. Mr. Nau stated that the applicant addressed the 20:1 concerns by moving the building out of the area, but did not address the 50:1 or 100:1 concerns. Mr. Nau also submitted a photo with his testimony which indicated the end of the runway is actually twelve yards from the development property line.

**Wes Jeffs, 409 North Cunningham, New Meadows:**

Mr. Wes Jeffs stated that there were still many unanswered questions regarding the development and that there was much to consider when making the decision. Mr. Jeffs stated that the proposal is over one acre, which requires an Environmental Protection Agency permit for disturbing ground. He suggested that the council table the decision for 30 days and go walk the property and take a further look at what has happened on the property. Mr. Jeffs stated that Mr. Brown extended a lot of grace thus far, but stated that common sense should have dictated that the project be surveyed prior to the rock pit being operated. Mr. Jeffs stated that the project is not in compliance with the EPA and is still displaying a non-compliant sign. He stated that he has video of a D-8 Cat while vehicles are still parked on the lot.

**Curt Barnett, 413 North Cunningham Avenue, New Meadows:**

Mr. Curt Barnett stated that the fence mentioned in earlier meetings was for security rather than noise. He stated that without a fence and gate locks, people will be coming and going at all hours.

Mayor Spelman called for rebuttal testimony.

Mrs. Donna Brown stated there is an open alley and putting up a fence will not help. Mr. Bill Brown spoke directly to Mr. Curt Barnett and asked specifically what he meant by his testimony. Mr. Barnett stated that the concern is not with daytime use, he stated that at the Deasy storage facility access is not an issue because the owners are on site; however they do ask that storage users do not access after midnight. Mr. Brown stated that maybe a rolling gate would be appropriate and explaining that they are not open late. Mr. Brown stated that there will be times that a truck tire will need to be changed after hours for emergencies. He further stated that if he lived in the area he too would be concerned and urged everyone to hold him accountable, but not above everyone else. Mr. Brown stated that it was unfortunate that Mr. Jeffs felt so much animosity against him. Mr. Brown stated that he believed the project would be something the community could be proud of, aesthetically pleasing.

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The mayor and council chose to extend the written portion of the public hearing until May 5<sup>th</sup>, 2014 at 5:00pm. The Mayor and Council would review each written comment at their next regular meeting scheduled for May 12, 2014 at 7pm.

**Agenda Item 3) Deliberations (Design Review):** The City Council is to approve, approve with conditions, deny, table for up to 30 days following hearing for further information on the application of the Design of a new building at the corner of North Norris Avenue (Highway 95) and Taylor Street, also known as 400 North Norris Avenue. (Block 84, Lots 10-18 of the City of New Meadows Plat Map), indicating reasons for decision. **TABLED**

**Agenda Item 4) Deliberations (Conditional Use Permit):** The City Council is to approve, approve with conditions, deny, table for up to 30 days following hearing for further information application on the Conditional Use Application at the corner of North Norris Avenue (Highway 95) and Taylor Street, also known as 400 North Norris Avenue. (Block 84, Lots 10-18 of the City of New Meadows Plat Map), indicating reasons for decision. **TABLED**

**Agenda Item 5) Deliberations (Variance):** The City Council is to approve, approve with conditions, deny, table for up to 30 days following hearing for further information the application on the Variance Application at the corner of North Norris Avenue (Highway 95) and Taylor Street, also known as 400 North Norris Avenue. (Block 84, Lots 10-18 of the City of New Meadows Plat Map), indicating reasons for decision. **TABLED**

**Agenda Item 6) Adjourn:**

- Council Member Fairchild moved to adjourn the meeting; Council Member Steiner seconded the motion. Voice vote indicated no opposition to the motion with all members voting aye. Motion carried.

Meeting adjourned at 8:48 pm.

/s/ Julie Spelman  
Julie Spelman, Mayor

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

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ATTACHMENT A

**Sign in Sheet**

April 28, 2014 - 7pm - New Meadows City Hall  
 PUBLIC HEARING : Browns Business Development (Corner of North Norris Avenue & Taylor Street)

Name	Address	For	Neutral	Against
PENNIS NAU	3962 HOT SPRINGS RD NEW MEADOWS ID 83654			X
WES JEFFS	409 N. CUMMING Ham Ave New Meadows ID 83654			X
DIXIE JEFFS	" " "			X
Don Gallagher	Star-news 110 Par Cascade -		X	
ZILNERS	202, 206 NORRIS		X	
McGERRY	106 W Taylor			X
Jeff Lund	302 N. Norris			X
Ken Roark	407 S Morgan	<del>XXX</del>	XXX	
Ricky Brown	509 S Miller	XXX		
Willy Brown	501 S Heigho	XXX		
Adae Street	411 Katherine St	X		
Marla Shrin	516 N Cunningham	XV		
PARNETT	301 N Cunningham		X	
J MARTIN	501 S Heigho. N/A			
Crystal Bass	505 S. Norris		X	
Doug Buys	505 S. Norris Ave.		X	
GREG GIBSON	3432 Southon Rd.		X	
Tim Farrell	3667 Farrell Rd		X	
Yiki Purdy	3475 South End		X	

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