

MINUTES OF A SPECIAL NEW MEADOWS CITY COUNCIL
MEETING / PUBLIC HEARING
NOVEMBER 5, 2014, AT 5:30 P.M. IN THE
CITY COUNCIL CHAMBERS, 401 VIRGINIA, NEW MEADOWS

1. Welcome & Roll Call

Mayor Koberstein called the meeting to order at 5:37 pm. Elected Officials: Tony Koberstein, Brad Steiner, Julie Good, Darbey Edwards and Shannon Fairchild. City Staff: Jacob Mac Qualls and Angie Moore. Public in attendance: See attached.

Mayor Koberstein led the pledge of allegiance.

Mayor Koberstein started that the purpose of the hearing was to deal with the issue and explained that he or the council would ask the public in attendance to keep the testimony relevant.

- 2. Public Hearing:** The New Meadows City Council will hold a public hearing concerning a Zone Change Application on a 3.34 acre parcel of property from Residential 3 Zone to Industrial Zone on South End Road in New Meadows

a. Public Hearing Opened

Mayor Koberstein opened the public hearing at 5:38 pm.

b. Applicant Presentation

Mr. Brill Brown made his presentation to the council, mayor and audience regarding the zone change application. He explained that all fees had been paid, and there was a public hearing in front of the New Meadows Planning & Zoning previously. The purpose of the zone change was to bring the property to its previous zone as Industrial. He stated that the property has been used in this way for as long as he could remember. Mr. Brown stated that since he has applied for the zone change, he has cleaned the property up quite a bit and it already looks better.

c. Public Testimony

I. Written comments read aloud

City Clerk Qualls read aloud the comment from LarryGlenn Swift. All other written comments had been submitted to the council prior to the hearing.

II. Supporter Testimony

Greg Pearce 305 South Morgan, New Meadows - Mr. Pearce stated that he believed it was a good business. He stated that the location was appropriate and would not jeopardize the value of homes in the area. Mr. Pearce stated it was his belief that Mr. Brown would follow all DEQ and EPA rules. Mr. Pearce testified that the project would bring jobs to the area.

Heath Yelton 200 South Morgan, New Meadows – Mr. Yelton explained he was all for the project and that it brings benefits to the city. He stated that the project will help the community with the needed jobs, but also the transportation portion of the project. He stated that citizens could purchase vehicles locally instead of in the valley.

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Donna Brown (applicant) – Mrs. Brown stated that even though ABT was sitting there, it was always owned by JI Morgan and always used as an Industrial way.

Phillip Good 110 North Cunningham, New Meadows – Mr. Good stated the property has been used as Industrial probably since there was a town site. He stated the community definitely needed a salvage yard and he was 100 % for the project.

Ricky Brown 509 South Miller, New Meadows – Mr. Brown wanted to go on record for the zone change and that the project will provide needed local jobs. He stated that the property has been historically used for the same purpose. He closed by stating that the community needs jobs, and why would the community not approve it?

Ken Roark 407 South Morgan, New Meadows – Mr. Roark explained that he has worked for Mr. Brown for at least the last two years, year round. He stated that he is about half spooked that he will not have a job if the project is not approved. Mr. Roark stated that it was he one of his responsibilities working for Mr. Brown for the containment of the fluids. Mr. Roark stated that he is asked consistently about vehicles for sale. He stated this project is a large part of his life.

Corky Brixey Unknown address – Mr. Brixey stated he was 100% for the project.

Willy Brown 501 South Heigho, New Meadows – Mr. Willy Brown stated that Adams County still holds the highest unemployment in the state and he is 100% for the project to bring jobs to the community.

Marsha Shriver 216 North Cunningham , New Meadows – Mrs. Shriver testified that the property has been historically industrial. She stated that the applicant has jumped through every hoop that has been asked. She stated that Adams County does have the highest unemployment and is the poorest county in the state. She stated the community needs the jobs and this business would help to support other local businesses.

Mark Peterson 301 Nora Street, New Meadows – Mr. Peterson stated he was supportive of the zone change. He stated that he drives by the property at least three times each day and was in favor of it reverting back to an Industrial Zone.

Sandy Moats 315 North Cunningham, New Meadows – Mrs. Moats stated she supports the applicants in what they are trying to do. She stated the community owes Mr. Brown something and he should not have to jump through so many hoops.

Bill Moats 315 North Cunningham, New Meadows – Mr. Moats explained that he believed Mr. Brown was a bit too humble. He stated that he has been to the applicant's home on numerous occasions and saw many state and federal awards and certificates awarded to Mr. Brown over the years. Mr. Moats asked that the council treat Mr. Brown fairly and stated he was 100% for the project.

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III. Neutral Testimony - NONE

IV. Opponent Testimony

Wes Jeffs 409 North Cunningham, New Meadows – Mr. Jeffs explained he wanted to go on record opposing the project. He stated the project is now entwined with the Taylor Street project that the applicant had applied for earlier and now they are merged together. Mr. Jeffs stated the Taylor Street project is an unresolved project and done without approval from the city.

V. Rebuttal by applicant

Mr. Bill Brown (co-applicant) thanked those that have come to support his project. He stated that he would like to address that there is not a question the two properties are entwined. Mr. Brown testified that the two properties will work hand in hand. The Taylor property would be a place to stage vehicles that are nice and for sale, while the South End property would be the staging area for the salvage portion of the business. The “Cash for Clunkers” program took many vehicles off of the market, not everyone has the means to purchase and ‘eco-friendly’ vehicle. He stated most people that he knows are in the middle to lower economical class, many have to travel outside of the area to purchase a vehicle. Mr. Brown stated that he is 63 years old and to take on such an endeavor, his time is running out. He would like to reinvest back in the community and hopes that he can work with the city. He stated tht he is working towards accommodating a new service to the area and creating some jobs.

Mrs. Donna Brown (co-applicant) stated that she would like to bring to attention that ABT was only using one quarter of the property the Browns Mountain Recycling has purchased. The previous tenant did not even clean up the property. She stated that the applicant cleaned up the entire property. Mrs. Brown stated that the property has been cleaned up over the last 6 months. She stated that it has been used as Industrial from the beginning. The property on Taylor Street, she explained, would have to be completed so they can close out their Reclamation Plan with the Idaho Department of Lands. The gravel from the Taylor Street project can be used on the South End Road property

VI. Close Public Hearing – or staying the closing of the public hearing to allow additional written comments to be submitted until a date to be determined by the council.

Mayor Koberstein closed this portion of the public hearing at 6:04 pm.

- 3. Zone Change Amendment:** The Council is to approve or deny the application to rezone a parcel of property 3.34 acres from Residential 3 to Industrial under New Meadows Ordinance 313-08 Section 20-6

Council Member Steiner stated he could not see any problem with changing the zoning from Residential 3 to Industrial.

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- Council Member Edwards moved to approve the zone change from Residential 3 to Industrial, indicating that Section 11 of the New Meadows Zoning Ordinance (313-08) discusses grouping and establishing industrial areas and that Idaho Code 67-6502 provides that the state and localities develop ensure a urban type developments; Council Member Steiner seconded the motion. Roll call vote: Steiner – aye, Good – aye, Edwards – aye, Fairchild – aye. Motion carried.
4. **Public Hearing:** The New Meadows City Council will hold a public hearing concerning a Conditional Use Permit for a 3.34 acre parcel of property on South End Road to operate a Recycling / Reclamation business in New Meadows

a. Public Hearing Opened

Mayor Koberstein opened the public hearing at 6:06 pm.

b. Applicant Presentation

Mr. Brown made a presentation to the Mayor, Council and public in attendance on his application for Conditional Use to operate a salvage yard on the property now zoned Industrial. Reading from his application materials, he stated he is required to follow Idaho Department of Environmental Quality rules and regulations. His goal is create additional jobs in the community, make money and develop a service in the area that he believes is needed in the community. He stated that he understood that the placement of this type of business could be difficult, but believes that this location is better suited than others in the community. Since he knew that this could be contentious, he has been diligent in following the rules and regulations. He stated he is optimistic the business would be run properly and took the liberty to get a hold of each the regulatory agencies. He stated the Southwest District Health indicated that they have no regulatory authority over this type of business. Mr. Brown stated Idaho Department of Environmental Quality only requires the Best Management Practices be followed. The Environmental Protection Agency requires only a permit if more than one acre is to be disturbed in the development. The permit required by the EPA is free, but does have some bureaucracy involved. Mr. Brown stated that he and his wife have begun the submittal process for a storm water permit by the EPA (receipt included in file). Mrs. Brown stated that application 3410-6 form for storm water under a National Pollution Discharge Elimination System permit does not yet have an assigned number, but will once the application is approved. The application is due to have a number in June 2015. The permit plan would allow for certain notifications to happen if there is ever a spill. She stated that the application has a lot of repetitive questions. Part of the plan requires monthly checklists and reporting. Mr. Brown stated that the plan would be in place in case there is a problem. Mr. Brown then handed out a map of the area that shows a potential wetland area that was identified by the Army Corp of Engineers. He stated that he invited the ACE to walk the property with him. The ACE designated a piece of the property to watch, but gave him the go ahead to develop. Mr. Brown stated that he talked with Idaho Water Resources indicated they did not have jurisdiction. Mr. Brown stated that he was open to conditions of approval, but asked that they be common sense.

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c. Public Testimony

I. Written comments read aloud

All written comments had been received prior to the hearing. Mr. Wes Jeffs was asked if he wanted his comments read aloud, he indicated that he did not want them read aloud at this time.

II. Supporter Testimony

Fred McFadden 216 South Heigho, New Meadows – Mr. McFadden testified that he has taken over the running of the transfer site. He gets countless requests for the county to take fluids, batteries and oil. Mr. McFadden stated the county has to pay to have a company out of the Boise valley come to collect the fluids and batteries. This project would save the county tax dollars. He stated he was for the project.

Greg Pearce 305 South Morgan, New Meadows – Mr. Pearce stated he was 100% for the project.

LarryGlenn Swift 3631 South End Road, New Meadows – Mr. Swift stated he was 100% for the project.

Health Yelton 200 South Morgan, New Meadows – Mr. Yelton testified he was for the project. He testified the business would create a convenience for the public looking for parts, for example a 1962 snowmobile – the projected business could have that part, saving time and money. Mr. Yelton explained Mr. Brown would not want to damage the community that he lives in.

Donna Brown (co-applicant), New Meadows – Mrs. Brown stated she was 100% for the project.

Scot Kump 114 North Cunningham, New Meadows – Mr. Kump reiterated Mr. McFadden's testimony. He testified that he and Mr. Jim McLeod now work for the county's recycle center sorting through recyclables. He stated every time recyclable material is handled it costs the county tax dollars. He believed that this business could help those in the southern end of the county. The county landfill in the southern end of the county has great restrictions by state regulatory agencies and the county struggles to keep it open. This business would help alleviate some of the distress on the county landfill. He stated Mr. Brown knows the rules and regulations and has worked with Southwest District Health and knows the consequences for not operating properly.

Robert Matthews 208 South Morgan, New Meadows – Mr. Matthews testified he was 100% for the project.

Phillip Good 110 North Cunningham, New Meadows – Mr. Good testified he was 100% for the project.

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Ricky Brown 509 South Miller, New Meadows – Mr. Ricky Brown stated the city just rezoned the property from Residential 3 to Industrial so that a business could be placed on it. He stated the applicant has a partner in the business, United Metals. He also testified that he believed the applicant had all of his ducks in a row, which should put an ease to the environmental issues. Mr. Ricky Brown also testified the property has been improved, is cleaner and already moving towards a greener location. He reiterated that recycling, reclaiming and reusing are the reasons to move forward. He testified he was 100% for the project.

Ken Roark 407 South Morgan, New Meadows – Mr. Roark testified he was 100% for the project. He stated he has been working for a couple of years for Browns Mountain Recycling and they have done their best at preparing the applications and going through the process. He is hopeful that this business will bring additional jobs to the area, and reiterated that the business would be following the rules and regulations.

Willy Brown 501 South Heigho, New Meadows – Mr. Willy Brown testified that he recently tried to purchase winter tires, but could not afford them at the retail outlet in a neighboring community. He stated that bad tires on a vehicle are a bad deal and the applicant is trying to bring something better to the community. He stated no body in the community bleeds New Meadows more than the applicant(s) and that they are 100% for the community and that is all that he cares about.

Marsha Shriver 216 North Cunningham, New Meadows – Mrs. Shriver testified there were suggestions for conditions by the New Meadows Planning & Zoning Commission that included landscaping and fencing. She stated the community desperately needs this business and the applicant has followed the ordinances available to them.

Mark Peterson 301 Nora Street, New Meadows – Mr. Peterson testified as a small business owner, he is in favor of brining businesses to the area. The school and the city need to roll out the red carpet. He stated the council has a tough task ahead of them. He stated he was a neighbor and drives by the property two or three times a day and entrust the city and regulatory agencies are going to make sure it operates appropriately. Mr. Peterson testified the community will have an opportunity to capture people driving into the area that will support other local businesses. He closed by stating the applicant will be held to guidelines that will ensure the environment is protected.

Sandy Moats 315 North Cunningham, New Meadows – Mrs. Moats testified she was 100% for the project.

Monte Matthews 314 South Miller, New Meadows (did not sign in) – Mr. Matthews stated he was for the project.

III. Neutral Testimony – NONE

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IV. Opponent Testimony

Wes Jeffs 409 North Cunningham, New Meadows – Mr. Jeffs testified that he wished to go on record as opposing the project. He stated he believed the council did not have enough documentation on hand if something were to go awry.

V. Rebuttal by applicant

Mr. Brown stated he did not care what business a person owns, if you are a small business owner, people think that you have a ton of money. I live in a rural community and would just like to have a single business, but because of the rural nature we have to work extra hard and sometimes diversify. We have to stay on top of the rules and regulations and management of our employees. Mr. Brown stated that he expects each and everyone in the community would at some time do business at his place in some sort or another. Mr. Brown stated that today his business took a call for a fuel tank from someone in McCall and a customer from Riggins was looking for something else. Mr. Brown stated that his business is already bringing people in from the region. It is his hopes that these same customers would stop in at the other local businesses. Mr. Brown stated that the vehicles he had on his Taylor lot all sold, not all of them were junk. He conceded his intention was to put nice clean vehicles on that lot, and does not want a “Sanford & Sons” operation at the main entrance to town. Mr. Brown stated that everyone is going to oversee his operations and some will report if there is ever a problem. Mr. Brown suggested that the community visit a salvage yard in Payette. That salvage yard is a mess, his will be different because he wants to do it responsibly and hopefully something my family can turn over someday. Mr. Brown asked Mr. Yelton to speak about the salvage yard in Payette. Mr. Yelton explained that the yard is directly on the river, they have no containment, their oil is drained on a dirt lot, and visitors must drive through two feet of mud. Mr. Yelton stated the applicant will have a concrete containment area.

VI. Close Public Hearing – or staying the closing of the public hearing to allow additional written comments to be submitted until a date to be determined by the council.

Mayor Koberstein closed the public hearing at 6:44 pm.

5. Conditional Use Permit: The Council is to approve, approve with conditions or deny the application to operate a proposal by Browns Mountain Recycling under New Meadows Ordinance 313-08 Section 13-4 C.

- Council President Good asked Mr. Brown what type and number of jobs the business would support.

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Mr. Brown answered the business would have at least two full time employees plus he and his wife. He stated that when the business gets going, it could support as many as ten employees, depending on what the market holds, but realistically three employees plus he and his wife.

Mr. Brown continued stating this new business would require they go out and retrieve but eventually items will be brought to them for recycling. Appropriate sorting of materials will happen every day. He stated he would like to resource as much material as possible to keep it out of the landfill.

- Council President Good asked what sort of things are on the monthly checklists with the storm water permit.

Mr. Brown stated that much of the checklist is common sense. Mrs. Brown stated that vacuuming the cement containment pad, having the absorbent material available in case of spills, monitoring the rainwater off of the roofs. She stated there are additional checklists for fueling stations, identifying dust and contamination, inspecting and maintaining all dumpsters.

Mr. Brown stated that the requirements and standards are above and beyond what other salvage yards in the region have to follow. He stated that all liquids will be drained from while on a cement pad. The applicant moved the containment and storage area further to the north of the property. Mr. Brown stated that other salvage yards are capturing anti-freeze and selling the good stuff back onto the market at a discounted rate.

- Council Member Steiner asked how often the site is inspected.

Mr. Brown stated the site would only be inspected if there were a complaint or their plan requires an inspection.

- Council Member Edwards asked how the regulatory agencies will know if there was a spill.

Mr. Brown stated that anyone can report, but also clarified there are going to be minor spills and drippings that are part of the business. He stated it was in their best interest to follow their plans as that is their insurance policy. It will describe what they need to do and when. Mr. Brown stated that most of the work will be done as it is unloaded on the cement pad. Most of the work will be done on that pad in case of spills. All vehicles will be drained of fluids prior to storage and that liquid is stored appropriately.

- Council President asked if the work would be done inside or outside a building.

Mr. Brown stated that it would be done outside. He continued that as far as noise is concerned, he does not have heavy equipment that will make a lot of noise like a crusher.

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- Council Member Fairchild asked if there would be any burning of material.

Mr. Brown stated that no, all material is hauled off site.

- Council Member Steiner asked Mr. Brown if he had comments on the Planning & Zoning recommendations.

Mr. Brown stated all he has wanted was to be treated reasonably. One of the biggest concerns is the privacy and security of the business. He reported that he has visited other salvage yards in the region. Some have fencing while others do not, each has varying height and security types. Mr. Brown stated that some people would like a dome over the site, but this site has historically been used the same way he is hoping too. Mr. Brown stated that the commission had recommended a berm with trees and shrubs and fence on top of the berm, but there is not another in the area.

- Council Member Steiner asked what type of fence he suggests.

Mr. Brown suggested a six foot security fence with wire on top making up an additional two feet for a total of eight feet. The height would be security, screening and liability. He stated there are a lot of ways to build curb appeal and wanted to make sure that it looks good as well.

- Council Member Edwards stated that as he reads the Planning & Zoning recommendations, they seemed arbitrary. He asked if the Best Management Practices regulate how many vehicles can be stacked, for example twelve cars to an eight foot fence.

Mr. Brown stated it was not very profitable to store vehicles. It is his plan to get rid of the bad ones as soon as possible. The nice cars would be lined up and neat and sold. The purpose of the business is to get rid of the material as soon as possible.

- Council Member Fairchild asked what the hours of operation would be.

Mr. Brown stated that he would like 8am to 8pm, but that they realistically cannot work night and day, but would like some latitude if on occasion hours needed to be extended for a short period of time.

- Council Member Fairchild asked about the sort of lighting that would be used.

Mr. Brown stated the light would be directional in nature, similar to what has been approved for other businesses in the community.

- Council Member Fairchild asked about the storage of fluids and if that should be a part of the conditions. Council President Good suggested that it is a good condition to consider.

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- Council President Good asked if Mr. Brown thought the condition of requiring a water and sewer connection to the property was appropriate.

Mr. Brown stated that he would have porta potties on site, but when a building is built it would be a good idea to have those connections at that time.

- Council President Good asked would there be a need for water as part of the site for clean-up.

Mrs. Brown stated that the fluids should not be cleaned up with water, but instead with absorbent material. Mr. Brown stated that he would be responsible to get the water and sewer lines to the property, but stated the community cannot afford to get the lines that far. He hopes that common sense would allow a bit of leniency on the water / sewer connections until property in the area is further developed. Mr. Brown stated that he would pay the connection fees and monthly costs when an appropriate time-line and installation of the connections made it to his property. At this time there is not a need for water or sewer connections.

- Council President asked if there signage for the business.

Mr. Brown stated he would like to begin negotiations with JI Morgan on signage near the highway and work with the city on appropriate signage.

Council Member Edwards stated that his environmental concerns were settled as he believes that the applicant has a good program or process outlined and does not think there is a hurdle that would prevent the process from moving forward.

- Council Member Steiner moved to approve the Conditional Use Permit application with the following conditions:
 - Best Management Practices be followed as provided by Idaho Department of Environmental Quality;
 - A total of an eight foot fence that includes security or barbed wire that surrounds the property;
 - South End Road frontage at the discretion of the applicant's species choice, plantings of trees and shrubs;
 - Water / Sewer Connections to the site when a building is built and pay the connection fees;
 - The containment area to be located at least 300 feet from the eastern property line as outlined in the application and 300 feet from the creek that runs along the southern property line as outlined in the application;

Council Member Fairchild seconded the motion. Roll call vote: Steiner – aye, Good – aye, Edwards – aye, Fairchild – aye. Motion carried.

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6. **Adjourn**

- Council Member Steiner moved to adjourn; Council Member Edwards seconded the motion. Voice vote indicated no opposition to the motion. Motion carried.

Meeting adjourned at 7:31 pm.

/s/ Anthony J Koberstein
Anthony J Koberstein, Mayor

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

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Attachment (Zone Change Sign-in Sheet page 1)

Public Hearing - Sign in Sheet

November 5, 2014 - 5:30pm - Meadows Valley Public Library

Zone Change Amendment: Browns Mountain Recycling
 (Zone Change from Residential 3 to Industrial)

Name	Address	For	Neutral	Against
✓ Ed McCall	PO Box 631	✓		
✓ Kris Pigeon	P.O. Box 57	✓		
✓ Larry Green	P.O. Box 538	✓		
✓ Heath Yelton	Box 753	✓		
✓ Bill Brown	Box 325	✓		
✓ Anna Brown	Box 395	✓		
✓ S Kump	Box 422	✓		
✓ M Wether	Box 56	✓		
✓ Phil Rood	PO Box 411	✓		
✓ Rhonda	1509 S. Miller N.M.	✓		
✓ Ken Roark	407 Morgan AV	✓		
✓ Porky	New Meadows	✓		
✓ Willy Brown	501 S. Heipko	✓		
✓ Wes Jeff	409 N. Carrington			✓
✓ Dixie Jeffs	" "			✓
✓ ERSD THE RECORD				
✓ Maisha Shriver	216 N. Currier Paradise	✓		
✓ Mandi & Pete		✓		
✓ Sandy Meets	N.M. ID	✓		

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Attachment (Conditional Use Permit Sign-in Sheet page 1)

Public Hearing - Sign in Sheet

November 5, 2014 – 5:30pm – Meadows Valley Public Library

**Conditional Use Permit: Browns Mountain Recycling
(Salvage Yard)**

Name	Address	For	Neutral	Against
Tom ✓ <i>[Signature]</i>	PO Box 631	✓		
✓ <i>[Signature]</i> <i>[Signature]</i>	P.O. Box 59	✓		
✓ Larry Jim Swift	P.O. Box 538	✓		
Heath Eldon <i>[Signature]</i>	Box 753	✓		
Bill Brown	Box 325	✓		
✓ Donna Brown	Box 375	✓		
G. Scott <i>[Signature]</i>	Box 422	✓		
MAW <i>[Signature]</i>	Box 56	✓		
✓ Philip Good	P.O. Box 411	✓		
✓ Kelly Brown	509 S. Miller	✓		
✓ Ken Roark	407 S Morgan Av	✓		
✓ Park Y	New Meadows	✓		
✓ Willy Brown	504 S. Heigko	✓		
✓ Wes Jeffs	409 N. Cunningham Ave			✓
✓ Dixie Jeffs	" " "			✓
FRED THORSCORD				
✓ Marsha Shriner	214 N Cunningham Ave	✓		
✓ <i>[Signature]</i>		✓		
✓ Sandy Moats	N.M.	✓		

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