

CITY OF NEW MEADOWS
REGULAR CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 9, 2015 AT 7:00PM
NEW MEADOWS CITY COUNCIL CHAMBERS, 401 VIRGINIA STREET, NEW MEADOWS

Agenda Item 1) Roll Call – Welcome – Pledge of Allegiance

Mayor Tony Koberstein called the meeting to order at 7:08PM. Mayor Koberstein and Council Members; Julie Good, Brad Steiner, Darbey Edwards, and Shannon Fairchild were present. City Clerk / Treasurer Jacob “Mac” Qualls, Public Works Supervisor Doug Buys, Principal Engineer Greg Tankersley (Crestline Engineers), Ryan Rehder (Mountain Water), Dick Stubbs (City Attorney), Animal Control Officer Leonard Wallace, and Office Assistant Kim Jackson were also present. Public in attendance: Jake Howard, Wes Jeffs, Dixie Jeffs, and Phillip Good.

Mayor Koberstein led the Pledge of Allegiance.

Agenda Item 2) Public Input

There was no public input offered.

Agenda Item 3) Watering Streets Resolution:

a. Discussion / Decision on approving resolution (Previously tabled)

Council Members discussed DEQ measurements, Resolution 201 Fugitive Dust Abatement guidelines, speed limits, and the cost of watering the streets. Philip Good indicated the times of watering streets should be considered. Jake Howard stated that Council Members should explore different options of controlling dust. Council President Good stated the city has to consider the cost of water if being used to control dust. Dixie Jeffs asked what the previous dust abatement was. Koberstein stated it was Magnesium Chloride. Mrs. Jeff’s expressed that she and Mr. Jeff’s liked it.

After discussion, it was decided to table the decision on approving the Watering Streets Resolution due to further review being needed. It was also decided that Jake Howard would talk to Mr. Hearn about offering water from his ditch to water the streets.

Agenda Item 4) Brown’s Mountain Recycling LLP Property Cleanup and Construction:

b. Request for relief

Council Members discussed the request for relief received November 2, 2015 from Mr. Brown for \$1,406.00. Council Members also discussed the fees issued to Mr. Brown were standard and appropriate due to Mr. Brown’s application and plans being incomplete, the lack of information provided during Mr. Brown’s application, Mr. Brown’s reasons for the relief request, and the legal ramifications if the city does not issue relief to Mr. Brown. After discussion, Council Members denied the request for relief and Qualls would draft a letter to Mr. Brown with documentation stating the reasoning for the denial.

Agenda Item 5) Communications & Reports

a. Official Guests: (Commissioners, Sheriff, USFS, others) - None

b. Liaison Reports & Communications:

a. Mayor (Koberstein) - None

b. Council President (Good)

I. Bicycle Opportunities

Council President Good informed Officials Don Moreaux is interested in New Meadows becoming more bicycle friendly. After discussion, it was decided that Bicycle Opportunities for New Meadows will be on the City Council Agenda at the beginning of 2016.

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II. Employee Presentation / Recognition

Council President Good recognized city employees going over and above in day to day job functions. Council Members presented each city employee with a thank you card as well as a turkey.

- c. **Law enforcement** (Steiner) - None
- d. **Industrial Park** (Fairchild)

Council Member Fairchild indicated maintenance logs on equipment for Industrial Park Tenants should be revisited by Council Members. After discussion, it was decided that Council Member Fairchild and Qualls would meet with Double D Custom Meats by November 13, 2015 to discuss maintenance logs on equipment.

- e. **Public Works** (Edwards) - None
- f. **Parks & Recreation** (Steiner)

I. Park Amenities – Edwards & Steiner Report

Council Member Steiner mentioned the BBQ stands have been tabled due to further review on quotes being needed. He also informed Council Members that the Christmas lights are up and the tree lighting will take place November 29, 2015 at 6:00PM at Meadows Valley Library. Council Member Steiner also indicated he spoke to C&N to look at the lights. Council Member Steiner informed Council Members that Santa would be there as well as the fire truck. After discussion, it was decided that Council President Good would create a flyer with the Christmas festivity information and disperse to local businesses and within the community.

c. Staff Reports: ATTACHED

- i. **Public Works** (Buys)
- ii. **Animal Control Officer** (Wallace)
- iii. **City Clerk / Treasurer** (Qualls)

Qualls indicated the Financial Reports for October 2015 and the City Council Minutes: July 13, 2015, August 10, 2015, and September 14, 2015 would not be included in the Consent Agenda as those items were not yet complete.

- iv. **Office Assistant** (Jackson)
- v. **Engineer** (Tankersley)
- vi. **Attorney** (Stubbs)

I. Ditch Agreement for Ranchers (Update)

Tankersley discussed splitting water rights in regards to Claus White's property. It was decided that Stubbs would meet with Qualls and Koberstein November 13, 2015 to discuss the ditch agreements for ranchers.

d. Other (Mailbag) & Announcements

Snow Plowing Ordinance (320-10) was dispersed to Council Members. Council Members discussed cost of plowing, sanding, times of plowing, wet and heavy berms at driveways, plowing directions, the possibility of plowing First Responders driveways, and liability concerns if Council Member Steiner Volunteered to plow snow. After discussion, it was decided that Qualls will contact ICRMP about liability of volunteers plowing.

Agenda Item 6) Consent Agenda (Approval of all with Single Motion & Roll Call)

- Council President Good moved to approve the Consent Agenda excluding the Financial Reports: October 2015 and the City Council Minutes for July 13, 2015, August 10, 2015, and September 14, 2015; Council Member Steiner seconded the motion. Roll Call: Steiner – Aye, Good – Aye, Edwards – Aye, Fairchild – Aye. Motion carried

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Agenda Item 7) Additional Engineering Tasks:

Ryan Rehder from Mountain Water gave an update on the Wastewater Facility Plan. After discussion, it was decided that Council Members will review the Wastewater Facility Plan and if they agree to move forward, it would be retroactive to November 9, 2015. Tankersley asked when council members would review and make a decision. Council members will review and make a decision on approving the Wastewater Facility plan by November 16, 2015. It was also decided that Council President Good and Dixie Jeff's would visit the Wastewater Facility with Buys on November 13, 2015.

Agenda Item 8) Executive Session – 74-206 (1)(b): To consider the evaluation of employees.

- Council Member Steiner moved to go into Executive Session 74-206 (1)(b) to consider the evaluation of employees; Council President Good seconded the motion. Roll Call: Steiner – Aye, Good – Aye, Edwards – Aye, Fairchild - Aye. Motion carried.

The council went into Executive Session at 8:50PM.

- Council Member Steiner moved to depart from Executive Session 74-206 (1)(b); Council President Good seconded the motion. Roll Call: Steiner – Aye, Good – Aye, Edwards – Aye, Fairchild – Aye. Motion carried.

The council departed from the executive session at 9:38PM.

Agenda Item 9) Wage Changes: Discussion / Decision on adjusting wages of city employees.

- Council President Good moved to approve wage increases for city employees Qualls and Buys; Council Member Edwards seconded the motion. Roll Call: Steiner – Aye, Good – Aye, Edwards – Aye, Fairchild – Aye. Motion carried.

Agenda Item 10) Agenda Items for next meeting:

- Safety equipment for Public Works Employees (USA Bluebook)
- ACSWD
- Maintenance logs for the Industrial Park Tenants

Agenda Item 11) Adjourn

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

Meeting adjourned at 9:44PM

Anthony J Koberstein, Mayor

ATTEST: _____
Jacob M Qualls, City Clerk / Treasurer

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ATTACHMENT A (Public Works Staff Report) 1 page

Doug Buys
Public Works Supervisor
Monthly Report
11-05-15

Water:

1. We did have a bad hit on our water system for (TC) Total Chloroform Bacteria, This happens from time to time, upon retest all were fine.
2. The New Fire Hydrant has been installed at the corner of Taylor, and Cunningham
3. The water tank was vandalized, graffiti was painted on the city's water storage tank, it was quickly sanded off and repainted.
4. Several small trees' were removed from around the city's water tank, to increase visibility.

Sewer

1. We have started discharging as of November 2nd, this means testing will resume.
2. I have met with our engineers a handful of times, going over the upcoming sewer project, as well as current infrastructure, as well as I and I problem spots.
3. Soil samples were pulled from the land app site; this was to determine if the sludge removed from the ponds can be applied to the land app site.
4. With the help of Idaho Rural Water, we performed what is called Sludge Judging in our first 2 lagoons, this determines how deep the sludge is and the volume needing removed.
5. We had a main line plug up, I am not sure where, but the backup did break free on its own, but did plug up our auger, which required a lot of attention.

Streets

1. About half the streets in town were bladed for the winter months.
2. Snow Markers for the curbs are being installed.

Storm Drains

1. Multiple open ditches were cleaned out, to prepare for winter run off.
2. Multiple drains were cleared of debris for the winter runoff as well.

Equipment

1. A oil leak was found on the City's loader, John Deere diagnosed the problem, but the loader had to be transported to their shop in lake fork to be repaired. The problem was a failed gasket in the Transmission. The problem has been fixed and the loader is back up and running.
2. All the oil and filters have been ordered, we are still waiting for the order to be delivered. As soon as they do, we will begin all the winter
3. Welding, hard facing, and any repairs needed to the snow removal equipment has begun as well.
4. A bad brake sensor was replaced on the backhoe.

Park & Restrooms

1. Normal cleaning and repairs continue at the restrooms.

Industrial Park

1. 2 lights were replaced at the Meat shop, The cost of replacement was less than repair.
2. We are waiting on parts to repair a exterior light above Nelson machine.
3. The New Industrial park sign at the corner of Virginia and North Commercial has been completed.
4. With a combined effort with the county, rock was brought in and spread out around the Northwest side of the recycling center.

Misc.

1. **Snow plowing issues come up every season, This year I would like to be ahead of the curve, If any changes are wanted, needed, or warranted I would like them discussed and put into action before the snowplowing season gets here.**
2. If there are any questions, comments, or concerns please let me know.

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ATTACHMENT B (City Clerk Staff Report) 1 of 2 pages

Clerk / Treasurer Report for November 9, 2015

Page 1 of 2

1. Treasurer / Clerk Reports

- a. Please review & initial the following reports:
 - i. Treasurer Dashboard – October
 - ii. Financial Statements (Cash Report & Expenditure and Revenue Report)
 - iii. Bank Statements (including reconciliation of each)
 - iv. October 2015 Payroll Summary

2. Planning & Zoning

- a. The P&Z Commission continued their review of the Zoning Code for suggested changes. A summary of their changes will be included in this packet.

3. Airport Commission

- a. The Airport Commission held their meeting on October 19. They are preparing the Airport Improvement Plan process.

4. Developments & Permits

- a. We sold a building permit today for the Clinic to do a minor remodel inside.
- b. We sold a burn permit last week.
- c. I had a meeting with a developer scheduled earlier this week, but they had to postpone. I had another meeting with another developer unscheduled. I believe we will have a housing application forthcoming – less than two months.

5. Training / Out of Office / Important Dates

- a. City Hall is closed on November 11 for Veteran's Day.
- b. Tony & I will be travelling to Boise on the 12th for court.
- c. City Hall will be closed on Thanksgiving, and if permitted the day after.
- d. Please note the training – AIC Fall Academy on November 16 in Boise. If you would like to attend, please let me know and I will either get you registered or show you how. A copy of the registration form is included in your packet material.
- e. The new rates will take affect

6. Dorsey Warr Memorial Park

- a. The Park Amenities is on your agenda as a reminder for possibly setting up stand-alone BBQ pits.

7. City Hall Day to Day Operations

- a. The audit was completed (in-house) by Jared Zwygart & Associates on Thursday October 29. Jared will be soon getting me some Auditor Journal Entries to enter.
- b. We will be attempting a newsletter for the holiday season.

8. Team Goals

- | | |
|---|-------------------------|
| a. Minutes (City Council & Planning & Zoning) | e. Newsletter |
| b. W/S Billing | f. Cleaning |
| c. Filing | g. Kiosk Panels |
| d. Training | h. Packet Delivery |
| | i. Industrial Park Sign |

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ATTACHMENT B (City Clerk Staff Report) 2 of 2 pages

Clerk / Treasurer Report for November 9, 2015

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9. Sewer Grant

- a. (IDC / USDA) The second disbursement of funds went and came back. A portion of the Crestline Engineering bill which was paid last month was funded (or rather re-funded). The paperwork was also forwarded to USDA for their concurrence. A portion of the invoice was not allowed under the USDA program. It is mainly for tracking at this point.
- b. (DEQ) The EID/WWTPA Grant paperwork will be completed upon your approval of JUB's final bill. We will receive 50% of the amount we spent on the project once the paperwork is completed and submitted.

10. Various Meetings

- a. **(III-A)** – On October 22 I attended the Idaho Intergovernmental Insurance Authority Meeting in American Falls. As a new trustee on the board I learned quite a bit. I do need to select an alternate from the Council or staff if I cannot attend. Idaho Code prohibits (what I have been told) from having the Mayor as that person.
- b. **(PRSB)** – On November 4 I attended the Payette River Scenic Byway Committee meeting. We met jointly with the Payette River Trails Committee and are considering merging the two. Another meeting has been scheduled for January 6 in Cascade to decide on the merger. The PRSB has been in existence since 1971 and is one of the oldest continuous Byway Committees in Idaho if not the nation. The PRSB has brought projects such as signage, kiosks, corridor management plans etc.
- c. **(Legal)** – Tony and I met with Mr. Stubbs on to discuss the various issues with the current litigation.
- d. **(School Kids)** – Tony and I met with the kids from the school to discuss the local government and to help educate them on our issues and to suggest how they might be able to help.
- e. **(ADA)** – As you may have read in Kelly's report, I am formulating a committee as part of the IDC/USDA Sewer land app grant to help identify certain ADA Compliance issues within our local government (city). If you know someone that might be interested in meeting a total of maybe 4 times in the next year, please let me know. They cannot be related to the council, mayor or myself.

There is a ton more information that is not in this report. Please, if you have any questions, call, email or stop in. If you want to meet on a weekend, I am open to that as well.

Thanks - Mac

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ATTACHMENT C (Engineer Staff Report) 1 of 2 pages



PROJECT STATUS REPORT

PROJECT NAME: Contract City Engineering Services

CLIENT: City of New Meadows, Idaho

JOB NO.: 15001

DATE: November 4, 2015

Mayor Koberstein, City Council and Staff,

In reference to the below listed project(s) we have prepared the following comments/brief synopsis of work in progress.

Virginia Street Stormwater System

- We attempted to follow up with Mark Campbell from ITD on this project and he is no longer working on it. The new contact is Juan Balderas. It still seems as though the project has not made any significant progress. We also provided ITD with some of our survey information once again.
- Based on our last email correspondence, we should be hearing back from Juan with ITD within the next week or two.

Action Items

1. Wait to hear back from our new contact Juan with ITD and determine steps moving forward if any.

Facility Plan/EID

- This project should now be complete and the only outstanding items are final payment to J-U-B and closeout of the funding with IDEQ.

Land Application Site

- During the month of October our engineering team met onsite with Gary Carroll from the IDEQ and toured the site. This was a good opportunity for Gary to better understand the project/site area and for additional discussion of the project. Gary will be waiting for our preliminary engineering and permit submittals within the next month or so.
- The wetland delineation report has been submitted to the US Army Corps of Engineers and is awaiting review.
- Last week, soil samples were also collected across the site for evaluation of existing characteristics and baseline soil properties.

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ATTACHMENT C (Engineer Staff Report) 2 of 2 pages

Project Status Report - City of New Meadows

November 4, 2015

- For future reports, this project will be lumped into the 2015 Wastewater Improvement Project.

Action Items

1. City Staff to continue monitoring groundwater wells until it is determined to be no longer necessary.

Wastewater Improvement Project Funding

1. We received the finalized Professional Services Agreements from USDA-RD and this project/task is now complete.

Water System Facility Plan Update Funding

- The funding for this project has been secured through both IDEQ and USDA-RD.
- We have started to outline a work plan for the project and hope to get things kicked off within the next few months.

Action Items

1. Finish work plan and start to move forward with the project over the next few months

2015 Wastewater Improvement Project

- Project work continues in regards to the Study & Report Phase, wetlands/permitting, updating wastewater collection mapping, and evaluating different options to accommodate the reuse component of the project. Preliminary alternative designs prepared by our Engineering Team were presented to City Staff a few weeks ago.
- We are continuing our evaluation of our limited Infiltration & Inflow (I/I) study based upon the available information at this time and review of all accessible manholes that are not covered with gravel/dirt. We will continue to evaluate CCTV records once they are obtained from Mac to try and pin point various problem areas not already identified. Should there be additional budget available to complete further I/I evaluations next spring, we will do so when groundwater levels are at their highest.

Action Items

1. Obtain remaining CCTV records from Mac.
2. Continue with project preliminary design.
3. Continue work on the IDEQ Preliminary Engineering Report and Recycled Water Reuse Permit Application

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ATTACHMENT D (Grant Writer/Administrator Staff Report) 1 page



November 3, 2015

Grant Administration Update

Kelly Dahlquist – Clearwater Economic Development Association
Grant Administrator – New Meadows Wastewater Improvement Project
ICDBG – 15-III-11-PF

The City has completed two Requests for Funds to date; typically one per month.

As part of the grant award, compliance work pertaining to accessibility, fair housing, and civil rights is required. The City has completed the fair housing and civil rights portions. Mac is organizing a citizen's review committee to review policy and accessibility issues as it relates to the Section 504/ADA requirements. Upon completion of the final section all documents will be submitted to the Department of Commerce. The City will be provided with a binder that shows evidence of compliance and information for finding and using resources. All cities are required to adhere to compliance requirements. The block grant is a tool used to ensure the city is updated and current.

No issues or concerns at this time.

Grant activities will increase once the project nears the bidding phase and construction phase.

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ATTACHMENT E (City Attorney Report) 1 page

City of New Meadows vs. Adams County Prosecuting Attorney

In a lawsuit filed on September 21, 2015 the City of New Meadows seeks to stop the Adams County Prosecuting Attorney from interfering with the City's right to conduct its own criminal prosecutions. In August, the City issued a Request for Proposal asking law firms to submit proposals to represent the City both civilly and in its prosecution of infractions and misdemeanors. The City of New Meadows has long had its own attorney conduct its criminal prosecutions, as do many cities in the State of Idaho pursuant to Idaho Code section 50-208A.

More than half a dozen law firms and attorneys submitted proposals in response to the City's RFP. In fact, one of the attorneys that submitted a proposal is Matthew Faulks, who also is the Adams County Prosecuting Attorney. The City Council chose to award the position to another law firm, and Mr. Faulks withdrew his proposal.

On the same day he withdrew his proposal, Mr. Faulks notified the Clerk of Adams County that it was his opinion as Adams County Prosecuting Attorney that as Adams County Prosecuting Attorney he would conduct prosecutions of criminal or infraction violations of Idaho or county law occurring within the municipal limits of the City of New Meadows where those matters are investigated by the Adams County Sheriff's Office. Mr. Faulks also threatened the Mayor and the City's new law firm with criminal prosecution if they obstructed him in his prosecution of these matters.

The City is attempting to protect its rights and resolve this dispute in a cost-efficient manner. After filing its lawsuit, the City corresponded with Adams County in an effort to reach a resolution. The City received communication from Adams County indicating that the County was interested in resolving the dispute, and the City and the County scheduled an executive session meeting for October 1 to attempt to resolve the dispute. However, on September 29, Mr. Faulks filed court papers advancing his position and, late on the afternoon of September 30, he sent a letter to the City canceling the meeting with the County for the next day.

The City in turn has brought motions to protect its rights. On October 9, 2015, the District Court issued a decision rejecting the Adams County Prosecuting Attorney's argument that only he has jurisdiction, and found that both the Adams County Prosecutor and the City of New Meadows have jurisdiction to conduct criminal prosecutions of City matters. The District Court scheduled a hearing on both sides' motions for preliminary injunction for November 12.

On October 16, 2015, the Adams County Prosecuting Attorney filed a Petition for Alternative Writ of Prohibition and Request for Stay with the Idaho Supreme Court. On November 3, 2015, the Idaho Supreme Court denied the Request for Stay of the District Court proceedings, and ordered a briefing schedule to occur with respect to the Petition for Alternative Writ of Prohibition. Oral argument before the Idaho Supreme Court will be scheduled during the December term of the Court.

Maintenance of Irrigation Canals and Ditches

The City of New Meadows has had to expend significant funds and resources maintaining irrigation canals and ditches that enter the City of New Meadows. In addition to ordinary problems of maintenance and weed control, from time to time the canals and ditches have caused serious flooding in the City. The City has asked its attorneys to evaluate legal rights the City has in connection with maintenance of these irrigation canals and ditches. The City is collecting historical documents which it will provide to its attorneys to review. After the City's attorneys have had the opportunity to review the historical documents, the attorneys will make recommendations for future action.

Richard L. Stubbs

Carey Perkins LLP