

CITY OF NEW MEADOWS  
CITY COUNCIL PUBLIC HEARING MINUTES  
WEDNESDAY, OCTOBER 5, 2016 AT 7:00 P.M.  
NEW MEADOWS HISTORIC DEPOT AUDITORIUM  
101 SOUTH COMMERCIAL AVENUE, NEW MEADOWS

**Agenda Item 1) Roll Call – Welcome - Pledge of Allegiance:**

Mayor Tony Koberstein and Council Members Julie Good, Darbey Edwards and Shannon Fairchild were present. Council Member Brad Steiner was excused.

Staff present: Jacob M Qualls, Dick Stubbs, Angie Mettie, and Leonard Wallace.

See sign-in sheet for public in attendance. (ATTACHED – 5 pages)

Mayor Koberstein opened the meeting at 7:05 P.M. and led the Pledge of Allegiance.

**Agenda Item 2) Public Hearing:**

The City Council held a public hearing concerning a Conditional Use Permit and Design Review Application for BMA Towers, LLC to erect a cell tower with a maximum height of 182 feet with a lightning rod on South End Road within the City limits.

**Applicant Presentation:**

**John Hucks - 2988 Round Valley Road, New Meadows, Idaho 83654:** Hucks represented David & Susan Eaton, and gave a presentation on the proposal of the cell tower to be constructed on South End Road. Hucks stated that telecommunications are as critical as power, water, and transportation. Erecting a tower in New Meadows will bring modern services to the City, resulting in growth and a greater tax base. The cell tower will be built on private land and will not create noise or traffic. Both the Airport Commission and Planning & Zoning Commission unanimously recommended the project to the City Council. All requirements for the tower have been met. Hucks addressed three main concerns from the public. He stated that according to the government, there are no health concerns relating to cell towers and health concerns are not to be a factor in approving or denying an application. He also addressed the concern of a decrease in property values, stating that some studies show that towers do not affect property values. Finally, he addressed the concern of aesthetics. He noted that the zoning code lists a cell tower as a conditional use in an Industrial zone. In summary, he stated that the applicant has met all requirements and has acted in good faith, with both the Airport Commission and the Planning & Zoning Commission recommending the application be approved.

Mayor Koberstein opened the Public Hearing at 7:30 P.M.

City Clerk Jacob Qualls read comments aloud which were not included in the packet written by; Nancy Smith, Rye Harding, Tim & Melanie Fausett, Micki Eby, Loretta McConnor, and Rise' Smith.

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## **Opponent Testimony:**

**Dennis Nau - 3962 Hot Springs Road, New Meadows, Idaho 83654:** Nau, chairman of the Airport Commission, stated that a letter of recommendation for the tower was sent to the Planning & Zoning Commission with the stipulation that the tower be lit for aviation safety reasons. He acknowledged that towers under 200 feet need not be lit, but felt the safety of pilots as well as those on the ground was of utmost importance. Nau explained how the tower lighting works, stating that it would not be an annoyance to those on the ground. Nau commended the applicant for volunteering to add the lighting, requesting that the City Council mandate the lighting.

**Christina Nelson - 106 C West Taylor Street, New Meadows, Idaho 83654:** Nelson stated that she does business nationwide and does not have any telecommunication issues. She stated that she submitted fourteen different sources showing that cell towers lower property value. Nelson noted that this addition to New Meadows has a large opposition from the public, with a petition of over 100 people showing disapproval. She stated that the City Council answers to people and businesses of the community. She hopes for growth in the community as well as not wasting the resources of New Meadows.

**Dixie Jeffs - 409 North Cunningham, New Meadows, Idaho 83654:** Jeffs stated that it would be a desecration of the Meadows Valley landscape to see a 182-foot tower.

**Kelly Nelson - 106 C West Taylor Street, New Meadows, Idaho 83654:** Nelson shared that at the time of the former cell tower application, his employees did not want to work under a tower. Nelson found it hard to find employees with experience, and drawing employees from the Valley was difficult due to housing shortages. He has the same feelings about this tower as with the previous. Nelson stated that his business has supported this community in many ways and if the tower is approved, he would not choose to stay in New Meadows. He encouraged the Council to continue creating jobs and be a positive impact on the community.

**Carol Bond - 300 South Commercial Avenue, New Meadows, Idaho 83654:** Bond stated that she is a business owner in New Meadows and owns property directly across from the cell tower location. She would like to build duplexes on the property. She does not believe a cell tower will do anything positive for the community, thus the opposition. She did not like feeling threatened by the approval of other Commissions and asked that the Council make the right decision.

**Rick Brown - 509 South Miller, New Meadows, Idaho 83654:** Brown stated that he owns three properties in New Meadows and has been invested in the community since 2006. His research showed that a 20% decrease in value could occur and would be detrimental to his business. He stated that he would like to continue to grow, but it would not be possible with a decline in value. He noted that the Council and Committees involved in the last cell tower application are no longer present and felt that the turnover rate of Council/Committee members is hurting the community. Brown stated that if the tower is approved, he will leave the community.

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He noted that a tower does not provide jobs, residences, etc. He encouraged the Council to do as the community is asking.

**Valerie Rhodes - 500 South Commercial Avenue, New Meadows, Idaho 83655:** Rhodes stated that she does not want the view of a cell tower from her home. She also stated that the cell tower is declared not to cause cancer, yet many drugs have been taken off the market after being declared safe. She asked what the tower would do to the school and her community. In summary she did not want to see the tower erected.

**Nancy Smith - 3217 Main Street, New Meadows, Idaho 83654:** Smith stated that the cell tower would affect her view. She felt that she would not choose to stay here with the view of a cell tower.

## **Neutral Testimony:**

**Wes Jeffs - 409 North Cunningham, New Meadows, Idaho 83654:** Jeffs commended the applicant for volunteering to add lighting to the tower. He suggested that the Council mandate the lighting. He stated that he worked for JI Morgan for 35 years, but if considering that job today, he would not choose to work under the tower. He questioned the safety of the tower in relation to health, and whether or not the tower is needed.

## **Supporter Testimony:**

**Philip Good – 315 North Cunningham, New Meadows, Idaho 83654:** Good studied radio and propagation back in the 70s, and stated that people do not get cancer from cell towers, as it does not destroy the DNA in a cell. Referring to the aesthetics of the tower, he did not feel that anyone would forgo moving to a city because it had a cell tower. He did not see the tower decreasing property values.

**Chance Hobbs – 3818 Osprey Circle, New Meadows, Idaho, 83654:** Hobbs stated that he recently moved to New Meadows and works from home. He has difficulty with reliable telecommunication services and is in favor of the tower for this reason. He stated that zoning codes are to be used as a guideline. Many times they are controversial, but stated that conditional uses must be approved or denied based on condition of fact. He recognized that opinions and emotions grow strong, but urged the Council to also consider the zoning codes.

**David Eaton – 3005 Crescent Rim, Boise, Idaho:** Eaton, the applicant, stated that he has been in business since 1993. He owned a radio station in the area and coined the phrase “West Central Mountains.” He has supported many activities in New Meadows such as Warmer Winters and the Brundage Mountain Crab Feed. The reason for mentioning these was to show that he is here to help the community. He stated that with the erection of the cell tower, frequencies would be designated for New Meadows. More frequencies create wider spectrum for availability of voice and data. The tower would create excellent cell service in New Meadows. He would like the tower to be portrayed as a benefit to the community, helping to attract others to this community.

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**Stephen Mehen – 211 Norris, New Meadows Idaho, 83654:** Mehen stated that the cell tower would improve AT&T, which would benefit his guests who have poor coverage at the Hartland Inn. The tower will cause people to move here as well as add improvements to the community. Mehen added that more radiation is emitted from a microwave than from a cell tower.

## **Applicant Rebuttal:**

John Hucks wished to address comments made during the hearing. With regard to health concerns, Hucks stated that the Federal Government has preempted the issue and that it is not legally allowed to be relied upon in the decision making process. Hucks also addressed the comment of the tower being disharmonious with the community, stating that it is illegal to zone out towers in a community. He stated that towers are positioned in a pattern, not placed randomly. Hucks felt that Planning & Zoning approved the application because it was well designed, focused, and met all requirements. Hucks stated that there were no definitive studies on decreased property values. In closing, he cited an Idaho Supreme Court case, *Urrutia v. Blaine County*, 134 Idaho 353, 361, 2 P.2d 738, 746 (2000), in which a denial of two subdivision applications was overturned due to overemphasis of non-compliance with the Comprehensive Plan. Hucks stated that his client has met all requirements and encouraged the Council to approve the application.

The Public Hearing was closed at 8:19 P.M.

### **Agenda Item 3) Determination:**

Mayor Koberstein inquired of Eaton as to the glare from the tower. Eaton stated that he did not object to an opaque color and would consult his engineer.

Koberstein also inquired about the advancement of satellites and whether or not cell towers would become obsolete. Eaton stated that cell towers are in high demand and that there was no indication that satellites would become the front runner in electronic communications.

Fairchild stated that she felt it necessary to review all testimony and documents in the record before making a decision.

Good stated that the decision needed to be made right, fair, and legally; thus the Council chose to delay the decision until Tuesday, October 11, 2016, at the regular City Council meeting.

City Attorney Stubbs reminded the Council that the decision must be based on what is currently in the record, and cannot include any further comments or information.

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**Agenda Item 4: Adjourn:**

- Council President Good moved to adjourn; Edwards seconded the motion. Voice Vote indicated no opposition to the motion with all members signifying aye. Motion carried. Meeting adjourned at 8:32 P.M.

\_\_\_\_\_  
Tony Koberstein, Mayor

ATTEST: \_\_\_\_\_  
Jacob Qualls, City Clerk /Treasurer

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PURPOSE: BMA Towers, LLC – Conditional Use Permit & Design Review  
 LOCATION: 101 South Commercial Avenue, New Meadows Idaho

NAME (Please print legibly)	PHYSICAL ADDRESS	Wish to Speak	For – Neutral - Against
Leonard Wallace	3298 Wallace Ln	YES / NO	For – Neutral - Against
DALE MARLEY	401 N Heritage Dr	YES / NO	For – Neutral - Against
DEANUS WAY	8962 HOT SPANCS RD	YES / NO	For – Neutral - Against
Maryl Boone	2793 Smokey Boulder Rd	YES / NO	For – Neutral - Against
John Hobbs	2722 Lower Valley Rd - Red Fox Hollow	YES / NO	For – Neutral - Against
SUSAN EATON	3005 W. PESCOTT RIM DR BOISE	YES / NO	For – Neutral - Against
David Letton	" " " "	YES / NO	For – Neutral - Against
Wesley Jeffs	409 N. Cunningham Ave	YES / NO	For – Neutral - Against
Christina Nelson	104 E West Taylor	YES / NO	For – Neutral - Against
Brad Boyer	310 Katherine St NW	YES / NO	For – Neutral - Against

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Dixie Jeffs	409 N Cunningham Ave	<input checked="" type="radio"/> YES / <input type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
Hydara Swift	3231 Hwy 55	YES / <input type="radio"/> NO	For – <input checked="" type="radio"/> Neutral - Against
CARY SWIFT	3231 Hwy 55	YES / <input type="radio"/> NO	For – <input checked="" type="radio"/> Neutral - Against
Stacy Deeg	3069 Hwy 55	YES / <input type="radio"/> NO	For – <input checked="" type="radio"/> Neutral - Against
Beant Jm Shumy	3776 Wallace Lane	YES / <input type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
Rising G. Smith	508 1/2 S Miller Ave	YES / <input type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
Sam Morris	3902 Rarabebery Dr	YES / <input type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
Stephen Melker	711 Morris	<input checked="" type="radio"/> YES / <input type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
Philp Good	315 N. Cunningham	<input checked="" type="radio"/> YES / <input type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
Patricia V. Van	Nelson Machinery	<input checked="" type="radio"/> YES / <input type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against

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NAME (Please print legibly)	PHYSICAL ADDRESS	Wish to Speak	For – Neutral - Against
Katia Norris	215 N Miller	YES / <input checked="" type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
B. Hayes	500 W Miller	YES / <input checked="" type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
Gayle Norris	215 N Miller Ave	YES / <input checked="" type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
D. H. Martin	8902 Rome Loop Dr.	YES / <input checked="" type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
Jerry Rhodes Bond	300 S. Commercial	YES / <input checked="" type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
Kulby Brown	509 S. Miller	YES / <input checked="" type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
Steve Gerke	<sup>4095</sup> Hwy 95	YES / <input checked="" type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
Nakole Rhodes	500 S Commercial	YES / <input checked="" type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
Jerry Rhodes	500 S Commercial	YES / <input checked="" type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against
S. Quigler	3432 South End Rd	YES / <input checked="" type="radio"/> NO	For – Neutral - <input checked="" type="radio"/> Against

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NAME (Please print legibly)	PHYSICAL ADDRESS	Wish to Speak	For – Neutral - Against
Cody Rhodes	500 S Commercial	YES / <u>NO</u>	For – Neutral - <u>Against</u>
Drew Rhodes	317 S. Higgins Ave	YES / <u>NO</u>	For – Neutral - <u>Against</u>
Jamie McNeal	317 S Higgins Ave	YES / <u>NO</u>	For – Neutral - <u>Against</u>
Yves Rhodes	500 S. Commercial	YES / <u>NO</u>	For – Neutral - <u>Against</u>
Lee? Hemmick	3438 South Edw Rd.	YES / <u>NO</u>	For – Neutral - <u>Against</u>
Chance Hobbs	3818 Ogrey	<u>YES</u> / NO	<u>For</u> – Neutral - Against
Nancy Smith	3217 West St. Meadows	<u>YES</u> / <u>NO</u> <i>with respect to the necessary</i>	For – Neutral - <u>Against</u>
Ken Burden	208 N. Heights	YES / <u>NO</u>	For – Neutral - <u>Against</u>
Tril Burgess	403 Wiley St	YES / <u>NO</u>	For – Neutral - <u>Against</u>
Desiree Rhodes	408 Higgins	YES / <u>NO</u>	For – Neutral - <u>Against</u>

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NAME (Please print legibly)	PHYSICAL ADDRESS	Wish to Speak	For – Neutral - Against
Victor Lee Radford	408 Heigho	YES / <u>NO</u>	For – Neutral - <u>Against</u>
		YES / NO	For – Neutral - Against
		YES / NO	For – Neutral - Against
		YES / NO	For – Neutral - Against
		YES / NO	For – Neutral - Against
		YES / NO	For – Neutral - Against
		YES / NO	For – Neutral - Against
		YES / NO	For – Neutral - Against
		YES / NO	For – Neutral - Against
		YES / NO	For – Neutral - Against