

SPECIAL CITY OF NEW MEADOWS CITY COUNCIL MEETING MINUTES
HELD TUESDAY, OCTOBER 31, 2017 AT 3:00 P.M.
CITY COUNCIL CHAMBERS, 401 VIRGINIA STREET, NEW MEADOWS

Agenda Item 1 – Roll call – Welcome – Pledge of Allegiance:

Present were Council Members Julie Good, Shannon Fairchild, Rob Hines, and Mayor Tony Koberstein. Darla Weber was excused from the meeting.

Special guests present were Edward Hagan of DEQ, Thomas Neace of IDWR, and Angela Edwards of CEDA (via phone).

Staff present were Mac Qualls, Doug Buys, and Angie Mettie.

Public present were Jake Howard, Mike Howard, Micki Eby, Wes & Dixie Jeffs, Steve Gerke, Vikki Purdy, Lamont Lloyd and Bill Libby.

Mayor Koberstein opened the meeting at 3:03pm and led the Pledge of Allegiance.

Agenda Item 2 – Well Head & Source Water Protection:

Tom Neace of Idaho Department of Water Resources introduced himself and stated that he was the section manager for ground water protection. His job is to permit wells, inspect wells, and enforce well construction rules. He stated that public water system requirements must be met for IDWR and DEQ.

Edward Hagan of Department of Environmental Quality introduced himself and stated that in the groundwater program, they work with all matters that fall through the cracks. He stated that source water protection was voluntary. His job was to work with cities to protect the part of the aquifer that provides water to the public through either groundwater or surface water. A source water protection plan is developed from a source water assessment. The assessment looks at well construction, hydrogeology, and possible contaminants to the system. This assessment can be used by cities to plan locations for wells and facilities.

Council Member Fairchild asked Neace if IDWR inspected the wells. Neace stated that his department regulates how wells are constructed and sealed, their depth, and their setback requirements. He stated that if these requirements are met, a person can drill a well for their personal use for a single-family dwelling. He said that it is the well-driller's responsibility to follow all requirements for each well.

Council Member Fairchild asked about the City's liability if a contaminant were found in the city water system. Neace stated that sampling is a way to combat this issue. He said that they can negotiate with customers as to the placement of private wells in proper locations. If not done properly, he stated that rules or statutes may force the closure of a private well.

Council Member Fairchild asked how the City can monitor this situation to make sure no contaminants enter the public water system. Good stated that currently, the City is unaware of the location of private wells. She stated that the purpose is not to regulate the wells, but to be aware of their locations. Hagan answered that the City could regulate land use. If a facility is being constructed that might have contaminants, conditions could apply to that structure. He also advised that the person drilling the well may work with the Department of Water Resources to make sure the well is constructed properly and does not penetrate the city aquifer.

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Council President Good asked when the wells were inspected. Neace stated that all wells are not inspected due to the large number of wells drilled and the lack of manpower to inspect each one. Hagan added that Statute 39-26 seemed to provide authority to local governments, unless preempted by existing rules. Fairchild was concerned about the city's responsibility to provide clean water to residents, and at the same time not having jurisdiction to protect the water. Hagan stated that the City cannot prohibit a well drilling permit, but may be able to attach conditions. He suggested working with Department of Water Resources. He said the City would be able to prohibit a private well from penetrating the City aquifer.

Neace informed the Council about Start Cards, which enable a well driller to drill a well within two hours of filing the permit. He stated that these permits will not show up on the website, which has a database that the City can use to find private well information for New Meadows properties.

Fairchild was concerned with the City's liability if a private well were to contaminate the public system. Hagan suggested talking with Todd Crutcher of DEQ in Boise. Community Member Jake Howard inquired about source point contaminants and whether private wells were major contaminants to closed systems. Hagan stated that private wells may be one source for contaminants, but that livestock and the geology surrounding the well could be additional sources. Neace stated that wells do not need to be tested by law.

Another question was answered concerning the wellhead protection ordinance. This was required by DEQ in 1996. In 2006, subsection (7) was added to Idaho Code 42-201, stating that *"no other agency, department, county, city, municipal corporation or other instrumentality or political subdivision of the state shall enact any rule or ordinance or take any other action to prohibit, restrict or regulate the appropriation of the public surface or ground waters of the state, and any such action shall be null and void."*

Council President Good again stated that the City is concerned about liability if a contaminant were found in the public water system. Hagan responded that if the City is doing their job by monitoring and complying with regulations, they won't be liable. A history of non-compliance and infrequent monitoring may lead to a liability.

Agenda Item 3 – Adjourn:

The meeting adjourned at 4:08 P.M.

___/s/ Anthony J Koberstein_____
Anthony J Koberstein, Mayor

ATTEST: ___/s/s Jacob M Qualls_____
Jacob M Qualls, City Clerk / Treasurer