

New Plymouth City Council Meeting  
Monday  
5 October 2009  
7:30 pm  
New Plymouth City Council Chambers (Library)

The regular meeting of the New Plymouth City Council was held at the New Plymouth City Hall on Monday, 5 October 2009 at approximately 7:30 p.m.

The meeting was called to order by Mayor Joe Cook.

Roll call was taken with council members Mayer, Cline, York and Esplin present. Staff members in attendance were Beau Ziemer, Beth Ann Christensen and Leon K. Jensen. Anne Esplin, Bill Warnke, Andy Gerhke and Sandra Miesbach were also present.

Regular Agenda - **Councilman Esplin moved to approve the agenda, seconded by Councilwoman Mayer. The voting was unanimous in favor.**

Consent Agenda - **Councilman Esplin moved to approve the consent agenda, seconded by Councilwoman Mayer. The voting was unanimous in favor.**

*Old Business*

Idaho Power Franchise Agreement – Mike Ybarguen of Idaho Power Company presented a report on the Idaho Power Franchise agreement. The past agreement has expired after 50 years and this one is being presented to the city for the next 20-25 years. Also discussed was a 1-3% fee for upgrading city lighting. This money would be charged by Idaho Power, collected and then returned to the city on a quarterly basis. The agreement grants Idaho Power to set their polls in the right of way, etc. The moving of power polls by Idaho Power was discussed along with whose responsibility it is to move the polls in certain situations. **Councilman Esplin moved to approve the agreement with no fees for 25 years. The motion was seconded by Councilman York and the voting was unanimous in favor**

Fee schedule for Sewer / Water Service – Update from staff including a copy of the Fruitland fee schedule. The council directed staff to gather information from the city of Emmett. Staff was also directed to contact Heath Price of Rural Development and get a report regarding the current rates being charged. Discussion was held regarding the increase of the city water deposit and the possibility of not refunding those deposits but applying them to the customer's water bill at the time they move out of their residence. The council would like to have a copy of our city billing ordinance.

Audit Firm information / discussion – Staff presented the information from the three audit firms. Discussion was held regarding single line audits and yellow book audits. Staff was directed to see what the auditor's rate would be for a single line audit as opposed to a yellow book audit. Staff was also directed to contact the auditors references to see if they were happy with their work. Staff is to check with Heath Price and see that what we are doing for an audit will be adequate for our lenders needs.

Kay Jones Letter of appointment to Library – **Councilman York moved to approve the appointment of Kay Jones to the Library Board. The motion was seconded by Councilman Esplin and the voting was unanimous in favor.**

*New Business:*

New Plymouth Assembly of God Church – Requesting a zoning classification from Residential B, Single Family Duplex, to of Residential C, Single Family Duplex – Multi Family,

Councilman Esplin stated that this request was spot zoning and unfair to the surrounding residences and stated that he would support the **motion to deny the zoning change request. The motion was seconded by Councilman York.** The council then agreed that the request was well intended but that the density was too intense, parking was a problem, there was little play room for the children and this type of zoning was in the wrong location. **The voting was unanimous in favor of the motion to deny the request for a zoning change.**

New Plymouth Assembly of God Church – Requesting a variance of front setback distance from 25 feet to a distance of 10 feet within that zone.

**Councilman Esplin moved to deny the request for a variance, seconded by Councilwoman Mayer. Discussion included lack of parking, lack of playroom, buildings being too close, fire codes and the general look of the neighborhood. The voting was unanimous in favor of the motion to deny the request.**

Sandra and Joel Miesbach – to discuss possible Rezone or Conditional Rezone for a small RV Park and sign manufacturing business within the Impact Area of the City of New Plymouth. Sandra Miesbach stated her request and is seeking a favorable opinion of the city regarding her request. There was no discussion regarding the potential sign manufacturing business. The maximum limit for occupancy would be 6 months. It is designed for those who come for the summer to be with friends and family.

**Councilman Esplin moved to approve a favorable recommendation to the request as long as the 6 month time limit is observed. Councilman York seconded the motion. The voting was unanimous in favor of the request.** Staff was directed to send a letter of recommendation to the County and a letter to the applicant as well.

Rick York requested information from the council regarding the potential of creating a New Plymouth Water Users Association. The purpose of the association is to have the city take control of and operate a city irrigation system. The council wants to ensure that the system can sustain itself, that grants can be applied for and that the public works department can assume the responsibility of the project if it is undertaken. Councilman Esplin stated that Councilman York could go back to the irrigation company and inform them that the council supports the action as proposed. Mayor Cook and the rest of the council agreed.

Andy Gehrke, Holladay Engineering – Gas Well Drilling project. Andy stated that the project as proposed would potentially place wells within the well capture area of planned future wells for the City of New Plymouth. The city owned Well 9 could be potentially at risk if this project were to proceed. **Councilwoman Mayer moved the Andy Gehrke of Holiday Engineering help the city draft a letter expressing the city's concerns with regard to the two well positions and any other information that may be pertinent to the this request for well drilling and provide it to the city. Councilman York seconded the motion.** The voting was unanimous in favor of the motion. The letter can then be placed on the city letter head and sent to the county.

Andy Gehrke, Holladay Engineering – Contractors Application for Payment No. 7 **Councilman Esplin moved to approve the Contractors Application for Payment No. 7. The motion was seconded by Councilwoman Mayer with the voting unanimous in favor of the motion.**

Andy Gehrke, Holladay Engineering – Contractors Application for Payment No. 19 **Councilman Esplin moved to approve the Contractors Application for Payment No. 19. The motion was seconded by Councilwoman Mayer with the voting unanimous in favor of the motion.**

Public Works Director Beau Ziemer - Public Works Surplus List **Councilman Esplin moved to approve the Public Works Surplus List. The motion was seconded by Councilwoman Mayer.** Discussion ensued regarding publication and expense of publication, utilization of Craig's List and the potential of getting the equipment sold. **The voting was unanimous in favor of the motion.**

Jerry Jones complaint letter – After public works looked at the meter with the water supposedly off, it was found that the meter was still running. It appears that there is a leak on the property.

#### Ordinances & Resolutions

Ordinance 324, Polling Places and Hours of Polling Places – **Councilman York moved to approve Ordinance 324 by title only and suspend the second reading of the document. The motion was seconded by Councilman Cline. Voting was unanimous in favor of the motion.** The document will be published.

#### Open Forum

None

#### Mayor and Council Comments

Councilwoman Mayer stated that when someone makes a complaint to the city, they should be in compliance with the conditional use permit granted to them. Councilman Cline stated that when an applicant requests a zoning change or variance that they come and represent themselves.

Deputy City Clerk, Beth Ann Christensen reported that a single audit is required when funds received from the Federal Government are \$500,000 or more in a year and expended. .

Yellow book audits are required in all other cases.

The city clean up is scheduled to begin on the 15<sup>th</sup> of October and will continue until the 15<sup>th</sup> of November.

#### Adjournment

**Councilman Esplin moved to adjourn the meeting, seconded by Councilwoman Mayer. The voting was unanimous in favor.**

The meeting adjourned at approximately 8:40 pm.

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Joe Cook, Mayor

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Leon K. Jensen, City Clerk/Treasurer