

CITY COUNCIL AGENDA  
**TUESDAY**  
22 February 2011  
City Council Chambers (Library)  
7 pm

On the 22<sup>nd</sup> of February 2011 the city council meeting was called to order at approximately 7:00 pm by Mayor Joe Cook. Roll call was taken with council members Mayer, Cline, York and Esplin in attendance. Staff members in attendance were Beau Ziemer, Leon K. Jensen and Beth Ann Christensen. There were many guests in attendance, too numerous to mention but a sign up sheet is in the file. Andy Gehrke of Holladay Engineering was also in attendance. .

Regular Agenda – **Councilman Esplin moved to approve the agenda. Councilwoman Mayer seconded the motion. The voting was unanimous in favor of the motion.**

Consent Agenda – **Councilman Esplin moved to approve the consent agenda. Councilwoman Mayer seconded the motion. The voting was unanimous in favor of the motion.**

#### Old Business

Discussion of possible move of city hall – This discussion was delayed as Mr. Moscrip had not yet arrived to give remarks and answer questions.

Candena Kramer – Questions on Water Usage, request for relief – No one from the Kramer family was in attendance. Councilman York asked questions about the Kramer situation. Mayor Cook stated that the council would leave the item open until the end of the meeting.

Discussion and decision regarding 2009 Code Updates from public hearing – City building official Chad Brock stated that according to Idaho Code 39-4116, if the city has been previously issuing building permits and enforcing codes the city is obligated to adopt what codes the state adopts. The IBC, the IRC. Parts 1-4 and 9, the IECC (The International Energy Code) or conservation codes, were mentioned. Idaho accepted stimulus dollars so they are obligated to adopt certain codes. Concern was expressed about the energy code and how restrictive it is. Changes such as lighting, tradeoffs and others were discussed. No action was taken at this time.

Discussion of possible move of city hall – Mr. Moscrip arrived and gave information regarding the possible donation of the old Internet Truck Stop Building to the city of New Plymouth.

- He stated that he proposed initially that their building would be donated to the city, that city hall would be donated to the New Plymouth Rural Fire Department and that the Fire Department would donate their lot to the school. The Fire Department was opposed to that proposal as they wanted to build on their lot.
- The next proposal was that the Internet Truck Stop would donate their building to the city, the city could in turn donate city hall to the fire department and the fire department could sell city hall and raise money to build their new building. He reported that the fire department did not want to do that either.
- In the December discussions Mr. Moscrip stated that he was not opposed to donating the building but that he had to know the disposition plan for the current city hall building. He stated that he did not want to see any increases of tax burden to the citizens by maintaining the parcel currently owned.
- The last discussion included suggestions that would it be better to swap the buildings, would it be better to move and then sell the current city hall building, auction or bid, etc? Mr. Moscrip stated that he had not heard much from the city.

The existing parking lot was discussed and that those parcels would remain in possession of Mr. Moscrip. The building and lots occupied by the building would be donated to the city. Mr. Moscrip is not interested in the city having two locations. He would like the city to move all of city hall into one location. The movement of the Public Works operation was discussed. Questions regarding the cost of building a new public works building were discussed. There was no firm information on costs at this time. Mr. Moscrip stated that the advantage to selling the current city hall property was to raise money so that the city could make improvements in the future which would tidy up the entire city operation. He would like a plan presented so that a reasonable exchange could be made. He does not want to see the city offices in one location, the library in another and the public works department in another.

Councilman York suggested that the city gather some firm information regarding building costs and create a plan which could be presented to Mr. Moscrip. Councilman Cline stated that at face value the offer was a no brainer. However; when the city began looking at the cost of switching buildings we had an unknown number of dollars that was going to go up. When the city began really looking at the proposal, questions came up regarding what was going to happen with the QRU, the fire department and the shop, then the city really got into the numbers. Councilman Cline stated, yes, at face value it was a fantastic offer, a very gracious offer from Mr. Moscrip, but when the city really began looking at it, the city slowed and needed to look at more of the details.

Councilman York stated that the city needs to look at the details and come up with a plan. Mr. Moscrip made another offer that the building would be donated if the city would bulldoze the current city hall building. He does not want the city maintaining two buildings which would encourage the expansion of government. He stated "we don't need that". He stated that the city cannot have a meeting like this as there is not room and people cannot hear.

Councilman Esplin suggested that the city council have a workshop to further discuss this issue. Councilman York agreed. The Mayor asked that Scott put in writing his proposal. He stated that he expects a reasonable plan. Mr. Moscrip stated that he would send the city an email stating his proposal. Workshop dates were discussed. The 1<sup>st</sup> of March, Tuesday was discussed and it was determined that the workshop would be held in city hall that day at 6pm.

#### New Business

Holladay Engineering – Andy Gherke – Engineering Status Report, etc. Mr. Gherke stated that he had submitted the report and was available to answer questions.

Monica Gauthier Parsons – request for refund. Ms Parsons did not attend. Staff stated that there was a printout provided to the council. She had a bill of about \$93.00 and we applied the deposit to her account. There was an amount left owing of about \$13.00. **Councilman Cline moved that the city waive the small remaining balance of the water bill. The motion was seconded by Councilwoman Mayer. The motion passed by a vote of 3-2 in favor.**

Gas Well Report – Beau Ziemer, Public Works Director – Mr. Ziemer reported that the Mayor and he had attended multiple meetings in the last two weeks, commissioner meetings, senate committee meetings, house committee meetings and also met with the State Oil and Gas Commission. He stated that the only meeting in which the city could voice its opinion was the oil and gas meeting. Members of the committee were the Governor, the Attorney General, Ben Ysursa, Donna Jones and Tom Luna. Mayor Cook expressed his opinion on how the city had been treated by Bridge and Beau gave some technical information to the commission, including drilling in our water delineation zones. Mr. Ziemer asked the council if they would be willing to

draft a letter which would ask that a hold be placed on any drilling and fracking within the city delineation zones. Beau stated that the only way the city would be part of the rule making process is that we need to be aggressive for our voice to be heard. Beau stated that he and Andy would draft the letter for the council signed by the mayor, simply asking the County Commissioners, the Department of Lands and the Oil and Gas Commission that they hold off any permits that are already given or giving any permits to drill or frack within the delineation zones of the city of New Plymouth. The city is unsure at this time what Bridge is going to do now. There are supposedly three wells still to be developed. When the requested letter is written copies of the delineation zones will be attached.

Beau stated that in the letter, DEQ would be asked to participate. The mayor stated that it appeared that no one seems to know who calls the shots in the drilling of these wells. All of the agencies involved appear to have reluctance to stand up and take control of regulation of this drilling process. The mayor stated that the city needs to stand up and be counted. Councilman York stated that the proposed letter should be reviewed by the council as well as the city attorney. Councilman Esplin stated that Bridge should be invited to the upcoming hearing. Beau stated that they have so much information to present that they would take most of the time, thus he did not think it advantageous to have them attend. Beau stated that it appeared that the county felt that they would not have a say in the drilling process or the regulation of such. Councilman Cline stated that it appeared that the County Commissioners could have more ridged requirements than the state and that the state would have to comply. Beau stated that the aggressiveness in this matter does not seem to be there from the county commissioners. New Plymouth has the greatest thing to lose. Councilman Cline stated that the city needs to be heard as well as the county commissioners. Beau stated that he would like the council to approve or disapprove the letter written by Beau and Andy of Holladay Engineering at the workshop meeting to be held on the 1<sup>st</sup> of March 2011 at city hall. The mayor stated that he would like to see a moratorium on well drilling and fracking until a proper regulatory process can be put in place. The purpose would be not to stop drilling but to slow the process until proper regulations can be enacted. Discussions continued regarding water quality, a water treating plant, proper insurance to protect the city in case of water contamination. Costs of water treatment and operation of a water treatment plant was also discussed. The council and Beau discussed the long term affect of drilling and the possibility of well contamination. Councilman York asked that the letter be provided to the council for review. There was no motion on any of the above business.

Shem Steppe – 405 Colton representing Concerned Citizens Group to discuss Hydro-Fracturing Gas Wells – Mr. Steppe reported that he had presented information to the county commissioners earlier in the day. That information was provided to the council. Mr Steppe read a letter into the record which asks that the Mayor and city council hold a public meeting to discuss that the drilling process be stopped or slowed down until proper regulation and inspections can be put in place. Mr Steppe also stated that no one appears to be in favor of stopping the drilling process, that this discussion is not against Bridge, but it is about slowing the process so that proper regulations can be put in place in order to oversee the drilling process and place accountability for drilling actions where it belongs. He presented information from the Attorney Generals office stating that without any regulations already in process the city has as much right to regulate this process as anyone else. Mr. Steppe reiterated that their group is not in favor of stopping this drilling process but wants a pause, a slow down, a moratorium on drilling, hydro fracturing, etc. within the city limits and the well delineation areas. He stated that we are not prepared for these drilling companies and the regulatory process which needs to be in place. In closing Mr. Steppe stated that the group he represents is asking for a moratorium on drilling, hydro fracturing until proper regulations can be put in place. Councilman Esplin stated that he would like a public hearing held to discuss this issue. The earliest date of a proposed public hearing would be the 16<sup>th</sup> of March at 6pm. Sites were discussed for the public hearing. One being city hall and

another, the lunch room area of the new Internet Truck Stop building. Land use rights of property owners in relation to well drilling and zoning issues was discussed along with moratoriums.

Pick up Purchase – Beau Ziemer, Public Works Director – Beau stated that the city had budgeted 21K dollars for a pickup purchase. He stated that he was looking into a unit through the state purchasing system for a Chevy half ton for \$19400. Used prices are less but the price is very reasonable for the proposed truck. Councilman Esplin stated that a ¾ ton, 4 wheel drive would be a better purchase for the city. Councilman Cline asked for new numbers. Councilman York suggested staying with the state purchasing option. Beau stated that he would get a new price quote.

Protecting Your Health Care Benefit Levels – Staff – City Clerk Leon K. Jensen reported that he had attended a meeting with other cities to discuss self insuring and the possibility of the city joining with others of the state to be able to provide insurance at a better rate and at a slower rate of increase than the 15 – 20% increases we have seen this past year. A Joint Powers of Agreement document was presented for the council to consider and sign. The city could then join with others and get their needed insurance at a rate that will increase in cost each year at a slower rate than is now being experienced. Staff reported that there should be several options for insurance coverage's. By belonging to a group in this manner we would be able to spread our costs over a larger base of employees, thus lowering the cost of insurance for each employee. **Councilman Esplin moved to approve the signing of the Joint Powers of Agreement with the Idaho Intergovernmental Insurance Authority. The motion was seconded by Councilwoman Mayer. The voting was unanimous in favor of the motion.**

Health Reimbursement Arrangement – Staff – Deputy Clerk Beth Ann Christensen reported that this plan would take the place of Benefit Managers. In this plan money would roll from year to year as opposed to having to use the money by the end of each year or lose it. The money is invested while in the account and is available for use when needed. The council asked that the staff research the plan and bring it back to the council with their recommendation. Beth Ann will gather the information for review.

George Balter Request for Backhoe payment – On-Site Concrete – Beau Ziemer reported that the city installs plumbing from its meter for residents to hook to for water service. The city also provides a fitting for hook up. However; we have found that the pipe being hooked to the city fitting failed. The contractor is claiming that the city fitting failed. The city will not supply those fittings in the future. When the city hooks up poly pipe to the fitting we use a higher grade of poly and have not experienced any failures. Councilman Esplin is concerned about the city assuming responsibility in this case. Councilman Cline suggested that the city provide some relief to the property owner for the \$80.00 back hoe fee. **Councilman Cline moved that the city split the backhoe bill and that the city accepts no liability for the failure of the pipe placed in the fitting. The motion was seconded by Councilman Esplin. The voting was unanimous in favor o the motion.**

#### Ordinances & Resolutions

Ordinance 332 – Repealing and Adopting City Building Codes – **Councilman Cline moved to approve Ordinance 332 as presented and to suspend the first and second reading except by title. The motion was seconded by Councilman York. The voting was unanimous in favor of the motion.**

Joint Powers of Agreement – Idaho Intergovernmental Insurance Authority – **Councilman York moved to approve the signing of this document. The motion was seconded by**

**Councilwoman Mayer. The voting was unanimous in favor of the motion.**

Open Forum

Dale Williamson stated that any move by city hall would cost a lot of money. He is opposed to any move by the city until the city knows what the costs will be. He stated that there will be significant costs to moving the city operations. Mayor Cook asked his opinion of the gas well drilling. Mr. Williamson stated that his concern is to protect the city water.

Earl Guttenburger reported that he had a water leak at his property. He has repaired it and asked the city for relief of the water bill. The mayor asked that he leave his bill with the city and that the city would look into it.

Gray Coontz, a well driller is against drilling of gas wells without regulation. He wants to slow that process until regulations can be adopted and enforced. There are no well logs and he knows of no one who really knows what they are doing and have done. They call it proprietary information. He is against the process without proper regulation.

William King stated that he is against gas well drilling. He requested that there be a 2 year moratorium on further drilling. He is in favor of harvesting our natural resources but stated that he wanted it to be safe.

Dallas Hawker commented on gas companies and their process. He stated that the city would be well advised to slow the process until regulations can be adopted.

Dale Williamson stated that the drilling in the agricultural areas should require a zone change. The county heard an application by Bridge for a conditional use permit and approved that permit. It was also stated that Bridge has violated the conditions of the conditional use permit.

Shem Steppe stated that if a property owner is going to sign a lease with an oil or gas company, negotiate the contract. For the building offer he suggested that the city take the building and have the potential tenant lease it for the three years and that revenue could be used by the city.

Jennifer King wants a moratorium on well drilling. We do not know the long term affects of these actions. We should do nothing until we know the long term affects of this process.

Bill Warnke stated that Pinedale Wyoming is experiencing what is happening to us but are about 5 years ahead of us. He suggests that Beau contact them and find out what he can about how they have handled their situation. He also stated that without regulation out there the city has a great opportunity to make regulation regarding the gas well drilling.

Tony Shaver – stated his objection to the swap of any city property. He counseled the city council members regarding any conflict of interest by any council members in the matter and that they should not vote .

Council Comments – Councilman Cline thanked the public for their participation.

Councilman York stated that the revenue sharing from alcohol may go away. The three per cent forgone amount for cities may be reduced. He also stated that perhaps the council meetings could be held monthly.

Councilman Esplin congratulated the high school wrestling team. They took first place at district

and many are headed to state. The Basketball team has qualified for State and is playing for the District Championship on Thursday.

Adjournment

**Councilman Esplin moved to adjourn the council meeting. The motion was seconded by Councilman York. The voting was unanimous in favor of the motion.**

The meeting adjourned at approximately 9:15 pm.

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Joe Cook, Mayor

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Leon K. Jensen, City Clerk/Treasurer