

New Plymouth City Council Meeting  
**MONDAY**  
7 June 2010  
**7:00 p.m.**  
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 7 June 2010 at 7:00 pm.

The meeting was called to order by Mayor Joe Cook at about 7:00 pm. Roll call was taken with council members Mayer, Cline, York and Esplin present. Staff members in attendance were Beth Ann Christensen and Leon K. Jensen. Guests included Lyla Scheihing, Tyler Robb, Monte Jones and Andy Gehrke of Holladay Engineering.

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*

- Concerned Citizens for Signs for Crosswalks – Lyla Scheihing – Ms Scheihing stated that the street signs were missing but have now been put up again. She also expressed concern that people are crossing the street at night as well and that there are no signs visible for the traffic to see. She thanked the council for their action regarding the signs.
- Mike Lambertson water usage review – Water usage showed a low reading. The council thought it a good idea to be cautious of these kinds of situations, careful not to set precedence. Councilwoman Mayer stated that a certified plumber should check for leaks prior to the patron coming before the council asking for an adjustment. Councilwoman Mayer thought it appropriate to average out the two high months. Councilman York suggested that a letter should be sent to the patron stating that the city changed out the meter, and checked the old meter and found it to be in good working order.  
**Councilwoman Mayer moved that we average the water usage for the two high months (January and February) followed with a letter stating the good faith of the city in this matter, specifically changing out the meter, finding that the old meter was in good working order, finding nothing in the operation of the meter that indicated a problem with the meter. The motion was seconded by Councilman Esplin. The voting was unanimous in favor of the motion.**
- John Peterson letter regarding home in New Plymouth – Councilman Esplin stated that he would like a recommendation from the building official and police regarding the matter and that the council not make a decision. Councilman York stated that the letter from Peterson should be forwarded to the sheriff and the building official. **Councilman Esplin moved that the Peterson letter be forwarded to the Sheriff department and building official and request a response with a recommendation be sent back to the council. The motion was seconded by Councilwoman Mayer. The voting was unanimous in favor of the motion.**
- Police report on visit to Peterson home – This item was discussed along with the Peterson letter.

- Public Works Dump Truck Purchase – The Public Works Director was absent but it was the understanding of the council that the purchase has been agreed upon. No funds have been sent as yet and the truck has not been delivered. No further action was taken by the council.

*New Business:*

- Monte Jones – Irrigation concern – Children are playing in the irrigation ditch around the property where he lives. He is questioning who is liable in case of an accident. Councilman York state several actions are available in this case.

1. The property owner could be liable;
2. An attorney may call it an attractive nuisance;
3. The ditch could be posted with no trespassing signs.

Councilman York suggested that the city, through Beau and with the involvement of the ditch rider, sit down and write a letter to surrounding property owners stating that there has been a complaint filed regarding the children playing in the ditch. The letter should state that the children should stay out of the ditch or there will be a citation issued to the parents of the children. The ditch rider is aware of these problems and also of the identity of the children. Mr. Jones volunteered to help pipe in the ditch if the city was interested. He is very concerned that someone is going to get hurt, or worse. Councilman York stated that he thought that it would be better to have Beau and the ditch rider work the issue in a down home friendlier manner by identifying the child and urging corrective action. The ditch rider could get a name for the council and if needed Beau could follow with a letter stating that it has been noticed that the children are playing in the ditch and that the toys and balls are to be kept out of the ditch. Also the letter should include that there is an offer to help pipe the ditch and would the recipient of the letter be interested in helping pipe the ditch, thus eliminating the safety hazard for the child. **Councilman York moved that Beau and the ditch rider work the issue of children playing in the irrigation ditch in a “down home friendlier manner” by identifying the children who are playing in the ditch and urging corrective action. The ditch rider could get the name or names for the council and if needed Beau could follow with a letter stating that it has been noticed that children are playing in the ditch and that the toys and balls are not being kept out of the ditch. Also the letter should include that a resident has offered to help pipe the ditch and ask the recipient of the letter if he or she would be interested in helping pipe the ditch thus eliminating the safety hazard for their children. The motion was seconded by Councilman Esplin and the voting was unanimous in favor of the motion.**

- Tyler Robb business license application – Mr. Robb stated that he would like to begin a dental practice in New Plymouth at the current location of Roady’s, once Roady’s moves to the new location being built for the Internet Truck Stop. **Councilman York moved to approve the request by Mr. Robb. The motion was seconded by Councilman Esplin. The voting was unanimous in favor of the motion.**
- Old Electronic items for possible donation to Library – Staff reported that the Sheriff Department has been moving in and have found many old items in their area that belong to the city as well as possibly the old police department which used to be at the city. These items are no longer in use. Talya Nay, the city Librarian requested that she be able to gather items for the Horseshoe DAZE and offer those items for donations. There are many other items in the city vault which may be able to be used for donations. **Councilman Esplin moved that city staff be allowed to continue to clean out and that unusable items be given to the City Librarian for donation during the Horseshoe DAZE celebration on the 19<sup>th</sup> of June 2010. The motion was seconded by Councilman Cline. The voting was unanimous in favor of the motion.**

- TIC Business Application at 425 Industrial Way – An applicant for TCI came in and applied for water and sewer service. The business appears to be the base of operations for the Langley Gulch Project which is being built by Idaho Power. TCI reportedly has the contract to build the structures for the project. **Councilman Esplin moved to approve the business license. The motion was seconded by Councilman York. The voting was unanimous in favor of the motion.**
- Jason Simonson Letter regarding burned out mobile home – Staff reported that the letter has been written and has not been sent to Mr. Simonson. Councilwoman Mayer stated that the letter should have been sent. Staff stated that the letter will be sent.
- Andy Gehrke – Holladay Engineering – Water Project Engineering Pay App 27 (FINAL) – **Councilman Esplin moved to approve Water Project Engineering Pay App 27. The motion was seconded by Councilwoman Mayer. The voting was unanimous in favor of the motion.**
- Andy Gehrke – Holladay Engineering – Master Transportation Plan Contract - **Councilman York moved to approve Master Transportation Plan. The motion was seconded by Councilwoman Mayer. The voting was unanimous in favor of the motion.**
- Public Works Director – Highway District I paving project – **Councilman Esplin moved to approve the Highway District I paving project. The motion was seconded by Councilman York. The voting was unanimous in favor of the motion.**
- Irrigation company overdraft and past due taxes – Staff reported that a letter from IRS arrived stating that the former irrigation company which is now controlled by the city had not paid sufficient taxes in 2007. Therefore the letter was for a penalty of \$455.00. The city has received virtually no files from the former irrigation company or information that Pam Hooper, the past secretary for the irrigation company, states that she has. There was also an overdraft charge of \$25.00 for a check which the bank honored, written in 2008, presented in May 2010 and paid by the bank from an account which has been closed. The council determined that no action should be taken on the overdraft. **Councilwoman Mayer moved to table the IRS penalty this item until staff could contact the IRS and get clarification of what needs to be done in this matter. Councilman Esplin seconded the motion. The voting was unanimous in favor of the motion.**
- Gregg Wiese – Alternative Fire Department Location – Mr. Wiese informed the Council that he may acquire property located along Highway 30 which could be used for the fire department relocation. He spoke to the success of the city in the future and that the city needs to expand. That a new site for the Fire Department would have sewer and water available and street lighting. He spoke of other amenities which could be available to the city in the future. The council listened intently and thanked Mr. Wiese. The council is gathering information.
- Mayor / City Council -New Plymouth City Hall / Internet Truck Stop Building – Scott Moscrip, Dallas Hawker and Mayor Joe Cook have been in contact. No new information is available at this time.

#### Ordinances & Resolutions

None

Open Forum – None

Mayor and Council Comments – Councilwoman Mayer stated that Horseshoe DAZE is upcoming on the 19<sup>th</sup> of June 2010. The all school reunion is that weekend and the all city yard sale is that weekend as well.

Councilman Cline asked about patching on South Plymouth. The road is in very bad shape with pot holes. He stated that we should be careful while driving around town.

Councilman York asked all to stay away from the river at this time.

Adjournment

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

The meeting adjourned at 7:50 pm.

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Joe Cook, Mayor

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Leon K. Jensen, City Clerk/Treasurer