

CITY COUNCIL AGENDA
MONDAY
21 March 2011
City Council Chambers (Library)
7 pm

On the 21st of March 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. Guests included Anne Esplin, Lorie Tracey, Dan Hamilton and Andy Gehrke of Holladay Engineering.

Regular Agenda – Councilman Esplin moved to approve the agenda. Mayor Cook asked that item d, under new business, be removed from the agenda. **Councilman Esplin moved to approve the agenda as amended. Councilwoman Mayer seconded the motion. The voting was unanimous in favor of the motion.**

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

Old Business:

Discussion on city code and demolition permit requirements – Staff reported that codes were gathered and some information was received from the city attorney. It was reported that the attorney was working on drafting an ordinance. Staff was directed to contact the city attorney and ask for an update. Fees should also be figured into that ordinance.

Set Public Hearing date on demolition code / requirements – Staff is to gather information regarding a draft ordinance from Bert Osborn, the city attorney. **Councilman Esplin moved to table this item. The motion was seconded by Councilwoman Mayer. The voting was unanimous in favor of the motion.**

Pick up Purchase – Beau Ziemer, Public Works Director, Beau asked that he be given approval to purchase a new pickup. It will be a half ton with a heavy towing package which should be sufficient for city needs. The price will be \$19,961. A Chevy purchased from the county for \$1000.00 will be rotated out of service and sold at auction if possible. Beau recommended the purchase of the new half ton pickup. **Councilman York moved to approve the purchase. The motion was seconded by Councilman Cline. The voting was unanimous in favor of the motion.**

Update Sewer Hookups along S Plymouth Ave and Letter – Beau Ziemer reported that he sent the letters out and has had one response. Mr. Dennett will help his neighbor next door as well as take care of his own hook up. He will work with Mr. Dennett. For those who have not responded, Beau will make personal visits regarding the sewer hook up.

New Business:

AEHI – Dan Hamilton to report on progress of operation – Dan reported on the U.S. Security and Exchange Commission (SEC) questions regarding AEHI. He reported that the judge listened to both sides and determined that there was no need to cause further restriction of AEHI funds. He reported on the sale of stock in certain situations. He stated that the complaints came in from those who are opposed to this particular business venture. He reported that they are moving forward even though there is a pending law suit.

Now that AEHI has approval for the rezone they are waiting for the Payette County Commissioners to have a third party review prior to their setting a hearing date and move forward with a hearing. It could be 30-45 days before the hearing date.

The issue in Japan has been a worry for some. He explained Japan's nuclear problem and the difference in the AEHI sight that those of Japan. He mentioned the age of the Japan plants, safety issues that the sight had regarding the backup generator not being sealed, thus allowing sea water in and flooding the generators. One of the Japan plants was not affected because of their system operating properly when the tsunami and earthquake hit.

US plants are heavily regulated so it is very unlikely that this sort of accident could happen here. They are not building on a fault and a tsunami in this area is probably unlikely. He explained the blackout rule and how water can automatically cool the plant when an emergency rises.

Councilman Cline asked if their application was submitted to the NRC (Nuclear Regulation Commission). Dan said that it has not due to the expense of the application. They are waiting for the approval from the County before they actually submit that application.

Dan did ask the council for a letter of favorable recommendation to be sent to the county.
Councilman Esplin moved that the city submit a letter to the county stating the city's favorable position regarding the request of AEHI. The motion was seconded by Councilwoman Mayer. The voting was unanimous in favor of the motion.

Action on City Code 6-2-7 Animals or Fowl Running at Large Prohibited – Staff reported that there are small animals running at large, especially chickens. There are many chickens running loose and they need to be controlled. Those that are mostly running are creating a real problem. City staff asked for the opportunity to work the situation for a few days to see if the situation can be corrected. Options were discussed and Councilman York suggested that the city clerk work the issue.

Public Hearing discussion/decision on Gas well activity-fracturing – The council agreed that the public seemed to think that the city is trying to stop drilling and that the city is against Bridge Energy. They also thought that the public did not want to stop the drilling but they all seemed to be concerned that there is caution and that things are being done safely. People want to be sure that there is accountability. Councilman Esplin asked for caution that the public not point to others for their problems but that they work things out amongst themselves. He urged the council to consider that Bridge come back on their own and hold a town hall meeting and find common ground and answer questions. He asked the council if they would like to send a letter from the council to Bridge. Councilman Esplin asked again for an insurance policy, a test well, inspections and recordings. Mayor Cook stated that all those things have been asked for in the past. Beau Ziemer reminded that council that the city is not against drilling or fracking. The city is concerned about fracking in a delineation area for one of the city's wells.

Andy Gehrke of Holladay Engineering stated that Bridge asked for one well per section of land as they began this process. They are now hoping to gain approval for a well for every 160 acres. Beau said that the city and Bridge have a good working relationship. The county needs to come up with some rules which apply across the board. There should be some public health, safety and aesthetics rules. The Mayor reported that the state is working on some temporary rules and in the next legislative session they will be worked on some more. The city is only concerned about one delineation zone. Bridge has indicated to the Mayor that they are willing to work within that zone. Councilman Cline stated that we are concerned about our city and what

happens in the future. It has been reported that there are scores of leases in place. The city just wants to make sure that the water is protected and that proper regulations are in place. The city is not against Bridge.

Councilman Esplin stated that he did not like partnering with DEQ and EPA. Discussion continued regarding the city involvement with DEQ and EPA and the restrictions they apply and according to Councilman Esplin, they are not pro-growth but actually stifle growth. Councilman Cline asked about drafting a letter. Councilman Esplin expressed his desire to draft another letter to Bridge about the city needs for protection. During this discussion questions were asked about who could interpret the well logs and how enforcement could be done to protect the city water. The need for inspections and who is qualified to inspect the gas wells was discussed. Councilman Cline thought that the county should be more involved. Councilman York stated that he thought a letter should be written by the council. Mayor Cook stated that there is no one qualified to inspect these wells, according to the Idaho State Department of Lands. During the discussion Councilman Esplin volunteered to write a letter again to Bridge outlining the wishes of the city. Councilman Esplin stated that the letter written by the Mayor to Bridge was good and that he would only change two lines. The council and Mayor agreed to have Councilman Esplin write a letter for the council to review.

There were no ordinances and resolutions to review and the moved to the open forum part of the agenda.

Open Forum – Lorie Tracey stated that the impression of the general public is that the city council is trying to stop drilling. She stated that 19 men called her in fear of their jobs. She understands that the city is not trying to stop well drilling. The city wants to take measures that protect city water. She stated that she understands the city is concerned about the Shoemaker well and are only interested in protecting the water in that area of drilling, one of the delineation areas for the city, as identified by DEQ. She also stated that this is not the general consensus of the public. She expressed her hopes that these fears need to be cleared up for the public. She also is hopeful that there will be another meeting to help clear up any confusion. She asked that the city not put a moratorium in place but give the State time to work this issue and let them be the watch dogs over these wells. Lorie pointed out the city did not need to worry about being the watch dog over these processes because that is not the city's job. The city job is to protect the city water. Mayor Cook pointed out that the city is waiting for the State to tell us what they are going to do. Lorie stated again that the general public is viewing this situation as if the city is going to stop well drilling for a two year time frame. She even stated that the public thinks that New Plymouth is considering a moratorium for the whole county. She also told the council that the public is gearing up with signatures, etc in order to show support for no moratorium and the protection of their jobs.

Mayor and Council Comments – Councilman Cline stated that there is a request for a moratorium on well drilling but it is only in one city delineation zone. He stated there are leases in that zone. The county is concerned about a gold rush of drilling in Payette County. The city is looking for action by the state in this matter as we want to protect that area which will feed water to the city for years to come. The city does not have a well drilling expert to help us. He stated that we do not know for sure how long the water will take to get to the city but it has been reported that the water may take ten years for the water to get to the city well. In other words, it could be ten years before the city even could know that there is a problem. The city wants big teeth and or big brother to make sure that things are being done right.

No other council members had any comments.

Mayor Cook asked for a motion to adjourn.

Adjournment

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

The meeting adjourned at approximately 8:10 pm.

Joe Cook, Mayor

Leon K. Jensen, City Clerk/Treasurer