

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

On the 7<sup>th</sup> 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. Andy Gehrke of Holladay Engineering was also in attendance. .

Regular Agenda – Councilman Esplin stated that he would like to move agenda item “a” from new business to item “c” of Old Business. With the new item c, old items c, d and e become d, e and f. Public Works Director Beau Ziemer asked to table item b of old business due to lack of current information. Councilman Esplin agreed. **Councilman Esplin moved to approve the agenda as amended. Councilman Cline seconded the motion. The voting was unanimous in favor of the motion.**

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

Old Business:

Information on Official Newspaper, IC Title 50, 60, City Code Chap 20 – City Clerk Leon K. Jensen reported that the council had been provided documents from Idaho Code and City Code. The Independent Enterprise is the official paper for the city. Circulation is key and the number of people reached by the paper of general circulation.

Councilman Esplin asked to have a discussion item here in the agenda. He offered an apology to Mayor Cook regarding a letter which the Mayor signed and sent regarding gas wells being drilled in the area. He stated that the Mayor was within his rights to write the letter stating his opinion. The Mayor responded that he always tries to be very careful and seeks legal counsel where they may be questions or material of a sensitive nature. Councilman Esplin stated that he was under the impression that the city council had been identified in the letter. He stated that the council had not agreed, by motion, for the letter to be sent. Upon closer examination Councilman Esplin discovered that the letter was written on behalf of the city by the Mayor and that no mention of the council was referenced in the letter.

Update on Gas Well Drilling – Public Works Director stated that he had no real new news to report. He stated that he met with Ron Richardson, the drilling manager of Bridge. There has been a misunderstanding by Bridge of what the city opinion is regarding well drilling. The city is vitally concerned with drilling in the delineation area. Beau reported that Bridge now understands that we are not against them, but we are concerned with anyone who may drill and damage our aquifer.

Andy Gehrke reported that the State of Idaho has come up with a temporary draft of a rule regarding drilling. Mr. Ziemer reported that there is a better working relationship with Bridge. Mayor Cook echoed that feeling and stated that he thinks that Bridge will get on board. The City of New Plymouth wants time to develop ordinances for monitoring and control of well drilling. Mayor Cook stated that he found Idaho Code which gives the city authority to have input in any well drilling within that 5 mile distance. The Idaho Supreme Court has found that that part of the code is unconstitutional.

Mr. Ziemer reported that the state will only make rules on the technical aspects. Mr. Ziemer stated that health, safety, aesthetics, etc. are out of their realm. Mayor Cook's letter was not to shut down Bridge but to protect the well protection zones in question until certain requirements can be put in place for the protection of the city water supply. Discussion continued regarding just how large the formation is and what the value is regarding the product to be mined.

Mayor Cook stated that he believes that Bridge is beginning to understand the city's concern. Councilman Cline asked if the county understands our concerns. Mr. Ziemer stated that the city had not been invited to the meetings with the county and Bridge.

There was discussion of the activity by the group of concerned citizens brought together by the Shem and Susan Steppe family. Councilman Esplin is concerned about three major issues. One, what is the guarantee on our water? Do we have anything that states that if our water is ruined, is there a bond in place? Will bridge sign a piece of paper that shows us their bond and a test well to go with it? If a well is being drilled in our delineation area we want to see a test well to go along with it. The city would also like a test well with a bond for a year, an inspector and recordings of what is going on. Mayor Cook reported that all those items have been proposed to Bridge. He also stated that they showed some reluctance regarding a test well. Beau responded to Councilman Esplin that the city cannot do as he has requested. The city must go to the county for a resolution of these problems. Councilman York stated that we are starting to get the attention of Bridge. Councilman Cline agreed and asked if we are to trying to get the county to help us with protection measures.

Sewer Hookups along S Plymouth Ave and Letter – Beau Ziemer provided the council with a letter that he proposes to send to the property owners and reported that he is ready to contact residents along S Plymouth Ave who need to hook to the new sewer line in favor of abandonment of the old sewer line. The city would offer to help the residents to a certain dollar amount for reimbursement. **Councilman York moved that Mr. Ziemer be authorized to write and send a letter to the residents affected in this upgrade. Councilman Mayer seconded the motion. The voting was unanimous in favor of the motion.**

Update regarding no move by Library and City Hall - The council was aware that Mr. Moscrip withdrew his offer to the city.

New Business:

Discussion continued regarding a demolition permit. Mr. Moscrip stated at an earlier council meeting that he would like a demolition permit in place so that when the building is razed there is no question regarding his being able to demolish the old Internet Truck Stop building.

Councilman Cline asked if there was anything in Idaho Code requiring a permit. The city code is silent on the matter but there may be something in Idaho Code. Staff was asked to research the city code and the Idaho Building Code (IBC) regarding demolition within the city and report back to the council as soon as possible.

Ordinances & Resolutions

None

Open Forum

Mr. Ken Kramer explained that he had a large water leak in November and December but was unable to repair the line until the ground thawed. He asked that the council approve his request of splitting the water bill with him for the usage above the normal usage for the corresponding months from the prior year. Councilman Esplin moved to accept Mr. Kramer's request. The motion was seconded by Councilman York. The voting was unanimous in favor of the motion.

Mayor and Council Comments

None

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 7:40 pm.

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Joe Cook, Mayor

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Leon K. Jensen, City Clerk/Treasurer