

New Plymouth City Council Meeting  
TUESDAY  
17 September 2013  
7:00 pm  
New Plymouth City Council Chambers (Library)

On the 17th of September 2013, the New Plymouth city council meeting was called to order at approximately 7:00 pm by Mayor Joe Cook. Roll call was taken with council members Warnke, York, and Esplin in attendance. Councilwoman Mayer was not in attendance.

Staff members in attendance were Danielle Painter and Beau Ziemer. Andy Gehrke from Holladay Engineering was present.

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

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

#### Old Business

Hardin Sanitation Contract – Johnny Cochran with Hardin Sanitation presented a ten year contract for the council to approve. Councilman Esplin questioned Mr Cochran about the exclusive franchise agreement included in the contract. He mentioned the possibility of another company offering trash hauling service from construction sites within the city. Mr Cochran stated that it would be a violation of the contract and that the city shouldn't agree to the current contract if they wanted to allow hauling by competing companies. He added that, in his opinion, it would be detrimental to the streets and would result in lost revenue for the city. Mr Cochran felt that his pricing and equipment would be the best deal in the area. He likened his service to a utility company and stated that it would be difficult for a smaller company to, for example, compete with Idaho Power. Councilman Esplin responded that he felt it was just another way to discourage small business and limit options for city residents. Mr Cochran replied that waste management was not an easy start-up business. Councilman York then stated that this topic had already been discussed at the previous council meeting and reminded the council that the franchise agreement did not exclude individuals from hauling their own trash. Mayor Cook recalled when a small waste management company began servicing the City of Fruitland a few years back and was unable to stay in business for long. Councilman Esplin made his position against the contract known to the council. **Councilman York moved to approve contract. Councilman Warnke seconded the motion. Councilman Esplin opposed. The motion was passed 2 to 1.**

Review Tuttle Blacksmith Shop Agreement – City Clerk Danielle Painter stated that she was unable to locate a conditional use permit for this business. She presented a "Staff Summary of Jerry Jones U-Haul Parking on Right-of-Way", the only information that had been filed with city hall regarding the business. Councilman Esplin questioned why this was being discussed. City Clerk Painter informed him that Councilwoman Mayer had expressed concern over the state of the property at the previous council meeting and requested a copy of their permit. Councilman Warnke raised the question of whether or not there was a specific file for conditional use permits located in city hall to be reviewed annually by the council. City Clerk Painter replied that she had been unable to find such a file and also expressed concern over the state of the current filing system. She stated that she had been working toward a much more organized system going forward. Councilman Esplin returned the discussion to the agreement for Tuttle Blacksmith Shop and stated that a conditional use permit did not cover the current issue with the property, which had now become an ordinance complaint. The council agreed that the property was not in compliance and needed to be brought to the attention of the Police Chief as a complaint. City Clerk Painter then stated that she would speak to Chief Moore regarding the issue.

Rural Fire Department – Councilman Esplin requested a recap of the public hearing held on the 16<sup>th</sup> of September 2013 at the New Plymouth Rural Fire District Station. Councilman Warnke summarized the meeting and then addressed the public meeting planned between the city and the Rural Fire District. He stated that the city should be prepared for negotiations with our city attorney present. Councilman York raised the possibility of the city requesting a declaration of a state of emergency from Payette County in the event that an agreement was not reached between the city and the Rural Fire District for fire protection past October 1<sup>st</sup>, 2013. He stated that the County Commissioners would be able to grant the declaration if the city residents and businesses were left with no fire coverage. Councilman Esplin questioned whether or not it would be feasible to form our own city fire department as an alternative to renegotiating a contract with the Rural Fire District. He wondered if perhaps it was a disservice to the city residents to continue to contract with the District due to the negativity surrounding the issue. Councilman Esplin then stated that he felt that the Rural Fire District was punishing the city and that it was in the council's best interests to protect the residents whichever way was possible. Councilman York responded that, for now, the city should pursue a declaration from the county and to also attempt negotiations with the Rural Fire District at a public hearing. Councilman York and Councilman Warnke discussed requesting a copy of the terms of conditions of contract from the Rural Fire District previous to the hearing to be better prepared for negotiations. Both councilmen felt that the District's requests thus far were unfair to the city residents and that the city was being held hostage over an unreasonable amount of money. Resident Cora Kurth commented that she was concerned that if an agreement wasn't reached before the September 30<sup>th</sup> deadline she would be personally billed for any protection services that might be necessary at her property. Councilman Esplin replied that the city would cover any protection costs for city residents until an agreement was reached or a state of emergency was declared. The entire council agreed that taking care of the residents was their main priority. **Councilman Warnke moved to post a notice and to attend a public hearing held at the New Plymouth Rural Fire District at 7:00 pm on the 23<sup>rd</sup> of September, 2013 and to request a copy of terms of conditions of contract. Councilman York seconded the motion. The voting was unanimous in favor of the motion.** Councilman Warnke moved to request the mayor to attend the next Payette County Commissioners meeting to request a declaration of a state of emergency for fire protection for the City of New Plymouth. Councilman York seconded the motion. The voting was unanimous in favor of the motion.

#### New Business

August Finance Report – City Clerk Painter presented a monthly finance report detailing the city finances for the month of August 2013.

#### Ordinances and Resolutions

None

#### Open Forum

None

#### Mayor and Council Comments

Councilman Warnke stated that he observed quite a bit of confusion at the Rural Fire District public hearing and hoped that a resolution could be agreed upon for the benefit all involved. Councilman York mentioned that he would not be in attendance at the 21 September 2013 council meeting. Councilman Esplin reminded those present to plan to attend the upcoming NPHS home football game. Mayor Cook commented that he felt the Rural Fire District hearing had gone okay, considering all the issues involved.

Adjournment

**Councilman Warnke 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 8:01 pm.

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Joe Cook, Mayor

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Danielle Painter, City Clerk