



City of Donnelly

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City Council Meeting on Monday, January 22, 2108 at 6:00 pm Donnelly Community Center

MINUTES

Meeting called to order by Councilman Stayton at 6:00 p.m.

Roll Call: Councilor Minshall, Councilor Atkinson, Councilor Davenport and Councilor Stayton were present. Clerk Hedges was also present. Mayor Koch was absent.

Pledge of Allegiance

CONSENT AGENDA:

Vouchers, December 19 through January 18th, 2018 Clerk asked to add the following vouchers. Frontier \$33.88 Idaho Power \$1223.31 Star News \$27.89 State Insurance Fund \$1587.00 Wells Fargo Finance \$190.00. Totaling \$3,062.08.

Motion by Davenport, 2nd by Atkinson to approve the vouchers with the added into record. Motion carried.

City Council Minutes – December 18, 2017

Motion by Minshall, 2nd by Davenport to approve the City Council minutes for December 18, 2017. Motion carried.

Payroll Summary -- December 21, 2017, January 4th, January 5th, January 18th, 2018

Motion by Davenport, 2nd by Minshall to approve payroll summaries for the period of December 21, 2017 through January 18, 2018. Motion carried.

SWEARING IN NEWLY ELECTED OFFICIALS

AB 18-18 Installation of newly elected City Council members – Wendy Davenport and Rheta Atkinson. Councilor Stayton was nominated for Council President.

Motion by Minshall, 2nd by Davenport to appoint Councilor Stayton as Council President. Minshall – yes, Davenport – yes, Atkinson – yes, Stayton – yes.

Public Hearing:

Councilman Stayton opened Public Hearing at 6:05 p.m.

AB 18-19 Request to approve Resolution 2018-004 Sanitary Sewer Rate Increase.

Clerk read resolution to include the \$4 increase on the Sewer Base Rate that was received from North Lake Sewer District.

In Favor of – Rene Wehrli stated that she was in support as the City has to operate and the costs need to be passed on for the City to run successfully.

No other comments received

Neutral – none

Opposed – non

Closed at 6:07 p.m.

Motion by Davenport, 2nd by Stayton to approve Resolution 2018-004 Sewer Base Rate Increase.

Motion carried.

Councilman Stayton opened Public Hearing at 6:09

AB 18-20 Request to approve Amendment of Donnelly City Code 18.070.030 C

P&Z Administrator - Delta James gave a brief explanation of the proposed change. This is a proposed code amendment to remove the prohibition of the free-standing communication towers within the light industrial zoned properties. Currently the code section 18.70.030 lists wireless telecommunication facilities under the conditional use in that zone but then states in parentheses that free-standing wireless towers are prohibited. This amendment would remove this prohibition but still require a conditional use permit to place one. Although this is related to the proposed cell tower it is separate.

In Favor of: Rene Wehrli

Neutral: none

Opposed:

Deidra Abrams, McCall - When the code was created there had to be a reason why it was in there and why we would want to take it out.

Jeff Abrams, Jefferson Road, McCall – Feel like it is an easy way out and what the city should do is adopt specific code related to cell towers based on community standards and public input but not a capricious decision just to remove it and say a CUP is going to cover all concerns. A specific City code written for cell towers with public option and comment.

Steve Kimball, Payette Street, Donnelly – rather than just amending the code there should be an explanation to the residents on how it changes connects to the comprehensive plan. This created a vision and blue print for growth and development in Donnelly. And specific talks about low structures low signs and low development. Rather than simply amending the code they need an explanation of what in the comprehensive plan is off key or why the ordinance should be changed as it seems as the ordinance really aligns well with the comprehensive plan. This would create disconnect with the comprehensive plan and it clearly spells out the height limits.

Administrator James – there is a code section that specifically spells out wireless telecommunication facilities within the code. So, when a telecommunication facility proposal comes in under current code it has to meet all development standards of the wireless communications chapter of the code as well as

be subject to the prohibited or not prohibited uses within each zone. Does not know the history behind or the logic behind the current code of its prohibition of the free-standing communication towers.

Clerk Cami Hedges – It was an oversight. Ordinance 210 was adopted to allow free-standing communication towers and to set the development standard. Then when the P&Z commission did a revamp of all the zoning ordinances that was oversight that it was to allow the telecommunication towers. It was always thought that it was allowed in the light industrial zone.

P&Z Commissioner Gene Tyler it was an oversight and it was the intent to allow under a CUP in the light industrial zone.

Councilman Stayton closed the public hearing at 6:17 p.m.

Council discussion – Minshall still a little confused does not understand. James stated that it is staffs understanding that this was just an oversight as when Ordinance 210 was adopted it brought in the development standards it was thought to be allowed in the Light Industrial zone, but the prohibition was never lifted in the zone. At this time no free standing wireless communication towers are not allowed in any zone within the city, but this amendment would allow under a conditional use permit in the light industrial zone but still prohibit in any other zone.

Davenport asked how do we know that it was the intent to allow in the light industrial zone. What year was Ordinance 210 was adopted.

Administrator James – Only by P&Z Commissioners history and staff at the time the code was updated in 2015-16.

Clerk Hedges – The ordinance was adopted prior to 2013.

Administrator James – The broader question is whether or not you want to allow such facilities in your jurisdiction or not and if you do see that they should go somewhere in your jurisdiction they P&Z commission recommendation is the Light Industrial areas.

Clerk Hedges – When the amendment was done in 2015-16 they did not go back to the 210 Ordinance to see what it said. Staff does not believe that there were any changes done in the LI zone during this update.

Stayton asked what the options were for council to make a decision at this very moment. No further questions.

Motion by Stayton, 2nd by Davenport to table AB 18-20 decision until the next regular meeting, none opposed, Motion carried.

Councilman Stayton open Public Hearing 6:24 pm

AB18-21 Request to approve Conditional Use Permit (CUP) 17-01 Horizon Towers Cell Tower

P&Z Administrator Delta James Staff Report –Provided n overview of the land use application. Application from Horizon Tower, property owner is City of Donnelly, site located at the LI zoned property at the railroad right of way to the very north of the property. Plans in the packet that show the location. Currently the DCC prohibits the free-standing wireless communications in the Light Industrial zone, should you approve this it would be condition upon the approval of the code amendment.

This is unusual as the property is owned by a municipality. The FCC Act 1996 has guidelines and states guidelines on how a municipality can or cannot regulate these things. Most of the concerns about health and proximity to these kinds of developments. In the packet I have provided you the FCC 1996 act that specifically relates to this. It also states that you can not deny on health safety issues alone. The municipality can place conditions upon the application but very hard to prohibit or deny on personal property. This is unique and on City property and could chose not to allow on that property because you the city own the property. And subject to approval of lease agreement. It is at your discretion to make the decision.

Public hearing was held on November 6th and received public testimony and continued their discussion to the December 5, 2017 to receive more information from the applicant, including drainage, snow storage, generator noise. December 4th P&Z review the additional information and recommend the CUP permit to the City Council for approval subject to the conditions of approval at the end of the staff report. The decision was unanimous, and there was one commissioner absent at that meeting. One commissioner expressed that he would not like to limit the height of the tower. It is an application for a single mono-pine design that would house up to three wireless providers and resemble a pine tree. The proposed height would be 85 feet to have the highest antenna and the tree itself would be a little taller to resemble a tree. Placement of equipment at the base, power cabinets with 20KW backup power generator. Each provider would have its own generator. Power and utilities are proposed underground, construction of a chain link fence around the perimeter of approximately 50'x50' area at the base and site obscuring slats in the chain link fence to screen. There would also be a 12ft gravel access provided within a 15ft wide easement area. There is a snow storage area to the west of the leased area. Enough area to park a maintenance vehicle and to turn in a forwardly motion to exit. The tower will be visible from SH 55 which is a scenic byway, so a lot of esthetics were taken in the mono-pine to make it tree-like as possible, which are indicated in the conditions of approval. Also, some final plans would need review by City engineer prior to building permit. Also, a condition of approval requires that 2 natural pine trees of not less than 20ft tall shall be planted at the base, with the idea that as they grow up they will create a more natural look and small grove there. A landscaping plan will also be required and reviewed a staff level. Guidelines were also set for when maintenance would be performed on the generators to only occur between 8-5 weekdays and only once per month. Facility cannot be operated until all conditions are met and permits have been approved. Makes all conditions contingent upon the City entering into a mutually agreed upon lease agreement with the applicant. Lastly this condition ties back into the code amendment approval by council.

Applicant Representative Zach Williams – Horizon Towers, went to P&Z and asked for their feedback on the application and met all the conditions that they asked for. Adding trees, adding foliage, painting the bark, etc. Want to make it visually pleasing as possible. Want to provide better coverage for the entire area as there is a coverage gap with carriers up here and Verizon has seen that and been alerted of that and that is what they are trying to fill. Also, this tower would be coinhabited for 3 carriers instead of seeing 3 different towers in the area. There are multiple things out that talk about health concerns and ionizing and non-ionizing frequencies. Cell towers are non-ionizing like radio frequencies and your television compared to ionizing frequencies like x-ray and ultraviolet lights. Section 704 of the telecommunications act does talk about that. Looking for approval meeting conditions and looking at the light industrial zone as the comprehensive plan indicates instead of one of the other areas.

In favor of:

Clerk Hedges read written comments into record:

Elizabeth Jones -Norwood Rod, Donnelly – (M.S. Public Health, Epidemiology) I am resident of Donnelly, and am writing in support of the proposed cell phone tower. When I chose to explore cell tower risks, I chose to look at the experts for answers. The experts in cancer, and disease clusters/trends come from the American Cancer Society, and the Center for Disease Control, where in the case of the latter, some of the world's best health data interpreters reside. These organizations support the notion that cell

towers do not pose a risk to our health. This has been pointed out by those against the towers, that there are many studies that have concluded there are dangers in cell phone towers. While it is true that such studies exist, most were found to NOT meet the standards of responsible scientific analysis. These irresponsible studies frighten the public, rather than provide them with legitimate research conclusions. By eliminating, not including or failing to explore known significant risk factors for poor outcomes, dangerously inaccurate findings can be reported. Information like parental smoking, a highly processed food diet, water supply, family health histories are very important pieces of the puzzle that need to be gathered when doing disease research – especially cancers. In some of the studies that reported findings, the proximity to the cell phone towers wasn't even included. Why is it okay to assume there is a giant conspiracy in our country to benefit Verizon, but not okay to accept the findings of our true experts at the Center of Disease Control? We are in dire need of improved cell service. The options of providers are limited, and cell service is sub-standard. In many of these areas, we have reduced ability of both residents and visitors to not only complete calls without them dropping, but accessing help when needed. These are true problems here; problems that we have all experienced. The experts have reviewed all studies and have eliminated those that did not meet the standards of a responsible study. The experts say the towers do not pose a risk. In matters concerning health, I rely on the experts. I hope that you will as well.

John Sommerwerck – Sandy Drive, Donnelly – I would like you to approve the proposed cell tower. I ask that you consider the following facts and arguments in favor of approving the cell tower. To date each side has present studies which align with their thinking. I urge you to consider the source and quality of those studies. Personally, I would go with mainstream organizations; such as the CDC and the American Cancer Society. Beyond the studies, consider the fact that we live in a highly litigious country with well over 200,000 cell towers. Some have been around for over 30 years. Many are installed near hospitals, schools and densely populated areas. If cell towers posed a health risk, wouldn't you think that some lawyer somewhere would have filed a successful lawsuit? As to the noise produced by the occasional test of the back-up generator, is it any louder, more frequent or closer to town than the emptying of the roll-offs at the recycling center? Should we ban all uses that require a backup generator? Maybe we should talk to the Donnelly Fire Department and Frontier about their backup generators and the noise they create during tests. For both livability and development, unreliable cell service (especially during emergencies) and slow, unreliable internet service (for those without access to cable) are major detractors to living and doing business in the Donnelly area. It would be great if we could have more choices and better cell services. This proposed tower goes a long way to making this a reality. You now have the power to erase these negatives while at the same time tapping a source of revenue other than new taxes. I urge you to consider the know negative consequences of denial versus conjectural consequences presented to date. I urge you to approve the construction of the cell tower.

Dieter & Celia Wiesemann – As long-time tax payers in Valley County, we are in favor to build the cell tower.

TJ Kemp M.D. – I am unable to attend the public hearing tonight, so I am emailing my position instead. I am writing in SUPPORT of the new cell phone tower. I have a second home in Donnelly, and over the past year the cell service has deteriorated to the point where it is almost unusable. Being a doctor from Boise, it is critically important that I remain in contact with my office and patients, even when away. I really enjoy spending time in Donnelly with my family and supporting the local economy. But not having adequate signal on my phone has meant less time that I can spend there when I need to remain in contact with my patients. When I purchased my Donnelly property a year ago, the signal was far better. In fact, that was one of the main reasons I bought in Donnelly was because of the superior signal compared to McCall. I think when people are looking to become a part of a community in this day in age, staying connected is a key factor in their decision. It is for that reason that you should strongly support this tower. It is vital to the economy of Donnelly. I wish that I could attend this evening's meeting to contribute to the process. I hope this email helps with your decision.

Jerry & Noel Kuhnhausen – we will not be able to attend the meeting on next Monday but would like to put in a very strong YES to the cell tower. We are 30-year residents of Valley County and would welcome any improvement in the current abysmal phone service.

Beverly Pressman – Homer Lane, Donnelly – I am writing in approval of the proposed cellular phone tower. I certainly understand the concerns and need for precautions. I also believe that we need to make a decision based on truly scientific research and reputable sources. In my own search for information, I have been amazed at the amount of biased data online, rather than conclusions of professional scientific methods. I encourage you to visit the following latest online data, reports, and recommendations of the World Health Organization and American Cancer Society. Both sources recommend care be taken regarding site location, public education and understanding. They also stress the need to communicate accurate current health information regarding electromagnetic fields to reduce fears and mistrust. As published by the World Health Organization most recent 2018 online series, which is referring to data presented by the American Cancer Society: “Some people have expressed concern that living, working, or going to school near a cell phone tower might increase the risk of cancer or other health problems. At this time, there is very little evidence to support this idea.” (followed by discussing three main points that argue against cellular phone towers being able to cause cancer). I trust a decision will be based on current knowledge and continued awareness, not emotional fears.

Scott Pressman M.D. – Donnelly – I am in favor of the Donnelly Cell Tower as it would provide better service and fewer dead spaces which will improve emergency communication for the entire valley. This will definitely improve health care access and reduce risk.

George & Glenda Cox - Please count 2 votes for a yes on cell tower. We see a great value in having this tower. We see this all the time in other cities.

Councilman Stayton asked for any additional supporters.

Susan Dorris – Eld Lane, Donnelly – I live within the city limits of Donnelly. I support placing a cell tower in the Donnelly Light Industrial park. This is an appropriate place within the city limits for the tower. Our population is expanding and the number of visitors traveling to our area to recreate is expanding every year. The need for our population and our visitors to stay connected in this increasing on-line world will only grow. As Donnelly is centrally located in the Long Valley, we are an ideal location for a tower. There will be one here soon; if not on City property, then on someone’s private property nearby. I do understand there are concerns regarding health implications of a cell tower and various studies have been cited in this regard. If the cited studies are scrutinized, they are very small and based upon poor science, drawing false conclusions. There are various large studies done in the United States that come to a different conclusion. Boise valley has numerous cell towers to support their expanding population. Many of these towers are located ON school grounds around the Treasure Valley. Please support the placement of this cell tower in the Light Industrial part in the City of Donnelly.

Scott Pressman M.D. – Homer Lane, Donnelly – I am a retired physician and there was a letter to the editor in the Star News that expresses some concerns that people have, and I would like to speak to some of those. #1 there are literally billions of cell phones on earth now and over 200,000 cell towers in the United States and probably a million worldwide if in China, Europe, South America, Asia and those areas. There have been no documented negative effects from it. We have been around FM, AM, TV for decades 60 to 70 years and cell towers have been around for 20 and where Stu Young said, it is a legal society if there was something going on out their lawyers would be jumping on it. You could have a lawsuit for a spilled cup of coffee and make it and this is bigger. I did send in the American Cancer Society data paper to you and would also like to give you the World Health Organization paper that will

allow you to scrutinize what the world feels about this situation. Understand that fears are great, we all have them, but when you make a decision there are negatives on the other side and positives. We have numerous blackout areas here and in those blackout areas if we have an accident, heart attack, stroke, you are going to delay medical care to those people so doing nothing is not doing nothing it is a strong negative and those are real issues for your local community they are not kind of vague fears. So understand doing nothing is a strong negative to your community for at least that reason. The letter also talks about property values going down because of the cell tower. Conversely, I think property values will go up. Look at the number of people now who do in home work. Architects, Engineers, Educators, consultants, those people have a wonderful opportunity to move up to this wonderful area and contribute to the community with very little or no negatives and if you have poor cell communication here those people are not going to come, and they can't work out of their homes. So property values are going improve not decrease by having a cell tower here. Your tourism will increase if people can access cells. Lastly education, we no longer have the Encyclopedia Britannica we have google. If you do not allow your children and education to have access equal to what the City kids are getting what New York kids are getting they are not going to be successful in their life journey, they are not going to have the opportunities that they will have if they have good structural support. Donnelly has done a great job with their education here, but it needs to continue to keep up with the times. Let those kids have the opportunity to improve their lives. I think if one looks at the use of Light Industrial property, I don't think you can find something that is more benign and more beneficial to all the citizens in this valley. This about the facts and not about the fears.

Dale Guyer – Lee Way, Donnelly – Represents Arrowhead Points Subdivision in Donnelly and is in support of the cell tower application. Very limited about our cell phones and we have people who live there and work from home and use their internet and have a hard time connecting and it is something to think about.

Rene Wehrli - Halferty Street, Donnelly – Support

Neutral: None

Opposed:

Clerk Hedges did not receive any additional written responses.

Charles & Mary Stegner – Finn Church, McCall – Opposed

Deirdre Abrams – Jefferson Road, McCall – (written comment) I work as a teacher at Donnelly Elementary and spend more time in Donnelly than I do at home. I love this town and its residents with all my heart!! However, if a cell tower is built as close to the school as is proposed, I would probably choose to transfer to a different school. Why not put it far from the school? I also know a lot of parents who would move their kids to a different school.

Jean Keese – Black Pine Road, Donnelly – I appreciate the intent to create better cell coverage and it is a good idea. However, I think that there are better solutions that are not near property owners, children, and community. Also, this proposal is near a scenic byway, and there has been studies that shows a decrease in property values and to address the many health studies that were referenced. My understanding is the World Health Organization is actually put cell radiation in the same category as DNT that is a carcinogenic substance. As far as the American Cancer Society goes as to my knowledge no know studies have been conducted. So I would be interested in seeing that information that does exist and it is also important to know that the American Cancer Society is not biased and has many corporate interests which include telecommunication companies. My letter sites this information in more detail.

Steve Kimball – Payette Street, Donnelly – I want to talk about what a special place Donnelly is and what really makes it so unique and so special. I want to start to talk about the Comprehensive plan. The Comprehensive plan is a really important and critical tool for the city it relays out the vision for the town over time and establishes what the key assets are for the town and it basically serves as a blueprint to evaluate the growth and development and ensures that they key assets of the town and the most significant things to preserve for the town. Donnelly's comprehensive plan was approved in 2014 and is an excellent plan and kudos to those that developed it and approved it. It identifies some of the many assets of the town and are the unique scenic and historic attributes. Basically, we have a genuine authentic rustic town around us here that looks much like it did in its origin many many years ago. Things are genuine authentic and are not, we don't have things built up like Boise, we got low line structures and it is just subtle. There is a ora of historic rustic subtle here. The Comprehensive Plan acknowledges those and talks about the threats and basically what the City should consider when it talks about the proposal. What we want to preserve is the authenticity of the town and the historic nature and over and over the Comprehensive plan talks about keeping things low, keeping signs low, keeping buildings low, no free-standing towers, those kinds of things. So, I would like to say Donnelly deserves respecting the Comprehensive Plan with the values and vision that was established to guide our development. These towers proposed, however they try to design, they look around the state and the county and they are artificial, they stick out, so what we are talking about is having an 85' artificial fake tree, and currently there is nothing like that. So buy putting this up it would be seen from the residential and the business section of town and as you approach from the scenic byway. Its going to be a very different look, you are going to have something that will attract attention, some people will say that damn thing looks ugly and others will say what a joke. There are going to question, don't these people appreciate what they got here. People coming here from other places who have these things are going to value the fact that Donnelly doesn't and once they go up it will be like Eagle, like Meridian, Coeur d Alene. What we have here that is truly unique and different will be breached, what we had as the origin of the town and what we really value here. I would like you to see through the eyes of people who really value the historic, genuine, subtle and that we want to be different here and want to be unique and that is what will attract people. This is a gateway, crossroads to recreation we don't want to start putting things up that looks like suburbia, like the city like other places. What is going to be the value of Donnelly over time that resembles the unique and historic, authentic, rustic town. That is what the Comprehensive plan sets forth, so I ask you to respect the plan and if you really want this thing then go back and change the plan and explain to the people in Donnelly why we want to part from the authentic, historic, rustic, subtle area, maybe we want to move to a new technology, more of the urban, semi urban ora around our town, but I say keep it simple, keep it rustic, make it a place that is different, not a place where it starts blaming, don't start that slippery slope that makes us start looking like other places. As far as health goes, look at those studies carefully and people are right there are studies that say that there is no impact to health and there are studies that say there is. The problem to all the studies is that there is short term. There is not one long term study, because these things have not been around for decades. So what we are talking about is that uncertainty, there is no certainty that there is radiation omitted from the towers, and then it will create a question basically an Asterix to whether it is safe or not and what will cause and the perception will cause people to avoid moving here or sending there kids here, maybe not all of them, but does Donnelly want to be an Asterix according to the health or the school area. I say no, we don't want to create that question.

Jeff Abrams – Jefferson Road, McCall - Thanks again for letting me address the council. I was actually struck really strongly by two things in particular as a result of the testimony and a result of the law. One I would encourage all of the commissioners tonight to basically disregard any comments about health. The representative from Horizon introduced health issues, concerns, data and some of the testimony in opposition to the tower has done the same on the other side. You are not allowed to do this with for consideration with this kind of proposal. What you have to do is consider other legal ramifications that you can use to either support coverage or support a rejection for this proposal, so that is one point.

Second big point is of all the comment that you have had in favor of the proposal tonight, I didn't hear anybody say that they want it right here in town in the light industrial area. Nobody said it. Their concerns that you have heard, 95% of the folks that are voicing them say they don't have coverage and they want help. Emergency services, communications for our occupational concerns, but they didn't say they want it right in town. So that is very important to me. They are saying yes we want coverage, they are not saying that they want it right here. It does happen as Delta, Ms James brought up the facility is proposed on your property, you have grounds to reject this lease flat out. In considering that I would also have you examine the interest on the City side, and have you be able to come back to questions about what obviously you are going to support it you are making income on it. So potentially there is a conflict of interest there as you need to. There is nothing that says you need to maximize income off of your property that you own. So just be prepared for people to come back after your decision that they may look at your income as a motivating factor as wanting to sign the lease. Scenic byway have you guys looked at the impact up to the scenic byway and have you looked at whether or not precedence has been set in construction of such telecommunication facilities in scenic byways, is there a precedence by that. I don't know. You might be hanging yourself out there. And then last things I would say is that this decision should be locally made by the people who are hear and shouldn't be made by one of the biggest telco facilities, telco companies in the world telling us where we want the facilities and what we want done. I would encourage you all to go back and adopt new code that you write, if there is precedence in municipalities all over the country where the city council has examine exactly what they want in their cell tower code, there are grounds that municipalities have created that say you need to look at the most reasonable alternative where they are going to site it, they say if there is a significant gap in coverage use the least intrusive means necessary to provide that coverage. So, there are all kinds of language, I mean municipalities have adopted dark skies ordinances. You guys have the power to write every single work in the new code that addresses proposals just like this. I am encouraging you to do this.

Councilman Stayton asked for applicant to respond to the opposition.

Applicant Representative Zach Williams – Horizon, agree with Mr. Abrams on the point that health shouldn't be considered he is 100% correct about that and that was talked about and for the act it cannot be a deciding factor for the meeting. And to talk about the alternatives and placing a cell tower, what we did is we did look at the Donnelly Comprehensive Plan, light industrial district was only the only zone in the comprehensive plan that looked to approve cell towers as a conditional use permit. Now the code was not correct and that is why they asked for a code amendment. Far as other communities going commercial than residential is pretty much what the City is. Out of that and stay off byways and laws. Is this excluded from the byway and yes when the trees are planted around it and grow it will make it less visually impacted. Towers are going to come up, we are trying to mitigate it to look like a tree to blend in. Towers will go up and possibly on valley county property and mono-poles everywhere or self-support towers because valley county allows those. We are trying to do this because we want to be least intrusive for the City of Donnelly as well as provide better services to the City, residents and businesses in Donnelly. That's what the carriers is doing and that is what Horizon towers wants. To make clear Verizon is a provider that would be hosted by Horizon Towers on this tower. Horizon towers is building the tower.

Administrator James wanted to clarify a statement during public testimony. There was a question about any impacts that it was near a national scenic byway of Highway 55, if there was any regulatory impact of that. There is not, I happen to sit on the Payette River Scenic Byway board, its an advisory body, its not a regulatory body, so there are no regulations that are established with that. The goal of the byway is to preserve its scenic quality, so in that respect there is some impact there about sharing that goal and keeping the visual quality of the scenic byway as an asset. It is a nationally recognized scenic byway, it was one of the first in Idaho that was recognized in the early 70s. SO you decision regarding that is whether or not the camouflaging techniques proposed help to further or preserve the

scenic quality of the byway. But you do not need to worry about being in violation of any regulatory authority.

Councilman Stayton closed the public testimony part of the hearing at 7:15 p.m.

Council Discussion:

Davenport asked if there was somewhere else to put it? Can we look at a different area that is not as close to residential and schools and everything that is on our property.

Clerk Hedges clarified that back in 2014-15 a Self-support tri-pod tower was approved by the Donnelly Planning & Zoning over by North Lake Sewer and that was a Verizon owned tower and they withdrew. Located by the sewer ponds in the light industrial area. There were some issues with the environmental impacts with the sewer lagoons. Other city owned property was in the light industrial property. We would not be able to place near the airport as there are FAA regulations and that is the other City owned property.

Davenport – if the City was to say no to the application and if Horizon was to go out to a private owner, how does that work for a private person to get approval?

Administrator James – it would have to be zoned appropriately. If it was prohibited in an area the private property owner could request a zone amendment to allow. Zone amendments are at council's discretion and can be denied outright. Let's say for a moment that a private property owner had a parcel that allowed for telecommunications free standing towers, in some respect as a conditional use permit. If that were to come in front of you, you would not be able to directly deny it without the application being able to meet reasonable conditions associated with it. And the health concerns are taken off the table due to the Federal Telecommunications Act therefore it would not be part of the decision matrix. What might be part of the decision matrix is the noise impact to the site, safety, other things associated to those things but you would have to give the property owner and the applicant every opportunity to mitigate those concerns.

Davenport – Where on the map could someone put a tower?

Administrator James – currently none of the City's zones allow for free-standing telecommunication towers, again that comes back to the amendment of the light industrial code.

Clerk Hedges– however if you go to any of the areas that are around the city limits that County controls those areas. Even if it is 5ft outside of City limits the county could approve it, it would no longer be a decision of the council. It is a county commissioner decision.

Davenport – This could ultimately be closer to the school, residential, etc.

Clerk Hedges – That is correct, it could go East on Roseberry and be closer to the school. Some of the research that was done, Cambridge has a tower on school district property, several West Ada School district properties have towers located on their property. One on Eagle Hills Elementary in Eagle located by the track and the one that looks like a tree is on the Eagle Hills Golf Course.

Minshall – looking at the numbers in support there are 29. Donnelly residents there were 9 that commented.

Clerk Hedges – Donnelly as a whole is a very large area, and a lot of comments were received from this area, however the City limits is very small, and we received only a hand full of responses within the city

limits, that were property owners. Steve Kimball (resident) Susan Jenkins (resident) in opposition that are within City limits, then we have John Lance, Julie Stauts (business owner), Michelle Basye (business/property owner), Callie Smith (Business/property owner), Susan Dorris (business/property owner) in support, Kristal & KC Hanes in neutral yet reserved, these are all within city limits.

Davenport – concerned of property value, some say that it could go up or that it could go down. Is there a way to contact the county to find out about property values?

Administrator James – believes it would be very difficult to quantify this information. Understanding is that they look at the quality of construction not of the area. To look at the adjacent property owner's values. This is a task that would be very challenging to get useful information.

Atkinson – that we can't really do anything at this point, because they tabled the amended ordinance from before.

Administrator James – were you to decide this evening and if that decision were favorable toward the application, there is a proposed conditional of approval that states it is contingent upon the zoning amendment. Although they are related it is important to treat them separate as it pertains to the light industrial area generally of the zoning site. The other is this the right spot and does it fit within the goals of the community. A decision could be made this evening but contingent upon the code amendment.

Atkinson – would like to talk to the assessor's office to see how valuate the property and if is a factor when valuating.

Administrator James – it is a perceived as a conflict of interest to place on City owned property, many municipalities do this, but would refer to the City attorney if the council would like additional clarification.

Jared Zwuygart – City Auditor stated that cities received franchise fees from cell phone companies, power, cable, etc. and this would be treated the same way.

Clerk Hedges indicated that the City attorney has not been involved with the CUP application but has reviewed the proposed lease. Typically, they would review the lease unless there were some litigious reasons. The history of the lease, in 2016 the council was proposed with a lease from Horizon towers, the council requested that the lease be reviewed by city attorney. The city attorney reviewed the lease at that time.

Atkinson received a question if the letter from the School Superintendent was reviewed by council. It was included in the packet and those are online for public review at any time.

Administrator James – procedurally should the council decide to continue your decision to a future meeting, to ask for staff or applicant to provide additional information, procedurally you should reopen the public hearing to continue testimony at the next date, so you give the public the ability to respond to any additional information that is provided. Or you can direct staff to advertise a 2nd public hearing. If opened tonight, you do not need to repost the hearing.

Minshall asked if they were ready to decide.

Stayton, made a motion to table AB 17-21 CUP 17-01 to their next regularly scheduled for additional information from staff. Clerk Hedges asked for clarification of what staff need to obtain.

Motion by Stayton, 2nd by Atkinson, to table AB 17-21 CUP 17-01 to the next regular scheduled meeting and direct staff to provide additional information from the assessor's office in regard to property values for properties that are adjacent or in the vicinity of telecommunication towers and to reopen the public hearing in order to continue to the same meeting date. Roll Call Vote: Davenport (yes), Minshall (no), Atkinson (yes), Stayton (yes). Motion carried.

Reopened Public hearing at 7:44 p.m.

Council will need to make parameters for public comment at the next meeting.

AB 18-22 Request to approve FY17 City of Donnelly Audit – Jared Zwygart

Mr. Zwygart reviewed the Audit with the council.

Motion by Minshall, 2nd by Davenport to approve AB 18-22. Motion carried.

AB 18-23 Introduction of the Land Lease for Horizon Towers

Clerk Hedges presented the lease that was reviewed by the City attorney. When originally presented to council in 2016, Horizon asked for a suggested lease amount. Council had indicated they would like to see between 700-900 per month. Horizon came back with \$750 for the first provider and \$250 for each after that. Clerk stated that the council can change that if they wanted it was still up for negotiation and a decision did not need to be made unless the CUP application was approved.

Motion by Davenport, 2nd by Stayton, to table discussion until next meeting. Motion carried.

AB 18-24 Treasures Report – December 2017

Clerk Hedges presented the treasurers report for December 2017.

Motion by Stayton, 2nd by Minshall, to approve AB 18-24 Treasures Report for December 2017.

Motion carried.

Staff Reports:

Clerk Hedges – included in packet, two of the past due water accounts had not paid and will be noticed to be turned off in the next day if payment is not received. LOT tax is up 17.7% YTD from last year. Shop heater pump was replaced and is working at this time. A new propane furnace would be about \$3900 which does not include the propane tank. We will be getting in touch with a company to get the cost of the installation and then will present proposal to council. Ken has noticed that the roads are deteriorating, and grading is no longer working. The roads will need to be rebuilt or built up soon. If we are looking at a more permanent solution would need to make sure that the water valves are brought to grade. There is a leak on State Street, so we are limping along until Spring to be able to do more investigating. Bruce indicated that he will be returning at the end of February. Grant is moving forward, special workshop next Monday. Am obtaining information for a community enter policy for physical activities that want to rent the facility. ICRMP is assisting putting something together. I will present this to council in the next few months.

Davenport asked Clerk to look into the possibility of someone living in a camper on Halferty Street.

Motion by Davenport, 2nd by Stayton to adjourn until the next scheduled meeting. Motion carried.

Adjourn at 8:40 p.m.

Approved: February 19, 2018

