



City of Donnelly

169 Halferty Street
P.O. Box 725
Donnelly, ID 83615
Telephone (208) 325-8859 Fax (208) 325-4091

City Council Meeting on Monday, February 26, 2018 at 6:00 pm Donnelly Community Center

MINUTES

Meeting called to order by Mayor Koch at 6:00 p.m.

Roll Call: Councilor Stayton, Councilor Atkinson, Councilor Davenport, and Councilor Minshall, were present. Clerk Hedges and P&Z Administrator James were also present.

Pledge of Allegiance

CONSENT AGENDA:

Vouchers, January 18, 2018 through February 21, 2018 Clerk asked to add the following vouchers. Totaling \$731.08

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

Treasurer Report – January 2018

Motion by Davenport, 2nd by Atkinson to approve the Treasurer report for January 2018. Motion carried.

City Council Minutes – January 22, 2018 & January 29, 2018

Motion by Davenport, 2nd by Atkinson to approve the City Council minutes for January 22, 2018 and January 29, 2018. Motion carried.

Payroll Summary – February 1st, 5th, 15th, 2018

Motion by Stayton, 2nd by Davenport to approve payroll summaries for the period of February 1st, February 5th and February 15th, 2018. Motion carried.

Public Hearing:

Mayor Koch opened Public Hearing at 6:04 p.m.

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

In Favor of:

Susan Dorris – Eld Lane (in favor)

Eric Engberg – Jordan Street is a citizen of Donnelly and has been here since 1981, sold the city property where the water tank is. I think the tower would be good for the City and if we do get money for it I would like it to go to the infrastructure. And suggests that a nesting tower placed on top to bring some wildlife into the area.

Diedra Abrahams – Don't live in Donnelly but spend more time in Donnelly than at my home because I am a teacher at the school. I do not oppose the Cell Tower at all I just oppose where it is, because there is not enough known about this to be this close to the school for children to have skulls much thinner and developing. So, I just oppose the placement of it. It is just too close to the school.

Steve Kimball – Payette Street I just oppose the location also because I really appreciate the quaint historic nature of our little village center. Just concerned that raising the 85ft fake tower is going to change the historic character.

Susan Jenkins – Payette Street because of the location and has lived in communities with the fake towers.

Clerk read into record additional letters received after council packets were distributed.

Cecilia Tyler – Eagle Lane, Donnelly - I wholeheartedly support the initiative for Horizon Towers to install an 85 foot mono-pine telecommunications tower, within a 50'x50' leased area on city owned property located 550 feet west of State Highway 55 in the Light Industrial Zone area. There has been much discussion and debate and the City Council has opted to put off the vote to approve or disapprove this initiative. It is now time to vote and I urge approving this matter. The majority of the leaders desiring to stop this effort either do not live in Donnelly or own property in Donnelly. I am a Donnelly property owner but live just outside of the Donnelly City limits in the impact zone. There are three points I would like to make or have highlighted. 1. Many are stating that cell towers are a hazard to health. Yet there is no conclusive evidence of this point and the Federal discourse on this topic specifically states public health concerns cannot be the reason to disapprove a cell tower. 2. Some state that the value of property will go down. Again, there is no evidence of this and the converse is really true. Properties that do not have adequate access to cell coverage are negatively impacted since new buyers want access to technologies. 3. Some state that Donnelly is a "quaint village" and this improvement destroys the "quaintness". I am a lifelong resident of the area and lived most of my childhood on Payette Street. I can assure you, we too wanted the amenities of life that most desire. We do not want to live in the times lacking reasonable technological amenities solely to say Donnelly is a "quaint village" and ultimately have reasonable improvements in the quality of life pass us by. Frankly, in my time growing up and living here, I never heard Donnelly described as quaint. I have heard it described in many ways and to not develop with technology will just perpetuate the many disparaging comments many of us have heard. I want Donnelly to grow, prosper, and have the amenities of life that a reasonable 21st Century person would expect. Failure to approve this tower will send a strong message that we are not serious about improving our quality of life and that we are not business friendly. Failure to approve this tower will delay the improvements to technology that we desperately need.

Form Letters in Favor Of – Johanna Defort (Property Owner), Mike Swanson (Resident), Joyce Rambo, Matthew Loomis, Dustin Loomis, Scott Clinson (Resident) Kathy Fritschle, Jayme Gamble, Lisa Whisnant

Oppose:

Jean Keese – Black Pine, Donnelly - During the last meeting there were questions raised in regards to the impact cell tower have on property values. I hope the following information is of value. I also really appreciate that you are taking the time to research this further before making this decision, which will impact Donnelly homeowners, residents, businesses and school children for a long time into the future.

As I've stated in previous correspondence, whether or not radiation emissions from these antennas are harmful is irrelevant. The perceived threat alone will lower property values. The US Department of Housing and Urban Development (HUD) guidelines categorize cell towers with "hazards and nuisances," and HUD requires its certified appraisers to take the presence of nearby cell towers into consideration when determining the value of single family residential properties. In 2014 a Survey was conducted by the National Institute for Science, Law and Public Policy in Washington DC, "Neighborhood Cell Towers & Antennas – Do they Impact a Property's Desirability?" The overwhelming majority of respondents (94%) reported that cell towers and antennas in a neighborhood or on a building would impact interest in a property and the price they would be willing to pay for it. And 79% said under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antenna. Another study in New Zealand looked specifically at property values, and they found that "home buyers would pay from 10-19% less to over 20% less for a property if it were in close proximity to a cell phone base station. The market sales analysis showed prices of properties were reduced by around 21% after a cell phone base station was built in the neighborhood. Thank you again for taking your time to consider this matter thoughtfully. I urge your no vote.

Lisa Maria – McCall, currently under contract for the purchase of a house on State Street. A little excited to buy a house in Donnelly until I heard about this. I asked are you serious they want to put up a cell tower in this small town. My mom died of brain cancer and do believe that having that type of power line about our house caused that. Her father died of cancer, her mother died of cancer, yes it could be genetics, but I don't know for sure. But I don't want to have that risk especially if I am going to have children and children that go to Donnelly school. I am a little concerned about it, almost to the point that we are supposed to close in the end of March and this is kind of like what is going to happen, should I move to Donnelly or should I go to New Meadows. Those are my options because McCall I am already priced out. But I also worry about properties and the values. I think in the long run what's going to happen yes you are going to get a bunch of money for the tower but in the end its going to bring property values down and is that really going to help the community in the long run? I would question or is it a hindrance for our own children. I hope that you decide not to, and I don't know for sure if this will make me buy the house or not, but it definitely will make me think I want to live in Donnelly and be part of this community.

Close the public hearing at 6:16 p.m.

Mayor Koch asked for the staff report from Planning & Zoning Administrator James.

James – you instructed staff to investigate whether the assessed value of the property is or possibly impacted by a telecommunications tower or towers. I spoke with Valley County Assessor and the do not directly consider the proximity of the telecommunications towers and in their assessment process. So it is a little unclear. It is not one of the boxes they check, but they do look at like properties. So it is very difficult in our area because the other telecommunication towers are in more rural areas. So they couldn't site any instance where any property had been devalued based on its proximity to a telecommunication towers. I also provided some information on the market value from the state. The sales value property is impacted by the perception of the buyer pool, whether the buyer would use the proximity to a cell tower as a benefit or a liability. For example, an article from the National Real Estate Investor, states that good cellular and data access can probably impact property value, while Realtor magazine sites that same that was in our last written comment. And it's a perception that 94% of those surveyed are less likely to purchase near a cell tower and would pay less. There has been one detailed study that I could find and that was the same that was cited in that last written comment.

Mayor Koch asked if the Council was ready for a decision.

Motion by Davenport, 2nd by Atkinson to approve CUP 17-01 Horizon Towers – Cell Tower Application subject to conditions of approval from Planning & Zonings recommendations. Roll Call: Stayton (yes), Davenport (yes), Atkinson (yes), Minshall (yes). Motion carried.

AB 18-20 Request to approve Amendment of Donnelly City Code 18.70.030C – Ordinance 238

At the last meeting the decision was tabled from the last meeting and the public hearing was held and closed.

Motion by Stayton pursuant to Idaho Code Section 50-902 that the proposed Ordinance No. 238 pass its first reading by title only, 2nd by Davenport. Roll Call vote: Stayton (yes), Davenport (yes), Atkinson (yes), Minshall (yes). Motion carried.

Ordinance 238 title only was read by Clerk Hedges.

Motion by Stayton, pursuant to Idaho Code Section 50-902, that the rule requiring ordinances to be read on three different days with one reading to be on full to dispensed with and that the proposed Ordinance No. 238 be considered read, passed and adopted after being read by title only, 2nd by Atkinson. Roll Call Vote: Stayton (yes), Davenport (yes), Atkinson (yes), Minshall (yes). Motion carried.

AB 18-23 Introduction of lease proposal from Horizon Towers

Steve Kelly representative of Horizon Towers provided the proposed lease agreement for City Council review. This same agreement was presented to the City Council in 2016 and has been reviewed by the City attorney at that time. We would still have the attorney review prior to adoption. The proposed contract is not executable at this time but it is proposing the amount of land lease amount. They are suggesting \$750 for the first provider and then \$250 for each subsequent provider up to 3 providers on the tower. It does increase at 10% after the first 5 year lease and so on.

Mayor Koch did state that with the research that has been done that this is in line with other towers in our area. Clerk Hedges did additional research and found that this is very good for the rural areas.

Mayor Koch asked Horizon Towers representative Zach Williams if anyone has put a birds nest on top of a tower. Mr. Williams stated that they have not because they are not able to work on the towers if the nest is occupied, or if there is a migratory or endangered species of bird on the tower. That is why they have not done this on top of the tower.

The additional trees however could have these nests placed, but this would not be for many years.

AB 18-25 West Central Mountains Economic Development Council Update – Andrew Mentzer

Andrew asked to present at the next Council meeting.

AB 18-26 Water System Improvement – Well Bid Acceptance

Mike Woodworth from Mountain Waterworks provided a recommendation for construction of the well from Stevens & Son's Well Drilling. This bid was the lowest of the two that they received out of the three that were requested to bid. He is asking that Council accept the bid from Stevens & Son's Well drilling in the amount of \$124,374, the budget was \$131,949. The other bid from Gestrin well drilling \$132,260 which was over the estimated project budget. This would begin construction in April 2018. Mountain Waterworks has worked with Stevens & Son's previously on other projects as well.

Motion by Davenport, 2nd by Atkinson to accept the well project bid from Stevens & Son's well drilling. Motion carried.

AB 18-27 Lake Shore Rate Change Proposal – Memorandum of Understanding Draft

Scot Carnes from Lake Shore Disposal spoke that there hasn't been a contract with the City of Donnelly over the past several years. They have continued to provide services to all of the people who live in the City. Right now they receive an \$8/mo from each Resident in Donnelly. If you live in Valley County the cost is approximately \$15/mo for the subscription of services. So right now we are wanting to increase the City to get into line with the County. Over the next three years we would bring you up to the rate that the rest of the valley county residents pay with the CPI increase.

Clerk indicated that they amount would include the 96 gallon trash can provided by Lake Shore.

Carnes - Lake Shore would provide 75 cans to the City to distribute and to keep extras (that are stackable) for when residents need them or when one has become damaged etc. They would grab one from the City and replenish as needed. One of the reasons they want to use their own cans is that there is a 50 lb limit whether our cans or the resident's cans. The trucks however are able to lift their cans, which reduces the likelihood of an accident to shoulders etc. from lifting heavy cans. Eventually they will require everyone to use these cans throughout the county. This is set up a lot like they do Riggins. The City pays them, and they provide the service.

Mayor asked if they have contracts with Cascade or McCall? And why is Donnelly different. Carnes stated yes that they do have contracts with them and the reason not with Donnelly was due to size. Their attorneys looked over the number of residents and in their opinion the contract would not favor either party.

Clerk Hedges – this is why a Memo of Understanding was created by the City. Even though the email would be enforceable, the MOU is lining out a little more detail and the rate increase scheduled etc. The last contract that was signed in 2003 was actually the county's contract and we had an addendum to that contract.

Davenport – will lake shore deliver the new cans to those that do not have them?

Carnes – that is negotiable as the original proposal was to deliver to the city shop and the public works employees would then distribute where necessary. Some of the addresses are difficult so if the can is out then they pickup. It would be easier if the City kept track of the cans when they return or deliver.

Clerk – there area several residents that already have cans, how would they handle this?

Carnes – they would pick up these cans then credit those residents and the City would then issue new ones.

Stayton – Understands that they City is due for a rate increase however doesn't believe that they should be in line with the county rates, as density of the population and doesn't take as long as some of the area in the county. Is there an argument of a smaller increase?

Carnes – Cascade (McCall is on a different rate because of the bear proof cans) there are 75 in the Meadows and they all pay the County rate, Dawn Drive they pay the County rate, all the way out to West Mountain. We do a lot of service way out there and if we try to structure the rate on distance, those people further would pay a much higher rate. This is just a way to put everyone on the same rate.

Mayor – some of the issues with the last proposal was double what they were currently paying so it was hard for the taxpayer as they could drive a few miles to the dump for free.

Carnes – Donnelly is the only City in Valley County that requires trash services, so anyone else in the county can choose to take the trash to the dump for free. So it is up to Donnelly to continue to require or they can choose to let the people take to the dump for free. They are not trying to force this upon anyone they are just trying to bring the City rates up to the County rates.

Davenport – when did the City adopt or require residents to have trash services? Clerk was unknown of this time. The City should come up to the rates of the County but are we going to continue to require all residents have trash service?

Mayor Koch – is this something that we can put out to vote? And don't want to have trash pile up around town.

Residents (Susan Dorris, Eric Engberg, Gene Tyler) stated that there was a previous issue with pickup loads of trash, garages full of trash and trash piled up at various locations in town. It was a real problem before the Ordinance was passed requiring trash service.

Carnes – when we start this we are not going to enforce the extras that they other residents have. It is a \$1.50 for an extra bag. Valley County allows you to have 96 gal of household trash and they are very restrictive on this. If your residents are using 1 or 2 bags extra, then they will not be sticklers on but if it became a regular occurrence they could provide another can and a rate to go with the 2nd can. Want to be fair to the residents. The County is looking closer at pickup loads of trash and charging accordingly. The County runs the gate and not Lake Shore. They will continue to do their donations for the Huckleberry Festival and would like to be part of the parade and part of Halloween. They enjoy being part of the Donnelly Community.

Davenport – How long would the MOU be in effect? Clerk stated that would be at least to current rate with the CPI increase.

Carnes – the best guess would be a 1.7% increase over the next two years. In the 3rd year with the CPI it should be in line with the County. Going further than that then it would be just the CPI increase each year. Then each year thereafter in January for the CPI increase.

Davenport – if we approve this and we get feedback of why they want to pay that amount.

Stayton – There must be a public hearing as it is over 5% increase.

Koch – does not want to see the City do anything besides the billing/collection portion. Does not want to see the Public Works department responsible for delivering or storing extra cans. We are low on storage space, etc. Would Lake Shore be willing to deliver them?

Carnes – yes, they would work that out if they city could provide them with the addresses and homes that utilize the services. Willing to work with the City.

Atkinson – what is the point of picking up the old one and then delivering a new one?

Carnes – that is what was proposed previously if the City delivered them. If Lake Shore continues to do it, they would not pick up the cans and would work with the city on this. The CPI is only on the service not the cart.

Koch – would like the part that the City delivers and stores cans to be removed and made the responsibility of the contractor.

Clerk – will make the changes and publish increase for public hearing at the next city council meeting.

AB 18-28 Request to adopt Resolution 2018-007 Fair Housing Month Proclamation

Motion by Stayton, 2nd by Atkinson to adopt Resolution 2018-007 Fair Housing Month Proclamation and authorize mayor to sign all necessary documents. Motion Carried.

AB 18-29 Authorize Mayor to Sign Statement of Agreement – Idaho Unified Certification Program (Idaho Transportation Department)

Motion by Stayton, 2nd Davenport, to authorize Mayor to sign statement of agreement – Recognizing ITD as the Agency representing the Idaho Unified Certification Program (ITD) Motion carried.

AB 18-30 Request to adopt Resolution 2018-008 Arbor Day Proclamation and to remit 2018 Arbor Day Grant Program

Clerk indicated that the State recognizes Arbor day in April, however Donnelly has always recognized this in May.

Motion by Davenport, 2nd by Atkinson to adopt Resolution 2018-008 Arbor Day Proclamation and to remit 2018 Arbor Day Grant Application. Motion carried.

AB 18-31 Request to Authorize Clerk to apply for the 2018-2019 Idaho Community Review

Clerk stated that this was recommended to us by several different organizations for the City to be part of. Stayton, asked how much of Clerks time would be required. This amount of time is unknown. Clerk would like to apply to begin the process in 2019.

Motion by Stayton, 2nd Davenport to authorize clerk to apply for the 2018-2019 Idaho Community Review and authorize the Mayor to sign all necessary documents. Motion carried.

Staff Reports:

Clerk there are zero past due on the water. Local option tax collections have already exceeded the past years. Vet clinic on March 24th at the Community Center. Library District is wanting to take over the operations as soon as the money runs out. I stated that it would be around April as we wanted to make sure that they are building was taken care of. They have not presented anything at this time. We should know about our Transportation Grant application. There will be a Farmers Market on Wednesday's of this year. They asked if they City would be able to donate some lot dollars to help purchase a banner for them. They are non-profit. There is a steering committee right now to get things going. Davenport – stated that they would be taking the state SNAP cards at the farmers market and Liz Jones is really advocating to help people purchase and eat better. This program will be under and umbrella. Currently our fee is \$25 per vendor per day. They will be proposing something to help with this fee. It will operate for 12 weeks. Hoping for 10-15 vendors, both craft and farmers for the starting year and as it grows there will be less crafters. This is only Wednesday nights. More information to follow. A

prepaid cell phone for Ken was purchased and will be activated for his use so that he does not have to use his personal phone for City purposes. This is much cheaper than a Verizon plan.

Ken provided a staff report for review. The harrow at the airport needs to be replaced or fixed. It is currently more scrap metal than useful. We need to purchase this in the next year and to reseed the airstrip this fall and next spring.

Mayor Koch asked that the snow plow come at an earlier time than 7:40 as it is harder to get remove the berms or have Ken follow the driver and remove as he goes. Clerk indicated that we are not first on their route and that is why they came later. Will request an earlier time or to have Ken follow.

EXECUTIVE SESSION:

Pursuant to Idaho Code § 74-206, convene in executive session to: (1) (a) &(b) consider personnel matter;

Motion by Davenport, 2nd by Stayton, to enter executive session per Idaho Code 74-206 to consider personnel matter at 7:16 p.m. Motion carried.

Exit executive session at 8:03 p.m.

Davenport – national movement of “SEE SOMETHING, SAY SOMETHING” this is a national drive and the McCall Donnelly School District is asking for the support of the City of Donnelly. This is to help keep our Schools and Communities safe. Council was good with this.

Motion by Davenport, 2nd by Atkinson to adjourn until the next regular City Council meeting on March 19, 2018 at 6:00 p.m. Motion carried.

Adjourned at 8:06 p.m.

Approved: March 19, 2018