

February 26, 2018

A regular meeting of the Fruitland City Council was held at Fruitland City Hall on the above date at 7:00 P.M.

PRESENT: Stuart Grimes, Jeff Carpenter, Brian Howell, Kari Peterson, Ed Pierson.

ABSENT: None.

STAFF PRESENT: Stephanie Bonney, Danny Little, Jerry Campbell, JD Huff, Suzanne Percy.

OTHERS PRESENT: Sue Bixby, Anna Hatfield, Julia Page, Julie Fugate, Duke Fugate, Mike England, Kathleen Hartung, Chad Brock, Jeri Soulier, Martin Fry, Mel Person, Marc McCord, Joey Ishida, Brenda Ishida, Ronda Louderman, Dr. Brent Mathieu, Pat Ann, Pat Dille, James Dille, Shelley Brock, Lee Turner, Jon Seel, Larry Morris, Tammie Morris, Jason Thomas, Kris Grimshaw, Jordan Gross, Sam Peterson, Bob Hatfield, Larry Meyer.

Mayor Howell called the meeting to order and roll was taken.

Councilor Pierson moved to approve the February 12, 2018 minutes. Seconded by Councilor Grimes. Motion carried.

A public hearing was opened at 7:01 P.M. for the purpose of receiving testimony regarding proposed Ordinance No. 629 providing regulations for Oil & Gas Operations within the City.

City Attorney, Stephanie Bonney presented the recent changes made to the proposed ordinance, including post extraction activities, increased setbacks, and vapor recovery units.

Hearing Officer Rick Watkins stated additional written testimony has been submitted and distributed to the Mayor and Council on behalf of Marc McCord, Sue & Robert Bixby, Duke & Julie Fugate, James & Amber Miller, Darcy Merritt, Chad Brock, Brian Vanderood, Susan Havlina, Karen Campbell, and Shelley Brock.

Dr. Brent Mathieu, 4130 Plum Street Boise, ID stated he is familiar with the oil, gas & coal industries. Has witnessed the impacts to people, land, community, and the environment. He lives with the effects of air pollution. He lived near oil & gas refineries. He asked the Council to consider the pollution. Gas & Oil is a commercial business that smells and causes light and noise pollution. It has adverse effects on people's health, especially respiratory disease and increased risk of cancer. Dr. Mathieu urged the Council to protect the people and property rights.

Kris Grimshaw, Boise, ID provided handouts to the Council with additional information and stated she is concerned with what is happening in Fruitland and Payette County and subsequent health risks in regards to oil & gas drilling and fracking. Mrs. Grimshaw explained one of the handouts is regarding the disruption effects to the endocrine system in regards to the number of chemicals used in oil & gas drilling and fracking. When the endocrine system is disrupted it can wreak havoc on a person's biological wellbeing causing a number of different illnesses. Mrs. Grimshaw asked the Council to take note of the number of chemicals used in oil & gas drilling. When wells are flared, chemicals are emitted in the air that we all breathe.

Lee Turner, 1399 W. Newfield Drive, Eagle, ID thanked the Council for their efforts in creating a protective ordinance. She asked the Council to consider adding mandatory baseline and follow-up predrilling water testing, mandatory non-radioactive chemical tracers in all drilling fluids, and mandatory reporting of 100% of chemicals to the ordinance.

Jon Seel, 2906 Avid, Eagle, ID stated he is concerned regarding gas & oil wells being allowed in residential areas. He is concerned about traffic on local streets and protecting property owners. He feels the Council needs to know what chemicals the gas & oil companies are using.

Jeri Soulier, 1840 E. Fork Road, Weiser, ID served eleven years on the Washington County Planning & Zoning Commission. They worked very hard on creating the first ordinance for the state. The ordinance was over-ridden by the State of Idaho due to pressure from the oil & gas companies. Property values are affected by gas & oil leases. She stated abandoned wells in Colorado have cost the tax payers millions of dollars to try and make safe.

Julie Fugate, 1816 NW 24<sup>th</sup> Street, Fruitland, ID stated she would like to expand on the importance of water testing and tracers. 257 private wells are near the Barlow drilling site. She expressed the need for independent, third party testing provided at the owner's expense.

Julia Page, 2317 N 19<sup>th</sup> Street, Boise, ID Board member of Idaho Organization of Resource Councils explained gas & oil has an effect on health, safety and well-being. Gas & oil will impact city growth. She stated this ordinance is an example for others in the state. Chemicals and toxins are released. Mrs. Page had questions regarding the road plans and why road repair is not a requirement in the application. She feels this needs to be required. She questioned how the City would get funding for the road damage.

Mel Person, 2146 NE 16<sup>th</sup> Street, Fruitland, ID stated he believes the people who have the minerals on their property have the right to sell them. He wants to make sure that when this is done that the people around the wells are protected. The Council needs to be as strict as they need to be in the ordinance to guarantee the public safety and well-being of the community.

Marc McCord, 2315 Brogan Road, Emmett, ID would like the Council to consider adding mandatory chemical disclosure, mandatory EMS training by a third Party at the operator's expense, non-radioactive tracing agents, and automatic and remote control shut-off valve requirements to the ordinance.

Sue Bixby, 2133 Maple Court, Fruitland, ID asked the Council to consider adding water testing as a requirement of the oil & gas companies, mandatory baseline & water testing, chemical tracers to identify leaks, mandatory remote shut-off valves, and mandatory reporting of chemicals being used to the ordinance. Mrs. Bixby stated the Council needs to be prepared for the possibilities down the road.

Bob Hatfield, Sand Hollow, ID has worked with gas & oil companies. Has worked with Alta Mesa and is a contractor for Alta Mesa. He stated they have never fracked in this area. The wells are not horizontally drilled. The wells are drilled straight down, very basic. Mr. Hatfield stated

that he feels Alta Mesa has gone above and beyond the requirements to protect the environment. There would be no additional impact than what is going on right now. No hazardous material is being brought in. Every well has automatic shut offs installed.

Shelley Brock, 8770 Chaparral Road, Eagle, ID submitted additional information. Mrs. Brock would like to see drilling restricted in residential areas; mandatory baseline reporting and remotely operated shut off valves.

James Dille, 2635 Dogwood Avenue, Fruitland, ID stated he had spent 30 years in the Denver area and has seen what the wells can do to a neighborhood. He feels there needs to be more than 21 days for permitting. He stated the noise from the wells is 24 hours 7 days a week. There should be a noise barrier to protect subdivisions and decorative fencing to hide the facility.

Pat Ann, 1705 N. Whitley Drive, Fruitland, ID stated she is concerned about the toxins and feels more research needs to be done on the subject.

Duke Fugate, 1861 NW 24<sup>th</sup> Street, Fruitland, ID is concerned about the gas & oil having a negative effect on property values.

Councilor Pierson moved to amend the agenda to add "Gas & Oil Ordinance Discussion" due to the need to review and discuss testimony presented and receive information from the City Attorney. The reason the additional item was not on the agenda was the City Clerk did not believe it was necessary to be included. Seconded by Councilor Peterson. Motion carried.

The Council reviewed proposed changes with City Attorney, Stephanie Bonney. Stephanie reported on her findings from a conference call held with Idaho DEQ-Air Quality Division last Friday. She explained vapor recovery units were already required on gas & oil extraction-related storage vessels. She also explained that Idaho is required to utilize federal EPA air quality requirements which are minimal. Stephanie also reported monitoring results of volatile organic compounds (VOC's) being tested with other industries in comparison to existing well drilling and extraction-related facilities. She will make further changes to the draft ordinance and provide it for the Council to review at the next City Council meeting. The public hearing was closed at 8:48 P.M.

The February 2018 Fruitland Planning & Zoning Commission Report was presented by Zoning Administrator Rick Watkins. Councilor Grimes moved to approve the report. Seconded by Councilor Carpenter. Motion carried.

The Council reviewed an Impact Area Recommendation request from Payette County regarding Kenneth Hilbert for a rezone from Commercial to I-1 Light Industrial on three acres located at 2255 HWY. 30 West. Councilor Pierson moved to send a favorable recommendation with the stipulations that a Development Agreement be required with the City of Fruitland involved in negotiating it; and that City of Fruitland development requirements be used pursuant to County Code section 11-1-5. Seconded by Councilor Grimes. Motion carried.

The Council reviewed an Impact Area Recommendation request from Payette County regarding Jayleen Tamura for a Conditional Use Permit for a dog grooming and boarding operation in a Commercial zone to be located near 2255 HWY. 30 West. Councilor Pierson moved to send a favorable recommendation with the condition that City Development standards be used for property development pursuant to Payette County Code section 11-1-5. Seconded by Councilor Carpenter. Motion carried.

The Council reviewed a request from the Fruitland Chamber of Commerce of sponsor/donor opportunities for the 2018 Apple Jam. Councilor Grimes moved to donate one ten-yard load of gravel to be delivered within Payette County. Seconded by Councilor Pierson. Motion carried. Tickets will be purchased for Mayor Howell, and Councilors Peterson, Carpenter, and Grimes.

The Water/Sewer Engineer Report was reviewed. Councilor Grimes moved to approve the report. Seconded by Councilor Carpenter. Motion carried.

The January 2018 Finance Report was reviewed by the Council. City Treasurer Rick Watkins explained the USDA bond payments in the Sewer Fund were doubled up and the correction will be made to the finance report for February. Councilor Grimes moved to approve the January 2018 Finance Report. Seconded by Councilor Carpenter. Motion carried.

Councilor Pierson moved to enter Executive Session pursuant to Idaho Code 74-206(1)(f)- Pending Litigation. Seconded by Councilor Grimes. Roll call vote: Grimes, aye. Carpenter, aye. Peterson, aye. Pierson, aye. Motion carried at 9:23 P.M.

The Council came out of Executive Session at 9:40 P.M.

The Council reviewed the sewer user's contract base rate for Dickinson Frozen Foods, Inc. Councilor Carpenter moved to adjust the flow rate from 200,000 gallon maximum daily flow to 300,000 gallon maximum daily flow with billing adjustments to be made effective January 1, 2018. Seconded by Councilor Grimes. Motion carried.

Councilor Carpenter moved to adjourn. Seconded by Councilor Peterson. Motion carried at 9:40 P.M.

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Brian Howell, Mayor

ATTEST:

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Rick S. Watkins, City Clerk