

December 11, 2017

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

PRESENT: Ken Bishop, Jeff Carpenter via phone conference, Ed Pierson, Stuart Grimes.

ABSENT: None.

STAFF PRESENT: Stephanie Bonney, Carl Hipwell, Danny Little, Jerry Campbell, JD Huff, Suzanne Pearcy.

OTHERS PRESENT: Brian Howell, Kari Peterson, Shelley Brock, Lee Turner, Jordan Gross, Chad Owen, Joey Ishida, Chad Brock, Abby Lee, Doug Paddock, Mel Person, Marc McCord, Dennis Campo, Pat Ann, Duke Fugate, Julie Fugate, Robert Bixby, Sue Bixby, Jonathan Seel, John Armstrong, Charles Otte, Jeff Rice, Larry Morris, Tammie Morris, Martin Fry, Rob Ruth, Jane Rohling, Maria Le, Charlene Quade, Ted Daley.

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

Councilman Grimes moved to approve the November 28, 2017 minutes. Seconded by Councilman Pierson. Motion carried.

A public hearing was opened at 7:02 P.M. for the purpose of receiving testimony regarding a request by Rice Enterprises LLC/Jeffrey Rice, for a Comprehensive Plan Amendment from Multi-Family Residential to Light Industrial and a rezone from Multi-Family Residential to Light Industrial for the property located at 1710 N. Whitley Drive.

Jeff Rice, 8052 N. Pennsylvania Avenue, made his presentation requesting a Comprehensive Plan amendment and rezone from Multi-Family Residential to Light Industrial of his property located at 1710 N. Whitley Drive to construct storage units. Mr. Rice plans to expand his existing facility. Access to the property would be on NW 16<sup>th</sup> Street and not US-95.

No further testimony was offered and the hearing was closed at 7:05 P.M.

A public hearing was opened at 7:05 P.M. for the purpose of receiving testimony regarding consideration of proposed Ordinance No. 629 providing regulations for gas and oil operations within the city.

Hearing Officer Rick Watkins stated written testimony was received from Marc W. McCord, Julie Fugate (2), Wendy Walker, Sue Bixby (2), Stuart Reitz (2), Scott Tippetts, Brynna Smith, Amber Miller, Laura Ralston, Brian Vanderoord, Martina Jaramillo, Samantha McCormick, Chad Brock, Cassi Brown, Mel Person, Claire Holderman, Jenifer Rold, Judi Shields, Susan Havlina, and Javier Marquez. Also, oral testimony would be limited to five minutes.

City Attorney Stephanie Bonney presented the draft ordinance and explained the state has prescribed a limited range of authority to local governments regarding this subject, primarily limited to the Local Land Use Planning Act (LLUPA). Idaho is a Dillon's Rule state and cities only have authority granted by the legislature. The City is not allowed to prohibit oil & gas

exploration or create regulations that prohibit drilling and extraction. The City needs to regulate the appropriate activities to protect the health, welfare, and safety of residents without prohibiting operations.

Jonathan Seel, 2906 Haven, Eagle, ID - Stated the ordinance being prepared is a template for other cities and will affect other communities. He stated concerns for Section 4 which reads: "subject to provisions of this chapter an oil & gas well site shall be considered a permitted use in any zoning".

Julie Fugate, 1861 NW 24<sup>th</sup> Street, Fruitland, ID - Stated Fruitland needs a defensive oil & gas ordinance. The City needs to learn from the experiences of other states to ensure the community is safeguarded. She asked for a minimum setback requirement of 1500' from residences and 2000' from schools; mandatory pre-drilling, water, air and soil testing by an independent third party at the operator's expense; a multi-million dollar bond for each well drilled; a multi-million dollar bond to reimburse the City for all damage to road and infrastructure caused by operations; a requirement to put tracer elements in all drilling treatments to identify the source of leaking wells. She also submitted additional written testimony.

Sue Bixby, 2133 Maple Court, Fruitland, ID - Expressed her concerns regarding gas & oil development in the state and county. She asked the Council to take a long hard look at the drilling, fracking and gas polluting the air and water sources. She asked the Council to build an ordinance that will protect the future of the children and to dedicate time to research the issue.

Joey Ishida, 2800 NW 4<sup>th</sup> Avenue, Fruitland, ID - Stated the Council needs to protect the people and people don't realize the damage that could take place. He expressed his concerns for resale value of homes and property values going down.

Patricia Ann, 1705 N Whitley Drive, Fruitland, ID - Expressed her concerns for the degradation of the river and wildlife. She feels helpless to stop oil & gas development.

Charlene Quade, 2608 Winesap Avenue, Fruitland, ID - Stated she is passionate about her rejection to not taking proper precautions. She is reading journals relating to pollution and disabilities. She works with families with children who have disabilities and is concerned about pollutants in regards to disabilities. She asked the Council to take the time necessary to understand their rights.

Shelley Brock, 8770 W. Chaparral RD, Eagle, ID - Stated she is a board member of Citizens Allied for Integrity and Accountability (CAIA) dedicated to educating the public and public officials and participating in public processes that protect the health, safety, property rights, property values and critical resources of all Idaho citizens from the impacts of irresponsible oil and gas development. She stated the legislature has worked hard to pass the Local Land Use Planning Act (LLUPA) that preserves the rights of local cities and counties to develop regulations to protect their way of life. She stated the legislature has given the Council the authority to protect constituents and their property. She would like to see larger setbacks, drilling fluid tracers and baseline testing included in the ordinance. She would like to see the City pass a strong ordinance that protects citizens and their property. She submitted additional written testimony.

Marc McCord, 2315 Brogan Road, Emmett, ID - Helped shape the gas & oil ordinance in Texas. He stated the Council needs to incorporate something in the ordinance to protect the City. He would like 1500' setbacks and stronger regulations.

Lee Turner, 1399 Westfield Drive, Eagle, ID - Stated she feels Fruitland is "ground zero" for this industry. She has concerns and would like to see base line water testing and larger setbacks than the proposed 600'.

Maria Le, 1392 W. Targee Street, Boise, ID - Concerned about setbacks and potential accidents. The City needs to safeguard against possible accidents at a gas & oil well. Need to be proactive and not reactive in Idaho. She submitted additional written testimony.

Martin Fry, 2326 Brogan Road, Emmett, ID - Stated Gem County is downwind from Payette County and is concerned that what is decided in Payette County will effect Gem County. Stated it is important what the Council does and it is important to people's health and quality of water. Would like to see tracers in the water. Concerned about the environment and setbacks.

Jordan Gross, 2820 NW 4<sup>th</sup> Avenue, Fruitland, ID - The Council should have the community's back and be the watch dog for the residents. Questioned who the City consulted with to build the draft ordinance and why not use the people in this room for their advice. He asked what the downside to strict regulations would be.

No further testimony was offered and the hearing was closed at 8:10 P.M.

Councilman Grimes moved to approve the request for a Comprehensive Plan amendment from Multi-Family Residential to Light Industrial and rezone from Multi-Family Residential to Light Industrial for the property located at 1710 N. Whitley Drive. Seconded by Councilman Pierson. Motion carried.

The Council discussed their concerns regarding proposed Ordinance No. 629 - Gas & Oil Operations. They all expressed their appreciation to everyone for taking time to come to Fruitland to testify. They agreed more time is needed to develop the ordinance correctly and that it is a work in progress. Councilman Grimes moved to table a decision on proposed Ordinance No. 629, Gas & Oil Operations - to allow time for further consideration. Seconded by Councilman Carpenter. Motion carried.

The Transportation Engineer Report was reviewed. Councilman Pierson moved to approve the report. Seconded by Councilman Grimes. Motion carried.

The Water/Sewer Engineer Report was presented by Engineer Hipwell. Councilman Pierson moved to approve the report. Seconded by Councilman Grimes. Motion carried.

The November 2017 Police Department Activity Report was presented by Chief Huff. Councilman Pierson moved to approve the report. Seconded by Councilman Grimes. Motion carried.

The November 2017 Fire Department Activity Report was presented by Chief Campbell. Councilman Grimes moved to approve the report. Seconded by Councilman Pierson. Motion carried.

The November 2017 Public Works Department Activity Report was presented by Public Works Supervisor Jerry Campbell. Councilman Pierson moved to approve the report. Seconded by Councilman Grimes. Motion carried.

The November 2017 Building Department Activity Report was presented by Building Official Danny Little. Councilman Pierson moved to approve the report. Seconded by Councilman Grimes. Motion carried.

Building Official Danny Little explained the State of Idaho has just adopted 2015 Building, Energy and Fire Codes. The Council agreed to have City Attorney Stephanie Bonney draft an ordinance to adopt updated appropriate codes.

The November 2017 Ambulance Department Activity Report was reviewed. Councilman Grimes moved to approve the report. Seconded by Councilman Carpenter. Motion carried.

The Council reviewed the November 2017 Parks & Trails Committees Activity report.

Councilman Pierson moved to read Ordinance No. 632 - City Code Amendment - Personnel Appointments by title only, suspend the rules and adopt. Seconded by Councilman Grimes. Roll call vote: Grimes, aye. Pierson, aye. Carpenter, aye. Motion carried.

Councilman Grimes moved to provide full-time employees with \$100.00 Walmart gift cards as Christmas gifts in appreciation for all they do. Seconded by Councilman Pierson. Motion carried.

The November 2017 bills were reviewed. Councilman Pierson moved to approve the bills. Seconded by Councilman Grimes. Motion carried.

Councilman Pierson moved to enter executive session pursuant to Idaho Code 74-206(1)(f)- Pending Litigation. Seconded by Councilman Grimes. Roll call vote: Grimes, aye. Carpenter, aye. Pierson, aye. Motion carried at 8:45 P.M.

The Council came out of Executive Session at 9:23 P.M.

Councilman Pierson moved to adjourn. Seconded by Councilman Grimes. Motion carried at 9:26 P.M.

ATTEST:

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Ken Bishop, Mayor

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Rick S. Watkins, City Clerk