

**MINUTES OF THE  
City Council Meeting and Public Hearing for the City of Menan held June 13, 2019.**

**Presiding:** Chauncey T. Haight, Mayor

**Present:** Chauncey T. Haight, Ron Jones, Amy Gahn(by phone), Brian Storms, Noel Raymond, Allyson Pettingill, Matt Walker, Kris Meek, Cpl. Melanese, Bill Hartleben, Rand Watson, Caroline Watson, Lacey Hanson, Bob Gohr, James Gohr, Lynn Jacobs, Frank Honey, Jared Stowell, Colby Christensen, Richard Thomas, Angie Gunderson, Danielle Andrew, Jolyn Haight, Bradie Britt, and Tim Hale.

INCOME: June 13 to July 11, 2019:

Sewer Payroll	3158.25
Garbage Payroll	124.76
June 2019 Property Taxes	2584.94
3 <sup>rd</sup> Quarter Liquor Distribution	6076.00
Dog License fees	80.00
Town Hall rentals	100.00
City Park Shelter rentals	80.00
General Fund Money Market Interest	0.00
General Fund Collateralized Money Market Interest	3.16
Sewer Fund Money Market Interest	12.43
Sewer Fund Collateralized Money Market Interest	0
Garbage Fund Money Market Interest	2.24
LGIP State Pool	3.47
	<b>TOTAL</b>
	<b>12,225.25</b>

<b>Income from Sewer Account June:</b>	<b>\$ 12,583.98</b>
<b>Income from Garbage Account June:</b>	<b>\$ 2,406.00</b>

**Meeting called to order at 7:01 pm.**

**Pledge of Allegiance**

**Law Enforcement Report:** Cpl. Melanese addresses the Council to deliver the report. She states the report is from 5/4/2019-5/31/2019. There were 95 hours logged with 18 complaints, 1 arrests, 0 DUI's, 10 citations, and 57 traffic contacts. There is discussion of the report. Mayor Haight asks if there are any questions for Cpl. Melanese and the Sheriff's Dept. There are no questions. The Council thanks the Sheriff's Dept. for all they do.

**Citizens Comments:** Rand Watson asks about the appropriateness of the June Haight Mail posted on the Community Board and the information posted on the white board in the Council Chambers regarding the election for the Temporary Tax Levy override. His concern was stated that the City Building was used as the polling/voting place and there was information left up that could be seen as prejudicial. There is discussion of this. The Mayor stated that this was an unfortunate oversight and it will not happen again. There is discussion of putting signs up at the Teton House on Menan Lorenzo Hwy for the parking of compact cars only. Matt says he has spoken to Leo & Danielle and will work with them on getting the signs placed.

Discussion of Fibercom Franchise Agreement: The Mayor and Council explain what the Public Hearing is for. It is stated that the Hearing is for the purpose of the City entering into an agreement with Fibercom to allow the lite fiber to be placed in the city and its easements/right of ways. The Council asks if there are any questions from those in attendance. Rand Watson asks what the City has paid so far for the agreement. Allyson stated that the City has not paid anything so far as Fibercom is paying for the legal notices, but part of the bill for legal services for the month of May are for the drafting of the agreement. There is some discussion of this. Rand also asks who

would be responsible to pay for the repairs if a lite fiber line was cut or damaged. There is discussion of a similar incident in Jefferson County which cost the County \$11,000.00. There is discussion of these issues. Jared Stowell of Fybercom stated that unless there was gross negligence. There is discussion of this. There is discussion of what is covered for the City in the agreement. The Mayor and Council ask if there are any other questions before entering into the Hearing.

### **Enter Public Hearing for the Franchise Agreement with Fybercom at 7:21pm.**

Mayor Haight addresses those in attendance and explains that the purpose of the Public Hearing is in regards to a franchise agreement between the City and Fybercom. The Mayor asks if anyone in attendance would like to read the agreement. Mayor Haight then asks that if anyone would like to speak, they must sign the papers either for, neutral, or against.

Mayor Haight asks if anyone in attendance would like to speak for the proposed franchise agreement between the City and Fybercom.

Angie Gunderson: Angie states she is for the agreement as she has tried several different internet companies to provide service but because of trees she can't find anyone with reliable service. She then states that she likes her trees and doesn't want to get rid of any. She then states she is very excited for Fybercom and she thinks they have great prices.

Bill Hartleben: Bill states that he is for the agreement provided the service will improve as he is not happy with Century Link because their service is too slow.

Mayor Haight asks if anyone would like to speak that is neutral to the franchise agreement. No one speaks.

Mayor Haight then asks if there is anyone in attendance that would like to speak against the proposed agreement.

Rand Watson: Rand states that he is all for high speed internet, but he is against the franchise agreement as the residents of Menan would be paying for it even if they choose not to be customers. He further states that he doesn't think the City should pay any of the costs to set up the fiber. He also stated that the City shouldn't pay if any trees have to be removed. He further states he would like to see the City set up an accounting that would track fees and expenses from Fybercom.

Jared Stowell from Fybercom takes a minute to rebut and explain a few things. He explains that if there are any trees that are in the way it is cheaper to go around the tree because of the roots, even if it means crossing under the street and then back to avoid roots and such. Frank Honey asks about his trees in the City Right of way he received permission to plant. There is discussion of this issue and Jared states that they will work with him and others when it comes to the trees. Kris Meek stated that Fybercom is going to give the City 2 lines of internet for free for the life of the contract which will in turn save the City money.

### **Exit Public Hearing at 7:35 p.m.**

The Mayor and Council discuss the agreement. Brian states that he trusts Kris to protect the City with the agreement that was drawn up. Noel states that he is willing to lose a few trees and shrubs to provide infrastructure to the citizens. Ron discusses the property tax increase that can occur with light fiber in the home. There is discussion of how far the lines must be from existing utilities. It is stated that there must be 2 ft for safety reasons. Noel states that any money the City would spend on the project would be worth it for him as it benefits the residents because the City is responsible for infrastructure and the tax money is well spent on this. Ron asks the Fybercom representatives if they have received calls from the residents in support of the project and positive feedback. Jared states they receive calls every day.

**Brian Storms made a motion to suspend the reading of the proposed ordinance three times on three separate days and have the title of the proposed ordinance read only once. Noel Raymond seconded the motion. Roll call vote: Ron Jones-aye; Noel Raymond-aye; Brian Storms-aye; Amy Gahn-aye. Motion carried.**

**Brian Storms reads bill 2019-1 by title only.**

**Noel Raymond made a motion to adopt Bill 2019-1. Ron Jones seconded the motion. Roll call vote: Amy Gahn-aye; Ron Jones-aye; Brian Storms-aye; Noel Raymond-aye. Motion carried.**

It is discussed that the Agreement, or Bill 2019-1, was introduced at the Council meeting on May 9, 2019 and it posted two times in the Jefferson Star in its entirety on May 15 and May 22, 2019.

**Franchise Title in Menan:** Kris explains that he has noticed that most other cities have codified statements in their code to keep track of the Franchise agreements as well as some kind of uniform structure to keep all of the agreements similar. There is discussion of this. There is discussion of adding another chapter to the Menan Code, making a ninth chapter. Kris states that he will work to get all of the City's agreements modified and put in an ordinance for next month.

**Discussion County P&Z Area of Impact Agreement:** There is discussion of the Joint County P&Z Work Meeting. There is a discussion of the issues and some of the sections included in the first part of the agreement presented by the County P&Z. There is discussion of what would need to be added or possibly changed. There is discussion of the timeline and work meetings that will need to be scheduled with the P&Z to begin to prepare a list of what the City expects in the new agreement. There is discussion of annexing the property the City is purchasing for the sewer and how to have that added to the impact area. It is decided to schedule the dates for the work meetings with the P&Z to work on the agreement at the next Council meeting, after the 4<sup>th</sup> of July.

**Letter for the 30 ft Strip:** Brian states he has a map and is making a list of the properties abutting the strips on the north and south of town. He further states that he will find out what residents are using portions of the strips and work with Kris to draft a letter to be sent out.

**Council Job Assignments List:**

**Brian Storms made a motion to table this item until a further time. Noel Raymond seconded the motion. Motion passed.**

**4<sup>th</sup> of July:** Milkelle Bronson addresses the Council and discusses the progress being made to be ready for the event. There is discussion of the website and the changes wanted to make it easier for booth vendors and the parade entries. There is discussion of the booths and the parade and what is being done and what will need to be done. There is discussion of the breakfast and what is being done and what needs to be done. There is discussion of a radio transmitter that would transmit short range on the radio for the parade and music. There is discussion of this and the possibility of approaching Jefferson County to help with the cost out of the Emergency funds as the transmitter could be used in case of an emergency. There was a discussion of some payments to be paid out for the 4<sup>th</sup>, including the fuel donation to the planes for the flyover at the parade. There is discussion of the Grand Marshalls for the parade. Ron and Joann Jones are suggested. There is discussion of some of the other things still needed to do before the 4<sup>th</sup> and who will take care of it.

**Names for the Community Service Board:** There is discussion of starting to recognize those in the community that go above and beyond. It is discussed to recognize one person a year and hold one ceremony a year. There is discussion of this.

**Brian Storms made a motion to table the item until the meeting next month. Ron Jones seconded the motion. Motion passed.**

**City Clean-up Day Discussion:** There is discussion of the City clean-up day. There was discussion of how full the dumpsters were and people dumping things all weekend. There is discussion of having trailers next time for mattresses and lumber so the dumpsters won't fill up so fast. There is discussion of how to police it better, if possible. There is discussion of having signs directing people. There is also discussion of maybe having the dumpsters delivered on Saturday to avoid the dumpsters filling up on Friday.

**Property Tax Levy:** Allyson explains she will get the information put together for a dedicated street fund to be voted on in the November election. There is discussion of this.

**Questions for the Attorney:** The Council discovers the questions they had were answered earlier. Kris does state he is still looking into the fines the County may possibly owe the City that haven't been paid. He states he is not giving up until he finds out.

**SD 251 Permit Amount:** The Mayor discusses the cost of the building permit that the School District paid for the renovations and remodel being done at Midway Elementary. There is discussion of the price and the low cost that the County charged the School District for the new school being built south of Rigby. The Mayor asks if the Council would be interested in donating the City's portion of the permit back to the School District as the City can't control the price of the permits. There is discussion of the Fire Station and the fact that the City made Central Fire pay the whole amount of their permit. The Mayor and Council ask those in attendance if they have an opinion on it. Danielle Andrew states that she doesn't feel it would be fair and it might look like preferential treatment. It is decided that the City will not refund any money.

**Public Discussion:** Tim Hale asks a question about the storage units he is working on building. He asks about fire suppression and possibly updating the adopted building codes in the City. Danielle stated that she apologizes as she felt she misspoke at the Joint County P&Z Work Meeting. She then stated she was representing herself and not the residents of Menan when asked. The Council reassures her no one thought anything about it.

**Maintenance Update:** Matt states that he will be having the City Building, City park, and Town Hall parking areas paved in the next week. There is discussion of this. He further states he will work on the swale for drainage after the 4<sup>th</sup>. He then reports that he is not hiring anyone for the summer but Terry. There is discussion of this. Brian states he is wanting to do a quick fix on the damaged sidewalk in front of his house before the 4<sup>th</sup>, then will fix it right after as it is a tripping hazard. There is discussion of the sewer and the possible dumping area for Roto-Rooter and the headworks Matt wants to put in.

**Treasurers Report-Action:** Allyson asks if there are any questions. Brian states that he would like to suggest that the City Audit be done by February. Allyson agrees, she apologizes that it is taking place late this year. She will make sure it is done early from now on.

**Ron Jones made a motion to accept the Treasurers Report. Brian Storms seconded the motion. Motion passed.**

**Bills-Action:** There is discussion of the Bills.

**Noel Raymond made a motion to pay the bills for June 2019. Ron Jones seconded the motion. Motion carried.**

**Minutes:** There is discussion of the minutes.

**Brian Storms made a motion to accept the May 9, 2019 minutes as written. Noel Raymond seconded the motion. Motion passed.**

**Ron Jones made a motion to adjourn. Noel Raymond seconded the motion. Motion carried.**

Council Meeting ended at 10:46 pm.

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Allyson Pettingill,  
City Clerk/Treasurer