

Plummer City Council Meeting
May 11, 2017

The Regular Council Meeting was called to order at 6:00p.m by Mayor Weems.

Present: William Weems, Mayor
Tim Stockdale, Council
Julie Miller, Council
Brad Hampton, Council
Tim Clark, Council President

Also Present: Sara Gauthier; City Clerk-Treasurer, Leonard Johnson; City Foreman, Andrew Doman; City Counselor, Michael Strongin, Orron Gilmore; St. Maries Gazette Record, Debbie Church.

City Clerk-Treasurer stated that we need to amend the agenda to include Executive Session 74-206-1 (F) to discuss pending or probable litigation with Attorney.

Clark made a motion to amend the agenda to include Executive Session 74-206-1 (F) to discuss pending or probable litigation with Attorney as requested. Hampton seconded. City Attorney stated that he just received this information today so he was unable to get it to the City Clerk-Treasurer prior to the agenda being posted. Stockdale asked where are we going to put Executive session at? City Attorney stated after public comment Stockdale seconded. Roll Call Vote: Miller aye, Clark aye, Stockdale aye, Hampton aye. Motion Passed.

Consent Agenda: Clark had some comments about the April 13, 2017 meeting minutes. Under unfinished business item A: it says "Miller made a motion to adopt the wastewater service agreement. Clark seconded the motion and it stated that he would like to look at the lease being on City property. Clark thinks that his comment was that he made a request that it be built on city property. New business item A: it says that Clark stated that the tribe is the owner. He thinks he asked if the tribe is the owner and or will the tribe be the owner if this project is accepted. Stockdale made a motion to approve the consent agenda as amended including the meeting minutes from April 13, 2017, April 20, 2017, May 1, 2017, the treasurer's report for April 2017 and the disbursements for April 2017. Miller seconded the motion. Roll Call Vote Hampton aye, Clark aye, Stockdale aye, Miller aye. Motion Passed.

Public Comment: None.

Executive Session 74-206-1 (F) To Discuss pending or probably litigation with Attorney. Clark made a motion to enter executive session pursuant to Idaho Code 74-206-1 (F) to discuss pending or probably litigation with attorney. Stockdale seconded. Roll Call Vote: Hampton aye, Stockdale aye, Clark aye, Miller aye. Entered executive session at 6:05 p.m. Adjourned executive session at 6:29p.m.

Unfinished Business:

- A. Sewer Lease Agreement with Coeur d'Alene Tribe:** City Attorney stated that after the last meeting there were three things that we talked about after going back and visiting with the Tribe's attorneys on the lease agreement. These were the lease agreement that we presented to the Council two meetings ago, the amount of the lease payment and if we could build on property that was not owned by the Tribe. City Attorney received an email from Indian Health Services stating that we would have to restart the memorandum of understanding, the wastewater service agreement and the lease agreement. It would probably be similar to what we have. City Attorney called Eric Vanorden at the Coeur d'Alene Tribe and didn't receive a response. City attorney also sent an email to Eric Vanorden and received a response that he would take the changes to the Tribal Council. Mayor Weems assisted the City Attorney with the proposal for a reduction of the yearly lease fee from \$6,000 to \$3,000, and to increase the term of the lease agreement from a 5-year to 25-year term. City Attorney made these requested changes through email to Eric and he was going to take them to the Tribal Council for approval. As the lease agreement is currently written, the equalization basin would be built on the tribal property adjacent to the sewer plant. City Attorney would recommend approving the lease agreement that we have and we can negotiate the lease payment and terms worked out so that we can move forward. Hampton confirmed with City attorney that he had not heard back from Eric Vanorden. City Attorney called Eric Vanorden at the beginning of the week because he hadn't heard back. Eric Vanorden informed City Attorney that he just hadn't had a chance to take these requested changes to the Tribal Council to see what they think. Miller asked if the third point was clarified. City Attorney stated that Indian health service stated that it was not

possible. Kackman asked Mayor Weems to help him understand the reduction in the lease payment amount. Mayor Weems stated, "For a lower rate". Kackman asked if there is a value rate with the size of the property. Stockdale stated that he "thinks we are going to have to pass this on to the rate payers and they really are not happy about the sewer rates currently and if you start adding on \$2.00 or \$3.00 more per household". Kackman also asked about the terms. City Attorney stated that when himself and Rhylee Marchand were talking they came to the five-year term. From a longevity term, we would probably be able to use it for longer than 5 years. Kackman said from the Tribe's perspective 5 years is a pretty long term. It gives them a chance to make sure it is working and it makes sure the Tribe is doing what they said they would do and it makes sure the City is doing what they said they would do at 5 years. If the City is doing what they are supposed to do then at the end of the term the lease is going to automatically renew. Kackman stated he doesn't feel that it is fair to make the Tribe wait for 24 years to make sure everything is working the way it is supposed to. Kackman feels that it will be there as long as it is needed and said it could be there for 100 years. The Council is just wanting to make sure we get the useful life out of it. Kackman clarified that the location has been taken care of. City Attorney would recommend that part of the motion would be to negotiate those last two terms. Mayor Weems asked the City Attorney how he would word that motion. City Attorney stated that he would suggest that we considering accepting the lease agreement with the provisions that we negotiate those two final terms, with 1 being the amount of the yearly lease payment and the second is the term of the lease. Clark objected stated that they are formatting a motion. Miller made a motion to accept the lease agreement with the caveat that this lease is not set in stone until we negotiate those two terms, one is the lease payment amount and the term of the lease. Clark made a motion to reject the lease agreement between the City and the Tribe same as presented same as his motion last time. Stockdale stated this is a bad deal because Julie is right and Tim is right. Hampton said it is kind of a bad deal and he can see both sides of it but, based on what he has heard and looked into, his personal feelings set aside the best thing for the City is to move forward, and as much as he is not comfortable with this plan, he is seconding Miller's motion. Roll Call Vote Hampton aye, Miller aye, Clark nay, Stockdale aye. Motion Passed. Clark's motion is cancelled due to no second of the motion.

- B. Sewer Bond RFQ Refinance:** Mayor Weems stated he is having Piper Jaffray look into refinancing the sewer bond and getting the \$40 off everyone's utility bills. There is no action or payment required unless it can be refinanced.
- C. 8th Street Reconstruction Design Coeur d'Alene Tribe:** Kackman stated this is an easy one. Kackman came to the Council about a year ago to get a design put together so that we can look for funding because the Tribe and the City do not have the funding. The Tribe has spent \$35,000 on the design. Kackman needs approval from the agency that owns the road in order to finalize this design. This design is being given to the City as a gift. If there is a non-federal match of 7.34% the Tribe could possibly come up with that funding if the City secured the grant. The documents are set up as it is a Tribal job but these can be changed over to the City. Kackman did state that the Tribe is not going to go build this road and send the City a bill. Clark stated he read this design. He reads these for a living and this would be the best road in Benewah County, he guarantees that, but he does have a few questions. Because it was presented with the bid docs, he was curious if it was going out for bid or if it was going to sit on the shelf. Kackman stated it is not going out for bid. Clark stated that there is nothing stating that it is not going out for bids. Kackman stated that it is not going out for bid and all the dates are going to have to be put in. Clark said his other question is who owns the road itself right now and who would own it after it was built. Kackman stated the City is the owner and would retain ownership. Clark stated that when he was reading through the design docs everything says the Tribe is the owner. Kackman stated that they would modify those docs accordingly. Clark stated that also in the design docs there is no clause holding the City harmless if the project goes awry or if something was designed or constructed bad. He would hate to have to get the City Attorney involved. Kackman stated that the design is a gift. It is currently a word doc and if we put it out for bid we can modify it to fit the City's needs. Clark stated that we should have an MOU for what Kackman stated. Clark made a motion to approve to design for the 8th Street Reconstruction Design project. Miller seconded. Roll Call Vote Hampton aye, Stockdale aye, Clark aye, Miller aye. Motion Passed.
- D. St. Maries River Railroad Agreement:** Clerk-Treasurer stated that they are currently reviewing the agreement with the changes. They told the City Clerk that there are two other agreements and that they will not put all three agreements together. City Attorney stated that the question was how much was our liability coverage. City Attorney stated that ICRMP stated our maximum liability coverage is \$500,000. Clark stated that 10.1 is redlined and it says \$500 US dollars. Tabled until we receive the other two agreements.
- E. Frontier & Time Warner Agreements:** City Attorney stated that there are two agreements. The first one is Time Warner and the second is Frontier. City Attorney is trying to get the language

similar to each other. City Attorney also stated there are some questions that would need to be answered by an engineer. Clerk stated that she sent these two agreements to Rodney Peach at USDA for review. Leonard said for safety reasons it would be good to have a map especially for a pole that is not on a direct road. Clark asked what the City attorney is asking from the City Council tonight. City Attorney said he would like to have engineer reviews these and make sure they are acceptable. Check with Steve Boorman at Cheney and see if he can give us some input. Tabled.

New Business:

- A. Possible Nuisance:** Chief Hall stated that at 1596 8th Street, there is a double wide on the property and the lot behind it has 5 cars located on it, and a shed that is possibly going to be repossessed. The property is currently under an owner contract through Joel Chopot. We have had several complaints regarding this property. Chief Hall would like to just tag the cars and have them towed. City attorney advised Chief Hall to talk the City Council. There is another one on 1st Street that is being cleaned up. 1596 8th Street is the biggest nuisance. Hampton asked about Rudi Fellman's residence. Chief Hall doesn't know what to do with this property there have been kids inside of this residence. Clark asked if we have a nuisance ordinance. City Attorney stated that Chief Hall has two avenues that he could use. He can cite them with the notice and if it is not cleaned up within 10 days then Chief Hall can cite them with a ticket. The other way would be to have the Council declare it as a nuisance and any fees would be charged to the property. Chief Hall stated that maybe by next City Council meeting it will be resolved. Tabled until the next meeting.
- B. Approach Permit Residential 1596 8th Street:** Clark asked why is this in the packets when these are set by policy and ordinance. Stockdale said that is what he was thinking as well. City Clerk-Treasurer stated that she thought that she seen that it had to go to the City Council for approval. No need for City Council approval. City Clerk-Treasurer and City Foreman can approve these. No action taken.
- C. Failed Heat Pump System Quote:** City Clerk-Treasurer stated that we are running at 80% inefficiency. The pump system in the server room has a date of October 1998. Clark asked the City Clerk-Treasurer if she had asked more than one company for a quote. City Clerk-Treasurer stated she had not asked anyone else because Lake City Heating and Cooling has been the one that has been coming to service it before winter and at the beginning of spring and they have been the ones dealing with it the entire time. Clark said that we do not need any other quotes because it is under \$25,000 correct? City Clerk-Treasurer said that is correct and it is going to \$50,000 in July. Clark asked where the funding would come from? City Clerk-Treasurer stated that it would come out of admin, law and all the utilities since this building runs all these departments. Clark made a motion to accept the quote from Lake City Heating and Cooling to replace the air conditioner and heat pump system. Hampton seconded. Roll Call Vote Stockdale aye, Clark aye, Hampton aye, Miller aye. Motion Passed.
- D. RFQ Review & Approval:** HMH does everything except Electric engineering. LHTAC highly recommends this engineering firm. Leonard asked if we are looking to put an engineer on staff or are we just looking for a list of engineers to be able to call for projects. Toth is recommended by USDA. Clark stated he looked Toth up and they really know their electricity. Mayor Weems said they know all about the USDA forms. Clark asked if Toth proposes to perform all services for the City of Plummer from their office in Springfield, Missouri? Are they going to represent and show up once in a while? Mayor Weems said yes, they are coming here next Friday to meet with us in person. Miller asked, in reference to Leonard's question, are they going to be just for job to job rather than having a relationship like we did with Mountain Waterworks. Mayor Weems said ideally yes, eventually we would like to have that relationship. Clark made a motion to approve Toth's RFQ pending USDA's approval. Stockdale seconded. Roll Call Vote Miller aye, Clark aye, Stockdale aye, Hampton aye. Motion Passed. Clark also made a motion to approve HMH's RFQ. Miller seconded. Roll Call Vote Hampton aye, Stockdale aye, Clark aye, Miller aye. Motion Passed.
- E. Proposal to Update Transportation Plan:** Clark made a motion to approve the proposal to update Transportation Plan. Miller seconded. Roll Call Vote Miller aye, Clark aye, Stockdale aye, Hampton aye. Motion Passed.
- F. Payables for the second half of April 2017:** Stockdale made a motion to pay the payables for the second half of April 2017. Hampton seconded the motion. Roll Call Vote Stockdale aye, Miller aye, Clark aye, Hampton aye. Motion Passed.

Reports:

Staff Reports

Sara Gauthier: On File. High Five Community Event will be June 14th at 5:30p.m. at the Community Center to get the community involved in our grant for new park equipment.

Leonard Johnson: Report on file. Switching street lights to LED we could save \$12,000 year if we switched 300 per year. They last 3 times longer than the older lights we currently have.

Les Hall: On File.

Paulina Freeburg: On File.

Legal Reports: None.

Council Reports:

Mayor Weems: Mayor Weems recognized the City Clerk-Treasurer for receiving her Certified Risk Manager Certification. Mayor Weems also mentioned that the auditors are here today and tomorrow.

Tim Stockdale: Asked with the increase to registration fees what are we receiving from that increase.

Brad Hampton: None.

Julie Miller: None.

Tim Clark: None.

Regular Council Meeting Adjourned at 7:42 p.m.

William Weems, Mayor

Sara Gauthier, City Clerk-Treasurer