

Plummer City Council Meeting
May 14, 2015

The Regular Council Meeting was called to order at 6:01p.m by Mayor Bringman

Present: Jack Bringman, Mayor
Tim Stockdale, Council President
Leticia Kennar, Council
Bill Weems, Council
Brad Hampton, Council

Also Present: Andrew Doman; City Counsel, Sara Gauthier; City Clerk, Terry Allen; City Administrator, Les Hall; Chief of Police, Paul Sifford; Public Works Superintendent, Betty Hensley, Summer Williams; Gazette Record, Carol & Carl Richel, Christine Hodgson, Lori & Tony Armstrong, Tim Farrell; Mountain Waterworks Engineer, Stuart Hurley; Mountain Waterworks Engineer.

Presentations & Announcements: None

Consent Agenda: Stockdale made a motion to amend the agenda to add item L for Clair Heirford Monument during Plummer Days. Weems seconded the motion. Roll Call Vote Stockdale aye, Hampton aye, Weems aye, Kennar aye. Motion passed. Weems made a motion to approve the consent agenda including the Meeting Minutes from April 9, 2015 and the Treasurers Report for April 2015 and the disbursements for April 2015. Hampton seconded the motion. Roll Call Vote Stockdale aye, Kennar aye, Weems aye. Motion Passed.

Public Comment: Terry Allen, announced that the ITD bridge has nothing going on, all these rumors that had to do with their contractors and they didn't submit the right deal so ITD actually shut them down and they are fighting with them right now. Summer from the Gazette Record has the number for the guy so that she can write an article. We have heard six different rumors on why the work on the bridge is not going on, the real reason is because ITD shut them down for not having the right equipment and the right specs.

We had the Benewah Transportation committee has a Tiger fund and Phil Lampert County Commissioner said that we had all the stuff for this grant. Mr. Lampert talked to Terry and he has talked to Don Davis with ITD. Without really doing anything they said they would support us and Welch Comer has filled out the application for us because it was a really short time. We submitted the plan, it turned into what Don Davis said they would incorporate from the Bridge to the highway putting in sidewalks and new storm drains, and sidewalks from the school to highway 95 as well as sidewalks to the trail to the Wellness Center. They said it needed to over \$1 million but then they said they want them to be \$5-\$10 million. Terry stated he didn't think this would go anywhere, Jack came in one day and they talked to them and said we might have to commit some money, well it's LTAC and they should administer it. They talked to LTACH and the State and Don Davis said they will administer it, they said they would rather the project be \$10 million dollars. So if it happens the whole enhancement for the town, they said that DOT would even fund to rebuild roads.

Unfinished Business: None

Public Hearings: None

Ordinances & Resolutions: None

New Business:

- A. **Credits on Budget Pay:** Clerk stated that she has one customer who does not want to lower their equal payment amount everyone else wants to lower their amount. Having this large of credit on their accounts creates a huge liability for the City. The Clerk stated she would like permission to send a letter to this customer stating that they equal pay amount will change and that we will review it in December and if it needs to go up in December we can adjust. This letter would come from Mayor Bringman and the City Clerk. Weems made a motion to send a letter to customer that we are lowering equal pay amount. Kennar seconded the motion. Roll Call vote Weems aye, Stockdale aye, Kennar aye, Hampton aye. Motion Passed.
- B. **Pawn Broker's License:** The Clerk stated that the County had called requesting the City to approve them issue a Pawn Broker's license for this customer. The Sheriff's Office had actually talked to Les prior and he told them to contact the City Clerk. The originally this lot was rezoned to be a Commercial/Residential Zone, and with the Special Use Permit it was only suppose to be

for a Sporting Goods Store to include fishing supplies, nothing with Fire arms was ever included in this. Chief Hall stated that he does have a fire arms permit, Mr. Allen stated he knows that he has the Federal Fire arms permit but when he did the zone change and special use permit he was only approved for a Sporting Goods Store and he doesn't have a parking lot, he doesn't have water and sewer. Mr. Allen stated he doesn't think we should allow the Pawn Broker's license. Stockdale agreed with Mr. Allen and if you look at the Minutes. Mr. Stockdale stated he's not sure how he could have done this. The meeting minute's state Tim & Timmy Clark appeared before the council while Tim Clark was the Mayor then so Mr. Stockdale is kind of confused. Mr. Allen stated that we were all on it then, and Stockdale stated I know and I denied it then, but it passed anyway. Hampton asked what he requested in the meeting minutes. Stockdale stated just what we had in our packets. Kennar asked if she was still selling fire arms the City Clerk stated she didn't believe so. He is still selling fire arms. He can sell fire arms without a Pawn Broker's license. Terry stated that when we rezoned the town in 2009 and that by the community was left to be all residential, and he traded a lot, so Donna told him that he had to come and have a zoning hearing. He doesn't have a legal approach onto the highway, there is no water or sewer and it's not a real building and it's not open all the time. We spoke to Donna and she said it got rezoned for a Special Use for the intended purpose. Mayor Bringman stated he might be able to shed some light on the Federal Fire Arms license, there is like 7 or 8 different types of Federal Fire Arms licenses that you can have, when Mayor Bringman had his Federal Fire Arms license it was Gun Smith and Pawn Broker, so even though he had a license from the Federal Fire arms that specified that he was a Pawn Broker it doesn't mean that you have to be a Pawn Broker. Kennar has asked a question that he is selling fire arms even though his special use permit doesn't have that in it. He would need to have another public hearing. The City Attorney asked if he has filled out an application. The City Clerk stated that he has filled out an application with the County but nothing with the City. The City Attorney also asked if he has filled out an application for changes it his special use permit. The City Clerk stated no application has been filled out by Mr. Clark to change his special use permit. The Attorney stated that we really don't have anything to decide on at this point. Kennar asked how we would enforce. Terry stated that it would probably be like \$900 in fines. Attorney stated that if it's a violation of ordinance. Les stated to just let the county know. Hampton stated he believes this in just Tim Clark's name not his son's. Kennar stated that Mr. Clark needs to do it the correct way. Mayor Bringman suggested writing a letter to County explaining what needs to be done prior to being given a Pawn Broker's License.

- C. **Agreement for Professional Services- Tiger Grant:** City Attorney hasn't even read this agreement yet, we had issues getting him the packet by email, City Attorney would like a chance to read through this before we vote on it. The deadline is May 4, 2015 for getting this back, this agreement is late. Terry just got us into this. Table Item C and move Item C to the end of New Business. City Attorney stated that the agreement looked good to him. Weems made a motion to accept the agreement for Professional Services- Tiger Grant. Kennar seconded the motion. Roll Call Vote Stockdale aye, Hampton aye, Kennar aye, Weems aye. Motion passed.
- D. **Electric Utility Rate Increase 4.5%:** Weems made a motion to approve the Electric Utility Rate Increase of 4.5% and put a resolution together. Kennar seconded the motion. The City Clerk stated that we will have a resolution to change these rates officially at the next council meeting. Roll Call Vote Stockdale aye, Weems aye, Hampton aye, Kennar aye. Motion passed. Bonneville raises the rates to us 7% every year. Public asked why they are raising the rates. Not sure what the official reason is.
- E. **Prohibited Animals 3-1-9:** City Clerk pulled the City Code for the Prohibited Animals, it's states that it shall be unlawful and deemed a public nuisance for any person to harbor within the City any animals or classes of animals which create a noisome, offensive or insanitary condition including, but not limited to, Pigs, goats, and sheep; the determination of whether such condition exists shall be vested in the City Council. The City Clerk stated that we have an issue with this right now, we have multiple complaints at the La Fleur's residents on the pigs and goats. Kennar stated that it is plan and simply it's the law, we need to enforce these laws. Chief Hall stated that the City Council has to declare it a nuisance then he will serve them a letter, giving them 30 days. City Attorney read from City code 3-1-9, "When it is determined by said council that any person comes within the purview of this section, thirty (30) days' notice, in writing, shall be given to such person, and upon failure to abate the nuisance created by such animals, the remaining provisions of this section shall become immediately effective with respect to abatement of said nuisance and penalty for violation of this section. There has to be some sort of affirmative step taken by the Council, in order to do this. Kennar made a motion to send a letter to have the pigs and goats removed off the property of La Fleur's in the 30(days). Hampton seconded the motion. Christine Hodgson stated she complained over a month ago and she is right next door to it and the smell of the pigs is pretty bad and the goats make noise constantly. She also stated that she has talked to the neighbors about four times they kind of

got into a altercation with them last night, there nice people, she tried to explain to them the visual out her back yard is one thing that she wasn't enjoying, they are putting up a fence which is nice, but the smell is unbearable, she has five birthday parties coming up in mid June she also just finally got her hot tub set up and she had friends over and they were like "oh it smells like pigs," she also stated that, that is not ok for her a month from now, she complained a month ago and that's what she tried to explain to the neighbors that it's not fair to the people around the La Fleur's for them to be doing that. Mrs. La Fleur stated that she is taking care of that situation asking different people for different locations and hopefully this Sunday it will be resolved. Roll Call vote Stockdale aye, Weems aye, Kennar aye, Hampton aye. Motion passed. Christine asked what if it's not complied with? Mayor Bringman read City Code 3-1-9. Christine stated she had the code; she wanted to know what would happen the City Clerk stated it would be an infraction if these animals were not removed in the 30days given. Christine then asked if it continues to stay there, there's no action to remove the animals so that it's not a nuisance for her for the whole summer. Chief Hall stated that he thinks it's a \$300 fine for each animal. Mayor Bringman asked for the City Attorney's opinion, if you violate the ordinance it's an infraction of \$300, if you fail to abate the nuisance the Council is going to consider taking abatement action against the nuisance and have them removed but that's two steps down the line.

- F. **Letter of Support for Gateway Fire District:** Stockdale made a motion to write a Letter of Support for the Gateway Fire District. Weems seconded the motion. City Clerk asked if we could use the letter the Gateway Fire District provided. Mayor Bringman said we would write one. Mayor Bringman read the letter of support from the Gateway Fire District. Roll Call vote Stockdale aye, Weems aye, Hampton aye, Kennar aye. Motion passed.
- G. **Audit Report:** City Clerk stated that this is our audit report from December. Stockdale made a motion to accept the audit report. Weems seconded the motion. Roll Call vote Stockdale aye, Weems aye, Kennar aye, Hampton aye. Motion passed.
- H. **Microsoft Open License Agreement with DataPro:** The City Clerk stated that DataPro told her that we needed to have a Microsoft Open License Agreement in case Microsoft audits us. The City Clerk checked with other cities around us and no other city has an open license agreement. The City Clerk stated that she thought once you purchased Microsoft Office you owned the license, they are telling the City Clerk no. The original quote from DataPro was \$6000.00 for 3 years but not it's dropped to \$3000.00 for 3 years. Kennar asked if this was DataPro wanting this or Microsoft. DataPro wants this. The City Clerk stated that looking back we have never done anything looking back at this. The City Clerk stated that it seems fishy to her. Hampton stated that it doesn't make sense because once you buy that program you have the license. Weems stated to call Microsoft Support and get clarity. The City attorney asked if we purchased the Microsoft Package or if they purchased it on our behalf. Another thing is if they are asking for a multiple year agreement that's not a good idea. City Clerk asked if we should wait until the next council meeting to make a decision so that she can look into some more. Mayor Bringman tabled this until next meeting.
- I. **Payables April 2015:** Weems made a motion to approve the Payables for April 2015. Hampton seconded the motion. Roll Call Vote Stockdale aye, Kennar aye, Hampton aye, Weems aye. Motion passed.
- J. **Power Study:** Tim Farrell explained the new packet inserts that needs to go into the power assessment binder that they have. This is the final product. Mr. Farrell read the letter from Doug Elliot of Kootenai Electric to the City Council dated April 27, 2015 the agreement to extend the operation agreement until 12/31/2015. The conditions: acknowledgment of acceptance prior to the date of service by next Thursday. They want acknowledgment from Mayor Bringman that the Council is in agreement. Kootenai Electric is currently going through their system doing Pole integrity testing, the City would be able to use Kootenai Electric's contractor at Kootenai's price, it's a really good deal. It's in the \$13-\$15k rate for all the poles. Padmounted equipment needs to have an assessment by the end of September 2015. Approval of a Bond Assurance by the end of November, Mr. Farrell stated that will not happen. Execution of new operating agreement by the end of November. If a bond was used, it's not a taxing bond, it's a revenue bond, it would be paid for by a rate increase. Mr. Farrell stated that there are some issues in the power study that we need to sit down and discuss. He is recommending to the Council that we have a Special Meeting for the power issues and the funding options as we move forward. He is hopefully that we can do it a short amount of time, he's hoping by next Thursday for a special meeting to sit down and discuss utility planning situation. Mayor Bringman asked Mr. Farrell when he would like to do this Special Meeting and he stated next Thursday would be a good time. The Council decided to meet on Tuesday May 19, 2015 at 6:30p.m. City attorney stated having a letter drafted up for the meeting to send to Kootenai Electric by Thursday. Mr. Farrell stated that he feels that we should have the letter to them sooner than that.

- K. **Pay Request for Mountain Waterworks Invoices:** Weems made a motion to pay the Mountain Waterworks invoices. Hampton seconded the motion. Roll Call Vote Stockdale aye, Kennar aye, Weems aye, Hampton aye. Motion passed.
- L. **Clair Heriford & Plummer Days:** Kendy emailed Leticia and she wants to request a memorial for Clair Heriford. She doesn't have a picture of the memorial. She wants to place it in the Park; her first idea was to place it in the front of Clair's old house. Allen stated that this got brought up when he was the Mayor, they wanted to raise money, and they haven't decided what they want or where they want. The park outside of City Hall is dedicated by Clark Fisk. Kennar stated that they may want to put it at the Community Center. The family would be respond for paying for it. Mayor Bringman stated that the family needs to decide where they want to put it at and the Council also needs a drawing of what it is going to look like. Write letter to Kendy stating we need more information, like the location and what it looks like prior to approval from the City Council from the City Clerk.

Executive Session: Pursuant to Idaho Code 67-2345 (Item B) was called to order at 6:57p.m. by Mayor Bringman. Weems made a motion to enter into Executive Session Pursuant to Idaho Code 67-2345 (Item B). Hampton seconded the motion. Roll Call vote Stockdale aye, Kennar aye, Hampton aye, Weems aye. Motion passed.

Reports:

Staff Reports:

Terry Allen: Paul and Terry have been driving around look for water and road issues. They are short 1 person so that doesn't help. They do have the little roller that they have been using to flatten the roads.

Sara Gauthier: Stated that I have been to 3 meetings since we last met. One was the AIC District meeting, another was the Budget and Levy training which gave me some more information on how to complete our L2 form which is for our property tax money. The last training I went to was for the Risk Management Training which is a 2 year program and you then become a certified Risk manager. Hope from Bonneville will be here sometime next week to help me go over the demand rates.

Les Hall: On File

Paul Sifford: Were behind on getting our Water Reservoirs cleaned. He received a quote and they will do all 3 reservoirs online for \$3000.00. Requesting \$4,000. We could do it online but we have to have the time. It would take a day to two days for the finished product. We would receive a video tape of the inside of the tank to see any damage. Mayor Bringman stated that he needed to speak with the City Clerk to see where we are at.

They found a new camera for the Ferret Van which they use to camera the sewer lines. The Camera that will retrofit with what we have is \$25,000. He would like some help from the Council during the budget planning to figure this out. Terry and Sara discussed maybe using the Idaho Department of Commerce. The head moves on the camera with the tires. Stockdale stated with the I & I project it would be good to have.

We need to find more locations for future well sites so that when we do have the money for more Wells to be put in.

Mutual Aid and Assistance Agreement through Idaho Rural Water Association. This would be so that in an emergency situation other cities could help us or we could help them. It would cost the City money but if we helped someone else we would be reimbursed

Paulina Freeburg: On File

City Engineer Reports:

Stuart: On File

Tim: On File

Legal Reports:

Council Reports:

Mayor Bringman:

Tim Stockdale:

Brad Hampton:

Bill Weems:

Leticia Kennar:

Regular Council Meeting Adjourned at 8:30 p.m.

Jack Bringman, Mayor

Sara Gauthier, City Clerk

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