

Approved, August 8, 2013

**MINUTES
CITY OF DOVER
REGULAR COUNCIL MEETING
AND
CONTINUATION OF
PUBLIC HEARING RELATED TO WATER USAGE AND RATES**

**Date July 11, 2013 @ 7:00
Dover City Hall
699 Lakeshore Ave., Dover Id 83825**

CALL TO ORDER

Councilwoman Burge called the meeting to order at 7:00 p.m. as Mayor Curless was unable to attend.

Pledge of Allegiance

Present at this meeting:

Council Members: Dave Darling, Annie Shaha, Denise Travis and Marguerite Burge

Staff: Ronda L. Whittaker (City Clerk/Treasurer), Bryan Quayle (City Planner), Rob Tate (Engineer)

Public Present: See Sign-in Sheet.

Councilwoman Burge announced and awarded Ms. Laurel Rench the \$500 Scholarship Award.

Councilwoman Burge proposed the affirmation of Mayor Curless's appointment of Dagmar Breyman as City Treasurer and asked of an opinion from Council.

A motion was made by Councilman Darling to affirm the appointment; there was no second motion. Motion failed.

Councilwoman Burge opened the Continuation of the Public Hearing related to Water Usage and Rates at 7:03 p.m. She asked for any public comment. No comment was made.

Resident Bill Strand distributed a copy of his report to Council and Staff and went on to explain that his study and report was private endeavor and was not supported by public fund and was not associated with the City of Dover. He stated that information used to support his analysis was information he retained by public request for information from the City of Dover and Bonner County. He went on to explain his qualifications and stated that his report could be found on his web site and that he had also given the City Council and staff a copy of his report. Resident Bill Strand gave his report and concluded with a request that the City close the public hearings and vote no on the proposed water rate plan. He also encourage the City to discontinue the water rate study being conducted by Diane Sauer of the Idaho Rural Water Association as he had meet with her and she had expressed that her report would not include water usage loss and missing ERU's.. Mr. Strand stated that his report could be found on the City Web Site: www.cityofdoveridaho.org. He stated that the analysis he had presented was given as his professional role as an engineer and annalist. He then offered the following public comment as a resident of the City of Dover:

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He stated that his goal for the City to eventually reduce water and sewer rates, while at the same time starting a capital reserve fund. He also challenged the City to rectify the reason for water loss. He expressed his concern about the manufacturing company located within the City limits using a high percentage of water and not being billed correctly. He also expressed that he had attended the City Budget Workshop and was concerned that the City was struggling with giving the sewer and water operators a wage increase, but has not concerned about analyzing his concerns regarding the manufacturing company water usage and inadequate billing procedures. He expressed his concern that a majority of City Council were readily willing to raise water rates.

Councilwoman Burge asked for Public Comment.

Neal Hewitt a resident of the City of Dover asked Mr. Strand about a statement he had made in regard to the differentiation between Dover Bay Development and the City of Dover and those hook-up fees going into a capitalization fund.

Mr. Strand explained that he thought that there should be no difference between multifamily auxiliary living units, basically a wet bar and a bathroom inside the Dover Bay Development he found no examples where they were being charged.

Neal Hewitt asked how that related to the capital fund. Mr. Strand stated that the auxiliary living units should be paying for separate hook-ups that should be going into a capitalization fund and the monthly fees associated to such should also be being collected.

Councilwoman Burge asked for comment from the City's Engineer.

Rob Tate, City Engineer expressed that he had not been in contact with the Idaho Rural Association and was not familiar with the study, but was looking forward to comparing her study with Mr. Strand's report.

Councilwoman Burge asked for further public comment. There was not further public comment.

Councilwoman Burge asked for a motion to close the public hearing. Councilwoman Shaha motioned to close the public hearing, Councilwoman Travis seconded the motion. All were in favor; Motion carried.

Councilwoman Burge brought on the Regular Council Meeting at 7:18 p.m.

Councilwoman Shaha made a motion that a committee be created based on Mr. Strand's report to do an in-depth study/review of this issue and volunteered to be Chairman of the committee and to bring forth the study/review at the September Council Meeting. Councilwoman Burge expressed her concern that the issue was not on the current agenda and requested the item be put on the August agenda. Councilwoman Shaha explained that she had spoken to the City's Attorney and was told that the motion could be brought forth. Councilwoman Burge asked for a second motion; Councilwoman Travis seconded the motion. All in favor, Motion passed.

ANNOUNCEMENT:

Public Comment: Councilwoman Burge announced that the public comment time is 3 minutes per person. Additional comments on an already presented topic must be limited to new or additional information. No action will take place until item is placed on the agenda.

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Resident Margaret Becker recommended that if the committee is formed, the City needed to consider using well informed people who know about the kind of system that is being used by the City. Councilwoman Burge stated that Mr. Strand did advise that IRWA and one or two water districts be used for the committee. Mrs. Becker advised that it would be very important to have someone who is very familiar with the City's system. Councilwoman Shaha stated that she would like to include City staff. Neal Hewitt said he would volunteer to be on the committee; Councilwoman Shaha also expressed that Mr. Strand would also be on the committee.

Mr. Strand pointed out that the present plan has not been voted in and public comment would be difficult for a public committee due to the closing of the Public Hearing. He didn't think the committee could be formed.

Councilwoman Burge asked for further comment. No comment was made. Councilwoman closed the public Comment portion of the meeting.

Councilwoman Burge asked for approval of moving the City Engineer's report to the top of the Monthly Reports as he needed to leave soon. She asked that council approve the consent agenda and then move on to the City Engineer's report.

Councilwoman Travis made a motion that the proposed water rate decrease not be approved at this time due to the recent information and ongoing investigation. Councilwoman Shaha seconded the motion. All agreed; Motion carried.

CONSENT AGENDA

Councilwoman Shaha suggested a change in the June Minutes stating that the city and city attorney were included in the first executive session and asked for a portion of the Engineers Report be deleted as it was redundant, Rob Tate agreed. Councilwoman Shaha expressed concern about the July payables as to why there were legal fees for water and sewer. Councilwoman Burge questioned Rob Tate, Rob said he was not sure. Councilwoman Burge stated that Councilman had had a question about the Cedar Ridge Agreement and thought that could be the reason. Councilwoman Burge confirmed that the figure was presented on the unpaid bills detail. **There were no objections to any changes to the minutes or payables. Councilwoman Shaha moved to approve the May and June Minutes, the July payables, and the June Ordinance Meeting Minutes, Councilwoman Travis seconded the motion. All approved; Motion carried.**

MONTHLY REPORTS:

INDEPENDANT HIGHWAY DISTRICT (IHD): Chairwoman Marj Tilly reported that they have been brushing on Pine street; trimming tree branches that have been hanging over the road, and they had been asked to fix the pot holes in front of the post office and to evaluate and address the walkway to the City Hall as far as the slope of the walkway and ADA compliance. She stated that their road supervisor would make arrangements to meet with appropriate city staff and/or Mayor Curless within the next week or so. Councilwoman Burge confirmed that it was important that they address the ADA issue and asked if the City would be liable for the fix of the pot holes and the walkway. Marj explained that the City will be billed for the materials but that the labor would be covered by the County funds IHD receives. Marj further explained that IHD will be doing traffic counts so that they may use the information for a possible grant and will copy the City and the City's Engineer. Councilwoman Shaha asked if IHD would also be addressing the entrance way into the men's restroom. Marj stated that she did not know that that was part of the walkway review, but suggested making a request for that specific service. Councilman Darling asked if IHD collects the fees for dust abatement for Cedar Ridge HOA or if the City bills them. Marj confirmed that the City is responsible for collecting those fees.

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WESTSIDE FIRE: Dale Hopkins reported the fire department was going to hold a spaghetti feed at the Wrenco Fire Station on Saturday, July 13, 2013 at 7:00 p.m. Councilwoman Burge asked if Dale had an idea of when a decision will be made to request an increased levy rate. Neal Hewitt stated that it would be the following month, August. Dale confirmed that the hearing had been scheduled after the commissioner's meeting and that the meeting should begin at approximately 6:30. Councilwoman Travis asked for an update on the emergency notification project. Dale explained that they are worried that it will inundate the 911 center and are looking for a solution and are in the process of testing. He explained that the land lines are set up but that the cell phone notification was the issue.

TREASURER: Not present.

ENGINEER: Rob Tate reported that the culvert plans had been completed waiting for permit from IDL; 20 to 30 day wait. He went on to explain that the water level must go down in order to complete the task appropriately, so the plan is to put a temporary patch on the road until October or November and then schedule repaving for next summer. He explained that he would be applying for a refund for the expenses from ELTA. Councilwoman Burge confirmed that the collapse of the road was not eminent but pending and asked what would change that status. Rob stated heavy weight would be an issue, but he thought that it would be unlikely that that would happen. Councilwoman Burge asked if the area had been posted for no trucks. Rob confirmed that it was.

Rob stated that the controls for the Cedar Ridge Reservoir had been affected by lightning twice and that as of today's date, July 11, 2013, that system had been switched over to a system that is not based on that type of technology and will eliminate the expense that the City has previously been experiencing.

Councilwoman Travis asked Rob if he could provide the City with an updated map showing the City Limits as the one she had was dated 2008. Rob said he could. There was a discussion about the expense of the update: \$800. Councilwoman Burge expressed her concern as to where the funds would be coming from in order to pay for Rob's services to update the map. It was decided that discussion and decision should be made after the budget was completed.

Councilwoman Shaha asked about the status of the Developer signing off on the intake. Rob explained that he had no report as he understood that the intake project had been tabled in May. Councilwoman Shaha explained that that was not her understanding and that she was working on applying for a grant to undertake the project and thought the City had an extension with IDWR that was good until November 15th. Rob explained that the extension was just for the water right. Councilwoman Shaha asked if there would be another extension available. Rob explained that the bid would need to be reopened and that the City would need to reapply for the water right after the November date. He went on to explain that the issue would need to go through the public hearing process and he did not feel that there would be any opposition, but the possibility could be there.

Councilwoman Shaha stated that there were two things besides the easement; the other issue with DURA is that we were third in line, so we would need the developer to agree to put us ahead of his loan. Rob stated that at one point the developer was in support of the intake loan, but that he did not know the status of that at this time.

Councilwoman Shaha asked Rob about a previous discussion about a resident needing to annex into the City in order to hook up to the City's septic system and thought that someone was going to check with the City's attorney. Rob stated that he gave the resident information related to costs to install the hook-up and that the resident had received an extension from Panhandle Health until the end of this year to resolve the issue and he

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had talked to the Mayor about helping the resident to finance the project. Rob stated that he had told the resident that a payment plan would need to be brought and approved by council, but that he had not heard back from the resident. Rob stated that he would contact the resident and get an update.

ROADS: Councilwoman Burge reported that she had spoken to Hal regarding signage on the corner of 4th Street and the old Hwy 2/Roosevelt regarding the sign that says North 4th Boarder as that road does not exist and Hal had told her that he could address the issue without buying a new sign. She went on to explain that Hal had found a No Outlet sign for Harding. She stated that she has attempted to contact Ralph Sletegar about some sort of decorative medium and that she had also talked with Hal about using some sort of fencing to replace the caution tape that is being used now. She stated that there is also discussion about finding a No Outlet sign to post at the end of 4th near Mr. MacAfee's home to prevent confused traffic from parking in his driveway. Mr. MacAfee stated that there were postings at one point and stated that No Parking On Pavement signs would be good for safety reasons.

Neal Hewitt expressed his concern about a No Outlet/Dead End sign at the speed limit post at Mill Road. He stated that the bottom of the sign is only about 3' off the ground and the minimum height is 7'. He asked that the City address the issue.

There was discussion about weed control/mowing needed on 3rd and 4th Street. Councilwoman Burge asked IHD if they could address the issue. Chairwoman Tilley stated that IHD just needed a request for services from the City to approve the services. She stated that the service fees for the mowing would not be billed to the City; the county match would be used to support the expense.

Councilwoman Shaha expressed her concern about the need for a speed limit sign on Hwy 2 coming into the City. She asked if maybe the City could ask ITD to post the speed limit sign. She also expressed her concern that the 45 mph speed limit sign on the Hwy needed to be also posted on the bridge as traffic is not slowing down. Councilwoman Burge stated that she had talked with Susan Keibert a sign coming from the West that says Through Traffic Stay Left to minimize the left lane traffic making the turn into the City less hazardous. Councilwoman Burge stated that IDT plans to remove the address the bumps once the area is settled. Councilwoman Burge reminded the public that they can call the Sheriff and ask for a speed check if they note a speeding problem. Resident, Mrs. Ames asked if the City could address the Jake Brake noise issue coming over the bridge. Resident, Mr. McAfee suggested that the placement of the No Jake Brake sign is incorrect; it should be on both sides of the bridge or on top of the bridge. Councilwoman Burge confirmed that the request was for a sign at both ends. Mr. McAfee stated that one on top of the bridge would also be beneficial. Resident, Neal Hewitt suggested an ordinance review. Councilwoman Burge stated that the ordinance would address "compression breaks" and not Jake Brake and agreed the ordinance would need to be reviewed.

Councilwoman Shaha stated that a stop sign needed to be put at Washington Street – both sides or that the area should be designated for a 3-way stop. Councilwoman Travis stated that she had taken Councilwoman Shaha's concern to the Sheriff for suggestions.

Councilwoman Travis stated that Lower Syringa would like the Road/RR area to be designated a quiet zone or a "controlled crossing." She went on to state that noxious weeds have been a problem for the past few years along the Railroad ROW and asked the City to address. Councilwoman Burge advised that the ROW may be the responsibility of the Railroad. Councilwoman Travis asked who the City would contact about the issue. Councilwoman Burge suggested the Clerk speak with Mayor Curlless about who should be contacted.

CLERK'S REPORT: Ronda reported that Tom Wolf with the Pend Oreille Basin Commission had confronted her about Milfoil clean up within the City of Dover and that the City was designated for a clean-up. Council asked for more information. Ronda stated that she would contact him and request information.

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Councilwoman Shaha asked that Clerk if she had obtained updated Certificates of Insurance from Tate Engineering and Mr. Quayle. Ronda stated that she had not, but would address the issue.

Ronda stated that there had been several events held within the park area and that the process seems to be going smoothly. She reported that she had not received any report of ill-manner or extensive clean-up. Councilwoman Burge stated that she had received a report of extensive clean-up related to one of the events. Ronda stated that it was important that she receive the complaints or reports so the issue can be addressed. She explained that the City collects cleaning and damage deposits and extensive clean-up costs could be taken from the deposits.

Resident, Maggie Becker announced that the Dover Picnic would be held the last Sunday in July, which includes the Bake Sale Auction that supports the City's scholarship program. She and Mrs. Ames invited all residents and their families attend.

PLANNER: Bryan Quayle discussed FEMA's gas line crossing project. He explained that the project is not within the City's Flood Plain and stated that he was still waiting for more information.

Bryan stated that P&Z may have a meeting the last week in July. Councilwoman Burge asked Bryan if they were holding enough meeting to appease the yearly requirements. Bryan stated that they may need to have a couple of meetings in one month. Councilwoman Burge asked if the commission is making progress to address some of the concerns expressed by city council about things that would like them to complete. Bryan stated that yes and he would monitor the progress. He explained he has been addressing the agricultural element of the Comp Plan.

Bryan explained that he had attended the follow up meetings in regard to the sanitary lift.

Bryan stated that the City had had some building permit inquires. He reported on the 102 Lakeshore project stating that he had recommended the set back to be increased and a lowered roof height to comply with the ordinances.

Bryan stated that he has been working on ER tracking with the City Treasurer and that he had done some Asbuilt follow-ups with the City's wastewater operator.

Bryan reported on the Peterson Special Use Permit. He stated that he had spoken to the City's Attorney and one neighbor in regard to compliance issues.

Bryan addressed the Hwy Deed and new pond discussions. He reported that he was not getting any response from Mr. Davis/ITD. He suggested being patient, but would like the issue addressed before EPA inspection. Councilwoman Shaha asked if there was anyone else he could work with. Bryan suggested Damon the District Engineer. Councilwoman Burge suggested that Bryan wait a couple of weeks for Mr. Davis's response before he moves to someone else.

Bryan reported that Dover Bay Development should be applying for a couple more building permits and that he had also had requests for addresses, so he was in hopes that the City would process at least three more building permits before the end of this year.

Bryan reported on the multifamily issues related to Condominiumization of one of their buildings which means that the individual condos get deeded off. He advised that they need to comply with state law as the City does not have a separate section to address this issue. He stated that Sewell Engineering has supplied him

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with records and surveys which he will review and advise to make sure that they comply with deed restrictions and easements that do relate to the City ordinances and CC&Rs.

Bryan stated that he had meet with the City's Treasurer and Attorney regarding the CAP Fees

Bryan stated that he was able to address the Roosevelt Avenue residences.

Bryan reported a rebuild within Canoe Cove.

Bryan stated that he was working on IDL Permit related to the Intake, redoing the buoys and beach sand, confirming that the rock groin going out and the beach sand that will go under high water and the log booms. Councilwoman Burge confirmed that this project will not be completed this year. Bryan concurred.

Bryan reported on the zoning inquires along Syringa. He stated that the City continues to get inquiries regarding its sewer availability and annexation requirements.

Councilwoman Travis asked Bryan if he could address an updated zoning map as the one she has is 10 years old. Bryan stated that the zoning has not changed. He stated that he would review the current zoning map and confirm whether it needs to be updated or not. Councilwoman Travis stated that the City was concerned about the costs for updating the map. Bryan stated that the map should be updated and would propose a cost effective service for the project.

Councilwoman Shaha stated that the building inspection contract had been reviewed by the City's Attorney and asked Bryan had any comments on it. Bryan stated that he had not addressed the issue. Councilwoman Shaha asked what happens with the contract once it has been addressed by the City's Attorney. She went on to state that the date of submission of invoice be addressed. Councilwoman Burge stated that she thought that there should be a separate meeting to address this issue. Bryan concurred and stated that choosing a date of submission would be a good idea, but that he thought council would meet with the building inspector and work out some of the issues. Councilwoman Shaha advised that the invoices should be submitted by the 5th of each month. Bryan stated that choosing a date of submission could be difficult. Bryan asked if the building inspector had been paid for the current projects. Councilwoman Shaha stated that there were no invoices from the building inspector. The City Clerk stated that the permits had not been paid for. Bryan stated that the plans review services had been completed and the inspector should be paid. Councilwoman Burge asked the Clerk to note that council agrees to pay the current invoice to the building inspector. Councilwoman Shaha stated that she was not comfortable with Councilwoman's Burge's request. Councilwoman Travis confirmed that there needs to be an agreement to have all invoices submitted in a timely manner and she could not approve work not received. **Councilwoman Shaha asked if the contract could be reviewed, addressed and completed for advisement by the next council meeting. Councilwoman Burge suggested that the Clerk work with Bryan to get the project completed.**

Councilwoman asked the Clerk to also confirm the Certificate of Insurance.

DURA: Councilwoman Shaha reported the following:

- DURA was half way to meeting their reserves.
- The audit was complete.
- Attorneys are reviewing the water/sewer hook-up issues.
- Joint DURA/Council Meeting to be held on August 7th

Councilwoman Burge inquired about the DURA minutes and having them send a copy to the City Clerk.

POCWA: Councilwoman Travis reported that there was no meeting this month.

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BCATT: No Report was given.

BCDC: No report was given.

WATER/SEWER DEPT: Reports were reviewed by council.

WATER PROTECTION PROJECT: Councilwoman Travis reported that she had handed out the current Pend Oreille Lake *A* Syst manuals and gave Council a copy of the additional handouts that were in the manual.

COUNCIL: Councilwoman Shaha reported the following:

- Dover Bay Development would like to contribute to the City's scholarship program.
- Dover Bay Development had agreed to put a light in the back parking lot.
- Dover Bay Development had agreed to allow IHD to use their water hydrants.
- Dover Bay Development satisfied with playground equipment list.
- Army Corps Grant – no funding yet.

Councilwoman Travis addressed the Emergency Exit issue and advised council that she had contacted Heather Calhoun senior contract specialist with the BNSF who told her that she had sent an application for private crossing to the City in the past, but had not received a response. Councilwoman Travis stated that she had asked for a blank copy of the application. She went on to explain that Heather had advised that the City needed to work with the owner of the property and that the application could be expedited and could be processed within 30 to 90 days. She advised that it was important that the property owner absorb the costs of the application requirements and give written agreement to do so. Councilwoman Burge expressed her concern that the application had once been visited by the developer and there were problems and was given up on. She wondered why that if it was so easy, why it was originally given up on. Councilwoman Travis that the developer went through the process as the property owner and the process needed to be completed by the City with the developer's consent. Councilwoman Burge suggested that she address the issue with Mayor Curless and to confirm that this is the process that the City should be completed and whether it has been previously completed and report to council.

UNFINISHED BUSINESS:

There was discussion regarding the City Attorney's review and advise of the City Properties and Parks Ordinance No. 126. **Councilwoman Travis made a motion to leave the ordinance as is and approve Ordinance 126, Councilwoman Shaha seconded the motion. All in favor; Motion passed.**

There was discussion regarding the City Attorney's review and advise of the Discharge of Deadly Weapons within Dover City Limits Ordinance No. 124. After review of the City Attorney's suggested revisions, **Councilwoman Shaha made a motion to accept the changes, Councilman Darling seconded the motion, all in favor; motion carried. Councilman Darling then made a motion to approve Ordinance No. 124, Councilwoman Travis seconded the motion. All in favor; motion carried.**

Councilwoman Shaha suggested tabling the Quarterly Review and the day was getting late; all agreed.

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NEW BUSINESS:

Councilwoman Travis reported that her efforts of 18 months to develop a recycling program had come to a halt as she had received an email stating that Waste Management would need to add equipment and the effort would be too costly to support only 89 users. Councilwoman Burge suggested that Ms. Travis follow up every 6 months as the vendor will eventually need to add equipment and it may be feasible in the future.

Councilwoman Travis asked council to address Mr. McAfee's request to attend to the signage and mosquito issue. Councilwoman Burge reminded council that the signage issue and been previously addressed and that Bryan was waiting for advice from Mr. Davis in regard to the mosquito issue.

ADJOURNMENT

A motion was made by Councilwoman Travis to adjourn the Council Meeting, Councilwoman Shaha seconded the motion, all in favor, motion carried.

Councilwoman Burge adjourned the meeting at 10:15 p.m.

Submitted by,
Ronda L. Whittaker