



MINUTES : REGULAR COUNCIL MEETING

THURSDAY, APRIL 14, 2016 6:00 p.m. - DOVER CITY HALL, 699 LAKESHORE AVENUE, DOVER, IDAHO

Present: Mayor Annie Shaha; Councilmembers – Strand, Guthrie and Brockway. Staff – Attorney, Stephen Snedden; Engineer, Jay Hassell; Engineer, Brett Converse; Engineer, Scott McNee; Clerk, Michele Hutchings

Public Present: Jim Janish, George Eskridge, Gloria and Bill Stuble, Sharon Strand, Mike Wade, Paul Nowaske

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE: Mayor Annie Shaha called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance

MOTION by Brockway to amend agenda to include acknowledgement of resignation of Councilman Neal Hewitt. Good faith reason due to receiving resignation after agenda was posted. **2nd** by Strand. All in favor. **Motion carries.**

Guthrie suggests a thank you for service by certificate or personal invitation.

MOTION by Brockway to amend agenda to include approval for termination of Resolution No. 113 addressing road limits. Good faith reason due to road limits having been lifted after agenda was posted. **2nd** by Strand. All in favor.

Motion carries.

II. GUEST SPEAKER: Nathan Anderson, Union Pacific gave visual and oral presentation with focus on UP safety efforts. Stressed educating residents about safety measures near railroads and rail crossings. Took questions from public and made arrangements to further answer questions for both Bill Stuble and Councilman Strand.

III. PUBLIC COMMENT: No public comments

IV. UNFINISHED BUSINESS

(1) Discussion/Decision: UP Bike Path Agreement for Easement – Snedden opened with update. All terms in lease are fine except for insurance requirements. City's ICRMP insurance does not meet UP requirements. Snedden is working with UP to make appropriate changes to language. Only change would be to Exhibit C – items A & B. George Eskridge comments with history of bike path. Notes that developer constructed bike path without UP permission. Suggests if City helped fund, it was illegal. Refers to cost of lease at \$1,000/yr. Doesn't believe City has responsibility to pay. Agrees there may be some benefit to the City. Suggests negotiation between UP and developer and asking developer to take bigger responsibility than the City. Asks City to reconsider. Mayor clarifies cost is \$200 per year for 5 years. Strand prefers to review insurance details before Council takes vote. Brockway comfortable accepting knowing that ICRMP changes will be made and responds to Eskridge noting that the biggest benefit is public safety. Path also serves old Dover and West Dover. Guthrie very much against City paying for lease. Developer should be informed and come to next meeting to explain. Brockway reiterates it's not about the developer but about public safety. Strand not opposed to bike path and is in agreement with public safety as being big issue. Ruth does not see why City should pay lease. Mayor asks Anderson about possibility of charitable/good will \$1 a year lease. Anderson explains right of way has value, UP is a commercial enterprise, not a charity but does charitable work. Shareholders expect a return. Assures that proposal is at the lowest price possible. Does not believe a lesser price would solve developer vs. City issues. Transfer of liability and responsibility is fundamental concern for UP. Gloria Stuble notes safety concerns and would like the bike path to remain. Suggests \$1,000 for 10 years to keep the cost down. Mayor asks Snedden to explore possibilities. Eskridge asks if it makes a difference who signs the agreement out of principle, not of money. Feels obligation should be met by developer. Converse comments that developer may next come to City for lease as he thinks he owns the property. Mayor has not been directed nor is she willing for City to spend more money to determine who owns the property. Strand notes it would not be cost effective for City to bear the legal cost to determine ownership. Guthrie asks Strand why he would support lease if it's not determined who property owner is. Strand explains history of UP and railroads and he's never seen railroads not defend their rights of way. Mayor clarifies that City had no involvement in the paving. Developer has fixed culverts. Has been beneficial and at no cost to City. Brockway suggest tabling item until next meeting.

(2) Update: septic tanks inspection/pumping/repair update – Mayor gives update. Explains Wade did thorough report and has been pleased with professionalism of KG&T septic services. Water coming into WWTP is significantly better. Still tanks that need repairs and a few to be unearthed. Estimated costs to complete those is \$5,000. Residents



will be alerted as project moves forward. Wade says this project is a great service to the WWTP and equipment. Notes grease trap at restaurant is the biggest problem. Inspections should be bade every couple of months especially in summer and pumped more regularly. Strand asks what plan is if resident does not have riser uncovered/tank accessible. Mayor notes City will come back when resident has available unless after Ordinance is passed then resident will have to call for their own servicing. Strand asks for Wade to take note of last house on Railroad. Gloria Stuble asks if cost is passed to homeowner. Mayor states currently cost is funded by monthly user fees.

(3) Discussion: Sewer Ordinance – After last meeting Mayor met with Ailport and focused on Sections 6 & 7. Public is invited to speak. Jim Janish relates some history as prior board member. Concern with letter that was going to be published but was evidently not. Costs to be passed on to homeowners are of concern. Suggests DURA assist with costs instead of homeowners. Recommends looking for other funding options. Brockway asks if he received a letter in the mail. Janish stated he got a letter that wasn't mailed. Brockway asks for clarification that DURA cannot pay for maintenance issues. Mayor confirms and notes DURA does not currently have fully funded reserves. Additionally, the more DURA funds are used, the longer it stays open. Ordinance needs teeth to put responsibility onto residents to care for their own septic tanks and systems. This is the direction Council is taking. Strand reviews Ord. No 104 and notes City needs to either increase rates or make changes to who will be responsible for what portions of septic. City has never owned septic tanks. Brockway affirms Ord. No. 104 was never operationalized by City. Guthrie claims most of the tanks have not been pumped in 10 years or more. Strand rephrased that everything will be inspected but only those that meet a certain criteria will be pumped. Estimates \$80,000 or more total when all completed. Mayor is ready to hand over Ordinance to City staff for review to be sure it is useful to all in future. Strand agrees. Sharon Strand suggests offering draft Ordinance for public review and make sure it's readable/understandable to general public. Snedden notes if rate changes are incorporated into the Ordinance, a public hearing will be required. Mayor suggests public hearing could be before May 26th Council meeting.

(4) Discussion/Decision: DURA Agreement for Generator Reimbursement – Snedden has no issues with agreement and explains procedure City uses for partnering on infrastructure with DURA. Most important part is Exhibit A which lists improvements and prices. **MOTION** by Strand to accept the DURA agreement for Generator, 2nd by Brockway. **Roll call vote:** Strand-Aye, Brockway-Aye, Guthrie-Aye. All Ayes, **MOTION carries.** Nowaske notes DURA almost completely funded on debt service. With City's \$168,000 DURA will have over \$200,000 for cash expenditures.

(5) Discussion/Decision: Cedar Ridge Road Maintenance – Mayor opens discussion with review of costs

a) Review costs associated with acceptance of agreement – Council confirms they've reviewed. Guthrie asks if homeowners will pick up costs. Hassell recaps how arrived at estimate of costs. IHD has no equipment or desire to take on the full project. Costs are a little conservative could do direct selection of contractor and recommends 3 bids. Strand outlines options for City – 1) IHD does maintenance (grading, mag chloride application, snow plowing) IHD bills City, City adds administrative fee and bills to CROC. 2) City takes full ownership of road and make publicly owned and publicly maintained. Cost of around \$25,000 to be paid by City, CROC or some combination of both. Strand asks if City can drop back to same arrangement as 2015 as in #1 above. If road sloughs it would not be City's maintenance responsibility. Mayor asks Council to determine if this is how City should spend street funds. If so, may have to wait until next year. If not willing to bear cost Council could meet with HOA to discuss option. Brockway asks for closure. Cost of Mag Chloride is main reason City has not taken over responsibility. Snedden will do further research. Hassell notes that failure of any roadways should be noted, not just area of sloughing. Mayor notes water tank land is still to be considered regarding the Quit Claim deed. Strand notes our water tanks are up these roads and City needs access. Suggests meeting with HOA. Ruth agrees cost is too much for City to bear alone and it is important to keep water tanks accessible. Mayor will try to set up meeting with HOA before one of the May meetings. Hassell suggests at least one bid so actual numbers can be discussed when considering sharing costs. Also reminds that erosion is abutting private property. **b) Revised Agreement & c) Resolution** – tabled for future meeting.

V. **NEW BUSINESS**

(1) Discussion/Decision: Water Facility Plan – Scott McNee, T-O - Reviewed presentation material. Mayor notes City's next step is to review/understand water facilities plan. Strand suggests DURA could cover costs. Brockway likes option #2 as more cost effective. Suggest that City needs more information about Syringa Heights Water District.



McNee will follow up with Sewell for SHWD's water facility plan. Council will need to decide on option most preferred. Mayor believes SHWD is interested in just purchasing water from Dover.

(2) Proposed Ordinance: Amended Appropriations Ordinance FY 2015-2016 (DURA) – MOTION by Strand to suspend reading of Council Bill No. 143 (Proposed Ordinance No. 143) on three (3) different days and once in full, **2nd** by Brockway. **Roll call vote:** Strand-Aye, Brockway-Aye, Guthrie-Aye. All Ayes, **MOTION carries**. Ordinance title read by Clerk. **MOTION** by Strand to accept the Ordinance, **2nd** by Guthrie. **Roll call vote:** Strand-Aye, Brockway-Aye, Guthrie-Aye. All Ayes, **MOTION carries**.

(3) Proposal Review/Decision: Water Operator and **(4) Proposal Review/Decision: Sewer Operator** - Converse confirms only one proposal for each water and sewer. Only submissions were from Water Systems Management. After review, proposals are responsive and recommends City enter into negotiations and sign contracts with Water Systems Management. Snedden said contract could be negotiated each year but would not be necessary to go to RFP annually. **MOTION** by Strand to accept proposals for both water and sewer operations and direct Mayor to enter into negotiations for contracts, **2nd** by Brockway. All in favor. **MOTION carries**.

(5) SPOT Joint Powers Agreement – Snedden explains Joint Powers Agreement and its purpose.

a) Decision on Agreement – All Council agrees JPA direction is good decision. **MOTION** by Brockway to accept JPA agreement for SPOT as provided in the JPA, **2nd** by Guthrie. **Roll call vote:** Strand-Aye, Brockway-Aye, Guthrie-Aye. All Ayes, **MOTION carries**. Snedden will bring back for signature after all cities have adopted.

b) Confirmation of Mayor's appointment of Clif Warren as SPOT Board Member – Brockway and Strand support Mayor's appointment.

(6) Discussion/Decision: Quote from Sandpoint Computers – Mayor explains need for quote. Brockway affirms the general fund has budget to cover the cost. **MOTION** by Strand to accept quote from Sandpoint Computers for \$3,725.99, **2nd** by Brockway. All in favor. **MOTION carries**.

(7) Proposed P & Z Resolution for Appointment of Terms – Snedden explains need for Resolution. **MOTION** by Brockway to approve proposed resolution as proposed & rescind Resolution 108, **2nd** by Guthrie. **Roll call vote:** Strand-Aye, Brockway-Aye, Guthrie-Aye. All Ayes, **MOTION carries**.

(8) Reappointment & Council Confirmation of P & Z members – **MOTION** by Strand to accept reappointment schedule for P&Z commission, **2nd** by Brockway. All in favor. **MOTION carries**.

(9) Acknowledgment of Resignation of Councilman Neal Hewitt – **MOTION** by Brockway to acknowledge resignation of Councilman Neal Hewitt effective April 13th, **2nd** by Strand. All in favor, **MOTION carries**.

(10) Approval of Termination of Resolution No. 113 for Road Limits - **MOTION** by Brockway to terminate Resolution No. 113 regarding Road Limits, **2nd** by Guthrie. All in favor, **MOTION carries**.

VI. CONSENT AGENDA

(1) Payables ; (2) Minutes: Regular Council Meeting from March 24, 2016 – Clerk directed to make minor changes prior to publishing on website ; (3) Minutes: Public Hearing from March 24, 2016 ; (4) Written reports: Mayor, Staff, Councilmembers, Water/Sewer, Planner, Engineer. **MOTION** by Strand to accept the consent agenda as is, **2nd** by Brockway. All in favor, **MOTION carries**. Guthrie notes she did not mail her letter, she misunderstood the minutes. Accepts minutes.

VII. FUTURE AGENDA ITEMS/MEETINGS

Wed., April 20th @ 6:00 p.m. – P&Z Comp Plan Workshop; Wed., May 11th @ 5:30 p.m. – DURA/Joint Council Meeting; Thurs., May 12th @ 6:00 p.m. – Regular Council Meeting; Tues., May 24th – Election Day – Clerk asked to verify – **Correct** date is May 17th for Election Day.

VIII. ADJOURNMENT – **Motion** to adjourn by Strand, **2nd** by Guthrie. Meeting Adjourned at 9:39 p.m.

Respectfully submitted, Michele Hutchings – City Clerk