



IDAHO

**MINUTES : REGULAR COUNCIL MEETING**

**THURSDAY, NOVEMBER 9th 6:00 p.m. - DOVER CITY HALL, 699 LAKESHORE AVENUE, DOVER, IDAHO**

**Present:** Mayor Shaha and Councilmembers Brockway, Guthrie, Kubiak and Strand. Staff –Engineer, Jay Hassell; Clerk, Michele Hutchings

**Public present:** Keith Congleton, Clif Warren, Brett and Kristy Evans.

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

II. **PUBLIC COMMENT:** Keith Congleton of 45 Panorama Ridge and 975 Syringa Heights Rd. addressed Council. See attached for transcript. Brett Evans, 13776 W. Pine St. asked Congleton if it's illegal to block a culvert. Congleton explained there was not an existing storm water easement on record. Hassell has had internal communications with staff and attorney Snedden but Hassell has not communicated with Congleton as he's retained an attorney. Mayor noted that when legal council is involved it slows processes. Strand asked to have the matter added to 12/14/17 agenda. Mayor agreed. No other public comment.

III. **GUEST SPEAKER:** Clif Warren, Board member SPOT Bus system - Warren explained current services that SPOT offers. Major funds supporters have been Quest Aircraft, Schweitzer Mountain Ski Resort, and Area Agency on Aging, Eureka and Equinox Foundations, Kootenai River Inn & Casino. Big activities coming up - new website, mobile friendly bus tracking, new signage, 2 large busses for the mountain route. SPOT will absorb Schweitzer busses and drivers. Grant applications out for additional busses as well. Bus shelter grant has just been authorized and Eureka Institute will be providing construction. Workshop for intercity service from Bonners/Sandpoint/Coeur d'Alene/Spokane potential routes in next month or two. Looking to expand to two full-time admin people as Marion Johnson will be retiring 9/2018. Problems - driver shortages across northern ID and WA. Green route that serves Dover is too long. With new Dover location could start hourly service vs. every 2 hours. Only 11 months left for funding of bus shelters and Dover will need to have new location secured to meet timeline. Funding secured will allow for construction of 8-10 shelters at various SPOT bus locations. Benches and bike racks are included in grant and shelter construction. Kubiak asked about workshop for intercity and whether it will be public workshop. Warren confirmed it will be a public workshop and City will be notified. Kubiak asked if NIC is interested in participating, Warren suggested they could be involved. Brockway liked design of shelters. Warren thanked council for support. Mayor thanked Warren for his representation of Dover. Mayor asked council to work in the coming months to secure new bus stop and shelter location and shelter. Brett Evans asked of Warren if SPOT is operating within the budget. Warren confirmed. Evans asked what occupancy rate is. Warren estimates 85,000 rides for the year. Original study suggested 26,000. After adding new Schweitzer mountain route, will likely bring ridership to near 150,000 which will be larger than Citylink. Ridership numbers correlate to funding. Evans asks about location for Dover, if moved how will route be changed. Warren suggests some Sandpoint route stops will be changed. Warren suggested best new location would be close to Dover Joe's.

IV. **UNFINISHED BUSINESS:**

1) **Discussion/Decision: P&Z Commission recommendation re: Comp Plan & hearing date** - Mayor emphasized there were some changes after P&Z meeting just minor changes/typos. Council needs to read, understand and ask questions of Clare as needed. Mayor wants good clean document for council approval after public hearing on 12/14. Hard copies for all council will be available next week. Mayor asked if all will be present 12/14 - all affirm. Mayor asked for all to consider start time of 5:30pm for City Council regular meeting with public hearings for Comp Plan and Building Code to begin at 6:00pm. Kristy Evans will also be provided a copy of Comp Plan. Brett Evans asks about process for approval. Mayor explained process. Guthrie asked for confirmation that public can speak at public hearing, Mayor affirmed. Brett Evans asks about previous public comment. Strand said many workshops and 7 teleconferences were held with good participation. Brett Evans asked about multi-family units within the small lots in old Dover. Mayor confirmed that change will be reflected in forthcoming documentation. No further questions.

As approved by Council at meeting on 12/14/2017 – (mch)



2) Discussion/Update: Ontario Street Emergency Repair Project - Hassell gave brief summary said new opportunity to revise existing request for funding of Ontario project. FEMA and IOEM will be receiving revised cost estimates. Majority under FEMA utilities, IOEM will be mostly for the road construction. Still an issue of potential audit by FEMA as to how bid was processed. Hassell asked for council support to hold off on paving until next year when dryer. Contract allows for contingency of completing project in Spring. With freezing temperatures coming, would be best to keep road closed until mid-November to avoid potential damage to gravel and rock. Mayor asked for Hassell to alert IHD to road conditions and to keep up on potential maintenance issues.

3) Discussion/Update: Water Facilities Improvement Project: Strand reviewed presentation of phase breakdown explaining idea is to self-fund without borrowing and get primary portions of water improvement completed. Strand noted location of supporting documents on Dropbox and asks those without permissions to view to let him know so he can authorize. DEQ is requiring review and approval of all specs/documents before work is done. May hear back from DEQ within one month. Uncertain when all will come together. Joint DURA council meeting discussed possibility of taking loan to cover 1st phase of \$500,000. DURA feels confident about a loan for \$300,000, City has \$100,000 in budget and DURA also has unrestricted funds of \$200,000. Brockway asked if Syringa Heights Water District has made decision/commitment to purchasing water from Dover. Mayor feels that yes, decision has been made however no official agreement has been made as yet. No commitment from DEQ as to when review will be completed. "In DEQ hold" as described by Strand. SCADA, Submersible Levellogger, Telemetry will be submitted to DEQ this week. Mayor suggests DURA may present loan options to council at December meeting. Brockway asked about expenditures against \$100,000 budgeted for water improvement project. Strand affirms engineering costs will be capitalized. McNee of T-O Engineering is now splitting out billing accordingly. Mayor said \$15,000 also budgeted for engineering. Brockway suggested future documents be highlighted as they are spent for better visual explanation.

4) Discussion/Update: Water Loss, Leak Detection, Prevention: Strand reviewed steps taken to isolate potential leak on Hwy 2 from Thorne to Danchuk and confirms water loss is not in this area. Next step in plan is to leak test Essex reservoir tanks – 70,000 gallons in original reservoir + 290,000 gallons in newer construction of reservoir. Explained independent piping which allows for isolating to determine leak. Brockway asked if there were a leak there wouldn't it be soggy? Strand said it's hard to say. Brett Evans asked if all fire hydrants have been tested. Strand said no, but tested all probable ones or those hard to be seen, with most damage, with most use. When residents/contractors are using sometimes seals are compromised creating leaks. Evans asked what leak rate was on those hydrants with leaks. Strand said they wouldn't account for 20,000 daily loss. Kubiak asked if it is a seasonal loss. Strand said 500,000 gallon a month loss is consistent through the year. McNee is putting a plan together for testing of Essex main tank. Plenty of capacity to allow for leak tests. Evans raised question of 20,000 gallons daily leak, calculating to 13 gallon a minute leak, not much of a loss. Strand noted it's half of what the city produces. Loss is 24/7 and should show as artesian well unless it's making way through granite. Strand said probability is better for large leak or diversion rather than many small leaks. No further questions or discussion.

#### **IV. NEW BUSINESS:**

1) Discussion: LHTAC/ITD Grant Opportunities: Hassell reviewed 3 grant opportunities and explained slide presentation, list of projects and stated these are not a complete list of capital improvement projects. Similar TAP grant has been applied for on behalf of City in past for Little Fox Trail Barrier Project. Hassell says TAP will pay for all of project with exception of 7.34% including project development. City match would be about \$23,000 to be expended in 20-21 FY. Mayor asked if limit is for only one project, Hassell affirmed. Strand asked when City needs to prepare for grant such as Dover Joe's Intersection/Bus Stop which from public safety point he prefers. Hassell suggested over winter and through early spring as early planning and preparation makes chances of award better. Barrier project application is due December 1st and is a near duplicate of last year which makes it a better choice at this late date. He is not prepared to apply for intersection project this year. Brockway asked if barrier project will impact snowplowing. Hassell said there may be some improvement but not a lot. Brockway addressed Strand's point about the intersection and suggested baskets of orange flags may be something to implement before summer. Mayor reminded council that the State is still owner of Roosevelt and right-of-way. Hassell asks for council resolution approval to move forward. **Strand motioned** to approve the proposed resolution supporting the transportation alternatives program application submittal, **Brockway 2nds**. Roll Call vote: Brockway-Aye,

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Guthrie-Aye, Kubiak-Aye, Strand-Aye. **Motion carried**, resolution approved. Brett Evans asked about what \$150,000 at Joe's intersection would cover. Hassell said he added lots of justifiable and reasonable costs and usually asks for more than needed for projects when applying for grants. Acknowledges the \$150,000 is high and includes curbs, shelters, sidewalks, ADA ramps, etc. Kristy Evans asked for clarification of the state owning the right-of-way. Mayor and Hassell affirm. Mayor asked council to remember at budget time to be sure to include future grants and Hassell's time and planning for intersection. Strand asked about Brownsfield project update. Mayor will be following up with Marley. Hassell thanked for his time.

2) Discussion/Decision: IHD (Independent Hwy District MOU (Memo of Understanding)) - Mayor explained history and reviewed attorney letter. IHD requested council approval before their board approves. **Strand motioned** to approve the IHD Memo of Understanding and authorizes Mayor to sign, **Guthrie 2nds**. Roll Call vote: Brockway-Aye, Guthrie-Aye, Kubiak-Aye, Strand-Aye. **Motion carried**.

3) Discussion/Decision: Flow Meter from Essex storage tank - Strand advised if no leak is detected in reservoirs, flow meter installation will be necessary. Concern is with coming cold weather with the required 8 ft. hole needed. Isolation of leak area should be accomplished within 1-2 hours of testing each area. Mayor reviewed leak costs estimating \$1,500 - \$2,000 month on lost water as compared to investment of flow meter. Guthrie asked if flow meter may not solve the problem or detect the leak. Strand agrees that is possible explaining that flow meter will allow for systematic shutting off of system to determine leak potential. Strand said there are no guarantees. Guthrie noted it's costly either way. Strand asked council to approve \$8,000 for installation of flow meter, if needed. Brockway asked when tank will be tested, Strand expects next week. **Brockway motioned** to approve \$8,000 expense for flow meter as needed, **Guthrie 2nds**. Roll Call vote: Brockway-Aye, Guthrie-Aye, Kubiak-Aye, Strand-Abstained. **Motion carried**. Strand noted if DEQ does not approve, cost will be put off until a later date.

4) Discussion/Decision: Cascade Machinery Quote 1-454108; Process pump for wastewater treatment plant (WWTP) - Mayor reviewed quote and Mike Wade's recommendation. Brockway asked how long City's been without backup pump, Strand said 7 years. Brockway asked where in budget the funding will come from, doesn't recall budgeting for the expense. Mayor verified budget includes capital expense of \$8,000 in Sewer and \$60,000 in Repairs, Maintenance and Supplies (RM&S). Strand asked if DURA could cover the cost. Mayor will investigate, DURA doesn't cover maintenance however if capitalized it may be option. Brockway said DURA information may change when the decision made. Mayor states cost would be over capital budget by \$2,000. Guthrie asked if estimate could be higher. Strand suggested a couple percent over should be only difference. Strand suggested taking care of now and future discretionary expenditures can be limited. Strand and Brockway don't remember this item being on Wade's budget list. **Brockway motioned** to approve the Cascade Machinery quote 454108 in the amount of \$11,500 and authorizes Mayor to sign, **Kubiak 2nds**. Roll Call vote: Brockway-Aye, Guthrie-Aye, Kubiak-Aye, Strand-Aye. **Motion carried**. Strand thanks council on Wade's behalf.

5) Review/Comment: Area of City Impact (ACI) Bonner County Planning Dept. File MLD1923-17 Wheeler Acres - Mayor reviewed ACI documents, Marley's comments and reason for timely review and response by council. **Brockway motioned** to approve the draft response letter to Bonner County Planning Dept. and authorizes Clerk to sign, **Kubiak 2nds**. Roll Call vote: Brockway-Aye, Guthrie-Aye, Kubiak-Aye, Strand-Aye. **Motion carried**.

V. CONSENT AGENDA: Mayor asked for council questions or if review was needed. Brockway said reports were thorough. **Strand motioned** to accept consent agenda as presented, **Guthrie 2nds**. All in favor, none opposed. **Motion carried**.

VI. FUTURE AGENDA ITEMS/MEETINGS: Mayor asked Council if there were any other items to be added to future agendas. No additional items mentioned

VII. ADJOURNMENT: **Strand motioned** to adjourn, **Guthrie 2nds**. All in favor - motion carried. Meeting adjourned at 8:05 p.m.

Respectfully submitted – Michele Hutchings, Clerk

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Mr. Congleton advises: Please bear in mind that I was using this outline as a memory aid only, and speaking extemporaneously. Therefore, the outline may not completely align with my actual statement.

## **Address To City Council Nov. 9, 2017**

### **I. Developing Property 975 Syringa Heights**

- A. Culvert under road, collects storm water from uphill and dumps onto property
- B. Discovered after clearing of property
- C. Needs to be moved, or drainage diverted away from property by some other means
- D. Lot level will be raised

### **II. Brought to City's Attention, April 2017**

- A. Contacted IHD, rep came out and suggested easy and cost effective solution, told me to contact City as they had control
- B. City Planner advised me to complete an Encroachment Permit Application to start the review process
- C. Submitted Application 4/25/17, with drawings showing existing culvert and solution suggested by IHD
- D. A few days later, Mayor, engineer for City, and IHD rep visited site
- E. Five months elapse, no response from City despite repeated enquiries as to status

### **III. September, I retain legal counsel in attempt to elicit response**

- A. My attorney contacts City Attorney Stephen Snedden to force meeting on issue
- B. Meeting on 10/4/2017 with Mayor, Snedden, Planner Clare Marley, my attorney and myself
- C. At conclusion of meeting, I was told to submit another Encroachment Permit Application and City would address issue and respond
- D. I submitted app next day, with drawings as before
- E. Five weeks have elapsed since meeting, as yet, still no response from City. In addition, City Attorney has ceased responding to communications from my attorney

**IV. Status as of today**

- A. Foundation walls complete, backfilling has commenced
- B. Soon, level of lot will be raised above level of culvert and culvert will cease to properly function

**V. Reason for Speaking Tonight**

- A. To make City Council aware of situation
- B. To document in the public record that despite extensive efforts on my part for more than 6 months, the completion of City applications as requested, and significant personal expense to retain council, the City has been completely non-responsive and has so far refused to address this issue