

CITY OF MOYIE SPRINGS MINUTES REGULAR MEETING OCTOBER 5TH, 2016

City Council met in regular session October 5th, 2016 at 7:00 PM at the Moyie Springs City Hall.

The meeting was called to order by Councilman Chad Farrens. Present were Councilmen Steve Economu, Terry Johnson, Tim Narvaez, Public Works Supervisor John Nelson, Fire Chief Ken English and City Attorney Dan Featherston

Dennis Weed from EDC, Bill Maestretti, Ginger Perrenoud, Jimmy Ball, Linda Gross, Fran Oakes, Damon Severson, Stephanie Chase and daughter, and Meredith Keller were also present.

Prior Minutes Approval: Discussed the minutes of the regular meeting from September 7th, 2016. A motion was made by Terry Johnson and seconded by Steve Economu to accept the minutes. Motion carried.

Current Financials Approval: Chad Farrens asked for comment or questions on the current financials. A motion was made by Steve Economu, and seconded by Terry Johnson to accept the current financials from September 2016. Motion carried.

Letter of Resignation: The letter of resignation from Mayor Doug Evans was read by City Clerk Donna Wilson-Funkhouser. The letter stated that Mayor Doug Evans said that it had been his pleasure to serve as Mayor and Councilman for the City for the past eighteen or more years and that he was sorry to inform the Council that due to health and other personal issues that he needed to resign. He wished the City the best in the future.

Mayor Approval/Councilman Appointment: Chad Farrens asked City Attorney Dan Featherston if the Council had to fill the Mayor vacancy at this time. Dan Featherston stated that there was not a mandate of time for appointing or approval of a new Mayor. Chad Farrens said that at this time he would postpone the filling the Mayor vacancy and Council.

EDC Report: Dennis Weed from the EDC reported on the Spot Bus and they want to increase the rider usage in the Moyie Springs area. He said that it currently runs a route once a week from Moyie Springs to Bonners Ferry. Steve Economu asked if the Spot Bus schedule had been sent out with the water and sewer statements. City Clerk Donna Wilson-Funkhouser said that it had not been included with the statements; but that she had postcards with the schedule on the City Hall counter and it was also posted on the City's outside bulletin board. Dennis Weed said that he would send more information to the City office; as to get the City's residents more aware of what services and times the Spot Bus offers.

Dennis Weed told the Council of the High Five grant from Blue Cross for \$250,000 that the City of Bonners Ferry, along with County youth organizations, community health groups and the City of Moyie Springs had applied for. He also said that he had worked with the City's Clerk in completing the grant from the Union Pacific Foundation for \$50,000 to hopefully be able to build a year round basketball court and activity building for the City of Moyie Springs. Jimmy Ball asked if IFG would allow for a park area on their property.

Sheri Drive /Ordinance 19A Outdoor Building Structure: Chad Farrens asked Dan Featherston regarding the Ordinance and how it pertained to the tree house on Sheri Drive belonging to Stephanie Chase. Dan Featherston stated that his copy of the Ordinance had some added hand notations written regarding the limitations to the Ordinance. He said he would like to see a

changed Ordinance or a Resolution that changed the original Ordinance; but that at this point he believes that the tree house would not have to be moved or removed as it was 72 feet from the front property line and four feet from the street as he reads the Ordinance to state for compliance. He believes the tree house would be in compliance with the City's Ordinances. He said that he would need to see a proper change to the Ordinance to support the City's guidelines for outdoor structures. Chad Farrens said then the Council at this point would allow the existing tree house on Sheri Drive of Stephanie Chase's to be three feet from the back property line. Fran Oakes, one of the property owners of the adjacent property to the tree house said that she had attended the meeting to say that she has no complaints regarding the location of the tree house, and that she is fine with it being there. Tim Narvaez commented on the Council working on updating the current Ordinances. Dan Featherston said that when the Ordinances are updated that already existing structures would be grandfathered in. He added that the Council does not enforce CCR's for neighborhoods just the City's Ordinances. Stephanie Chase thanked the Council for their decision. Terry Johnson added that the Council needed to have Dan Featherston change the Ordinance to clarify the discrepancies. Dan Featherston agreed and said that the Council should individually go over the Ordinances and make notes and pass them along to the City office and then they could be sent to him and that he would rewrite the ordinance for the Council to review with the noted changes. He recommended the Council address all the Ordinances and address the ones that they had major concerns with first. Tim Narvaez said that the penalty's needed to be stated for non-compliance. Chad Farrens said that Ordinances would then be readable and clear if they were rewritten.

Volking Subdivision: David Volking had sent an email to the City requesting a letter of update on the progress of extending the water mainline from the hydrant on Elk Street and the City's responsibility for the road crossing of Highway 2 with the waterline. Terry Johnson said that the Council should send a letter with the engineer's recommendations as the Council could not put a strain on the water system due to the proposed subdivision of David Volking's. Tim Narvaez commented on that the Council had still not seen a plat map with the engineer's previous recommendations. He questioned if the City needs to look into a grant to develop that area. Chad Farrens asked if the Council wanted to go ahead and send him a letter. Meredith Keller asked what the City liability was with the extension. Tim Narvaez said that it was for future growth. Steve Economu added that it was for future development. Dennis Weed added that the fire safety is an issue as well. Jimmy Ball questioned if the sewer line would be involved in the waterline extension. The Council agreed to send a letter of update. A motion was made by Terry Johnson and seconded by Tim Narvaez to send a letter to David Volking regarding the City's intentions and recommendations on the waterline extension on Elk Street. Motion carried. Bill Maestretti added that he was on the understanding that the commercial subdivision was to access off North Division Street, and would the City be able to enforce that as the Council needs to make him meet that requirement. The Council confirmed that a plat would have to be presented and have the City's approval.

North /South Division Streets Paving Project: John Nelson reported on the completion of the paving project with a few minor problems. Terry Johnson asked about the road aprons. He said that John Nelson should ask the County about doing some hot patches where needed. He said that the County was working on widening the shoulders on South Division and would be finishing up on that. Terry Johnson added that he thought that Interstate Concrete had done an awesome job. John Nelson said that with the finishing touches completed on the road; it would all come together for completion.

Welch Comer Engineering Agreement on Final Wastewater Facility Plan Project: Welch Comer Engineering had sent an agreement to be signed for the professional services to finalize the wastewater facility study. They had included a timeline for DEQ approval, public hearing and finalization before the yearend 2016. Chad Farrens asked Dan Featherston professional opinion

on the agreement. Dan Featherston stated that the agreement was in favor of the engineers as would be assumed as they had written the agreement. The agreement stated a lump sum fee of \$3,750 for the study phase services and \$3,950 for the public meeting phase services and any additional hours at their variable rates for services. Steve Economu questioned the fee of \$3,950 that was for preparing everything for the public meeting. Tim Narvaez said this is what the Council needs to do to go ahead and finish the facility study. Chad Farrens said that the Council would need to agree to sign the agreement. Terry Johnson asked if there was any grant money left. John Nelson said that he believed that all the grant money had been used. Tim Narvaez said that to be able to finalize and terminate the facility study that the City needed to sign. Terry Johnson said once the Council had signed off on the facility study and finalized it, the engineers would turn over the study to the City. A motion was made by Tim Narvaez and seconded by Terry Johnson to sign the agreement for the professional services of Welch Comer Engineering on finalizing the facility study. Motion carried. Chad Farrens as acting Mayor signed the agreement.

Ordinance Violation / Camp Trailers: There are violations of camp trailers in use for housing. The City Ordinances prohibit the use of camp trailers for housing. Bill Maestretti said that any home would need to be built to Idaho Building Code, and that plans needed to be presented to the City to protect the builder and the owner. The city does require a house plan or building plan with a site permit. Steve Economu said that the City had allowed additional time for the Bakers for their water and sewer services for compliance with the City Ordinance. Terry Johnson said that he believed they allowed for a maximum of six months for someone to use a camp trailer to stay in. Tim Narvaez asked what the Council next step was. Bill Maestretti asked what the consequences were for the violation. Dan Featherston said that it would have to involve the Court to have the camp trailer removed for non-compliance. A motion by Terry Johnson and seconded by Steve Economu to have Dan Featherston send a letter of violation to the Bakers for the camp trailer housing and request a time frame and house plans by the next meeting on November 9th, and also to have the City Clerk send a letter to the Dycks regarding their camp trailer violation. Motion carried. Tim Narvaez said that the City should not issue a site permit without the consent of the Council on the Baker property. John Nelson commented that it should be a building and not another addition to the camp trailer that had already been permitted. Bill Maestretti asked about the previous plans that the City had permitted. The City Clerk said that there were no plans for the first permit as it was just a temporary situation. Bill Maestretti said that an engineer should be involved with the permit. Jimmy Ball said that requiring a permit that an engineer has to inspect was too expensive to undertake. Terry Johnson said that there were inspections required by the State for plumbing and electrical and but not buildings. Jimmy Ball said that there are ways to have the State look at a building to see if it was built to code that would take the cost burden off the City. Bill Maestretti talked about establishing an address and the post office's involvement. He also said that a fee should be involved with the site permits, with a plan check and wet stamped, and inspected by an engineer. He said that the fire safety and egress should be address with any building as well. Ken English commented that those changes would affect all of Moyie Springs on the fire egresses. Bill Maestretti said that prior buildings could be grandfathered in, and requirements for updating to code if 50 % or more changes were made to a site. Terry Johnson said that the City does not have a building inspector. Tim Narvaez said that was a good point by Bill Maestretti and that he believes that the City needs to have an inspector. Jimmy Ball commented that the City of Bonners Ferry does not even have a building inspector. Tim Narvaez said that the City needs to be a city and have standards. Jimmy Ball said that he believes that the City is sufficient and comfortable with the building requirements as is, and that the City would need to put it to a vote for those changes. Tim Narvaez said that just because that was the way; doesn't mean it shouldn't change. Jimmy Ball said that is why it is a democracy; ultimately dollars pay, and people still need a place to live. Jimmy Ball commented on the City's dilemma with resolving a guy using a camp trailer for housing and his violation;

and now looking to trying to enforce inspections and engineering. He said that we live in a little rural city supported by one big industry. Tim Narvaez said that he agreed. Chad Farrens said that is why the Council is going to review and make changes to the City Ordinances.

Joint City Councils and County Commissioners Meeting Scheduled: The City of Bonners Ferry, the City of Moyie Springs, and the County Commissioners are trying to schedule a joint meeting to discuss the new 129,000 truck permits, and possibly a joint sewer system. Dennis Weed said that the City of Bonners Ferry has council meetings on the 1st and 3rd Tuesdays of each month. The Council discussed options. They suggested a possibility of scheduling for October 26th. Dennis Weed will talk with the County and the City of Bonners Ferry.

Volunteer Fire Department Report: Ken English reported the following: September 7th – LEPC Meeting; September 8th – Fire – False Alarm – Moyie Canyon; September 17th – Ambulance Assist; September 21st – Fire Chief’s Meeting; September 29th – Fire – 18 Black Bear involving a pickup. Ken also reported on purchasing of another headset with cable for communication on the fire trucks, and a new fire ladder. He stated that he still needs to update the air tanks with air composite compressed air tanks.

Water and Sewer Report: John Nelson reported we pumped a total of 6,728,700 gallons; the high on the 1st of 404,500 gpd, the low on 13th of 145,000 gpd, with an average of 224,290 gpd, for the month of September, 2016. Bill Maestretti questioned the percentages in use. John Nelson said that the City could pump 600,000 gallons a day and that we store 500,000 gallons. He said that 450,000 gallons is about 2/3 capacity of the city’s maximum daily pumping capacity.

Miscellaneous Business: John Nelson reported on the new radar speed sign that Idaho Forest Group had purchase to help the City reduce the speed of the traffic on Roosevelt near the post office. John Nelson said that the highest registered speed was 52 MPH. Chad Farrens said that he has seen most all trucks slowing down. Steve Economu asked if it was hooked to a camera. John Nelson said no at this time. John Nelson said that the sign records the number of vehicles, the number of violations and the speed violations. John Nelson said that he was thinking about turning the flashing lights off and just recording to see if the traffic was learning to automatically slow down. Tim Narvaez asked if the sign could be adjusted to where it starts reading. John Nelson said it picks up after bottom corner on Roosevelt Street from Highway 2. He said it was doing a great job.

Tim Narvaez asked about the new water membership. John Nelson said it was on Westwood and by Barton Stapley.

An email had been sent to the City regarding the zoning of property located on Roosevelt Street belonging to Bob and Drexel Love. It was wondering if the property could be zoned commercial. The property is zoned industrial at this time. Tim Narvaez said that the City should respond to the email and attach the current zoning and the Ordinance entailing what is allowed per zone.

Tim Narvaez asked that the City reciprocate to the County for all the help that they have given on the North / South Division Paving Project, by snow plowing the County’s section of East Mountain View Street. John Nelson said that he believes that the City should do more to show appreciation to the crew for their help. Tim Narvaez said he realized that the County had supported the project with rock, time, and labor. Chad Farrens asked Terry Johnson for his suggestion. Terry Johnson declined input as a County employee. Ginger Perrenoud commented that the County had paid them for their time. John Nelson said he was just asking the City to show gratitude and appreciation to the crew for the entire project from the grant writing, to rock, to time. Tim Narvaez said that he thought the County should be the one recognized. Tim

Narvaez thought the showing of appreciation with the offer for the snow plowing on the County's section of East Mountain View Street would be for the County and it should not be for the employees that were paid. Bill Maestretti asked who maintained the bus routes. John Nelson said that the City and the County always try and clear those routes first. Terry Johnson added that the County clears the bus routes in about two hours. John Nelson said that it takes him 4 ½ hours to clear the entire City the first run thru.

Tim Narvaez asked about the City making an Ordinance regarding unmuffled brakes. The City Clerk passed out a sheet regarding the Idaho Legislative Act, Idaho Code 49-937 relating to mufflers and the prevention of noise. The Council reviewed the Idaho Code. Dan Featherston said that if there was already an existing law regulating muffler noises that it was not necessary to have a City Ordinance. He said that other cities have made ordinances to prohibit jake brakes and their ordinance continue to exist, even though the Idaho State law eliminates the need for the ordinance. Tim Narvaez questioned why he sees city ordinance signs with their ordinance number prohibiting unmuffled brakes when going thru other cities if the State law applied. Dan Featherston said presumably the city ordinance was made before there was a state law. Dan Featherston said that he would check the state law regarding the Idaho Code. Ken English said if that is the case that it is not being enforced. Chad Farrens said that the City could still put signs up prohibiting the unmuffled brakes. Dan Featherston said that the City of Moyie Springs does not have a police force and so the City has to depend on the County Sheriff to enforce the law. Chad Farrens repeated that the City could still put up signs. Dan Featherston agreed that if it is a law that the City could just proceed with the signs. Dan Featherston said that he would verify that it had actually passed as a law. Terry Johnson commented on the Naples bridge being hit daily by over height trucks even though there is a sign posted of the height of the bridge. Chad Farrens tabled the discussion till the next meeting.

Steve Economu said that he had been asked by his neighbor to ask the Council if he could have a goat on his property that was less than an acre. He said that the neighbor had said that the goat could be housed in a shed. Terry Johnson said that the Ordinance required at least one acre of property for the Council to approve Steve's neighbor's request. Chad Farrens agreed that the Ordinance stated the one acre requirement and it would not be permitted.

The City Clerk said that a thank you note for the radar speed sign should to be sent to Idaho Forest Group.

Discuss and Pay Bills: A motion was made by Steve Economu and seconded by Terry Johnson to pay bills. Motion carried

Adjourn: A motion was made by Steve Economu and seconded by Terry Johnson to adjourn. Motion carried.

Attest: City Clerk