MINUTES OF THE REGULAR COUNCIL MEETING 10/13/2020

Mayor Sean Simmons
6:00 p.m.

Pledge of Allegiance

Council Members: Jon Isbelle, Mark Swayne, Jennifer Dunaway, Shannon Schrader, Josh Tilley and Doug Donner

Staff: City Administrator-Ryan Smathers, Treasurer-Donna Wilson, Building Official-Todd Perry, Police Chief-Jeff Wilson and Fire Chief-Jon Hoyt

Absent: Clerk-Janet Montambo, Public Works Supervisor-Shane Miller and Water/Wastewater Supervisor-Michael Martin,

Media: Elizabeth Morgan and Nancy Butler

MINUTES

Councilmember Schrader made a MOTION to approve the Regular Council Meeting Minutes held on September 22, 2020. Councilmember Swayne seconded the motion and it passed with a roll call vote resulting in all ayes.

BILLS AND CLAIMS

Councilmember Schrader made a MOTION to approve the regular bills and the additional bills as presented and the payroll ending September 26, 2020 and the payroll ending October 10, 2020. Councilmember Swayne seconded the motion and it passed with a roll call vote resulting in all ayes.

PETITIONS, APPLICATIONS, APPEALS AND COMMUNICATIONS

New Beer/Wine Application Retail Sales-Linzy Daily DBA Elite Repeats-Councilmember Schrader made a MOTION to accept Linzy Daily’s Beer/Wine Application for Elite Repeats. Councilmember Dunaway inquired about what her plan is? It would be beer/wine to go out of the retail store from local vendors. Not be sold open container on the premises. Councilmember Swayne seconded the motion and it passed with a roll call vote resulting in all ayes.

Chamber of Commerce Closing Johnson Ave-This year the Chamber of Commerce is requesting to close Johnson Ave on Friday October 30, 2020 from 4-8 pm for Halloween Rockin on the Street.

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Councilmember Dunaway made a MOTION to approve the Chamber of Commerce's request to close down Johnson Ave. on Friday October 30, 2020 from 4-8 pm. Councilmember Schrader seconded the motion and it passed with a roll call vote resulting in all ayes.

News Release from AIC-Treasurer Donna Wilson elected to ICCTFOA-Mayor Simmons wanted to recognize Donna Wilson for being re-elected as the ICCTFOA District 2 - 1st Director for a second term.

DEPARTMENTAL REPORTS

Administrator-Administrator Smathers reported that the City had applied for $25,000 from Dworshak Recreation District to go toward the basketball, tennis courts and adding a half court. We weren't able to get the full amount, but we were able to receive $22,500. We are grateful for what we did receive. The way he understands it with all the work that was done to the tennis courts, they no longer want to do the versa-tile over top the court, but we definitely have enough to do the basketball courts. He is getting that quoted, because it has been several months, with new uprights, new backboards and widening the full-length basketball court by five feet and moving the fence. This will be a good project. We should have enough funds in the budget to add a half court in the City Park if we can find a suitable location. So, the versa-court cannot be driven on and with the events that are held in the park every year, trying to find a spot is going to be tough to do. He stated that Todd Perry brought up that if it is put over in the picnic area side and you're trying to have a birthday party or picnic, do you want somebody there dribbling a basketball all the time. This is one of the issues, so he asked the council that if they have any ideas on that, we'd be more than happy to listen to them. A few months ago, the council accepted the grant request that Chris St Germaine provided for the Safe Route to School (SRTS) program, we received the contract and Mayor Simmons signed it. The Blue Cross Community Transformation Grant meeting was held today, 10/13/2020 and the committee approved the $4135 match to the SRTS program so it will not be coming out of the Cities funds and they approved $13, 369 for sight amenities at the Skate Park. These are a fence, picnic tables, benches and a retaining wall between the parking area and the actual Skate Park. Malia from Lewis Clark Community Credit Union ordered a very extravagant bench for the Skate Park that they wanted to add up there too. Once the signed contract is sent down, the City should receive those funds right away and then we should be able to get the Skate Park finished up. Lucky Acres will be the fencing contractor that is used for the project, but they are a few weeks out, so not sure when that will be here. The other items we can get ordered and coming here right away. Mayor Simmons inquired about the naming rights to the Skate Park? LCCU was asking about what the City would charge for the naming rights. We received a lot of information from the City of Lewiston because they did that with their Skate Park, but once we got some number, they were no longer interested. But that is why they ordered the bench, because they recognize the success of the Skate Park and wanted to be a part of it. They ordered a $1500 metal bench. Also, Avista is supposed to add some lighting to the Skate Park. We don't want it to be too bright, because it is open from dawn to dusk, but they want it bright enough so the Police Department can keep an eye on it. Councilmember Dunaway stated that she has had a number of conversations with some of the kids about the lighting and that this is one of the best preventative measures that we can take. Administrator Smathers was hoping that Malachi

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Kirk who helped raise some of the money with his senior project, was going to be in attendance, but he wanted to find out if he needed permission to be able to give lessons, even though he is not charging. He is up at the Skate Park every other Saturday. Malachi wants to have a competition that he organizes and wants to know what a business license costs so he can buy a utility trailer so he can sell skateboards, scooters and do repairs on sight. It is encouraging new entrepreneurs. He was asked to come in and talk with the council to explain what he wants to do, but couldn’t be in attendance. Councilmember Swayne stated with the younger kids he sees them trying to go down Shriver Rd. with no sidewalk on the street. According to Chief Wilson it is legal for them to do so. Councilmember Swayne says there is a safety issue there as well and there are no sidewalks there and it may be something to consider. Chief Wilson did inform Councilmember Swayne that it is illegal for them to skate on the sidewalks. This is mostly because of the business district. You get people racing and someone comes out of a business and there have been crashes and near misses. Councilmember Swayne says it is still a concern and should be addressed. Administrator Smathers says he has seen this on Dunlap as well. He has watched some kids leave the Skate Park and it was scary, but they were having fun. Mayor Simmons asked if this was something that could be put in the paper to notify the public to have them be aware of the kids and to watch out. Elizabeth Morgan stated that she was up there a couple of weeks ago and she interviewed Malachi and she was immediately impressed on her way up Dunlap, there were so many kids she had to be careful, but was really impressed with the kids that were there. One guy from Kamiah was there two times just in the first week that it had opened. Councilmember Swayne stated that we don’t want to do anything to discourage them from coming, but want to make sure they are safe. Councilmember Dunaway has noticed that there are a number of kids going down Miles Ave. to get there instead of going on the road or the crooked sidewalk. Administrator Smathers had gone up to the Skate Park to spread more gravel and pick up garbage, but there wasn’t even a small plastic bag of garbage on the ground. The two garbage cans were full and the next day they were emptied. The Public Works guys are making sure that those are emptied. He was thoroughly impressed that the kids are using the trash cans. He was spreading gravel behind the half pipe where you can’t get the bobcat back in, one young gentleman said that if we ever need help that he is there every day and he can run a shovel. Smathers thought that was pretty cool. The kids are really enjoying it keeping the park clean and taking care of it.

He wanted to report for Water/Wastewater Martin that the work on the million-gallon reservoir sealing has been completed and due to the cooler temperatures, they are giving it 12 days to cure and then he will start refilling the tank. He was thoroughly impressed with the guys working on it. Once they got here, they work hard on getting it completed and did a very nice job.

Treasurer-Treasurer Wilson inquired from the Fire Chief Hoyt when the official burn season would open. Fire Chief Hoyt stated that it would open as of October 20, 2020.

Building Official-Building Official Perry reported he and Jim Thornton installed the handrail on the stairs at the City Park. It is a simple handrail, but it is going to work. They didn’t get it painted, but it is primed. So, on the next good day they will work on getting it painted. He stated that in the past he has allowed people to submit a special use application for animals in the City and they went through the process of going through Planning & Zoning and City Council to approve some of those, with conditions. But he realized that the animals are in the Police ordinance and Planning

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& Zoning cannot give Special Uses to Police ordinances, this is not how it works. He doesn’t have any pending applications for animals, but he wanted to bring it up to the Council that it doesn’t matter who it is or where it is, the answer is going to be no and you can’t apply. This is not the right process. This is information for the Council and if you think you might want to do this that we may need to see about changing it and taking it out of the Police ordinance and putting it in the Land Use ordinance where you would be able to get a Special Use, Conditional Use, Variance or whatever you want to call it. It’s a process if we wanted to do this, if not then it is a no. In the past some Special Uses were given for horses and goats and these were approved mostly because of the location. The person had a very large lot and their property bordered the County. Reasons like that is why they were approved. He has gotten requests for a 4-H pig, but that was a definite no. But you can have chickens and rabbits. They are fine. Councilmember Isbelle inquired, what is the big deal with horses and goats. Chief Wilson stated that it is just primarily in the City there can be a problem with the neighbors with noise with the goats. We can even deal with roosters. Some cities allow, but he would guess that the majority don’t. He would have to look that up. Lewiston allows it in the Orchards he believes, but not anywhere else. That is a unique area up in the Orchards. Roosters are allowed, but if they are causing a nuisance because of the noise, then they can be addressed that way. No poultry at large. Per Building Official Perry, roosters are allowed, but are discouraged. Councilmember Swayne inquired if there were any exceptions in regards to cattle. For example, on his place it is one big pasture that runs from Hwy 7 all the way up to the top. According to Chief Wilson, there are no exceptions. So, Councilmember Swayne stated that he would have to fence that off. Chief Wilson stated as long as it isn’t within the City limits. If you’re within the City limits with them, then that is against the law. Just trying to be consistent. Bottom line is if the City Council wants those types of animals within the City limits, then you would need to change the ordinance. They would have to vote to change it. If not, then we should enforce it unilaterally not selectively. Building Official Perry stated that now is a good time to talk about it, because there are no pending applications. Councilmember Isbelle inquired, what happens when someone comes in and asks and we tell them no and they are going to throw a fit that everyone else is. Building Official Perry stated that the answer right now will be no and you can’t even apply. Councilmember Dunaway inquired how many we actually have around that we have said yes to. Administrator Smathers stated that he knows of two with horses. Councilmember Dunaway stated that in the five years that Councilmember Tilley and herself have been on the council they have not come across this. So, it is not common, but someone is going to come in and apply and we will have to tell them no. Then they are going to say well these three people have them, so then there they are in a pickle. Chief Wilson stated that is the argument now, why shouldn’t we be doing that already. So, and so came has got them and they are going to make an argument. The example he gave Todd was that out on the highway should the little a sports car that is pretty nimble and can stop on a dime and is doing 60 mph and the heavy truck pulling a trailer can only do 50 mph and set the standards like that. To him it is pretty cut and dry, it is either we’re going to enforce or they’re not going to have the ordinance. We shouldn’t be deviating and allowing people to break the law. Building Official Perry stated that in the future that someone living on Jerome where their backyard is adjacent to the County and they wanted to get a goat or a horse and they were hoping to get the answer today, that just be aware that the answer is no unless we want to consider removing the animal section from the Police ordinance and putting it in the Land Use. Councilmember Dunaway inquired, that if we put it in the Land Use, then we
could request Special permit. Administrator Smathers stated that by the care center has that hillside behind it they have allowed horses to graze, but he thinks they stopped that two years ago now the neighbors are complaining about the weeds. Councilmember Dunaway asked that if this is the direction it would go if it was moved to the Land Use then they could still apply for Special Use. It’s not just an automatic yes. Building Official Perry stated that if it was in the Land Use ordinance, the answer would be no, but you can apply for a Special Use and these would be the conditions that we would consider approval. Maybe a pig would be no, no matter what. Chief Wilson stated that the only caveat to that would be that your enforcement changes. What you would be able to enforce would be different than what you can enforce now under the Police section vs what you would do under Land Use. This would be something you would want to factor in if someone were to violate that ordinance, it would be a different remedy. Councilmember Dunaway requested information from Building Official Perry about what it would take for compliance on the ordinance. We can bring it up again for a possible work session later.

Public Works-Supervisor Miller was not in attendance of the meeting.

Police-Police Chief Wilson reported that Officer Remington did get his teach back stuff done and is now certified as a firearms instructor and will be sending him to some specific rifle and shotgun training. It has been hard to get because of COVID. They are not doing a lot of in-person training that is obviously required for these courses. They were told by their Region 1 POST coordinator that they do have some coming up and they told them they would get Officer Remington in there and get him the courses that he needs. Sgt. Frazier completed his Less Lethal certification. This has to be completed every two years. It’s an expensive certification that is anywhere from $800-$1000 every two years. This covers the department and Sargent Frazier can train the staff on everything they have. They are good for another two years. Chief Wilson and Sgt. Frazier participated in a Special Olympics fund raiser golf tournament in Payette. He got with Administrator Smathers about this and they paid $275.00 out of their public relations fund. They got to golf with Jeff Green, which was absolutely amazing. Jeff is a really good golfer. Their fourth was Troy Trussell from Boise Mobile Equipment, the guy that sets up all their police vehicles. There were a number of area Police & Fire Departments that participated. He thinks there were a little over 100 people. Both Jeff Green & Chief Wilson won a competition, that was for the same thing. Jeff Green won it for the Special Olympics and Chief Wilson won it for everyone else.

They will be going back down on October 22nd for the final leg of the torch run, where they end on the steps on the Capitol. He thinks the Governor is going to participate in that. There will be about an eighth of a mile stretch that they will run with Jeff Green. They learned down in Payette at the golf tournament that in 2022 Jeff Green was selected to participate as part of a US delegation, only 20 athletes from the US will get to go to Russia. Chief Wilson is excited to be back involved with Special Olympics. He did it years ago when it was big and the torch run was big, they would do the thing Cops & Lobsters where they would go in and be waiters at Red Lobster. They made big money for Special Olympics that way. There a gal that is in charge of it now that really trying to get active again and is get it going again for each of the regions. So, Chief Wilson & Sgt. Frazier agreed to be on the Council for our region. He is excited to be back involved with Special Olympics and especially with Jeff Green being one of the athletes it’s even more special. So, he

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wanted to Thank the City for supporting this and allowing them to go do that and supporting it through work. The work for them has stayed steady. It has been manageable for sure, but has been steady. He has just look at some stats and each of the Officers have been staying pretty much staying equal. Even Sargent Frazier and himself have some cases. Always seem to have some major investigations going that can be time consuming even for months. They are keeping their heads above water and keeping the comp time down in the Police Department. Lower that it has ever been. Hunting season is usually their slowest time of the year, with the exception of last year. So far this year it has looked good and hopes that it will continue through the hunting season and they don’t have a lot going on. Winter will be here before we know it.

**Water/Wastewater**

Water/Wastewater-Water/Wastewater Supervisor Martin was not in attendance of the meeting. See above for a short report from Administrator Smathers.

**Fire**

Fire-Fire Chief Hoyt reported that he has already submitted two calls for cost recovery program. The Fire Department has about $8000 worth of calls submitted in to Fire Recovery USA (the third-party billing company). Monies reimbursed to the Fire Department for the Whitetail Loop Fire was $8102.00. Total numbers for both the Whitetail Loop & Sunnyside Complex Fires we should be reimbursed for a little over $20,000 for helping out with those fires. The new promotional fund-raising T-shirts are in. He will deliver some to Augies & Clearwater Tackle and will start getting those sold.

**Work Session**

Last Tuesday 10/6/2020 on the Orofino Rural Fire Contract, Mayor Simmons inquired if there has been any progress or if anything has been done yet. Administrator Smathers stated that there would probably be more information forth-coming before move forward anymore with it, but we will work with Don Gardner on some of the language in the contract.

**ADJOURNMENT**

At 6:41 p.m., Councilmember Dunaway made a MOTION to adjourn. Councilmember Swayne seconded the motion and it passed unanimously.

**ATTEST:**
Donna M Wilson, Treasurer

Sean Simmons, Mayor