MINUTES OF THE REGULAR COUNCIL MEETING 2/23/2021

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: Administrator-Ryan Smathers, Clerk-Janet R. Montambo, Treasurer-Donna Wilson, Building Official-Todd Perry, Public Works Supervisor-Shane Miller, Water/Wastewater Supervisor-Michael Martin, Fire Chief-Jon Hoyt and Police Chief-Jeff Wilson

Guests: Justin Beard, Bri Beard, Ken Harvey, John Erbst, Clayne Tyler-Clearwater County Prosecuting Attorney, Sal and Tina Lauria

Media: Elizabeth Morgan and Nancy Butler

MINUTES

Councilmember Schrader made a MOTION to approve the Regular Council Meeting Minutes held on February 9, 2021. Councilmember Tilley seconded the motion and it passed with a roll call vote resulting in all ayes.

A copy of the Planning and Zoning Meeting Minutes held on February 16, 2021 was submitted to the Council for information.

The Minutes of the Urban Forests of Orofino Meeting held February 2, 201 was submitted to the Council for review.

BILLS AND CLAIMS

Councilmember Donner made a MOTION to approve the regular bills and the additional bills as presented and the payroll ending February 13, 2021. Councilmember Schrader seconded the motion and it passed with a roll call vote resulting in all ayes.

PETITIONS, APPLICATIONS, APPEALS AND COMMUNICATIONS

Introduction of New Employee-Water/Wastewater Supervisor Martin introduced Justin Beard to the Mayor and Council. Justin filled the vacancy in the Water/Wastewater Department. Mayor and Councilmember’s congratulated and welcomed Justin Beard.

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Nuisance Ordinance Clarification and Discussion-Clayne Tyler, Prosecuting Attorney met earlier today with Administrator Smathers, Police Chief Wilson and Building Official Perry regarding clarification on the Nuisance Ordinance. Tyler reported the Storage containers that are showing up in different areas of the city would need to be dealt with in the zoning ordinance. You have to be site specific and amend the zoning ordinance and spell out what is not allowed. As for the Nuisance Ordinance there is a fine line prohibiting on zoning laws. In the Ordinance there is a Criminal Charge and it’s a misdemeanor if charged with a nuisance ordinance violation. Tyler explained there is a provision in the ordinance for civil abatement where the city will go in and abate the nuisance on a property that was given thirty days to abate. If the property is still out of compliance the city can mitigate the nuisance and bill the property owner. A certified letter goes to the property owner giving them thirty (30) days to comply with the nuisance ordinance, in most cases the property owner does comply. But if in other cases the violator does not comply, the city can mitigate the nuisance and bill the owner for the work done. If the bill was not paid the city can file a certification where the bill can go on the owners property taxes to be collected. Lately, Tyler commented there is repeat offenders every year and he will not dismiss the ticket and they pay a fine and he can add jail time with suspension of the jail time and put the person on probation with the stipulation that person cannot be in violation the whole time on probation. The city’s main goal is to clean up the property.

Clayne Tyler commented he would draft up language provision to add to the Nuisance Ordinance that would also make the Land Lord responsible if the tenant is out of compliance. There is a need for a better clarification in the ordinance when dealing with zoning laws. Tyler stated the Nuisance Ordinance Violation has to be tied to health, safety, welfare for the environment. Procedures are very important to follow, and the need to be careful to not overstep the boundaries for constitutional rights.

Mayor Simmons and Councilmember’s thanked Clayne Tyler for his time in clarification of the Nuisance Ordinance.

Planning and Zoning Recommendation on Shipping Containers-Building Official Perry submitted a copy of a recommendation from Planning and Zoning regarding Shipping Containers. Perry was inquiring from the Council if they had any more input before the Planning and Zoning Commission hold a public hearing next month. Councilmember’s voiced for Planning and Zoning Commission to move forward on the public hearing.

Clearwater County Medical Park Building Purchase/Sale Agreement-A copy of the Clearwater County Medical Park Building Sale Agreement was submitted to the Council for review. Administrator Smathers reported the County will send an invoice to the city for payment and then a Deed will be recorded with the City as owner of the building. Councilmember Swayne inquired from Chief Wilson if he had a date set on moving in and if they thought ahead the cost of care for the building in the future. Chief Wilson commented as for the care of the building it will be done in house from staff. Chief Wilson reported he received one bid from Ty Barnett, Contractor on some of the things that would need to be done before the department can move into the building.

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Wilson commented he is waiting to get a second and third bid from area contractors. As soon as he gets them all he will bring to the Council for review. Wilson thinks the work will be done in two phases. The first phase will be for the outer perimeters of the building and the second phase will be for the center of the building for a conference room and will probably budget for that for next year.

DEPARTMENTAL REPORTS

Administrator-Administrator Smathers reported he had no report and tonight’s Executive Session is cancelled.

Treasurer-Treasurer Wilson reported through the Care’s Act she received approval to purchase the lap top computers for Council and staff to use for future Council meetings. The lap tops are in and along with Clerk Montambo, and Administrator Smathers we will begin getting the computers ready and hope to have them ready by the next meeting. The computers will allow the Council to pull up their Meeting Agenda’s. This will save a lot of paper when copying the agenda’s for the meetings; and if need to in the future the Council and Staff can utilize the lap top for Zoom Meetings.

Building Official-Building Official Perry reported he is still working on the ITD Grant for ADA ramps for Highway 7 and Highway 12.

Public Works-Public Works Supervisor Miller reported they were hit hard with snow this last week. Miller complimented and was thankful for his crew who worked through late at night on roads where there was parked cars on the side of the roads. It was difficult in some area’s to try to push the heavy snow. In other news Miller stated there was a sewer line plug on Cedar Avenue. After further investigation the sewer line will need to be slip lined and a manhole would need to be replaced sometime in the future. Councilmembers wanted Shane to pass on their appreciation and thanks to his crew.

Police-Police Chief Wilson reported he is in the early stages of contacting contractors to get quotes on work that will need to be done to the Medical Park Building before they can move in. It was noted the police department is busy during the bad weather responding to traffic accidents.

Water/Wastewater-Water/Wastewater Supervisor Martin reported the main focus of training Justin today was the increase of Inflow and Infiltration of the wastewater plant. Martin commented they are physically inspecting the Adams Reservoir until they can figure out the communication problem.

Fire-Fire Chief Hoyt announced the Fire Department will hold a Fireman’s Pancake Breakfast fundraiser on March 13th, 2021 at the Senior Citizen Center. The proceeds will go the Senior Citizen Center.
PUBLIC COMMENT

Ken Harvey was inquiring if the Senior Citizen need more help with raising the funds for the Center. Administrator Smathers replied Audrey Steiner from the Senior Citizen group went to Clearwater County Commissioner’s and asked if they could help them in the amount of $5,000 monetary to help purchase equipment and other things for the center. Clearwater County Commissioner’s did approve $2,500 to the Senior Citizen group and told Audrey she should request the other half from the City of Orofino. Smathers reported the City does not have a discretionary fund where we can donate monetary to any group. The City cannot use tax payers dollars. Another way to help was staff directed Audrey to Chris St. Germaine, CCED. Chris St. Germaine was able to apply for a grant on their behalf from the Idaho Community Foundation. Also when hearing about the Senior Citizen’s needed help the Orofino Fire Department will hold a Pancake Breakfast where all proceeds will go to the Senior Citizen’s. Ken Harvey commented if the Senior Citizen Group fall short of funds and needs more help, Harvey stated his son would like to help in making up the difference.

John Erbst inquired why the inmates are not helping with shoveling the snow off the sidewalks. It was noted no one called ICIO because of the COVID policy. Public Works Miller put a call in over a week ago and finally heard from ICIO that he can now get inmates to help.

EXECUTIVE SESSION

The Executive Session was cancelled.

ADJOURNMENT

At 6:48 p.m., Councilmember Dunaway made a MOTION to adjourn. Councilmember Isbelle seconded the motion and it passed unanimously.

ATTEST:

Janet R. Montambo, City Clerk

Sean Simmons, Mayor