MINUTES OF THE REGULAR COUNCIL MEETING 4/25/2023

Mayor Sean Simmons
6:00 p.m.

Pledge of Allegiance

Council Members: Jennifer, Dunaway, Josh Tilley, Shannon Schrader, Mark Swayne, Doug Donner and Mike Gladhart-by phone

Staff: Administrator-Ryan Smathers, Clerk Treasurer-Donna Wilson, Build Official Todd Perry, Public Works Supervisor-Shane Miller, Water/Wastewater Supervisor-Michael Martin, Police Chief-Vincent Frazier and Fire Chief Bart Jones


Media: Elizabeth Morgan and Nancy Butler

MINUTES

Councilmember Schrader made a MOTION to approve the Regular Council Meeting Minutes as written held on April 11, 2023. Councilmember Tilley 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, the additional bills and the payroll dated April 22 2023. Councilmember Swayne seconded the motion and it passed with a roll call vote resulting in all ayes.

PETITIONS, APPLICATIONS, APPEALS AND COMMUNICATIONS

Marcus & Sydney Briggs-Clearwater Saloon-Beer & Wine License – Clerk Treasurer Wilson reported that Marcus & Sydney they were unable to make it to the council meeting and wanted them to know that they had just received their state license. Clerk Treasurer Wilson stated that she had spoken with Chief Frazier, he reviewed it and approved the beer & wine license for the Clearwater Saloon. Marcus & Sydney purchased the building that was previously the Wannigan.

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They were planning on making it an event center, but that didn’t come together as they were intending so they changed directions and have decided to open as the Clearwater Saloon and are looking for approval from council for their beer and wine license. Councilmember Donner made a MOTION to approval the beer and wine license for the Clearwater Saloon. Councilmember Swayne seconded the motion and it passed with a roll call vote resulting in all ayes.

**Chris Barger-Clearwater Boat Club – Requesting Johnson Avenue Street Closure** – Chris is requesting the street closure of Johnson Avenue on June 16, 2023 for the Show and Shine of the boats that has been done for the last couple of years. Councilmember Schrader made a MOTION to approve the request for street closure of Johnson Avenue from First Street to College Avenue on Friday, June 16, 2023. Councilmember Gladhart seconded the motion and it passed with a roll call vote resulting in all ayes.

**Natasha Needham – Downtown Block Party** – Natasha stated that she is the activities coordinator for the Clearwater Youth Alliance with the drug and alcohol prevention. They also help strengthen families. On Saturday, June 24, 2023 they would like to block Johnson Avenue from First Street to Michigan Avenue from 3:00 – 9:00 p.m. They would setup from 3:00-4:00 p.m. and do clean up from 8:00-9:00 p.m. They would run the activity from 4:00-8:00 p.m. Natasha stated that she had checked with all businesses downtown, asked them to get involved so it would look kind of like the trick or treat on the street, but they would do some sidewalk sales, House of Juju, the Taphouse and places of the such would run some specials to get people in the doors. This helps the community as a whole and have a place to safely gather. They will have games for the kids and are going to have a band. Councilmember Schrader made a MOTION to approve the request by Natasha Needham to close Johnson Avenue from First Street to Michigan Avenue on Saturday, June 24, 2023 from 3:00-9:00 p.m. Councilmember Tilley seconded the motion and it passed with a roll call vote resulting in all ayes.

**Krista Baker-CEDA & Dave Taylor-NezPerce County – DIGB2 Grant Application** – Was not in attendance.

**Hans Sween - J-U-B Engineering – Orofino Airport Parallel Taxiway Mill & Overlay Project - Supplemental Construction Agreement and Recommendation of Award** – Hans reported that there were two bids that came in for the parallel taxiway mill and overlay project. They did come in a little bit high. They have been working on finding funding through FAA so construction for the project can begin this summer and not have to be postponed. The FAA has secured approximately $63,000 for that deficit funding. Hans reported that on the agenda is a notice of award to Poe Asphalt. They were the low bidder for this project. Construction is anticipated to occur between July 10, 2023 and September 15, 2023. This is not how long it takes; it is just the window of time that is being given to the contractor. They are anticipating 20 calendar days of actual construction. One month of actual construction that would have the airport shut down. Included is a supplemental to the original agreement that was done for design. It is adding on another part so that J-U-B Engineering can continue throughout construction. Administrator Smathers reported that during the construction window we have asked for some notice from Poe Asphalt before they start so the City’s Police Department can do some EVOC (Emergency Vehicle Operations Course) training. Chief Frazier stated that POST has
required the officers to do some emergency vehicle operations training and many places have used their airports to do the training. The previous place in Lewiston for this type of training has closed. Chief Frazier is going to try to coordinate with the instructor to come during the time Poe Asphalt has the Airport closed so they would have a couple of days of defensive driving before they do the construction. Councilmember Donner made a MOTION to approve recommendation of award to Poe Asphalt for the construction of the Orofino Airport Parallel Taxiway and Overlay Project contingent upon FAA funding and concurrent and the supplemental construction agreement for J-U-B Engineering. Councilmember Swayne second the motion and it passed with a roll call vote resulting in all ayes.

Councilmember Donner requested on what the bid amount from Poe Asphalt for the public. Hans stated that the low bid amount came in at $515,790. Administrator Smathers stated that he wanted to take a moment to explain to the public; these airport projects, the City sometimes gets criticism from the public about how much money is spent at the airport. 90% of this project and every project that is done at the Airport is funded by the FAA and 5% by State Aeronautics. Only 5% of any improvements at the airport is local money. Smathers stated that sometimes he thinks that we forget to let the public know; then the City hears different things later. There was a letter to the editor in the Clearwater Tribune in reference to the traffic study that was funded for the Highway Seven and Michigan intersection and he wanted to address it publicly because the person who wrote the letter stated that the grant money should have been used elsewhere in the community. The grant that funded that study was part of the BlueCross funds that the City received that had to be spent on healthy activities or access to healthy foods in the community. The reason the committee voted to study that intersection is because it is horrific for pedestrians and bicycles to cross there. The committee saw the park as the start and stop point for most pedestrian and bicycle traffic, but they will find alternate routes around that intersection. That is why they voted to fund that study through J-U-B Engineers and is now sitting with ITD waiting for their decision on where to go next. It is the roundabout and don’t know if it will ever be approved or not. But that was the reason that those funds were used to study that intersection and they came back to the City with those recommendations was because they’re trying to make it better for pedestrians and bicycles. Smathers stated that he wanted to clear that up a little bit and why that grant could not have funded any other projects, it was specific to access to healthy activities and access to healthy foods. Again, it was a committee decision to fund that.

**Hans Sween - J-U-B Engineering – Project Status Update** – Hans reported on the Child Pedestrian Safety Project, funded by LTHAC anticipated beginning the project in April and May of 2023 for construction to follow and completed this year. The ITD traffic study; ITD is still reviewing the report and they will keep after them to hear back, so that is still sitting. The TAP grant LTHAC funded for the Highway 12 Sidewalk project; design is anticipated to be completed by October 2023 with construction in 2024. The other Airport project for pavement rehabilitation crack fill and seal coat that is FAA funded as well. J-U-B is currently working through design on that project, ticking off boxes that are on the scope for design. The Airport master plan, also FAA funded; they have completed a pre-planning meeting with the FAA and State Division of Aeronautics on April 19th. Starting to work with those agencies to see what is needed for their requirements and getting their concurrence on things. They will continue their scope of development and incorporating FAA and State Division of Aeronautics recommendations.

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Alison Tompkins-J-U-B Engineering – Downtown Revitalization Discussion & Agreement for Professional Service - Alison reported that herself and some city staff met on April 17th and went through the draft scope that we put together and refined it more and had some good discussion as well. Susan Jacobson was here, and she had a lot of good input to offer. She provided the council with a final draft based on input at the meeting. She highlighted a couple of revisions. First, is that the project area there was a desire to expand that a little bit. Originally, the discussed project area being from Wisconsin, east to A Street and the ultimate decision was to go all the way from the Clearwater River to C Street, going from west to east and then originally we're talking about going from Michigan south to either 1st Street or Orofino Creek. With the discussion it would be better to include all of Michigan and all of the non-residential. So starting at Brown Avenue, on the north side and then going south all the way to Orofino Creek. The area did get a larger, but this will include the post office and library area to tie it all together. From a planning perspective this tends to be part of the downtown core, which also include the City Park. Alison stated as a result of the discussion Susan Jacobson is interested in pursuing other funding opportunities in addition to the CDBG (Community Development Block Grant). For the CDBG grant application this fall, only one cost estimate is needed, but after the expanded scope, there are now four additional cost estimates for five total. One for the priority project to pursue the CDBG funding and up to another four for other projects that are identified in that area. Susan has found some other grants that will tie in with this project. Alison stated that the ultimate goal of the downtown revitalization plan is to position the City for a grant application for CDBG downtown funding, which is up to $500,000. The grant application is due in November of this year. The City has to adopt the plan before applying. Look at getting the bulk of the work done by the end of September, adopt it October and submit the application in November. She suggests that the City partners with someone like CEDA for the actual application. They can do the grant administration with the grant funds if awarded. What the whole process looks like is getting and documenting community involvement, community input and documenting conditions. We have to show that there are substandard conditions, whether that's ADA conditions, substandard infrastructure, substandard buildings that has to be documented. Identifying projects, creating a short list of the top 10 or so in the project area and prioritizing; only one will be prioritized for the grant application, but will have that list to refer to for future reference. Put together a capital improvement plan. The last couple of pieces are a strategic funding plan. Being able to demonstrate where the money is going to come from for this project. Not just the CDBG funding, but other sources that can be leveraged at the same time and the implementation plan. Councilmember Donner inquired if this was just public property or private storefronts, private property as well? Alison stated that this is from below ground to above ground. In the project area, it can be infrastructure, streetscape, not sure on actual building facades, but downtown amenities like light fixtures, street planters, curb, gutter, sidewalk, water, sewer and stormwater. Administrator Smathers stated this is not addressing storefronts, but Susan jumped all over it and went with the Main Street grant, which does allow for facades. Councilmember Dunaway made a MOTION to accept the Downtown Revitalization & Agreement for Professional Services with J-U-B Engineering. Councilmember Tilley seconded the motion and it passed with a roll call vote resulting in all ayes.

III-A Insurance-Medical, Dental & Vision Coverage Proposal – The council and city staff was provided copies of the plan options for the insurance coverage for III-A. Clerk Treasurer Wilson provide a breakdown of different possibilities of the proposal for the council to review as to what would suite the City better for a benefit to the employees and still save the City money. Administrator Smathers reported that Rick Laam and himself talked about this probably 10 or 12 years ago. We'd like to add City of Orofino Regular Council Meeting held 4/25/2023
dental and vision for our employees, but we could never really afford it or justify it at that point. So he got excited when it came back the way it did with dental and vision on the top package still being a savings to the City. That’s what we put on your agenda at the previous meeting. Through our department head meeting, it became very clear that that may not be the option that our employees wanted. So we tabled it at the last meeting and they’ve all gotten copies of this. They did polling with their employees and he thinks the majority of the opinions of all of our employees came back with option three, no dental and vision. Switches to the III-A insurance at a substantial savings to the city, but adds $100 a month to their Veba plan, which does cover their dental and vision and that’s the way they looked at it and they’re very accurate. The vision coverage that would have been offered through Regence or III-A is not as good as what they can do with their Veba plan. And dental is the same way, unless they needed orthodontics because that gets really expensive really fast. But if that’s the majority of the consensus of our employees, it would be option number three, no dental and vision with a bump in their Veba. That is basically at that point a wash versus except the III-A insurance offers them better coverage at a lower deductible. Water/Wastewater Supervisor Martin stated that Public Works Supervisor Miller had went around to the local eye doctors and they stated that they really do not accept the vision, there isn’t much there. The dental was anywhere from $1000-$2000 maximum, where the Veba is more versatile. All the employees are open to whatever the council chooses. Councilmember Dunaway stated she agreed that the vision insurance isn’t accepted at all the providers here. Administrator Smathers stated that there was one concern with changing in the middle of the year, that there may be a few of the employees that have already met or are close to meeting their deductible and would be starting over, but the new deductible is a lot less so there may be only a few that are really affected. Public Works Supervisor Miller stated that he would be one of these people that would be affected, but looking at it further and realized that in six months you would have left to the end of the year to pay on a lower deductible. Clerk Treasurer stated the pricing that was received from III-A is only good till June 1, 2023; otherwise we would have to go back to the drawing board and possible come back with higher numbers. These numbers are good until the October 1st renewal. III-A stated that there may only be a 3% increase for the renewal. Wilson stated that when she calculates for the budget, she calculates on the higher side. You can come down in the budget, but can’t go any higher. Chief Frazier reported that we had reached out to some of the other entities on III-A insurance and their people are very happy with the insurance. They stated that they have been treated very well and haven’t had any big hiccups in their plan. Chief Frazier thinks that this would be a positive move for the City. Councilmember Dunaway made a MOTION to accept III-A insurance plan that is preferred 80-A plan option three with no dental and vision with a $100 increase to the Veba plan. Councilmember Tilley seconded the motion and it passed with a roll call vote resulting in all ayes.

AGENDA AMENDMENT

A good faith amendment to the April 25, 2023 agenda was made to present information to the council from the City’s Attorney Jennifer Douglass regarding the Stoddard Litigation.

Administrator Smathers reported that there hasn’t been a lot of information seen on this because we weren’t sure what it was all about. The City’s attorney Jennifer Douglass has been working on it. The City was named in a quiet title suit in a property, but none of the properties listed were inside the city limits. There was a lot of confusion as to why the City was named. Going back and forth between lawyers for quite a while it appears that it is at an end. As of April 25, 2023 the
city received a stipulation for entry of judgment that she as recommended. The Mayor and Smathers had a phone all with the City attorney at five o’clock; she has recommended that the council approve this stipulation for entry of judgment and associated settlement paperwork to be executed by the City attorney. Mayor Simmons stated that they weren’t really clear until the phone call. The City was just named years ago on this land or titles. The City has nothing to gain, nothing to lose and no consequence. They approached the City’s attorney a while back and was waiting on clarification. Some things quickly and she didn’t receive any further information until just recently. They are just trying to get it closed out. Councilmember Dunaway inquired that by approving this is it taking out the City of Orofino’s name off of the title of property that never belong to the City anyway? Administrator Smathers stated that was correct. The reason that the City of Orofino was names as an abundance of caution. It could have been years ago guessing it was in the late 60’s early 70’s timeframe, when Riverside area was annexed and they didn’t know how far the city was going to go at that time. This is the Chases Flat area. They may have named the City just in case, but that has not been confirmed. Councilmember Dunaway made a MOTION to execute the settlement documentation from the Stoddard Litigation. Councilmember Tilley seconded the motion and it passed with a roll call vote resulting in all ayes.

DEPARTMENTAL REPORTS

Administrator-Administrator Smathers reported that he provided an invitation to the council to senior night for tennis on Thursday, May 4, 2023 at 4:00-4:30 p.m. They wanted to be at the council meeting to personally invite them, but due to tennis matches they weren’t able to. Wanted to remind everyone that Saturday April 29th is cleanup day. The award ceremony will be at noon and we were informed that Smokey the Bear would be in attendance. Councilmember Swayne inquired about burn permits this year. Smathers reported that permits were good until May 10th. Councilmember Swayne also inquired if there is a limited amount of items that can be hauled in and have disposed? Smathers stated that there is, but didn’t know what that criteria is because it had changed after the posters were made. Councilmember Dunaway provided the list of items to be disposed of. The following was provided: separated your loads; metal, wood, trash, plastics and carpet. No hazardous waste will be accepted. Four tires per household; 20 inches or less. One freon appliance per household, brush and wood cut into four foot lengths. They are doing two free days at the transfer station this year; April 29th and October 7th. Administrator Smathers stated that as many of the council and staff that could be there at noon for the award ceremony in their Arbor Day shirts would be great. There is a pre BBQ before for all the cleanup participants. It is supposed to be 80 degrees that day, so hoping for a good turnout. Smathers stated that he wanted to appreciate the staff. There are still some projects in the works from the BlueCross grant. They have been working on the Champion Park restroom project. Their part is done, now waiting on the contractor to do the concrete work to get ready for the bathroom to be delivered. They are hoping for mid to late May. The bicycle park; they talked with Josh Steiner and put him in connection with Eyler White, who designed it. They are now working together. Smathers heard from both of them and is cautiously optimistic that they are going to meet the deadline for the grant funding. There are four outdoor exercise equipment stations that are being built by the high school shop that are nearing completion that will be installed in different parks around town, two bike

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repair stations and there is a new toddler playground for two to five year olds for the main city park. That was discussed at the department head meeting. That is something that they overwhelmingly heard at the committee level is that the toys that are down at the park for bigger kids, but this will address that need. There is just a lot more in the projects that are trying to get implemented as they can and as they come in. Smathers stated that he was able to speak with Ryan Fobes; the engineer for the mouth of the creek project. They were each apologetic for the delays on each end. They are in agreement on a process going forward. The goal was to maybe potentially be working on that late this fall. He had made some contacts with some of the permitting agencies and wanted to touch base. The project for the mouth of the creek is getting rid of all the excess rock that has built up over the years. Now it is a permit process, there are nine agencies that have to be gone through for the permitting. The cleanup will go from the railroad bridge, down around the corner and into the main river to clean up all of that debris and reinforce the levee wall.

Clerk Treasurer-Clerk Treasurer Wilson reported that during the department head meeting she handed out their budgets so they could start working on them. A copy of the budget calendar will be provided to the council at the next meeting for their information. The plan is to have the departments heads introduce their respective budgets at the June 13th council meeting, just as a preliminary to get started.

Building Official-Building Official Perry reported that he was out of the office the previous week and is working on getting caught up on emails and phone calls. He stated that Spring is here, the trees are flowering and he is trying to get them fertilized. He has on nuisance ordinance violation that is due Thursday April 27th. He will go evaluated Thursday and reassess it at that time. Councilmember Schrader inquired on nuisance order on Michigan? Chief Frazier stated that he believes there is an active issue with that property.

Public Works-Public Works Supervisor Miller reported an update on the sweeper. Randy Wheelhouse the rep from Owen Equipment that the sweeper was purchased through came down. There was a couple of issues with it. After some work and tuning of the sweeper there is now a noticeable difference and it did much better. There is some additional tuning and or programming that needs to be done with some of the broom pressures. May have to look in the future to possibly purchasing a programmer so it can be tuned by our staff. There was a leak at the splash pad that has now been fixed. There will need to be some concrete poured before that is completed. He is hoping that is the only leak and they can get through the summer with all the toys working. The Public Works department is in full mow season now. Robert mowed all the parks and Craig was out mowing the Airport. Miller stated that he is a little concerned about the inmate program. We may have to look at it differently in the future if the inmates are actually getting hired. Miller reported on the CIPP project. Iron Horse will be in on Monday to start the RV park. That is the most sensitive one as it is a problem to get in to. Three days and then they should be out of there and they will probably be in town till around the 19th of the month. They are going to work straight through and do everything instead of leaving and coming back. Miller is looking forward to that project being completed.
Police-Police Chief Frazier reported they have been staying very busy in court and out on the road. The vehicle that the tree fell on is back and in service. The newest officer will in that truck. He is currently in what is call phase three of his training. He is still with another officer that is in plain clothes. There is still a fourth phase he needs to get through before he is on his own. Frazier completed his applications for POST. Best case scenario if he can get in one of the outlying either NIC or POST would be August, but isn't too optimistic as POST and everyone are way behind on officers that are already in their system waiting to get in. He will keep his fingers crossed and they will move forward. Frazier stated that he has an officer out for some surgery. He should be back within two weeks. This was for a previous workman’s comp issue. Frazier reported that he had a meeting with Josh at public surplus. He is hoping to have a training program with him the first week of May. They will use on of the Fire Chief Jones’ surplus vehicles to get started. Josh will sit down with them and walk them through the process. Frazier will get together with Clerk Treasurer Wilson to get something out in the paper to make sure the public is aware of the direction the City will be going. Councilmember Tilley reported that some of the residents down by the baseball fields were still having some issues with the Do Not Enter and wanted Chief Frazier to be aware of it. Chief Frazier will have some of his officers down there to readdress the situation.

Water/Wastewater- Water/Wastewater Supervisor Martin reported that between the rainstorms they were able to complete the City water truck. It is very simple now and an updated motor. In regards to the firing range. It is coming along fine. The tree removal has been done, the rough cut out is done, but the rain the last few days has made it pretty slick and it is solid clay. A couple of dry days and they should be able to punch it out and should be wrapped up shortly.

Fire- Fire Chief Jones had gotten called out on an emergency. Administrator Smathers reported that they have been trying to get an update on the new fire truck. That seems to have been pegged with delays. Chief Jones had finally gotten an email back and they are looking at mid to late May for delivery. The Fire department has bought another truck bed that is identical to or similar to the bed on rescue three. That will be for rescue 33. That bed is located over in Kent, Washington and one of the firemen will go over to pick it up. Smathers stated that he didn’t know if any of the councilmembers had a chance to go up to the training room area for station one, but the remodel work that has been done is coming along nicely. Chief Jones has been working hard on getting that completed. They have had a citizen step up and offer to redo the hardwood floors.

Building Official added to information in regards to the nuisance ordinance. The City’s nuisance ordinance isn’t the best, but it’s extremely hard to administer. As an example for that property on Michigan Avenue that is being talked about. He started that process back in August and has had to be very specific. Labeling what is a nuisance and why. Years ago he had a conversation with Clayne and he said you can't just take a picture and circle it and just say everything has to go. That would be really easy, but he has to be specific. When the day came and had to mitigate and enforce the nuisance, there were items here that weren't there in August. It is like an evolving junkyard and was surprised to see some things that weren't on the pictures that weren't declared on the nuisance. The property isn't perfect. People are allowed to have things; that is just maybe excessive things. It was something he wanted to add and if the council wants to change the ordinance, add something to it or whatever. He thinks Chief Frazier, and himself would be more than welcome to have that
discussion. Councilmember Donner inquired if it has been resolved? Chief Frazier stated that it is not resolved. Clayne is aware of it. There are still many conversations that need to be done because it has not been adjudicated through court. Administrator Smathers reported that the specific things that were listed were removed.

PUBLIC COMMENT

Shelly Donner wanted to thank Shane. There was a leak at the courthouse and he has been doing a good job helping her.

Tye Barnett stated he has a little bit of a rebuttal regarding the One Way. There is still a lot of traffic that still comes in that one way. He is a little frustrated because he came in for speed bumps and he got a one way, which is fine. He thinks it is working a little bit, but it is not. There is a lot of traffic that comes in that way and they aren’t paying attention to the sign. The five mile per hour speed limit sign was taken down so there is no limit now. Public Works Supervisor Miller stated that if it is a one way, why would you need a speed limit sign, but one could be put up coming the other way. Tye stated that it is working in some ways, but in other it is not. He asks that they don’t shut down the alley. Councilmember Dunaway stated that in the past there were barricades put up just during the baseball game times. It was from approximately 5:00-9:00 p.m. The residents would just go in and out. It was just to keep traffic from speeding through there.

Felipe Fernandez is a new owner and operator of ABBA Concrete LLC. He has been a resident now of Clearwater County for four years. He was born and raised in Homedale, Idaho. He was just approved to do some work in the City of Orofino and just wanted to introduce himself and his company. He has a four man crew at the moment and is ready to be given the opportunity to let everyone see what they have to offered and to be a part of this community. Just a little about himself; he was lost and found with no direction at one point in his life and was able to get an opportunity to move away from Canyon County and start something new and be a positive member of this community in hopes that he can feel comfortable in Clearwater County. Administrator Smathers stated that he had dealt with Felipe when he came in for his business license. He was missing some required licenses, but Building Official Perry was out when he returned. Smathers stated that he was really nice to deal with and just appreciated that because of the delays in getting his license that wouldn’t have normally been there and wanted to say thank you for being so friendly.

Alison Tompkins stated that she wanted to put in a good word for Krista and Dave from CEDA, but has worked with them for years. They are good people and what they are doing with the DIGB2 grant is great. She has been following that since December. There is going to be somewhere around $100-$500 million coming into the state for broadband infrastructure. It is going to be competitive. She looked at the projects that are just the preliminary projects that were submitted in December and the DIGB2 project shined far and above the others. They put together a great packet of information and support across five counties from counties and cities.
COUNCIL COMMENT

ADJOURNMENT

At 7:07 p.m., Councilmember Dunaway made a MOTION to adjourn. Councilmember Swayne seconded the motion and it carried unanimously.

ATTEST:

Donna M Wilson, City Clerk Treasurer

Sean Simmons, Mayor

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