

MINUTES OF THE REGULAR COUNCIL MEETING HELD 4/14/2020
USING WEBEX

Mayor Ryan Smathers
6:00 p.m.

Council Members: Jennifer Dunaway, Mark Swayne, Sean Simmons, Shannon Schrader, Josh Tilley and Doug Donner

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

Guests: Chris St. Germaine and Chris Danley

Media: Elizabeth Morgan and Nancy Butler

MINUTES

Councilmember Schrader made a MOTION to approve the Regular Council Meeting Minutes held March 10, 2020 as written. Councilmember Simmons seconded the motion and it passed with a roll call vote resulting in all ayes.

Councilmember Dunaway made a MOTION to approve the Minutes of the Emergency Special Council Meeting held on March 23, 2020. Councilmember Schrader seconded the motion and it passed with a roll call vote resulting in all ayes.

BILLS AND CLAIMS

Councilmember Donner made a MOTION to approve the regular bills and the additional bills as presented and the Payroll ending March 14, March 28th and April 11, 2020. Councilmember Simmons seconded the motion and it passed with a roll call vote resulting in all ayes.

PETITIONS, APPLICATIONS, APPEALS AND COMMUNICATONS

Pedestrian/Bike Project Development Update - Chris Danley with the Vitruvian Planning Group gave the Council a power point presentation update on the Pedestrian/Bike Project Development. The Idaho Department of Health & Welfare Pedestrian/Bike Project continues to support safer environments for people to walk and bike in their communities. The Department funded and supported a community engagement effort and a two-day walk audit training course. The academy was held in Orofino in April 2020, but the community engagement portion was held in October 2019. The city was selected by the walkability team including the lead instructors and state staff due to the SNAP grant qualifications and Orofino was selected as a Blue Cross

Foundation grant award winner. The City was subject to a citywide planning effort via the State several years ago and has been successful in implementing recommendations. The purpose of the course was to immerse participants in understanding and know the characteristics and keys of walkability through the 4-C's approach: Comfort, Context, Connectivity and Crossings. By examining and understanding walkability through the lens of these 4-Cs, participants are able to make a more cohesive case to planners, engineers and public officials for improved conditions for people who walk. Chris St. Germaine, Clearwater Economic Development Director reported to the Council, she, along with Chris Danley is working for a remedy on Highway 7 and Michigan Avenue crossing at the Intersection. Adding a high visibility crosswalk and accompanying Rectangular Rapid Flashing Beacon (RRFB) would allow pedestrians in several places on Highway 7 to cross in a safer environment. Councilmember Swayne inquired if they can list the crossing by Swayne Lane as a higher priority in the plan because of an accident that occurred there. Swayne stated residents from Clearwater Health and Rehab walks on the pathway along Highway 7 every day. This plan will be used to work with ITD in regards to the various crosswalks.

Clearwater County Commissioner Candidate - Dennis Fuller was not in attendance of the meeting.

Tek-Hut Inc. Fiber-optic Permit Request - Administrator Laam reported Todd Perry Building Official received a letter from Tek-Hut, Inc., a fiber optic company out of Boise Idaho. Tek-Hut is currently working on a project to bring High Speed Connectivity fiber optic lines from Timberline High School to the Orofino Elementary school. The project will allow Timberline High School and the Idaho Youth Challenge Academy in Pierce to have a limitless high-speed connection. Tek-Hut was requesting a permit to lay the fiber optic in the City's right-of-way along Michigan Avenue from the Elementary School to the city limits in Konkolville. Laam's concern is not opposing internet connectivity for School District 171, but the route Tek-Hut will have to use in laying the conduit. Tek-Hut may have to cross Michigan Avenue several times before ending at the city limits. A straight line is preferred. This project was slated to be completed by June 30, 2020. Tek-Hut would begin the job as soon as the Building Official gives a permit. It was noted a Work Session will be scheduled to meet with Tek-Hut in the near future to get more information and answers on some of the many variables that may happen for this type of permit. Laam will contact Tek-Hut and set up a meeting.

Idaho Transportation Department Board Meeting - The City of Orofino received an invitation from the Idaho Transportation Department Board to attend their Board meeting on April 15-16, 2020 at the Red Lion Hotel, Lewiston, Idaho.

Arbor Day Foundation Letter - The City of Orofino received a letter from Dan Lambe, President of the Arbor Day Foundation. Mr. Lambe congratulated the City of Orofino for recertifying as a Tree City USA community for 2019.

Education of Young Children Proclamation - Mayor Smathers signed a Proclamation proclaiming April 11-17, 2020 as Education of Young Children. Idaho Association for the Education of Young Children and the National Association for the Education of Young Children (NAEYC), are organizations working to promote and inspire high-quality early childhood

experiences for our state's youngest citizens. Mayor Smathers encourages all citizens to work to support and invest in early childhood in Orofino.

Nez Perce Tribal Letter - The City of Orofino received a letter from Shannon F. Wheeler, Chairman from Nez Perce Tribal Executive Committee. Mr. Wheeler was reaching out to surrounding counties and cities and letting them know when dealing with a myriad of issues and problems on a daily basis that is directly and indirectly related to the COVID -19 Pandemic. The Tribe has activated its Emergency Operation Center. Mr. Wheeler is available to assist or work together if needed.

Avista Reader Board Location - Mayor Smathers gave an update to the Council regarding the Avista Reader Board location. Mike Tatko, with Avista Utilities has identified a location on the corner of South A Street and Michigan Avenue where the old Chevrolet Sign pole was used as Barnett-Thompson's used car lot. Paul and Lee Pippenger now own the lot and Avista has received permission from the Pippenger's to use that pole for the new Reader Board. Avista is working with Frontier regarding power and the internet. The Orofino Chamber of Commerce will be in charge of posting events on the Reader Board. Sign Crafters will be placing the Reader Board with the Council's approval of location. Councilmembers all agreed to proceed with the Avista Reader Board at this location on the corner of South A and Michigan Avenue.

Budget Schedule and Memo - A copy of a Memo from the Mayor and the FY 2021 Budget Schedule was submitted for Council review.

Idaho Ethics in Government Conflict of Interest Ruling for Vincent Frazier -The City of Orofino received notification from E. Clayne Tyler, Clearwater County Prosecuting Attorney, regarding a potential Conflict of Interest if Vincent Frazier, a City of Orofino employee is elected as a Clearwater County Commissioner. Tyler stated there is no common law or statutory conflict from maintaining employment with the City of Orofino while simultaneously acting in the capacity of Clearwater County Commissioner.

DEPARTMENTAL REPORTS

Administrator - Administrator Laam submitted a Memo and a Transition Plan for his replacement as City Administrator for the City of Orofino. Laam commented, as discussed in Executive Session on January 28, 2020 he will be stepping down as City Administrator effective April 30, 2020 and working part-time (19) hours per week through the end of the Fiscal year on September 30, 2020. During the January 28, 2020 meeting the full council unanimously agreed Mayor Smathers would be an excellent fit for the position, which he agreed to. Ryan was born and raised in Orofino and has a passion for this community. Ryan has the experience and knowledge of all the departments within the city and all Department Heads are in full agreement as well for Ryan being the best fit. A press release will be issued April 15th to inform the public.

The Transition Plan identifies the process for the Mayor's replacement and the replacement of a council member if one is chosen to replace the Mayor. A motion is required to approve Ryan Smathers as the new City Administrator effective May 1, 2020. Ryan will continue being the Mayor through April prior to stepping into the position of City Administrator. The City Council will need to enter into a formal agreement with Ryan as soon as possible. Laam informed the Council that he gave a copy of his Employee Agreement to Ryan for his use if he so desires. All that has to be completed is the salary he will be making and a new term period.

The Transition Plan describes the following options upon the departure of the current City Administrator:

1. Do not replace the City Administrator. Leave the position vacant.
2. Advertise for the position.
3. Appoint someone from within the City of Orofino to fill the position of City Administrator.
4. In the absence or vacancy of the City Administrator, the Mayor has the discretion to assume this role with the City Council approval.

It was noted option 4 is allowable pursuant to city policy which specifically states that in the vacancy of the City Administrator, the Mayor may assume the role of the City Administrator with the approval of the City Council. If an individual within the city is appointed to another position within the city, advertising for the position should not take place. Pursuant to Idaho Code, if the Mayor is appointed to this position, the Mayor must resign his position as Mayor to avoid a conflict of interest. Since Mayors in Idaho are considered a supervisor of municipal employees, one cannot be a Mayor and employee at the same time.

The City Council has the authority to appoint a new Mayor from within or outside the City Council. If the council appoints an existing council member to the position of Mayor, that individual does not fill the remaining term of the outgoing Mayor, but rather, fills in as Mayor until the next city council election where he or she must run for a new four-year term. If the current President Pro Tem is appointed as Mayor, then the council would elect a new Pro Tem.

If a council member is appointed Mayor, a subsequent vacancy in the city council would be created. The council then has the authority to appoint someone to the city council. This person can be anyone they desire as long as they meet the qualifications for holding an elected office. A general rule of thumb is to review the candidates who ran in the last election and determine who received the next highest votes in the election.

On April 30, 2020 Laam will step down as a full-time City Administrator and enters part-time retirement.

On May 1, 2020 Laam will become an hourly employee and work nineteen (19) hours per week. This is the maximum number of hours PERSI will allow for a retired individual who is still working for the same employer without first having a ninety-day break in employment.

On September 30, 2020 Laam will officially step down from all employment from the city.

Councilmember Dunaway made a MOTION to move forward with the Transition Plan and on May 1st Ryan Smathers is appointed as the new City Administrator. Councilmember's Schrader and Swayne seconded the motion and it passed with a roll call vote resulting in all ayes.

In other news, Laam reported he received a letter from Lamar Company amending the agreements for the two Bill Board signs on Highway 12 to begin making month to month payments instead of one annual payment. There will be no decline in revenue. Councilmembers voiced they all agreed and had no objection for Lamar Company to pay month to month payments on the agreed signs.

A copy of a Budget Memo from Mayor Smathers was submitted to the Council. Mayor Smathers has been working closely with Rick and Donna on the upcoming FY 2021 Budget and have concluded next year's budget will be difficult to project and plan for. Due to the COVID-19 virus and the subsequent economic impact the virus is having on our nation, state and local governments, as a city Mayor Smathers expressed that we need to exercise prudent and fiduciary responsibility to the tax payers of our community. Throughout Idaho and the nation there are record numbers of unemployment and business closures. We will have people who cannot pay their monthly utility bill, people that normally have no history of delinquency. We will get through this, but must do our part. Mayor Smathers is recommending that we levy a zero (0%) tax increase for FY 21. Economic recovery of our community will take years to rebuild, but we can do it without sacrificing essential services. No COLA will be incorporated in the FY 2021 Budget. Staff who are not capped out on the salary schedule will receive their one-step increase on October 1, 2020. The Police Department is currently on an eight-year vehicle replacement program. They will be contributing \$45,000 to this fund in 2021. No new or used vehicles or equipment will be purchased in the Street Department. This will be a "maintenance" only year. No new or used equipment will be purchased in the Water or Sewer Departments in 2021. The Fire Department will budget for a new vehicle for the Fire Chief. City Hall will transfer from their vehicle fund \$26,000 to assist in this purchase. The Durango the Chief is currently using will be transferred to the Airport to replace an older courtesy vehicle. Tennis Courts currently has \$10,000 for future repair work. These funds will be carried over to next year with an additional \$10,000 being added as a set-a-side. The Building Department will contribute \$5,000 toward the Vehicle Replacement Fund.

Treasurer - Treasurer Wilson submitted a copy of the Clearwater County Tax Recap Report and the Revenue vs. Expenditure Reports ending October and November 2019 for Council review. In other news Wilson reported she received a scholarship for the upcoming International PRIMA Conference in June.

Building Official - Building Official Perry submitted the March 2020 Building Permit Report for Council review. Perry reported the UFO Committee and Public Works crew planted twelve trees throughout the city.

Public Works - Public Works Supervisor Miller reported he had his knee replaced on March 11, 2020 and is now going through Physical Therapy. Miller commented he appreciates his job and that he can continue working during this Pandemic. There are many people out there that are not

working and not receiving any income. Miller commented the Public Works crew is busy taking care of a list of things and getting it done.

Police - Police Chief Wilson reported he is seeing good results from people "Staying at Home" because things in the community have slowed down. Wilson reported the police department is still working on past cases and feel caught up with administrative duties. Due to Covid-19, Wilson asked his department to limit exposure and try to do most of their interviews on the phone rather than a face to face contact.

Water/Wastewater – Water/Wastewater Supervisor Martin reported Rick Bird is back to work on light duty. Martin also reported his crew is performing four hour shifts in an effort to have less exposure to each other. In other news, Freeth Construction has begun re-roofing the Wastewater Treatment Plant.

Fire - Fire Chief Hoyt reported things have slowed down. The Fire Department is helping at the Food Bank three days a week. The Fire Department is caught up on maintenance requirements at both Fire Stations. Councilmember Swayne inquired about when the burning restrictions will be lifted. Fire Chief Hoyt reported he is following the State's recommendation on the burn ban. Hoyt was notified that Clearwater County has cut off residents from bringing brush and dumping at the Landfill. Councilmember Swayne was concerned because he along with others have brush piles that need to be burned before the season is cut off in the middle of May. The brush piles can be a fire hazard this summer. Fire Chief Hoyt commented that he will check with the State and inquire about when outdoor burning will be allowed.

ORDINANCE

ORDINANCE NO. 804 CORPORATE CITY LIMITS DESCRIPTION - AN ORDINANCE OF THE CITY OF OROFINO, CLEARWATER COUNTY, IDAHO, REPEALING ORDINANCE NO. 526; REPEALING TITLE 1, CHAPTER 16 OF THE OROFINO CITY CODE AND REPLACING IT WITH A NEW TITLE 1, CHAPTER 16 WHICH DESCRIBES THE AMENDED CORPORATE BOUNDARIES OF THE OROFINO CITY LIMITS DUE TO ANNEXATION; FILING AND RECORDING OF ORDINANCE; FILING OF LEGAL DESCRIPTION AND MAP BOUNDARIES; PROVIDING FOR EXHIBIT "A" IDENTIFYING NEW CITY BOUNDARIES; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

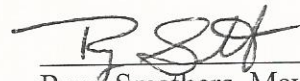
Councilmember Swayne made a MOTION to Adopt Ordinance No. 804 under the suspension of the rule requiring three complete and separate readings, and Clerk Montambo read it by Title only. Councilmember Simmons seconded the motion and it passed with a roll call vote as follows: Councilmember Simmons, Aye; Councilmember Dunaway, Aye; Councilmember Schrader, Aye; Councilmember Donner, Aye; Councilmember Swayne, Aye; and Councilmember Tilley, Aye.

COUNCIL COMMENT

Councilmember Simmons wanted the media to report there is no open burning. Councilmember Donner commented the airport looks great. Councilmember Swayne complimented the contractor stating he did a good job.

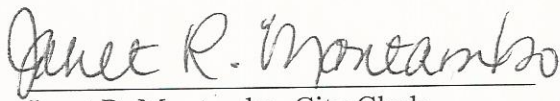
ADJOURNMENT

At 7:52 p.m., Councilmember Dunaway made a MOTION to adjourn. Councilmember Simmons seconded the motion and it passed unanimously.



Ryan Smathers, Mayor

ATTEST:



Janet R. Montambo, City Clerk