

## MINUTES OF THE REGULAR COUNCIL MEETING 8/25/2020

Mayor Sean Simmons  
6:00 p.m.

### Pledge of Allegiance

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

Staff: City Administrator-Ryan Smathers, 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

Guest: Ken Harvey, Terry Perrin and Allison Dorland

Media: Elizabeth Morgan and Nancy Butler

### MINUTES

Councilmember Schrader made a MOTION to approve the Regular Council Meeting Minutes held on August 11, 2020. Councilmember Swayne seconded the motion and it passed with a roll call vote resulting in all ayes.

### BILLS AND CLAIMS

Councilmember Swayne made a MOTION to approve the regular bills and the additional bills as presented and the payroll ending August 15, 2020. Councilmember Schrader seconded the motion and it passed with a roll call vote resulting in all ayes.

### PETITIONS, APPLICATIONS, APPEALS AND COMMUNICATIONS

Shot Glass Request-Allison Dorland, Manager of the Shot Glass was requesting the city to close Wisconsin and College to Main Street. Currently she is working with Jim Engle, who is organizing a proposed Battle of the Ponies with the Motorcycle Club that will take place in the arena on Friday evening September 18<sup>th</sup>, 2020. Engle was not in attendance of the meeting but forward written information. Dorland wanted to have Live Entertainment with a Band in front of the Shot Glass, the time would be from 9:00 p.m. to 1:00 a.m. unless Council wanted to change the time she would be receptive. Dorland will provide security, hand washing stations and outdoor toilets for the public. Dorland reported she received verbal approval from the property owner to have a Beer

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Garden on the corner of Wisconsin. The Chamber of Commerce backed out and is not planning anything in the Park during the Clearwater County Fair. The Fire Department was planning a Pancake Breakfast from 7:00 a.m. to 10:00 a.m. in the Park on Saturday and possibly there might be Youth Groups in the Park to set up as Food Vendors later in the afternoon but she has not had confirmation on that. Dorland stated some of the proceeds will go to the 4-H Programs. Councilmembers inquired from Chief Wilson what his position on this event. Chief Wilson responded that he did not see a problem, but the noise level that late at night may be a problem to the surrounding residents. Councilmembers inquired if Allison can start earlier and conclude by midnight. Dorland did not see a problem. After no further comment, Councilmember Swayne made a MOTION for Allison Dorland to carry out her plans and have the Street Closure for the band to conclude by Midnight. Councilmember Donner seconded the motion and it passed with a roll call vote resulting in all ayes. It was noted Councilmembers needed more information on Jim Engle's proposed event before they can approve for the arena.

Reference to the City of Orofino's Forgone Tax Accrual -The City of Orofino received written correspondence from Don Gardner. Gardner was not able to attend tonight's meeting but had submitted a letter to the Council asking them to not use the Forgone Tax Accrual method. Gardner stated accruing forgone money for possible future use may hurt the taxpayers when the City decides the need for the Forgone Tax. Gardner encourages the Council to not use the Forgone Tax Accrual method now or in the future.

## PUBLIC HEARINGS

**Forgone Tax** -Mayor Simmons opened the Public Hearing at 6:25 p.m. for the Forgone Tax. Administrator Smathers reported the amount on the Forgone is incorrect and it should read \$36,424. Due to Covid the city of Orofino will not pass the 3% on to taxpayers FY 2021. Forgone tax equates to the amount of property tax the Council elects to not levy for amounts that are less than the 3% increase as permitted for the 2021 fiscal year. This is the first time the city has forgone tax. Forgone taxes may be levied in future years if the City Council deems appropriate. Smathers commented we are taking a chance and might miss out down the road. It will take another resolution to take the 3% tax in the future for budgeting purposes.

There was no additional comment or questions, Mayor Simmons closed the Public Hearing at 6:29 p.m.

**Orofino Fire Department Cost Recovery Program** - Mayor Simmons opened the Public Hearing at 6:30 p.m. for the Orofino Fire Department Cost Recovery Program. Administrator Smathers reported this will establish a new Cost Recovery Fee for the Orofino Fire Department. The Orofino Fire Department shall initiate mitigation rates for delivery of emergency and non-emergency services by the fire department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents. It was noted other cities have this in place but it is new to Orofino. A third party billing company will bill the individual(s) insurance company and not from the



individual(s) themselves. Smathers commented this is a positive program and was posed a question what happens when the individual does not have insurance. Then a bill will not be generated.

With no additional comments or questions, Mayor Simmons closed the Public Hearing at 6:38 p.m.

**Sanitation Fee Increase for Commercial-** Mayor Simmons opened the Public Hearing at 6:39 p.m., for the Sanitation Fee Increase for Commercial Users. Clerk Montambo reported City Staff met with Robert Simmons with Nadl/Simmons, it was brought to the City's attention the Commercial Users were not being billed correctly. City Staff and Simmons worked together and corrected the Sanitation Rate Schedule for Commercial Users. Montambo stated the Residential Rates will stay the same.

With no additional comments or questions, Mayor Simmons closed the Public Hearing at 6:40 pm.

**FY 2019-20 Budget Amendment** -Mayor Simmons opened the Public Hearing at 6:41 p.m., FY 2019-2020 Budget Amendment. Treasurer Wilson reported the City received additional monies through the Cares Act and additional Grant money came in for the Orofino Business Center. A total breakdown of amendments are as follows:

Monies to be appropriated from:

General Fund- Airport – FAA Grant	3,931
General Fund- Airport – FAA Grant	9,880
General Fund- Fire Department – Lewis Clark Foundation TTE Grant	8,512
General Fund-CCED-Innovia Foundation-COVID-19 Community	
Response & Recover Fund	1,500
General Fund-City Council – Carryover	975
General Fund-P&Z – Carryover	1,825
General Fund-Finance & Admin. – Carryover	2,950
General Fund-Fire Department – Carryover	3,180
General Fund-Airport – Carryover	5,780
General Fund-Fire Department-CARES Act Refunds & Reimbursements	36,195
Street Fund – Carryover	7,030
Orofino Business Center Fund – State Grant – RDBG	35,000
Orofino Business Center Fund – Carryover	121,468
EMAP – Carryover	1,290
Water/Wastewater Fund – Carryover	2,723
	<u>\$242,239</u>

Expenditure of the monies:

City Council – Public Relations	975
P&Z – Boundary Description Annexed Area Konkolville & Smathers	1,825
Finance & Admin. – Minor Equipment	2,950
CCED – Marketing Advertising	1,500
Fire Department – Medical Benefits	3,180

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Fire Department – Special Operating Supplies (CARES Act)	36,195
Fire Department – AED Machines (Lewis-Clark Foundation TTE Grant)	8,512
Airport-Professional Services – Engineering Costs	3,931
Airport – Repair & Maint. Other – Runway Lighting Controller	5,780
Airport-Contract Services – 5 Year Renewal Cell Plan – QT Pod (CARES Act)	9,880
Street Fund – Special Operating Supplies – Conduit	7,030
Business Center-Professional Services-Engineer Design SJX Expansion Bldg.	22,798
Business Center-Repair & Maint. Building & Grounds	6,185
Business Center-Capital Outlay-Buildings-State Grant-RDBG	127,485
EMAP-Misc Expenditures	1,290
Sewer Treatment-Repair & Maint. Other-Pump Rebuild	2,723
	<u>\$242,239</u>

There was no additional comments or questions, Mayor Simmons closed the Public Hearing at 6:41 p.m.

**FY 2021 Proposed Budget** – Mayor Simmons opened the Public Hearing at 6:43 p.m. Administrator Smathers reported the proposed budget has not changed since the last time the Council received a copy of the budget. The following budget items were presented to the Council are as follows:

**ESTMATED EXPENDITURES:**

**GENERAL FUND**

General Administration	\$ 393,335
Police & Animal Control	\$ 979,080
Fire	\$ 282,930
Building Inspection & CCED	\$ 586,700
Airport	\$ 85,830
Contingency	\$ -
Total General Fund	<u>2,327,875</u>
STREET FUND	\$ 605,275
RECREATION FUND	\$ 144,935
WATER/WASTEWATER FUND	\$ 1,272,235
SANITATION FUND	\$ 509,405
VEHICLE REPLACEMENT FUND	\$ 107,000
LIABILITY FUND (TORT)	\$ 77,775
COMMUNITY TRANSFORMATION	\$ 1,453,760
WATER BOND & WATER BOND REDEMPTION	\$ 775,400
EMAP FUND	\$ 4,000
OROFINO BUSINESS CENTER	\$ 112,895
RESERVE FUND	<u>\$ 535,000</u>
TOTAL PROPOSED EXPENDITURES	<u>\$ 7,925,555</u>



There was no written comments for or against the proposed budget. Terry Perrin inquired about the comparison in the Clearwater Tribune it looks like there was a 40% increase FY 2019 to FY 2020. Treasurer Wilson responded to Terry Perrins question, the City has to increase the budget to reserve the money in the event when a grant comes in. If the grant does not materialize then the money is not spent. After no further comment, Mayor Simmons closed the Public Hearing at 6:49 p.m.

## DEPARTMENTAL REPORTS

Administrator-Administrator Smathers reported Chris St. Germaine, CCED was successful in a Cares Act Grant for the city of Orofino in the amount of \$1.1 million and City of Weippe was awarded \$1.3 million for Broadband Internet. The fiber optic will increase the speed of internet service in the City of Orofino and Chases Flat area. Inland Cell is also installing fiber optic to help increase speed for internet service for customers by the High school and Prison. Smathers commented he has a new appreciation for Chris and what is involved in grant writing and to apply for these grants.

Treasurer-Treasurer Wilson submitted the Clearwater County Tax Recap August 2020 Report to the Council for review.

Building Official-Building Official Perry reported the Post Office Mail Box that was on the sidewalk in front of the Orofino Market Place was removed and now will be placed in the parking lot. In other news Perry reported Planning and Zoning will hold two Special Use Public Hearings in September. Planning and Zonings recommendation will be forwarded to the Council at the September 22, 2020 meeting for final approval.

Public Works-Public Works Supervisor Miller reported Public Works Crew is busy with adding a chemical to the sewer lines to help with cleaning. Miller commented next month they will begin the jet rod maintenance program on the whole sewer system.

Police-Police Chief Wilson reported Orofino Police Department is diligently working to keep people from parking their "For Sale Camper's and other vehicles" on Shopko's parking lot. Wilson reported he has the property owners authorization to prevent the parking. Wilson would like the media to put something in the paper regarding there is no parking of boats, trailers and vehicles on Shopko's parking lot. Wilson will have Lahni put something out on the police Facebook page and the City's website regarding no parking. In other news Wilson reported the State's program for reporting on E Ticketing is still in process of working with the software to operate consistently.

It was noted Councilmember Swayne thanked Chief Wilson for bringing it to his and the Council's attention regarding legislation that changed and prevented law enforcement from making an arrest unless it was committed in front of them to witness. Wilson stated after called out to a domestic dispute they were not allowed to make an arrest even after taking pictures of the victim with bruises it was apparent that they were battered but because it was not committed in front of the police no arrests can be made. Police officer's hands are tied in these situations. Councilmember Swayne  
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would like Council and other Cities throughout the state to write letters to the Legislators asking for a change to allow Police to do their jobs.

Water/Wastewater-Water/Wastewater Supervisor Martin reported the million gallon water tank maintenance will begin September 1, 2020 and it will take the Contractors at least twenty days to complete. Highland Court and Dewey residential customers will experience low water pressure and expect fluctuation in pressure.

Fire-Fire Chief Hoyt reported to help boost the 4-H Clearwater County Fair the Orofino Fire Department will hold a Pancake breakfast in the City park on September 19, 2020 from 7:00 a.m. to 10:00 a.m. It was noted the bathroom upstairs in the fire hall is currently going through a remodel. In other news Hoyt still has not received the requested information from Orofino Rural Fire District. Councilmember Swayne inquired if the Fire Department completed the flow test. Hoyt responded that was put on the back burner and hope to get to it again in the future, but now will have to wait until the water tank is done.

## RESOLUTIONS

Resolution No. 20-494 – A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OROFINO, IDAHO RESERVING THE FORGONE AMOUNT FOR FISCAL YEAR 2020 FOR POTENTIAL USE IN SUBSEQUENT YEARS AS DESCRIBED IN IDAHO CODE §63-802, ET AL.

Councilmembers were in agreement that they did not want to burden the Tax Payers at a later date and wanted this year's Forgone Amount void for any future collection. Treasurer Wilson reported this piece of Legislation was new this year and she will call Justin Ruen, at Association of Idaho Cities (AIC) to get more information on how to proceed to not collect on the Forgone Tax in the future and will report back at the next Council meeting.

Councilmember Dunaway made a MOTION to table Resolution No. 20-494 until Treasurer Wilson can contact AIC and get the needed information on how to proceed. Councilmember Swayne seconded the motion and it passed with a roll call vote resulting in all ayes.

Resolution No. 20-495 – A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF OROFINO, IDAHO ADOPT AN AMENDMENT TO THE CITY-WIDE FEE SCHEDULE; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Swayne made a MOTION to adopt Resolution No. 20-495. Councilmember Tilley Seconded the motion and it passed with a roll call resulting in all ayes.

## ORDINANCES

Ordinance No. 809-AN ORDINANCE OF THE CITY OF OROFINO, IDAHO, ESTABLISHING AND IMPLEMENTING A COST RECOVERY PROGRAM TO CHARGE MITIGATION  
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RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES BY THE OROFINO FIRE DEPARTMENT FOR SERVICES RENDERED; PROVIDING FOR MITIGATION RATES IDENTIFIED IN (EXHIBIT A); IDENTIFYING THE RESPONSIBLE PARTY; PROVIDING FOR THE COST RECOVERY RULE MAKING; ORDINANCE ADOPTED IN A LEGAL AND OPEN MEETING; ANNUAL MITIGATION RATE INCREASES; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Dunaway made a MOTION to adopt Ordinance No. 809 under the suspension of the rule requiring three complete and separate readings, and that it be read by Title only by Clerk Montambo. Councilmember Schrader seconded the motion and it passed with a roll call vote resulting in all ayes.

Ordinance No. 811-AN ORDINANCE OF THE CITY OF OROFINO, IDAHO ENTITLED ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 APPROPRIATING THE SUM OF \$7,925,555 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF OROFINO FOR SAID FISCAL YEAR, AND PROVIDING FOR AN EFFECTIVE DATE.


Councilmember Dunaway made a MOTION to adopt Ordinance No. 811 under the suspension of the rule requiring three complete and separate readings, and that it be read by Title only by Clerk Montambo. Councilmember Tilley seconded the motion and it passed with a roll call vote resulting in all ayes.

Ordinance No. 812-AN ORDINANCE OF THE CITY OF OROFINO, IDAHO AMENDING ORDINANCE NO. 805 THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR OCTOBER 1, 2019 THRU SEPTEMBER 30, 2020, APPROPRIATING ADDITIONAL MONIES FROM THE GENERAL FUND – AIRPORT FAA GRANT IN THE SUM OF \$13,811.00; FIRE DEPARTMENT – LEWIS CLARK FOUNDATION TTE GRANT IN THE SUM OF \$8,512.00; CLEARWATER COUNTY ECONOMIC DEVELOPMENT – INNOVIA FOUNDATION – COVID-19 COMMUNITY RESPONSE & RECOVER FUND IN THE SUM OF \$1,500.00; CARRYOVER FUNDS IN THE SUM OF \$14,710.00 AND FIRE DEPARTMENT – CARES ACT REFUNDS & REIMBURSEMENTS IN THE SUM OF \$36,195.00; THE STREET FUND – CARRYOVER IN THE SUM OF \$7,030.00; THE OROFINO BUSINESS CENTER FUND – STATE GRANTS-RDBG IN THE SUM OF \$35,000 AND CARRYOVER FUNDS IN THE SUM OF \$121,468; EMAP FUND -CARRY OVER IN THE SUM OF \$1,290.00; WATER/WASTEWATER FUND – CARRY OVER IN THE SUM OF \$2,723.00; AND PROVIDING FOR AN EFFECTIVE DATE.

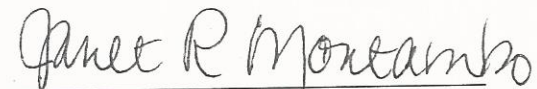
Councilmember Schrader made a MOTION to adopt Ordinance No. 812 under the suspension of the rule requiring three complete and separate readings, and that it be read by Title only by Clerk Montambo. Councilmember Swayne seconded the motion and it passed with a roll call vote resulting in all ayes.

## ADJOURNMENT

At 7:28 p.m., Councilmember Dunaway made a MOTION to adjourn. Councilmember Schrader seconded the motion and it passed unanimously.

  
Sean Simmons, Mayor

ATTEST:

  
Janet R. Montambo, City Clerk