

Regular Council Meeting & Public Hearing  
City Hall  
May 8, 2018  
6:30 PM

Mayor Eastman called the meeting to order at 6:31 p.m. Roll call was taken with Councilors Gary Ventress, Angel Vanderwilt, and Joy Porter present; Chris Robinson was absent. Roll call was followed by the pledge of allegiance.

The minutes of the April 10<sup>th</sup>, 13<sup>th</sup>, and 27<sup>th</sup> meetings were approved in a motion by Councilor Porter, second by Councilor Ventress and a vote of aye by all – motion passed.

The financial statement was reviewed by Council. Councilor Porter motioned to approve, second by Councilor Vanderwilt, followed by a roll call vote with Councilors Ventress, Vanderwilt, and Porter all voting aye – motion passed.

Accounts Payable was reviewed by Council. Councilor Porter motioned to approve, second by Councilor Vanderwilt followed by a roll call vote with Councilors Ventress, Vanderwilt, and Porter all voting aye – motion passed.

Mayor Eastman announced the Hinz Deannexation public hearing, and explained if anyone would like to speak, the sign-in forms were on the back counter; Mayor Eastman then opened the public hearing. Jocelyn Hinz, the applicant, came forward to present her reason for the deannexation request. Councilor Porter read aloud from the request documentation, “We are asking to de-annex our twenty acres off Nash. We live on the adjacent parcel, which is outside of limits, in the county. The property is zoned R1, with a potential of approximately 30+ lots, which would burden the city’s already over-stressed sewer system. If it were part of the county, the most it could be is 4 five acre parcels, due to septic systems.” Council had no questions for Ms. Hinz. No public signed in to speak and the public hearing was closed. Council had no issues with the deannexation. Councilor Ventress motioned to approve proposed ordinance #583 for the Hinz Deannexation under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary; second by Councilor Porter, followed by a roll call vote with Councilors Ventress, Vanderwilt, and Porter all voting aye – motion passed. Mayor Eastman then read aloud the title paragraph of Proposed Ordinance #583.

Mayor Eastman and Council then discussed the Idaho Fence Bid Proposal, explaining that Little League was chipping in approximately \$25,000 on the perimeter and dug-outs at Volunteer Park, and included the Frederick Loop and R Ranch lift stations, and the Maine Street teapot fence and the cemetery, for a total of \$52,943, less the little league contribution. Councilor Porter motioned to approve, second by Councilor Vanderwilt, followed by a roll call vote with Councilors Ventress, Vanderwilt, and Porter all voting aye – motion passed.

The next item on the agenda was to consider Lenore Romney to perform a forensic audit. Mayor Eastman explained Ms. Romney's qualifications. Mayor Eastman explained she could account for monies spent from building permits from present back to 2013, but that's where it started getting difficult and where Ms. Romney would start. Councilor Porter asked what it would range for cost; Mayor Eastman stated Council would get a rough cost prior to Ms. Romney getting started. Councilor Porter motioned to do it, second by Councilor Vanderwilt, followed by a vote of aye by all – motion passed.

Mayor Eastman and Council reviewed the HMH, LLC professional services agreement of \$26,432 for the Maine Street Path construction engineer, which is included in the grant. Councilor Ventress motioned to allow Mayor Eastman to sign the agreement, second by Councilor Porter, followed by a roll call vote with Councilors Ventress, Vanderwilt and Porter all voting aye – motion passed.

Mayor and Council then reviewed the two Field 4 Manifold quotes, the 1800 feet of pipeline at the sewer plant that makes the booster pumps tie in to the whole system. Jimmy Brown was the lowest (\$15,649.00). Mayor Eastman requested permission to sign the agreement; Councilor Porter motioned to approve, second by Councilor Ventress, followed by a roll call vote with Councilors Ventress, Vanderwilt and Porter all voting aye – motion passed.

Mayor Eastman explained she would like to add a window in the back room at city hall for a new part-time office assistant and requested approval to add the window; Councilor Ventress motioned to approve, second by Councilor Porter, and a vote of aye from all – motion passed.

Mayor Eastman explained the need for shingles and fascia boards on the barbecue shelters at the Big Park.

Mayor Eastman shared that she received complaints on the snow plows going too fast last winter and is looking into installing GPS units on all city vehicles; she shared that this will also benefit the city by knowing the whereabouts of vehicles at any given time, as a balance and check.

Mayor Eastman requested to sign the Fresh Air E-Bikes Agreement for the Police Department use of bikes (no fee agreement); Councilor Ventress motioned for mayor to sign and agree, second by Councilor Vanderwilt, followed by a roll call vote with Councilors Ventress, Vanderwilt and Porter all voting aye – motion passed.

Mayor Eastman explained the lease agreement with 6185 W Maine, LLC (old pizza place) to lease four parking spaces for Police Department use at \$1 per year, and requested permission to sign; motion to approve by Councilor Porter, second by Councilor Vanderwilt, followed by a roll call vote with Councilors Ventress, Vanderwilt and Porter all voting aye – motion passed.

Phyllis Brown appealed the civil penalty citation she received on March 31, 2018 for disturbing the peace. Ms. Brown explained this was for her dog barking, and went on to explain how her

neighbor complains about everything she does, and that he lets his dog out when she lets her dog out, and they bark at each other, as that's what dogs do. This time her neighbor called the police and complained about her dog barking and she was issued a civil penalty citation. Ms. Brown was upset that the officer asked her date of birth, as she didn't think it was necessary to know her age, and she told her neighbor that he started this war and she would finish it. Ms. Brown went on to say that all the neighborhood dogs bark, but the neighbor who filed the complaint against her doesn't complain about the other neighbor, as they are friends. Ms. Brown feels that she is being harassed by her neighbor, using the PD to do so, and would not pay a fine or cave in, and that there are ways of getting even. Councilor Ventress requested Chief Sanchez to comment. Chief Sanchez explained that the Police Department is only interested in fair equitable distribution of the law, so if all the emotion is taken out of it, Phyllis said nothing to the fact that her dog was not in violation of the ordinance of the city, and retaliatory justice is not something the department will entertain. They are trying to remediate the problem (barking dogs) with warnings, and it is not the Police Department pressing charges, it was the neighbor who signed the citation, as is their right. If there is a bigger issue with harassing, there are other avenues to address that, and if there are other dogs barking on the street and it is violating the ordinance or disturbing someone's peace, they will address it. Mayor Eastman questioned why the video does not depict the officer's conversation with the neighbor; it started when the neighbor signed the citation, so that side of the story wasn't on video. Mayor Eastman does not want this becoming world war three with them calling the PD regarding each other's dogs barking. Chief Sanchez stated that if they felt the ordinances were being abused, they would try to get both parties together to remediate the issue. Councilor Ventress commented to Ms. Brown that when information is requested by an officer, she is liable to give the information on her driver's license. Chief Sanchez stated they are not trying to be invasive, only do their job which requires them to get as much accurate information to identify the individual; it's not personal. Chief Sanchez reiterated that it was a citizen issuing the citation, the PD just facilitates the paperwork; if it was the police department issuing the citation, they must witness or hear the offense. Ms. Brown's citation did not include the time, although it was on the other copies. Chief Sanchez clarified that the time is not critical information and the officer may have forgotten and filled it in when he returned to the office. More discussion ensued regarding neighbors, getting along, dog training and control, and the process when a citizen writes a ticket. Councilor Porter stated she's been hearing about this since the 31<sup>st</sup> of March, and that they've got better things to do than argue about a dog barking; she had been over there and there had never been a barking problem. More discussion regarding the police department giving the citation vs. being signed by a citizen. Councilor Ventress motioned to approve the appeal of the fine, and reducing it to a warning, second by Councilor Vanderwilt, followed by a roll call vote with Councilors Ventress, Vanderwilt and Porter all voting aye – motion passed.

Jo Kidd requested use of the Big Park on Saturday, August 4<sup>th</sup> from noon to 4 p.m. for free food and music; motion to approve by Councilor Porter, second by Councilor Vanderwilt and a vote of aye by all – motion passed.

Beth Miller requested use of the Big Park on May 20<sup>th</sup> from 11 to 2 p.m. for a memorial for her husband, Curt Miller who lost his battle with cancer. There would be a PA system for songs and memories; motion to approve by Councilor Ventress, second by Councilor Porter and a vote of aye by all – motion passed.

Gloria Pecor did not appear for her request of the Big Park gazebo and baseball field on June 2<sup>nd</sup> from 2 to 6 p.m. for a graduation. Councilor Porter motioned to allow if the ball field is not in use by Little League, second by Councilor Ventress and a vote of aye by all – motion passed.

The Park and Rec report was given by Director Laura Zimmerman.

Chief Sanchez gave the police report and requested permission to approach Spirit Lake Urban Renewal Agency to fund modifications to the police department building; motion to approve by Councilor Ventress, second by Councilor Vanderwilt and a vote of aye by all – motion passed.

Mayor Eastman and Council reviewed the Public Works report.

Councilor Ventress motioned to go into executive session per Idaho Code 74-206(1)(e) to consider preliminary contract negotiations, second by Councilor Vanderwilt, followed by a roll call vote with Councilors Ventress, Vanderwilt, and Porter all voting aye – motion passed. The room was cleared, and executive session was entered at 7:45 p.m. Executive session ended at 7:52 p.m. and the regular council meeting resumed.

Councilor Ventress motioned to approve the Sprint Site Agreement form of lease, second by Councilor Porter and a vote of aye by all – motion passed. Councilor Ventress motioned to authorize staff to negotiate the ground lease per established parameters in executive session, second by Councilor Porter, followed by a roll call vote with Councilors Ventress, Vanderwilt and Porter all voting aye – motion passed.

Councilor Ventress motioned to adjourn the meeting, second by Councilor Vanderwilt and a vote of aye by all – motion passed.

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Renee Eastman, Mayor

Attest:

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Ann Clapper, Clerk