

CITY OF HAUSER, IDAHO

Location: Hauser City Hall, 11837 N. Hauser Lake Road, Hauser, Idaho 83854

CITY COUNCIL MEETING MINUTES

REGULAR MEETING – April 27, 2011

CALL TO ORDER: 6:30 p.m. – Mayor Johnston

PLEDGE OF ALLEGIANCE: Lead: Claire Hatfield

ROLL CALL: Councilmembers: Mallon, present; Hynes, absent; Hatfield, present; Lefebvre, present
City Attorney, Art Macomber, also present.

MINUTES: 4/13/11 minutes will be on the 5/11/11 Agenda

Mayor Johnston said she brought information on the previous flood of 1997 in Hauser.

REPORTS:

a. **Treasurer's Report:** Tina McCoy

b. **Councilmembers:**

. **Claire Hatfield, City of Hauser Properties – RC&D**

There is an RC&D meeting next week so will report on it at the next Council meeting.

. **Lacey Hynes, Trails – Milfoil Rinse Station - Absent**

. **Roger Lefebvre, City Projects – RC&D Alternate**

▫ **Arbor Day Celebration:** Hauser Arbor Day is Saturday, April 30, 2011.

Three "Fat Albert" Blue Spruce trees (five feet tall), a Blue Alpine tree and a Nordam Fir were purchased with the grant money received. The bill was \$305.50. Another tree was donated to the City by Northland Nursery. The trees will be planted on City property on Saturday at 10:00 a.m. Had it not been for the grant and the donation, the trees would have cost well over \$600.

▫ **Bridging the Valley:** Confirmation that Don Davis will be at the City Council meeting of May 25, 2011 has been received. Howell said the Planning Commission will also be at that meeting. He will talk about the interchange plans for the intersection of Pleasantview and Hwy. 53 and Hauser Lake Road. There is a traffic counter on Hauser Lake Road now.

. **Gary Mallon, Public Works**

▫ Mallon said he wanted to recognize Donna Ray for Administrative Professionals Day as City Clerk. "She is always in the City Hall and does a fine job."

▫ Mallon has not heard from the Post Falls Hwy. District yet on the bid for streets needing repairs, and a rundown on the new reflective street sign requirements. Mallon asked about a quote from Quality Maintenance for resurfacing the City parking lot. Mallon asked why this may be done since it is not in bad shape. Discussion followed. Mallon was referred to Hynes for explanation.

c. Code Administration/Enforcement: Cheri Howell

- ***Planning Commission Tentative Calendar:*** Howell distributed the tentative calendar to councilmembers. There were some changes made last night, but this is the schedule for today and it is on the website.
- ***Planning Commission Request:*** Howell said the Planning Commission would like to meet with city councilmembers on May 11, 2011 at 5:00 p.m. for a joint workshop to discuss the direction of the Development Code. This would be prior to the regularly scheduled Council meeting of May 11 at 6:30 p.m.
- ***Lake Street Project:*** Howell reported she has left messages for Mr. Peone and the Shipp's on the Lake Street Project and has not heard back from either one.
- ***Website Management:*** Kathy Dingman has been the City's website manager through RC&D, but the government eliminated Federal Funding for the RC&D Program, so she is no longer allowed to work on our website at that office. So, Dingman would be willing to continue working on the website at her own home, but the City would eventually need to pay her for her services. Howell said McCoy is aware of the email, and this information is given to Council to discuss at budget workshops and plan how to maintain our website. Howell was asked to have Dingman submit a proposal on her work portion for the website. The domain name expense is a separate expense than her work.
- ***Building Official:*** Brad Ziel will be at the May 11, 2011 Public Hearing (City Council meeting) to discuss/explain Ordinance 167: Adoption of International Building Codes, and Ordinance 168: Abatement of Dangerous Buildings.

d. City Clerk: Donna Ray

- ***Records Disposal:*** Councilmembers were given paperwork regarding Records (Tapes) disposal for review prior to the meeting. She explained the process so far and described what needs to be done next including developing a Records Retention Schedule for the City of Hauser. All of the tapes found have now been logged. Ray said she had talked to the State Historical Society regarding the tapes, but what the City does is up to the City. After the City has its own Record Retention Schedule, each year tapes and/or records would be pulled for disposition according to the Schedule. Macomber explained that tapes are not transcribed perfectly, even for the purpose of creating minutes later. Most of the tapes listed are so old that any statute of limitation related to anything that might have happened is long past. He said the City has the option to destroy a certain amount of the tapes up 2000, just to be safe. Howell explained other details of Record Retention. Lefebvre moved to destroy tapes through 1999 and retain 2000 forward until there is a Retention Schedule in place. Mallon seconded the motion. Roll call: All ayes – motion carried. Mayor Johnston asked why it needs to be an Ordinance rather than a Resolution. Explanation followed by Macomber.

NEW BUSINESS: Disbursements – Tina McCoy

Payroll is the only Disbursement at this time. Lefebvre asked about the \$75 needed for Arbor Day, and McCoy asked Mayor Johnston if that amount should be paid from her Donation to the City for Landscaping City Property, or from the General Fund. Lefebvre will supply the documentation from the Grant and Northland to McCoy. The Mayor responded yes, anything to do with Landscaping on City Hall grounds.

Waterford Trails: Howell asked to speak concerning Waterford trails since Councilmember Mallon had asked about the situation, and property owners have been contacting Macomber and Howell regarding letters sent to them from the County. Howell said she has been working with Art Macomber on the issue, and Macomber was present to explain it to Councilmembers. She then gave background information about granting the property to the City, ownership records, what did not happen at the time years ago, and that deeds were never recorded. She then gave the floor to Art Macomber.

Macomber explained what happened in detail. He said there are number of good legal reasons why a fee simple grant should not have been used as opposed to a simple easement. In the days when Waterford was actually put in, there wasn't a lot of emphasis at the County about where an easement was on the ground. Now, it is different and the County wants to go down to 100th of a foot on surveyed lands. Further and extensive details were explained by the Attorney.

Correction to this situation would be to have the City surveyor correct the legal descriptions on a per parcel basis, and then have the current owners execute a correction deed referencing the old wild deed that would take out of a fee simple grant and make it an easement grant. Howell went on with some background information concerning density of houses in that project and a "point" system.

Macomber, considering the position of both parties, said homeowners would benefit by this since, in fact, the trails are already in existence. It is in their interest to clear the title regarding ownership, and it would be in the City's interest to change those to easements and not have a fee simple ownership in the dirt. Clarification was requested by Lefebvre on whether size of easement and/or trail is in question. Macomber explained and followed by saying the City has the responsibility to maintain the trails and the surveyor will measure and look at what is dedeed.

A meeting needs to be scheduled with the homeowners, or send letters to them or even walk the trail with them. A cost estimate of this project will be brought to City Council at their May 11, 2011 meeting.

COUNCIL COMMENTS:

. **Councilmember Mallon:** In 1992 a system was established that allowed the entire council to work as a team, and Mallon said he would like to see it re-established. It was called a workshop and "there could be no vote or any action to pass any changes." Further explanation ensued. Mallon said he would like to see this again. Mayor Johnston voiced her agreement and said that workshop was held a week before the scheduled Council meeting. Howell said that when working with several Hauser City attorneys in the past, it was "not procedurally correct," and what you would need to have for a workshop is an agenda so the public has a clear understanding of what would be discussed at that workshop. Further clarifications and explanations followed including amending the current Ordinance to have a workshop. Attorney Macomber said that if Council wishes to keep the two meetings and have a third workshop, you do not need to amend the Ordinance. Howell voiced concern of "transparency." Further discussion followed.

Mayor Johnston said that too many times councilmembers are not aware of New Business items prior to the meeting and therefore cannot make an educated vote. Attorney Macomber said he thought it was a good subject to bring up and publicize about how the City of Hauser would like to hold these open meetings. More discussion of past history ensued. McCoy suggested trying a third meeting or workshop and see how it works. She also said on New Business items, council-members do not need to act on an item and can "take it under advisement." She asked the attorney if the addition of another meeting would require minutes. Macomber responded that it would and explained. Further information was explained by Macomber in great detail. McCoy inserted that you have to establish a set of rules and maintain them.

PUBLIC COMMENTS:

. Morrow asked about the "deeded right-of-way on Lake Street." She said any time you touch a right-of-way, you must go by ADA laws.

ADJOURNMENT:

Councilmember Hatfield moved to adjourn. Mallon seconded the motion. All ayes. Meeting adjourned at 7:43 p.m.

Donna Ray, City Clerk

Olita Johnston, Mayor