



NORTH BONNEVILLE CITY COUNCIL

*Mayor Don Stevens
Bianchi*

Councilmember Bob

North Bonneville Council Meeting Tuesday December 13, 2016 6:00 P.M.

Council Workshop: Note - the workshop discussion period is from 6:00 P.M. to 7:00 P.M. followed by the Regular Council Session - it is possible that workshop discussion items are continued into the regular council session.

Workshop Meeting Call to Order

Mayor Stevens was out of town and Councilor Forster served in the capacity of Mayor Pro Tempore via telephonic communication due to illness.

Unfinished Business

New Business

Steve asked the Council members if they were receptive to starting the January workshop meetings at 6:30 P.M., rather than 6:00 P.M. now that budget discussions were wrapping up. Council affirmed the new time frame. Steve asked the Council whether they would like to meet December 27. The Council was in agreement not to hold a second meeting this month unless to attend an emergency.

Discussion concerning the Public Development Authority [PDA]: Councilor Sabo who requested this item be discussed at the workshop - asked instead it be discussed during the regularly scheduled council meeting under the topic heading old business.

Discussion concerning amendment of land development procedures [Ordinance 1075] and modifying land use application fee schedule [Chapter 18.02]

Steve noted in the Council packet there was a draft ordinance that would modify land use procedures and a complementary resolution 492 that would amend land use fees and noting that many of these fees have not been modified in several years. He said this information was being provided for discussion purposes rather than as an action item.

Tom Jermann explained that the suggested changes to the land development procedures involved the hearing examiner appeal process that is not well defined. He said an effort was being made to extract fees from the many City ordinances [that include fees] and place them in a fee schedule so that the public would be better informed about the City's various charges for services rendered.

Tom said having them in a fee schedule constructed by resolution makes it much easier procedurally to modify the fee structure. Tom noted that because many of our fees are buried in dated ordinances they have become invisible and in particular the development fees are really out of whack relative to real

cost of doing business. He cited the subdivision fee as an example and noting the City currently charges \$200 for the subdivision review process that normally takes several months of staff time to conclude. He said anywhere else this fee is several thousands of dollars due to the public time investment. Tom said that he has reviewed several other municipalities' fee structures to gain a perspective of what our charges ought to be and they have been incorporated in this fee schedule.

Councilor Sabo inquired about the hearing examiner costs, asking who pays for this professional service and how are charges determined. Tom said the person requesting this service pays full costs for services rendered. Steve noted that the hearing examiner had recently heard the Foundation Recovery Networks matter and billed \$1300 for that evaluation. He said the City pays that cost up front and then bills the applicant so the City does not incur any out of pocket costs for services rendered. Steve advised that the Hearing examiner who is an attorney - charges \$180 dollars for his services and his contract renewal will be before Council the first meeting in January. A discussion followed regarding what to charge the client up front for hearing examiner services. Steve suggested the initial fee ought to be high enough to cover anticipated costs, perhaps \$1500 and in the event the costs are less the City can rebate the applicant the difference. Council appeared to agree with that rationale.

Robyn Legun, director of the PDA, was in the audience and Steve suggested she take a few moments and inform the Council about two items that she has on this evening's agenda. In response, Robyn explained a need for the Council to modify the Public Development Authority Charter because its language did not attend to the business at hand. She said that, in particular, the Charter calls for the PDA finance officer to have a fidelity bond, yet those who underwrite marijuana related services do not make that type of financial instrument available; hence, a need to remove that language from the Charter. She noted that 8 different insurance companies were approached and none of them could provide a fidelity bond.

She said she is asking Council to strike that language. She added, to compensate for the inability to procure this type of financial product, the PDA has purchased insurance that protects against employee theft. Robyn said she had discussed the doing away with the fidelity bond requirement with the state auditor's office and they had no problem with that action.

Another area where she is seeking charter modification deals with the timeframe in which the PDA must provide the Council a year-end report. She is asking that the timeframe align with State audit reporting standards, which allows considerably more time for that reporting to occur [January 31 versus May 31].

Discussion followed about the nature of a fidelity bond. Councilor Sabo expressed frustration that it had been more than two years since the PDA had been created and this government enterprise is just now getting around to the matters at hand. He noted there are portions of the Charter language that were stricken that in his estimation ought to be reinserted and [he] provided the language that should remain in the document.

Councilor Sabo also expressed frustration that PDA monies were intended to sponsor City related activities and yet no monies have been forthcoming for this purpose. Robyn said they had been attending to other obligations but were in the process of developing a means to provide the City with marijuana revenue. Councilor Sabo said he has heard this type of blather for two years and quite frankly if the PDA is not going to deliver it should be dissolved. Councilor Norris requested a hard copy of their budget for review.

Adjournment The Council adjourned the workshop meeting at 6.44 P.M.



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City Council Meeting Minutes

Tuesday December 13, 2016

Regular portion of the Council Meeting reconvened 7:00 P.M.

Roll Call: Mayor Stevens absent and Mayor Pro Tempore Craig Forster present telephonically

Note: Attorney Woodrich inquired of the audience whether or not they could hear Craig Forster and the audience affirmed they could

Audience: 10

Pledge of Allegiance

Agenda Changes & Additions: Placing PDA discussion under old business

Public Hearing: None

Consent Agenda

Approval of November 22 Minutes and December 13 Invoices

Councilor Bianchi made a motion to approve the minutes and invoices and seconded by Councilor Sabo Discussion followed concerning invoice payment for hearing Examiner Services as well as payment for use of Dutch Rijn's transportation and water equipment staging area

Yes Mayor pro Tempore Forster and Councilors Sabo, Bianchi, Whitcomb and Norris

No

Abstain

Passed 5-0-0

Guest Presentations: None

Public Comments: None

Council's Comments:

Councilor Bianchi thanked Mayor Stevens for his efforts to get the snow equipment out timely Mayor pro Tempore Forster thanked the public works crew for their efforts to timely remove the snow.

Administrator's Report: None

City Attorney's Report: None

Unfinished Business:

PDA discussion: Councilor Sabo led off noting there was a disconnect between the City and the PDA and also noting the audience presence of PDA director, Robyn Legun. He advised that during the work session portion of the meeting there had been considerable discussion about PDA and it was evident that we need to have a better dialog going forward. Councilor Sabo said that once we are through the budget we need to set aside time to evaluate the relationship. Councilor Bianchi said he would like to review the PDA's insurance policy and see what it covers to assure the City's interests are protected. Robyn noted that the PDA had not been able to secure a fidelity bond and had resorted to purchasing insurance to compensate for that inability.

Attorney Woodrich advised that the fidelity bond does not insure against losses or failure rather it is to assure that the treasurer does not try to embezzle or abscond with PDA monies. He said the City Council could review the PDA's risk exposures if they have a concern. Council determined to evaluate PDA liabilities at a future date.

New Business

Adoption of Ordinance 1073 annual Budget for Fiscal 2017

Councilor Sabo said before the budget is approved he wished to bring back up for possible budget adjustment the need to provide the fire department secretary with a \$200 per month stipend. Steve noted the secretary was neither a City employee nor a contractual employee and before she could be compensated for services rendered she would need to be one or the other. He said John could add the stipend to the budget but before it could be acted on there were a number of actions that would need to take place. John Spencer said he would adjust the budget to reflect this request.

Attorney Woodrich cautioned before the City could provide a stipend a number of actions would need to occur to validate this funding modification. For example, the Council would have to create the position, the position would need to be funded with a salary and it would need to be in compliance with the Fair Labor Standards Act. Additionally, this action would need to take in account provisions of the collective bargaining process. He said, if she is treated as a contractor, then we need to follow all pertinent contract requirements. He said all things considered: we are a considerable distance away from being able to compensate this person. He said, however, by this action it places the Mayor on notice of your desire to spend these monies in this fashion and not for other items.

Motion by Councilor Bianchi to amend the 2017 budget to increase the general fund budget by \$2400 to provide a means of compensating the fire department secretary/treasurer and correspondingly, decrease the ending balance by a similar amount and seconded by Councilor Sabo

Yes Mayor Pro Tempore Forster and Councilors Whitcomb, Sabo, and Norris

No Councilor Bianchi

Abstain

Passed 4-1-0

Motion to approve the budget as amended

Yes Mayor Pro Tempore Forster and Councilors Sabo, Whitcomb, Norris and Bianchi

No

Abstain

Passed 5-0-0

Designating a service provider to construct the City's 2016 annual financial report – for a sum not to exceed \$4,550.00

Councilor Sabo made a motion to approve an agreement with Theresa Johnson CPA to construct the annual financial report and seconded by Mayor Pro Tempore Forster

Yes Mayor Pro Tempore Forster and Councilors Whitcomb, Sabo, and Bianchi

No Councilor Norris

Abstain

Passed 4-1-0

Affirming the North Bonneville Public Development Authority's appointment of Randy Nieto to serve on its board

This item was tabled because Mr. Nieto could not be present to answer questions and noting he is ill. This item will be scheduled for the January 10th meeting.

Adoption of Ordinance Number 1076 intended to modify portions of the North Bonneville Public Development Authority Charter

This item was tabled until January 10th meeting to add back in some of the Charter language that had been removed. Steve will add this language for Council’s further consideration. Ken suggested as a side bar that the Council needed to look at some of the foundation principles enumerated in the recitals of Ordinance 1028. The recitals found there reflect things the City wished to address overtime as it launched this new entity.

By leave items:

Attorney Woodrich advised - if the City Council intends to modify the time Council intends to convene the workshop portion of its meeting that action needs to be done by motion and vote. Likewise, if the Council does not intend to have a second meeting in December it needs to declare that by formal action.

Councilor Bianchi made a motion to suspend the second council meeting in December and seconded by Councilor Whitcomb.

- Yes Mayor Pro Tempore Forster and Councilors Whitcomb, Sabo, Norris and Bianchi
- No
- Abstain
- Passed 5-0-0

Ken intervened with respect to moving the Council starting time, inquiring whether the City’s ordinance identified the starting time for Council meeting, and, if so, then the ordinance directing that time would have to be amended to meet at another time and/or treat it as a special meeting which has certain posting requirements.

No action was taken to move the time from 6:00 P.M. rather staff will construct an ordinance that establishes timeframes for convening the Council meeting before the time frame is changed.

Closing Public Comments: None
Closing Council Comments: None

Adjournment

Councilor Bianchi made a motion to adjourn the meeting and seconded by Councilor Sabo
Yes Mayor Pro Tempore Forster and Councilors Sabo, Bianchi, Norris and Whitcomb
No
Abstain
Passed 5-0-0

Meeting was adjourned at approximately 8:08PM

Mayor

City Administrator