

## CITY OF MOYIE SPRINGS MINUTES SPECIAL MEETING SEPTEMBER 16, 2015

City Council met in a special meeting session September 16, 2015 at 6:00 PM at the Moyie Springs City Hall.

The meeting was called to order by Mayor Doug Evans. Present were Councilmen, Steve Economu, Chad Farrens, Terry Johnson, Tim Narvaez, and City Attorney Dan Featherston.

Janice Rock, Drexel Love, Andrew Brooks, Robert Perreten, Daniele Reasoner, Jimmy Dorhofer, Brad and Janice Graupner, and Mike and Stephanie Baker, were also present.

Mayor Evans asked to waive the approval of the minutes from the September 9<sup>th</sup> regular session. Terry Johnson made a motion and Tim Narvaez seconded to waive the minutes from the previous meeting. Motion carried.

Mayor Evans addressed the agenda issue of the camp trailer on the Brooks property and the City violation of the Brooks when they hooked the camp trailer to the City's sewer line without a permit. Andrew Brooks said that they were using the camp trailer for their Aunt and Uncle to stay in when they were visiting. Mayor Evans told Andrew Brooks that it was a City violation to hook on to the sewer system or attach another structure without a City permit or additional sewer hookup purchase. Mayor Evans read the City Ordinance #12 regarding the sewer system. Mayor Evans then read Ordinance #76 on the penalties for the violation of City Ordinances. Copies of the ordinances were given to Andrew Brooks. Mayor Evans said that it was acceptable to the City for the camp trailer's use for the relatives visit, but was not allowable for a permanent stay. Steve Economu stated that it was limited in the time allowed for the visit and to not exceed four months. Andrew Brooks said that it was used only part time as his relatives were staying there while house hunting in the area. Tim Narvaez commented on the Ordinance #12 sewer hookup fees being incorrect. Mayor Evans said that the sewer fees had been increased from when the original Ordinance was written. Mayor Evans said the Council needed to address the Ordinance violation of the non permitted hook on. Attorney Dan Featherston stated that it was a misdemeanor prosecutable offense for the violation of a connection to a public system. The public health and safety was the main concern from the City's spectrum and the criminal matter another issue. He suggested a penalty fee higher than the set penalty for a non-permit offense. He said that the City should inspect the site and evaluate damages before the penalty was given. He also stated that when you live in a City, one must always be aware of the City limitations set. Tim Narvaez asked if this constituted an additional sewer hookup. Steve Economu asked Andrew Brooks directly if he did hook on to the City sewer line. Andrew Brooks said he had and was using for his temporary visitors. Mayor Evans told Andrew Brooks it was unlawful act without written permission. Dan Featherston said even though it was an indicated a temporary situation, was in fact a violation, and the Council has to regulate and address the permit application not being completed. Mayor Evans asked the Council to make a decision on what actions need to be taken. Terry Johnson questioned the contamination

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that could have occurred to the City's system. He said that the City would need to have John Nelson inspected the site and evaluate it. Steve Economu said that he did not believe that the Brooks were trying to be criminal in their actions. Andrew Brooks stated that he had lived there for over nine years and he did not believe that his hook up had ever been inspected. He said that John Nelson had showed him the location to hook on at and that he had preformed all the work himself and that he did not believe that John had ever inspected the job. Steve Economu asked if the camp trailer was a residence hookup. Andrew Brooks said it was only used for dumping sewage and not a continual hookup. Steve Economu asked if he was saying it was setup as a dump station, and the City does not allow for dump stations at a residence. Tim Narvaez questioned Andrew Brooks regarding his intentions. Andrew Brooks said he would close the line connection and put the line back to its original state. Tim Narvaez said the additional line hookup would have to be sealed up. Steve Economu said that the situation was a new issue for the Council to address and he thought if Andrew Brooks was to put back everything to its original state, the Council then would have John Nelson inspected after the job was completed to give his approval and this would be an acceptable plan. Andrew Brooks asked about the required permit. Steve Economu said that the site permit application needed to be completed as well. Tim Narvaez asked if the Council should waive the \$50.00 penalty. Steve Economu agreed that the penalty could be waived with the promise of the Brooks not to violate the City Ordinance in the future and the restoration to the system to its original state. Steve Economu made a motion and Terry Johnson seconded that the Brooks needed to restore the altered sewer line back to its original state and to have John Nelson verify completion before the next regular meeting. A site permit would also need to be issued, and the Council would waive the penalty. Motion carried.

Mayor Evans asked for discussion on the camp trailer residence at 584 Westwood of the Baker family without a septic system or City water hook on. Mayor Evans read the Ordinance #41 section H regarding the City mandatory residence water hook on to the water system. It stated a 30 day deadline after a written notice of the violation was received to comply to the mandatory hook on to the City water system and also to a sewer septic system. Tim Narvaez questioned the sewer system requirements as it was not in the City's serviceable area for the sewer system. Mayor Evans said that it was mandatory for both water and sewer systems in the city and that Panhandle Health District regulate the sewer septic systems. Mike Baker said that his realtor Jim Greenslit was at fault for telling them that they could do anything on their property at purchasing. They were not made aware of any requirements or restrictions on the property. Mayor Evans said the City needed to send in writing a letter of the violation. Dan Featherston confirmed that a letter of record was required to state the violation in writing to the Baker's. Mike Baker asked if a lawsuit with the realtor over the no property restrictions stated at their time of purchase; would give a time extension on the mandatory 30 day compliance. Dan Featherston stated that a lawsuit between them and someone else does not affect the City ordinances and would not allow for a time extension. Mayor Evans said the ordinance was made for the health and safety of the City residents. Dan Featherston said that the integrity of the system and the grounds was definitely a health

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and safety concern. Mike Baker asked what would happen after the 30 day time limit, and they did not comply. Mayor Evans said that Panhandle Health District issued the sewer permit with a one year allowance for installation if no one was living on the property and a 30 day allowance if someone was living there. Mike Baker asked again, what the City would do if they did not comply within 30 days of receiving the written notice. Mayor Evans said the violation would have a penalty of a \$100.00 a day till compliance. Mike Baker asked about the \$3500.00 water hook on fee and the possibility of making payments on it. Mayor Evans said the City does not take payments for a water hook on fee.

Mayor Evans asked for discussion on the goat violation at the Avery residence on 350 Elk Road. Daniele Reasoner commented on the smell and disrupting noises from the goats. She added that they were nice people, but did not appreciate the goats in their small neighborhood. James Dorhofer said he felt the same way as Daniele as to the situation. Terry Johnson said that their property was less than an acre, and they were not allowed any goats. He suggested that a certified letter of the violation be sent. Dan Featherston agreed that the letter of 30 day compliance of the violation needed to occur. Tim Narvaez questioned how many goats were allowed. Mayor Evans said that they were not allowed any goats on their property. Dan Featherston said that a letter of record needed to be sent now and that the violation should be resolved before the October regular meeting. Steve Economu asked about the previous time allowances the Council had given to the Avery's, and the Avery's have not removed the goats. Dan Featherston said that the Council would need to take the appropriate actions and expense to remove the animals if the Avery's did not relocate the goats themselves. He said it would not be the option the City would choose, but the violation needed to be resolved; period.

Drexel Love voiced her concerns on the pit bull dogs running around in the area that belong to the Avery's. She questioned if the dogs should be deemed dangerous. She added that the City Ordinance #108 stated that their dogs should have rabies shots and records, to be allowed outside of their homes. She said that the City was responsible and needed to take action for the safety of the City residents. Tim Narvaez said that he realized the concerns and the dogs would need to be dealt with. James Dorhofer said that he knew if an incident occurred with the dogs being vicious, that he could shoot the dogs. Drexel Love said that she was concerned if there was an incident involving a child. Mayor Evans agreed that the Council would address the dogs of the Avery's. Dan Featherston suggested a second letter sent to the Avery's regarding their dogs. Tim Narvaez asked if the dog was not a pit bull if the ordinance was enforceable. Terry Johnson added that the dog could be deemed a nuisance. Mayor Evans confirmed that and said the City had an animal control ordinance that required the owner to be in control of his animals at all times. Drexel Love asked if the City has fines for the lack of their dogs being controlled. Mayor Evans said that the Ordinance #76 allowed for penalties. Tim Narvaez said the Council needs to respond to the complaints. Steve Economu said that the Sheriff's Office or County can deem a dog vicious. Tim Narvaez said that if an

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incident happened that it might be too late then. Terry Johnson asked if the City could send a separate certified letter to the Avery's regarding the dog complaints and City requirements to confine or control their dogs at all times. Tim Narvaez said that dogs should not be allowed to be at large. He suggested highlighting items in the animal control ordinance, and it to be included with the letter. Drexel Love asked when the letter would be sent. Mayor Evans said the City would send a letter regarding the dogs and a second letter about the goats. Dan Featherston approved of the certified letters of record be mailed to the Avery's.

Tim Narvaez told the Council of information he had received from the president of a home owner's association that issued building permits and guidelines that they had found effective in regards to construction projects. He said they were charging a fully refundable building deposit if the project was totally completed in the timeline allotted in the application. He believes the City should consider imposing a 100% refundable deposit with the City's building permits to curtail buildings from being half finished in the City. Mayor Evans asked Dan Featherston his thought on the permit deposit. Dan Featherston said that the City has had an informal mechanics to the makings of a subdivisions format. He said that subdivisions were more easily able to adopt requirements or limitations to a specific area. He thought that to have the City's general population as a whole; not to be effectively enforceable. Mayor Evans questioned what would be a suitable deposited amount if charging a deposit. Tim Narvaez said that the deposit amount should vary with a range of amounts of refundable deposit and range of timelines depending on the type of project. Tim Narvaez said he believes that this is something the City needs to consider.

Robert Perreten commented on having three to four sewer connections on his septic system. Mayor Evans said the City only regulates the City's sewer system and that the Panhandle Health District regulates the septic systems in the City limits. Mayor Evans also mentioned the City does have a time limit set for camp trailers used for visitors he thought to be limited to four months. Janice Graupner added that K G & T Septic Services does pump camp trailers septic tanks as well.

A motion was made by Terry Johnson and seconded by Steve Economu to adjourn. Motion carried.

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Attest: City Clerk