

Bellevue Common Council
Monday, March 12, 2018
Minutes

6:00 pm Call to Order:

Mayor Koch called the meeting to order. Council members present were Bob Leahy, Shaun Mahoney, Ned Burns, and Greg Cappel. Kathryn Goldman and Craig Wolfrom were absent. Staff present were Diane Shay, Community Development Director; Kelly West, Public Works, Frank Suwanrit Public Works, Greg Beaver, Fire Chief, and Rick Allington City Attorney.

Notice and Hearing Compliance:

The posting of this agenda complied with Idaho Code 67-2343. The agenda was posted at the Bellevue Post Office, the bulletin board outside City Hall and on the website on March 7, 2018. Burns moved that the notice was in compliance with Idaho Code, Cappel seconded, motion carried unanimously.

2. Call for Conflict: None

Changes to agenda: Item 10 is withdrawn.

3. Public Comment: No comment

4. Presentation of ADA Picnic table to the City. Bob Wiedderick stated he was here for Kiwanis of Hailey and the Wood River Valley, briefly stating their mission statement. The Kiwanis Club would like to donate an ADA picnic table for the park. The ends of the table extend a little more so that a wheelchair could be rolled under it. Bob offered other playground equipment if interested. Council thanked Bob. Clerk will let John Kurtz know they have other items to offer.

5. City of Bellevue Bank Stabilization Project. Jim Zarubica, Galena Engineering presenting for Riverside Estates Homeowners. Zarubica stated they had previously discussed submitting an application for IDWR and Army Corps for bank stabilization immediately upstream from Riverside Estates. He pointed out on parcel map where the issue is with the bank stabilization location. Riverside subdivision has done stabilization on Lot 7. It also shows tax lot 7647 and tax lot 7832, City of Bellevue property, where the bank has eroded. The plan is to stabilize the bank to prevent future erosion. Zarubica would like to have the City sign the application as a joint applicant. Shay and Suwanrit stated that there is some infrastructure that is within 35 feet of the river. Some of the work being proposed would take place in the Howard Preserve where the Land Trust has management. Both the Land Trust and the Friends of the Howard Preserve are represented here. Chad Stoesz, Wood River Land Trust, submitted comments regarding the bank stabilization. (See Attached letter). The Land Trust would like to see a more comprehensive project rather than a temporary fix.

Koch stated a more holistic approach had been discussed. Florence Blanchard spoke for the Friends of the Howard Preserve. Blanchard agrees with the Land Trust regarding temporary fixes. The Friends of the Howard Preserve held a meeting and discussed multiple possibilities. They feel that this kind of

restoration had been done before and was washed out. Blanchard stated this year looks a little less like flooding and perhaps something could get done with BIOTA. Their recommendation is to wait.

Koch asked for Council input. Allington stated that there is a clear legal issue, that we have liability if we were to put in something with this proposal. Allington stated that the Riverside Estate Homeowners already tried to sue the City before, so he believes it would be prudent to get some sort of sign off by downstream owners. Leahy asked if the work that had been done would fall into what Stoesz recommended. Zarubica respectfully disagreed with Stoesz and the Land Trust's first two recommendations. As far as #3, regarding flooding and snow pack, Zarubica agrees it's less of a chance but certainly can't rule out flooding.

Tom Blanchard stated he had a couple of notes: The plat note of the subdivision we are talking about sets aside that the roadway is a floodway. There is also no responsibility for flooding via plat notes. Blanchard sees Army Corps of engineering as part of the problem from 40 years ago. Zarubica stated they are not preventing overland flow, only preventing further erosion.

Leahy stated he had looked at the work and it looks like pretty mild work being done. 90% of the project is already done. Koch stated that if stuff across the river happens again. Leahy would like to see other Council members go look at what has been done. He doesn't feel they are adding back to property lost, just shoring up what's there. Zarubica suggested looking.

Cappel stated he had many concerns. He tends to agree with Chad that perhaps a more comprehensive solution is time and money better spent. He is concerned about our taking responsibility upstream for people downstream. Cappel stated that these property owners chose to purchase property close to the river. Cappel would like to see clear waiver of liability from Riverside property owners. There is a plat note, Koch asked if we take action on the River for Riverside are we voiding those plat notes? Koch also asked if there would be legal issues with the plat notes if we go in make changes. A lively discussion ensued regarding valley wide participation in a river study as well as river reparations and the consequences. Cappel would like to see more information regarding the legal ramifications of the issue. Leahy mentioned that he likes the idea of Riverside paying for the repairs. Shay stated she had gathered the stakeholder listing per Council's instructions at a prior meeting and there are approximately 25 participants to pay for the study. The City is probably the largest stakeholder and would be kicking approximately half based on linear river footage. Cappel would like clarification on the plat notes from City Attorney. Allington stated case law states that if you speed the river up or slow it down, the City would have liability. At this point, the City does not have any liability to Riverside.

Mr. Thomas, owner of Lot 7 in Riverside, stated that he feels that the work done is excellent. The subdivision plat notes that clearly state there are flood issues. Mr. Thomas stated that the homeowners believe that it's the City's responsibility to make those repairs. Mr. Thomas stated that he didn't feel the need for Riverside to sign off on liability. Cappel stated that as a city he sees the need to be careful about how much exposure we put on ourselves and in his opinion he feels we are putting us in liability. Leahy stated he looked at the property and his opinion changed after seeing it.

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Mary McClanahan, stated she just had a couple of comments. She said even though it might look nice and might look natural it's still bank hardening. She stated she had done river restoration and though she is not a hydrologist, she can see where it's going to cause erosion downstream.

Mahoney recommended that: 1. Go look at the restoration; 2. Legal opinion on the plat note if we change things does it void the plat note; Koch was also concerned about the validity of the plat notes if we make corrections. Koch also recommends additional discussion after viewing the restoration and additional legal research. Shay asked for further direction. Blanchard read the plat notes verbatim: "The City of Bellevue assumes no liability or responsibility for any damage resulting from flood waters within this subdivision."

Cappel made a motion that the City allow Jim Zarubica, Galena Engineering, to make a joint application to IDWR and Army Corps and we do sign with the understanding that we are not committing to going ahead with this until we are certain that we are comfortable with that as a City. Leahy seconded. Motion passed with roll call passed. Mayor Koch signed the application.

6. Resolution 2103 – Authorizing the Council and Mayor to approve adoption of Water Conservation Guidelines, Kelly West Water Supervisor: West stated that this was put together with guidelines for new landscapes for water conservation. Ketchum and Sun Valley have adopted these guidelines and Hailey is hearing it tonight as well. West stated it was a valley wide concept. Koch stated that we already do some of the things in the guidelines and supports moving it forward. Allington stated that as we are in a water call. Mitigation done before the call does not help legally. Cappel was concerned about the backflow installation requirements. Suwanrit and West both stated that backflow installation is standard. Mahoney made a motion to adopt Resolution 2103 as written, Cappel seconded. The motion passed unanimously.

7. Resolution 2014 – Proclaiming April Fair Housing Month, Kathy Clark City Clerk/Treasurer: Proclamation stating that the City of Bellevue supports and endorses Title VIII of the Civil Rights Act of 1968. Cappel made a motion to approve, Burns seconded, motion passed unanimously.

8. Resolution 2105 – Requesting Mayor and Council to allow the write off of \$2,456 in interest charges, Kathy Clark City Clerk/Treasurer. Clark stated that the account had been previously uncollectable and a new property manager for the heirs of the property was ready to pay in full but had asked for leniency with the interest. Mahoney made a motion to approve Resolution 2015 with Cappel seconding. Motion passed unanimously.

9. Resolution 2106 – Requesting Mayor and Council to allow the write off of \$2,005 in interest charges, Kathy Clark City Clerk/Treasurer. Clark explained how Maria Palomera, Water/Sewer Clerk determined that a residence that had been on bond rate payment for four years had a home on the property. Suwanrit investigated, a letter was written. Cappel made a motion to allow Clark to write off the interest and Mahoney seconded. Motion passed all in favor.

11. Discussion Decision, Equipment needs. Suwanrit presented the issue of the cracks on the sidewalks on the loader tires. The tires can't be repaired. A lively discussion ensued regarding whether or not we

should lease equipment, how many pieces, how many years, etc. Council directed Suwanrit to do more research on the tires, leasing, whether or not the value of the loader will be higher with or without tires. West also wants more equipment and would also like to take a look at equipment lease. Suwanrit presented a leasing invoice from the City of Hailey to show the annual pricing. Leahy would like to see what he wants to start leasing and come up with a package for the next budget. At the end of the discussion Council directed Suwanrit to look at all equipment needs, leasing vs purchase and repair, trade-ins and discuss these during the upcoming budget season.

12. Request for Funds, Repair Anoxic Zone Mixers, Frank Suwanrit, Public Works Director. These are used in the Wastewater plant. Suwanrit stated they have had issues with them since he started at the City several years ago. They have been warranty replaced numerous times. Suwanrit attached estimated cost to repair two of them now. Burns asked for a ballpark on the cost of new ones. Suwanrit estimated about \$4k each and that we would need 4 of them. Cappel confirmed that it would cost \$16,000 to replace all four of them. Mahoney would like to see estimates for replacing two a year perhaps within the next budget cycle. Mahoney made a motion to repair the two mixers for \$1,961 a piece with the understanding Suwanrit will be researching replacements, Cappel seconded. Motion was approved via roll call vote unanimously.

13. Consent Agenda:

- A. Minutes from 02/26/18
- B. Payables from 02/27/18 – 3/12/18.
- C. Department Head Updates
- D. Financial Statements 2/28/18

Mahoney asked for clarification on the cost of the QB cost. Leahy also asked for clarification on the ability to bridge with the current software and the meters. Clark explained that there are bridge programs in place and West confirmed.

Mahoney made a motion to pass the Consent Agenda as written, Burns seconded. The motion passed with unanimously with a roll call vote.

14. Executive Session; Burns made a motion to move into Executive Session to discuss Personnel, Pending Litigation and/or Land Acquisition Pursuant to Idaho Code 74-206, section B to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student at 7:41 pm. Mahoney seconded, Motion pass by roll call vote unanimously.

Leahy made a motion to come out of executive session at approximately 8:00 pm. Cappel seconded and the motion passed. Cappel made a motion to adjourn, Leahy seconded, motion was approved and meeting adjourned.

Approved this 26th day of March, 2018

Christopher Koch, Mayor

Kathleen Clark, City Clerk/Treasurer

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