

MINUTES

**McCall City Council
Special Meeting
Legion Hall - McCall City Hall (Lower Level)
January 23, 2015**

Agenda

Call to Order
Work Session
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Aymon called the Special meeting of the McCall City Council to order at 9:00 a.m. Mayor Aymon, Councilor Giles, Councilor Scott (via phone), and Councilor Swanson were present. Councilor Witte was absent.

City Staff present were BessieJo Wagner, City Clerk, and Peter Borner, Public Works Director.

WORK SESSION

AB 14-245 McCall City Code Title 6 – Utility Services Code Revisions

Use of City Fire Hydrants: Peter Borner, Public Works Director, began by stating that Public Works is not aware of who is using the City's fire hydrants. Anyone can get a key to use the City's hydrants without the City's knowledge or permission. Frequent hydrant use, especially of the older hydrants, can lead to damage to the hydrant. There is risk to public safety in that water trucks need to be properly equipped to prevent cross-contamination from a truck that might have been used for something else besides water. He stated that there is loss of revenue to consider.

Mr. Borner reviewed McCall City Code 6-2-270 and provided copies of city codes from Sandpoint and Coeur D'Alene pertaining to use of hydrants. Mr. Borner proposed a more proactive approach by purchasing hydrant meters, setting up a permitting system, and designating certain hydrants to be used for filling trucks. He stated that in addition, the City would make up lost revenue from the Payette Lakes Recreational Sewer District when they perform sewer cleaning as hydrants are used in several different areas of the City. The District would be given a hydrant meter that goes with their truck or their trailer that would be issued at the beginning of the season, and at the end of the season they would be billed for their water use. Mr. Borner added that he would like to have the current City Code revised as he felt the consequences for breaking it were not necessarily strict enough, especially pertaining to the City's infrastructure.

Mr. Borner proposed that Public Works construct a centrally located water filling station for bulk water haulers and for construction water trucks. Public Works has considered modifying its

building to provide a swing-out type of device since there is already water there. He stated that another option would be to construct a separate building, taking into consideration the time and cost required and the length of time to recoup that cost. He also proposed a solution that would designate a small number of specific hydrants whereby construction water could be obtained. Mr. Borner suggested the City evaluate the cost-benefit ratio of the water filling station before moving ahead with it, but to definitely implement the permitting/metered system with designated hydrants for water use.

Mayor Aymon asked about compliance with using these water meters. Mr. Borner stated that Public Works would be able to check and see which hydrants were being used throughout the day.

Properties Within 300 Feet: Mr. Borner stated that the GIS Department was working on determining how many properties were not connected to City water. He thought an earlier estimate was close to 200 properties. Mr. Borner acknowledged that 44 out of those 200 were on well water. He stated that the status of the other approximately 140 properties was unclear, and that was something that Garrett Mapp, GIS Analyst, would be working on in the month of February. Mr. Borner explained that past practice has been to record a letter that is attached to these properties stating that connection to water and sewer is to be made at the time of sale of property. He stated that this process could take years or even decades before these properties connect to water and sewer, which leads to lost revenue for infrastructure that is already in place. He stated that this also invalidates the rate study, as the City raises rates for these properties but does not collect revenue on them. Mr. Borner stated that there was also considerable cost for a property to hook up to City utilities and after just the facility fees the cost is well over \$8 or \$9K. He stated that if it is necessary to go out to the street to connect to sewer and sewer the cost could be additional thousands of dollars.

The council discussed how to get the customers to pay for hookup. One solution was to adhere to the existing City ordinance and require these properties to connect within six months from being given notice. Another option was to change the City ordinance and adjust the time required to connect. Another alternative was to create an assistance program to encourage property owners to connect, perhaps an internal fund set aside for connection of water and administered like an L.I.D. (local improvement district), whereby a lien is attached to the property to pay for the hookups, and then the property owners are charged an amount on their utility bill until the lien is paid off. Mr. Borner thought that the real issue of why these homes are not hooked up to City water and sewer was because financially the property owners are not able to afford it.

Councilor Swanson endorsed the idea of having the hookup done at the time of sale of these properties. He thought that perhaps these homes were built before city infrastructure was in place and they were not required to hook up at that time. Councilor Giles recommended changing the ordinance so that it would reflect the time requirement of having the hookup done at the time of sale or transfer of the property.

Mr. Borner recognized that some homes that are in a family trust may never hook up because they may never sell. Mayor Aymon suggested looking at the inventory to see how many homes would apply to this situation to see what their situation was. Mr. Borner thought most of them may already be hooked up to sewer but not water.

Councilor Giles said he would like to see the idea of the assistance program developed further. As far as the time required, he did not see a problem with more time being given to allow the homes to hook up.

Mr. Borner agreed that letting these properties hook up at a time that the property sold probably makes the most sense because it is not going to be a huge impact to the revenue stream. He stated that if there were more houses it would become more significant.

Mayor Aymon pointed out that there may be houses that are old and just about ready for demolition. Councilor Swanson added that it would be good to require that if the property was improved then the property owner would be required to hook up at that time.

Properties Served by Well Water: Mr. Borner stated that domestic wells are commonly used for irrigation purposes once connection to City utilities is made, but in some instances the property owners connect their houses back up to well water, typically after they get their first couple of bills. Well water is not necessarily metered, so usage charges for sewer are not calculated correctly. When the property owner connects back up to their well a pipe remains connected to the City water system, and that pipe carries risk of contamination.

Mr. Borner proposed the idea that once connection was made to City water, all wells are completely abandoned. This would probably reap many complaints from those that use wells for irrigation. Mr. Borner continued with a further proposition that if domestic water wells are to be used for irrigation, the City has a right to inspect those properties from time to time to ensure compliance. He stated that these properties could be determined by the monthly meter read, and if the house was known to be occupied and there is no water being used there is probably a pretty good chance that they have hooked back up to their wells.

Mr. Borner stated that this is why there are universal ordinances like the one about being within 300 feet being required to hook up. It is expensive to put that infrastructure on the ground, and the payback is based on the number of people that can hook up. He stated that when exemptions are allowed for people to hook up, then it can create a financial hardship for the City.

Councilor Swanson pointed out that, on the other hand, if there were 100 homes that weren't hooked up, in theory that would be potentially two subdivisions' worth of homes that do not have to be served, and that the City does not have to deal with treatment on the back end and it expands the capacity. He stated that the sewer would still have to be treated, just not the clean water.

Mr. Borner recognized that there is an interesting side effect to that concept as well, in that there are fixed costs for producing water. Whether the City is producing 3 million gallons a day or 2 million gallons per day, there is still the same cost involved. He further explained stating that if the City were to implement water saving type ordinances and were not selling as much water, less revenue would be coming in that is needed for fixed costs and other capital costs. He stated that there needs to be a balance between encouraging water savings yet keeping up the revenue stream, and what that impact would be.

Mr. Borner stated that all these things need some mechanism for penalties and enforcement that are severe enough. He explained that the city should get as creative as they have with snow

removal and apply it to towing. He stated that towing a car is \$150 and if you have a boat and a truck on a city street that is towed it is \$600. He stated that amount would be large enough incentive for there not to be repeat offenders because they do not want to pay \$600. He suggested that if the city only charges \$50 and a slap on the wrist, then people will do it again. Mr. Borner stated that the city streets, especially in residential areas, are not wide enough to accommodate trailer parking, and yet you see it all the time. He stated that Public Works would do an inventory, to see how large of a problem this is, and bring it back to Council.

Utility Hookup Policy: This generated some discussion. MR. Borner stated that building contractors, residential and commercial, typically wait until the end of the building process to officially hook up to City utilities. He stated that from our perspective of Public Works, the building process requires water and sewer. He explained the problems associated with having no meter there when they hook up. He also stated that it is difficult to schedule work efficiently.

Mr. Borner stated that there are proposed solutions that at the time of the building permit application, the contractor or property owner submits the Utility Service Application. He stated that then as soon as the appropriate fees have been paid and a building permit has been issued, the utility service account is then established, usually within 30 days. He stated that there were many pieces that happened in order for the utility account could be finalized. He stated that there could be an issue with this process as if Public Works installs a meter and that billing starts, and all of a sudden the builder never does anything with the property it presents some issues to resolve: Will the City issue a refund? Or will the City give a refund if that building permit has been canceled within the first six months or the first 12 months?

There was Council discussion on this scenario and the process. They also discussed when water would be typically needed during construction.

Who Does the Utility Hookups? Mr. Borner stated that this typically applies to the older parts of town. There was an explanation of the challenges with other utility hookups such as power and cable and whether or not the City should be responsible for that work. There was also the question of the fee assessed with that work if the City were to do it. Mr. Borner also discussed the difficulties related to warranty issues related to contractors and the importance of strengthening the City's processes and relaying that information to the developers and builders at the beginning of the process. There was continued discussion of the current fees and were the fees sufficient for the work being done by the city.

Councilor Giles commented that this strategy would leave the City with less warranty issues, but it still allows the private contractor and the homeowner to do it themselves. He clarified that by having the city employees conduct the hookups then it is more structured, and the owners are paying an appropriate fee to cover the inspection by city employees.

Mr. Borner responded that with water employees absolutely. He stated that city employees go in after the property has been excavated to the main. He stated that employees get in a hole and do all of that work to make sure it is to the City's specifications. The City does not allow anybody else to do that work. Mr. Borner explained that before the City take that next step, whether it is the City doing more of that work, staff would try this approach first and see how effective it is over the next couple of years.

Mayor Aymon asked for clarification that the 72-hour window is to alert the Public Works Department that contractors are going to do the work and that all driveways and utility connections are required to be done prior to any actual construction. Is that how it is currently done or is that a change?

Mr. Borner responded that driveways really need to be done prior to any actual construction. When the driveway does not get done first, the contractors will cut across the barrow ditch, destroying the vegetation and exposing dirt which then causes mud that could be carried out to the road. Also by having the driveways in first then the culverts can go in and be properly inspected. He stated that then at the time of the foundation the information will already be on the books in anticipation of the water connection. The process is more proactive instead of the back-end reactive mode of having to install meters

Mayor Aymon asked if most contractors have the expertise and the equipment to pack down the asphalt on the roads. Mr. Borner responded that they should and the City's Streets Supervisor has that power that if the contractors are not doing it properly; it shuts down that work until contractors get the proper equipment in.

There was a brief discussion regarding the compacting of the soil to prevent a divot.

Councilor Swanson made some suggestions on some additional language to regulate the excavation contractors. He also made suggestions on possible fees for cutting into pavement that would later need to be fixed by the City and additional fees if the City does not do the connections for water and sewer

Mr. Borner agreed that once the City identifies how to solve the issues by tidying up the process and it is still not resolved then they can move forward and take the next step of increasing fees.

Water Meters and Street Valves: Mr. Borner stated that it has been, historically, the practice of Public Works to allow plumbing contractors access to the water meter pit to turn water on and off for repair. He stated that this practice can lead to damage of city infrastructure and be confusing for the street crews as to whether or not the water is on or off. He stated that Public Works has had situations where a plumbing contractor got into a meter pit and turned the water off, and then the Public Works employees get a service order to turn water off and not thinking, just as practice, they turn it in the opposite direction, and turn the water back on. The City has had to pay claims for water damage because of this very issue. Mr. Borner stated that the same thing has happened in some instances where contractors in the past have been allowed to turn water off or on as part of a development construction. Mr. Borner suggested that the code be reinforced to not allow any contractor to open any meter pit, turn water on or off, or operate any street valve. Mr. Borner stated that the city employees get licensed for a specific reason so that they know the process of how to do this correctly.

Private Development Issues: Mr. Borner stated that the City has water and/or sewer infrastructure within a private development and some of that infrastructure is private, and some of that infrastructure, like in Whitetail, is the City's. Therefore the streets are maintained, such as snow plowing, by the owners of the development and then every winter, valve boxes, manhole rings, and lids are damaged. He stated that the owners in the private development maintain that

since the City collects revenue from these systems then the City should repair the damage caused by a third party, or in this case, the development. Mr. Borner stated that the proposed solution would be to inspect the valve boxes and manholes before the snow comes and document the conditions of these components before snow removal begins. Therefore the development would be responsible for the damage they caused when plowing.

Grease Traps and Interceptors: Mr. Borner stated that there are some businesses that do not have a grease trap interceptor or the grease trap interceptor is undersized, or in some cases the grease trap interceptor has been physically altered; typically the baffles have been removed. He stated that there are businesses that will not allow a without-notice inspection. In the McCall City code it allows that without notice Public Works should be able to go into a business and inspect. He further explained that frequently businesses say that the City is violating their private property rights if they try to inspect without notice. He stated that grease is a major contributor to sewer blockages that may cause damage to other homes and/or businesses. He stated that the proposed solution is to enforce the code and allow Public Works to make without-notice random inspections of businesses. He stated that those businesses that are found to be noncompliant with city code will be provided a period of time upon written notice to repair or install the correct grease trap or interceptor.

Mr. Borner interjected that many of the issues are already addressed in city code. However, for whatever reason, prior councils or prior city managers did not have the political will to allow Public Works to enforce those codes. He stated that the issues and solutions the code has in place are not different from anywhere else in the world. It is not like McCall has come up with a McCall code that somehow is different than Boise or Garden City or Weiser.

Councilor Giles stated that it would be good to have the City Attorney review to ensure that the City is not violating any property rights issues. He also stated that it does seem reasonable for the City to have some regulatory role to inspect without notice. Councilor Giles thought that it is an important tool that the City retain need to retain, but it would be helpful to have Bill Nichols, in writing, say, “if you do it this way you are being legally responsible and you are fine.”

Mr. Borner assured that Council that when Title 6 gets to the final version, Mr. Nichol’s staff will be looking at that to make sure.

Sump Pumps: Mr. Borner explained that homes and/or businesses that have sump pumps are a large contributor to the City’s I&I (inflow and infiltration). Public Works has no idea how many homes have a sump pump. He stated that even small pumps can contribute a large amount of groundwater to the sewer system. Depending on what time of year, Public Works has to adjust their process because there is more clean water, and it exceeds the capacity of the chlorination building to produce chlorine. He stated that Public Works is adding volume to the Winter Storage Pond, and causing pumps at the lift stations to run longer, increasing wear and tear. He stated that the city’s code again, kind of in the same grouping as grease, clearly identifies anything greater than 200 gallons per day per inch diameter per mile of pipe. This is one of those issues that need an alternative. If there is a home on a street without a ditch, there is no place for them to discharge groundwater.

Mr. Borner proposed a solution that would be to strengthen and enforce the current code prohibiting discharge to the sewer system from sump pumps. He stated that the City should

improve the City's drainage borrow ditches to provide an alternative location to allow discharge from sump pumps. Then Public Works will need to smoke test and CCTV the entire sewer system to determine those homes and/or businesses that have sump pumps. An example would be Park Street where there are now swales to dump into instead of the sewer system. Mr. Borner explained that in some instances a smoke test can be done and in some cases a camera will need to be sent up the line in the middle of the night because at 1:00 in the morning nobody is using facilities. So when a camera is sent up and it shows water coming out and then stop, and then in a couple of minutes it shows clean water coming out, then we know that that property has a sump. He suggested that the city code be changed so that Public Works could then inspect and determine for sure that there is a sump in place. Mr. Borner explained that it is Public Works' goal to get all of the ditches reestablished in town because of the drainage issues and the impact to the road structures.

Private Water Shut-off Valves: Mr. Borner stated that Public Works get frequent service calls for turning water off and then back on for plumbing repairs and for folks that winterize. He stated that the plumbing contractors turn the water off at the meter on their own without permission. He proposed a solution that for all new construction, the City requires private water shut-off valves at the time of construction that is easily accessible for the property owner which is easy to do. He stated that most plumbers do it anyway on the new homes. Mr. Borner stated that on properties requiring plumbing repairs, where it is known that Public Works has to go out there and shut off the water, the City require the owner at that time to install a private water shut-off valve as part of the repair or annual winterizing of their homes. He stated that therefore over time the City will see fewer problems with this issue, without being mean-spirited or heavy-handed.

Other Public Works Issues: Mr. Borner wrapped up his discussion about water and sewer policy issues and asked for any additional items.

Councilor Swanson brought up the subject of overnight parking on the street, which was continued from a previous discussion at the Council Meeting the previous night. Councilor Swanson addressed the policy of towing vehicles parked on the street overnight. He would like to see a designated area in town where people can leave their cars which especially applies to people who may be intoxicated and would like to leave their car and find an alternative way home without being penalized by having their car towed.

Councilor Swanson explained that this is the first year the City has started enforcing the parking code. He thought that it would be putting people in a bind if they have to choose between driving home at various stages of intoxication or getting their car towed, but the City needs to figure out a different solution. He stated that whether the City dedicate a certain part of one street or a place where overnight parking is allowed until 8:30 or 9:00 a.m. and then it will be towed. Councilor Swanson thought that a reasonable solution was Lenora Street, between First St. and Third St. because most of those businesses are not open until 9:00 a.m., so their parking would not be affected. He stated that is also directly adjacent to where snow is stored, so plows are going to be making laps down Lenora Street when they move snow around, and because the City stores a lot of our snow over there on the City's parking lot at Paul's. He felt that right now the City is leaving people with a really difficult choice, and it is an unsafe choice. Councilor Swanson felt that a reasonable solution would be to have a street dedicated to overnight parking, but it has to

be gone by a certain time, and that it would be advertised somewhere. He stated that he realizes the suggestion could cause some issue for the streets crew.

Mr. Borner responded stating that it would because typically the crew cleans downtown between 3:00 and 7:00 a.m. He suggested that the City designate places in City parking areas and maybe the easier thing for the City to do is to say, if someone wants to park during the winter time you park in our City parking areas instead of on the street if you think you are going to get inebriated.

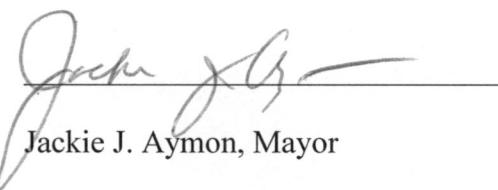
Mr. Borner stated that one of the public information pieces that have been done was making sure that the drinking establishments had the handout on parking, and is well aware of what those requirements are. He stated that after speaking with Police Chief Williams the issue is becoming less of an issue because folks are getting used to the idea that you can't park on the street between 3:00 and 7:00 a.m. in the downtown area or 3:00 to noon outside of town, partly because people know that the City has a strict enforcement policy, and word is going to get out whether it is to Forester's or any of the establishments to make sure that they tell their clientele. The drinking establishments have some responsibility to make sure people are not going out the door drunk anyway, and should know what the policy is on the street. Mr. Borner commented that that the City is seeing smaller or less amounts of these types of issues. He also stated that the City is seeing more of the tows being out-of-towners that have only been here once or twice, and maybe not necessarily in the winter time.

ADJOURNMENT

Without further business, Mayor Aymon adjourned the meeting at 10:53 p.m.

ATTEST:

BessieJo Wagner, City Clerk



Jackie J. Aymon

Jackie J. Aymon, Mayor