

**City Council Meeting**  
**May 7, 2014**  
**7:30 pm**  
**Montpelier City Hall**

The meeting was conducted by Mayor Jared Sharp on May 7, at 7:30 at the Montpelier City Hall.

**Present:**

Heather Mortensen  
Scott Nussbaum  
Ted Slivinski  
Mike Sparks  
Marden Phelps

**Others:**

Clerk Leslie Tueller  
Amy Bishop  
Chief Russell Roper  
Superintendent John Petersen

Excused: Dan Fisher

**Approval of Agenda**

Mayor Jared Sharp asked that Sharlene Woffenden's presentation be moved to the first item on the agenda.

Mayor Sharp also informed the council that he has not heard anything from the county concerning the Memorandum of Understanding with the building inspector but it could be passed contingent upon approval from the county.

**Councilmember Marden Phelps moved to approve the agenda as amended.  
Councilmember Mike Sparks seconded. The voting was unanimous in the affirmative.**

**Approval of Minutes**

**Councilmember Marden Phelps moved to approve the minutes of April 16<sup>th</sup> as corrected.  
Councilmember Ted Slivinski seconded. The voting was unanimous in the affirmative.**

**Councilmember Marden Phelps moved to approve the minutes of April 23<sup>rd</sup> as presented.  
Councilmember Heather Mortensen seconded. The voting was unanimous in the affirmative.**

**Approval of Bills**

**Councilmember Heather Mortensen moved to pay and approve bills in the amount of \$58,774.26 with \$29,401.78 being payroll. Councilmember Marden Phelps seconded. The voting was unanimous in the affirmative.**

### **Alan Eborn – County Emergency Operations Plan**

Alan Eborn was present to update the Montpelier City Council on the Bear Lake County Emergency Operations Plan. Mr. Eborn passed out a public questionnaire that was mailed to 150 random residents of the County. Fifty three of them were completed and returned. The questionnaire ranked hazards in the Bear Lake County.

Mr. Eborn explained that these plans should be updated approximately every three years. In 2011 the county added the Mass Fatality Plan. He also explained how the mayor can declare a disaster and the chain of command that follows after the disaster is declared.

When asked where the city should start on developing their own plan, he stated that the first thing to do is decide what hazards bother you the most.

### **Attorney Opinion on Abandoning the IBC**

Mayor Jared Sharp read the email that Doug Wood, the City of Montpelier's attorney, sent to him citing the reasons he felt the councilmembers should not abandon the International Building Code.

Councilmember Marden Phelps felt that they should heed the advice of legal counsel. He stated that the first thing they ask you in court is "Did you seek the advice of your attorney?" and the second thing they ask you is "Did you follow your attorney's advice?". Marden stated that the city has legal counsel for a reason and we should follow the legal counsel we receive.

Councilmember Heather Mortensen disagreed, stating that she felt the letter received from the attorney was emotional and not factual. Councilmember Mortensen pointed out that when the county had an election about the International Building Code, it was voted down by the citizens. She also pointed out that most of the building was done before the International Building Code was passed. She added that they should keep the Commercial Building Code but not the Residential Code.

Councilmember Scott Nussbaum agreed with Councilmember Heather Mortensen completely. He stated that regardless of the legal ramifications we need to follow the will of the people.

Councilmember Mortensen followed with a statement saying you cannot regulate integrity.

Councilmember Marden Phelps gave a history on why the International Building Code was adopted. The previous council felt that some kind of code needed to be in place and they felt that nobody on the council had the knowledge to develop a code for building so they went with the code that Idaho has researched and implemented. There were only set back codes before the International Building Code was passed.

### **Sharlene Woffenden**

Sharlene Woffenden was present to ask the Montpelier City Council to allow Amy Bishop to write a grant for Enough Is Enough anti-drug coalition and to have the city administer the grant, accept the funds, and do the clerical work for the grant. The grant would include having a part time director which would either be paid by being on the city payroll or being considered a contractual employee. The Enough Is Enough Coalition is planning on joining with Franklin County so they will have a better chance at being awarded the grant.

There was discussion among the councilmembers about how it would affect the city. Mayor Sharp asked Amy Bishop to find out if the employee could be paid on a contract or if they need to be employed by the city

### **Golf Course Ordinance**

Councilmmember Mike Sparks read the Golf Course Ordinance in full.

**Councilmember Marden Phelps moved to approve the first reading AN ORDINANCE AMENDING ORDINANCE NO. 528 BY PROVIDING FOR THE ORGANIZATION AND MEETING OF THE COMMISSION; PROVIDING GENERAL POWERS AND DUTIES; BY REPEALING ALL OTHER PROVISIONS THEREOF. Councilmember Ted Slivinski seconded. The voting was unanimous in the affirmative.**

### **Weekend Grave Digging Charges**

Mayor Jared Sharp informed the council that digging graves on a weekend costs the city an additional amount of \$135.00 to pay overtime and payroll taxes. He recommended increasing the weekend rate from \$250.00 to \$385.00.

**Councilmember Scott Nussbaum moved to authorize the City Attorney to draft a resolution raising the weekend grave digging fee from \$250.00 to \$385.00. Councilmember Heather Mortensen seconded. The voting was unanimous in the affirmative.**

### **Amy Bishop – Ordinances**

Amy Bishop addressed the council on putting the City of Montpelier's ordinances online for easier access to the public. Amy has talked with a firm that codifies city codes and received a bid of approximately five to eight thousand dollars. The Montpelier City Code has not been codified since 1995 and she feels it would be very confusing to people when they are researching codes. The ordinances passed since that time are in the form of ordinances and they are not referenced in the city code book. She asked the councilmembers to consider setting aside some money for the code to be codified.

### **Ordinance 646**

Councilmember Mike Sparks read Ordinance 646 in full.

**Councilmember Marden Phelps moved to adopt Ordinance 646, AN ORDINANCE AMENDING TITLE 17 CHAPTER 7 OFFICIAL HEIGHT AND AREA REGULATIONS TO REDUCE MINIMUM YARD REQUIRMENT FOR L-O DISTRICT. Councilmember Scott Nussbaum seconded. The voting was unanimous in the affirmative.**

### **Bullet Proof Vest Grant**

Amy Bishop asked the councilmembers to authorize her to apply for a bullet proof vest grant for the Montpelier Police Department. This grant has been awarded in the past and helps with the cost of the replacement rotation.

**Councilmember Marden Phelps moved to authorize Amy Bishop to apply for the bullet proof vest grant for the Montpelier Police Department. Councilmember Mike Sparks seconded. The voting was unanimous in the affirmative.**

### **Service Agreement for Access Idaho**

A copy of the service agreement and addendum was passed out at the previous council meeting for the councilmembers to review. Clerk Leslie Tueller asked that the council vote on the agreement to enable Access Idaho to be the third party for accepting credit or debit cards. They will add an additional fee for this service but it will be passed on to the customer and will not cost the city anything.

**Councilmember Marden Phelps moved to accept and approve the Service Agreement and Amendment with Access Idaho. Councilmember Ted Slivinski seconded. The voting was unanimous in the affirmative.**

### **Ordinance No.647**

Councilmember Mike Sparks read Ordinance 647 in full.

Mayor Sharp stated that he would like the fence permit to have the conditions of the code on the permit, Zana Caywood, Deputy City Clerk, stated that they were on the current permit.

There was discussion among the councilmembers about who should enforce the fence ordinance. It was decided that the Montpelier Police Department would be in charge of checking the setbacks and heights of the fences that are constructed. It was also decided that there would be no fee for a fence permit but the person building the fence would have to get their adjoining neighbors signature.

**Councilmember Ted Slivinski moved to adopt Ordinance 647, AN ORDINANCE REQUIRING A BUILDING PERMIT TO BUILD, CONSTRUCT, OR PLACE A FENCE; ALSO ESTABLISH A FEE FOR A PERMIT TO BUILD, CONSTRUCT, OR PLACE A FENCE. Councilmember Scott Nussbaum seconded. The voting was unanimous in the affirmative.**

### Memorandum of Understanding

Mayor Jared Sharp presented the Memorandum of Understanding that has been given to Bear Lake County Commissioners concerning Wayne Davidson as the acting building inspector, for their signature. Mayor Sharp has not heard from the Commissioners concerning the memorandum.

**Councilmember Marden Phelps moved to accept the Memorandum of Understanding contingent upon the acceptance from Bear Lake County. Councilmember Mike Sparks seconded. The voting was unanimous in the affirmative.**

### John Petersen – Update

Cit Superintendent John Petersen informed the councilmembers that there has been a delay in the sewer project. There is a pipe that is on UPRR land and we need to have an easement to replace the pipe. They have asked us to locate an agreement made in 1945, if that cannot be located another agreement must be drawn up between them and the city. John spent several hours trying to locate the agreement and has not found it. John asked for questions and no questions were presented to him.

Mayor Jared Sharp reminded the councilmembers that there is a public meeting scheduled for May 13<sup>th</sup>. The meeting will address the impact that Paris Hills Mining will have on the city and surrounding areas.

Mayor Sharp adjourned until the next regularly scheduled meeting on May 21, 2014.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Leslie S. Tueller", is written over a horizontal line.

Leslie S. Tueller