

Mayor David Sims called the regularly scheduled council meeting of March 1, 2016 to order at 6:06 p.m. Present for the meeting were Mayor Sims, Council Members Ron Smith, Connie Wells, and Adam Arthur, Clerk Kris Larson, City Administrator Mike Klaus, Electric Department Employees Kevin Cossairt, Brian Kerins, Cody Reichart, and Derrick Barras, Mechanic Jimmy Dorhofer, Police Officer Chris Langan, and Bookkeeper Christine McNair. Also present were John Trumble, Brent Gunter, Jason Guthrie, Matt Reese, Dan Sundstrom, Aaron Umphenour, Joe Eberley, Marcia Cossette, and Dave Gray. Council President Rick Alonzo was gone due to illness.

Police Officer Chris Langan gave the police report. He said they have had one DUI arrest, one warrant arrest, two possession of controlled substance arrests, one aggravated assault, one involuntary mental hold, one driving without privileges, three non-injury accidents, one hit and run, one malicious injury to property, one petit theft, one prowler call, three County assists, and one unattended death. Ron Smith asked about mental holds and if there is something in place now to help with these. Chris explained there is a facility at Kootenai Medical Center called North Idaho Behavioral Health and a facility in Lewiston where they take people. Chris said it is inconvenient as they have to wait for a bed to open up. On the most current mental hold they had to sit with the person for over 16 hours before a bed came available.

Mike Klaus gave the city administrator report. The switch at the Moyie substation is scheduled to be installed this week and energizing will be later in the month, as coordination with Bonneville Power and Northern Lights needs to be scheduled. Mike said he and Mayor Sims will meet with Lisa Ailport over some planning and zoning issues. The utility cost estimates for Shopko have been delivered, and Mike is not sure where they are with the building permit.

Mayor David Sims said the EDC met to consider the applications they received for the EDC Coordinator and will re-advertise for the position. They will still consider the first applications received in the selection process. The urban renewal agency is hoping to have a meeting this month. One of the topics at the North Idaho's Mayor's Coalition was the capitalization fees lawsuit filed against the City of Hayden by the Building Contractors Association that went all the way to the Supreme Court. The Supreme Court sent the case back to the District Court to see if the capitalization fees were calculated properly. The District Court Judge is now questioning whether or not capitalization fees are constitutional in Idaho. This decision will affect all utilities in the State of Idaho.

Connie Wells moved to approve the consent agenda. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Connie Wells “yes”, Adam Arthur “yes”. The consent agenda contained the following: roll call; approval of accounts payable and payroll; and approval of the February 16, 2016 council meeting minutes.

Connie Wells moved to approve the catering permit for the American Legion Boundary Post 55 for the FFA Alumni Fund Raiser on March 19, 2015 in the banquet hall of the American Legion Building. Ron Smith seconded the motion. The motion passed – Ron Smith “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Ron Smith moved to approve the probationary wage increase for Deby Garcia. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Connie Wells “yes”, Adam Arthur “yes”. (Clerk’s note: \$12.67 per hour will be the new hourly rate).

Connie Wells moved to approve the space rental agreement for the Farmers Market for the 2016 season. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Mayor Sims said the timber contract with Maggi Logging for the golf course was approved with a completion date of February, 2016 dependent on cold weather, since we did not get the cold weather we were hoping for this extension to keep the contract in place for another year. Adam Arthur moved to approve the timber harvest contract extension agreement with Maggi Logging and authorize the Mayor to sign the agreement. Connie Wells seconded the motion. The motion passed – Ron Smith “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Jerry Higgs joined the meeting.

Mike Klaus showed council a drawing of the sewer line problem on Bingham Street. He then showed a power point picture of the broken sewer line. This line serves everything from Bingham to the northeastern portion of the City. A rock has crushed the line. The cost to have a contractor do the work is well over \$25,000 according to Mike so the City is looking at fixing the manhole on Bingham and changing out the line. We may contract to do push pipe on the southern end in the park area near Dr. Geyman’s office so we don’t have to cut the concrete.

Attorney Andrakay Pluid joined the meeting.

Ron Smith moved to hire Bob Tritt for seasonal parks employee. Connie Wells seconded the motion. The motion passed – Ron Smith “yes”, Connie Wells “yes”, Adam Arthur “yes”.

John Trumble handed out a letter to council and Attorney Andrakay Pluid. He said IBEW Local 77 is asking the City of Bonners Ferry to recognize Local 77 as the collective bargaining representative for the six employees in the light department. Local 77 is an industrial union representing about 7,000 people in Northern Idaho, Western Montana, and Washington, and the main focus is the electrical industry. Safety is important to the IBEW and they support safety training and apprenticeships. It is a goal to keep lost time accidents to zero. Derrick said IBEW has a standard of excellence especially where safety is concerned, and complacent attitudes are not in place. He has worked at both union and non-union entities. He said IBEW is the reason he is here today, as he did not like the processes in place at other entities where he worked. He said we do not have a safety issue here but there is an IBEW presence at the City. IBEW helps educate and when changes occur safety stays. John Trumble said we want to stay abreast of industry training and changes in technology so this is emphasized. Derrick said the City is getting a smoking deal because of Kevin’s 22 years’ experience in the trade. He has had IBEW training and the workers trust him and will follow him anywhere because he knows what he is talking about. The lineman will follow along because of Kevin’s training making jobs go smoother. IBEW offers refresher courses for their members and Derrick said personnel replacements with IBEW members go smoother. John spoke of apprenticeships and said the

Union supports that, as the goal is to get highly trained electrical workers. Derrick said the employee that goes through the IBEW program gets \$300,000 worth of training, so a company hiring this individual gets that investment because of the valuable training. John said they would help recruit and retain good workers for the City of Bonners Ferry. Three of the current line workers are recognized by the IBEW. He said any of the linemen could go elsewhere and be recognized.

Ron Smith asked Derrick about his comment on safety and questioned if that was here. Derrick said it was not here, and he was ready to quit. Ron asked about competent workers. John said through collective bargaining and having training and industry standards it would help with keeping employees here. Derrick said technically he was hired twice because our job opening was open that long. He said triggers are looked at by people seeking employment and the IBEW is important to them. Derrick said the linemen are here because they want to be. Eventually, the linemen will be gone and new hires will be looking at IBEW. Retention is important. Derrick spoke about how he and Cody work together.

John Trumble spoke of storm damage occurring and having access to IBEW workers that are qualified to do the work at a cost savings to the City. Derrick spoke of the line work done at Moyie and said it was not too difficult for our crews, but with the daily work load we did not have enough employees to spread out and do the daily work and the rebuild project. He said through the IBEW we are building a network to do work, and he thinks this would generate peace of mind.

John said the working agreement would speak to wages, hours of work, and conditions of work particular to the Light Department workers. He said they are not here to create a big upheaval at the City. The agreement would contain a grievance and arbitration procedure so all personnel matters are handled more judiciously and they stay out of the courts. The discipline stays with the employer. There is not a state regulatory agency in Idaho. The REA employees are covered by the national agency. There is nothing for the public sector employees. They would use the National Labor Relations Act in the business relationship. This would prevent an open ended problem. Kootenai, Northern Lights, and Avista use the National Labor Relations Act. John showed council the cards that have been signed by four of our employees. He said they have asked to be recognized for representation. He said the Union would be amenable to an election based on the National Labor Relations Act. He said this could be conducted by the City Attorney.

Mayor David Sims said he would like to open the floor to see if there are any employees or members of the public that wanted to speak. Jason Guthrie said he went through line school in the United States Army in 1987 and they taught him just enough to get himself or someone else killed. He then took a 7,000 hour construction apprenticeship that prepared him for the job he now holds. He is line foreman at Avista in Sandpoint. Jason said he would have come to Bonners Ferry if there had been better opportunities. He said our employees are just trying to make a better workplace for everyone and keep skilled, qualified employees to keep everyone safe. He spoke of a situation he faced as an apprentice where he recognized unsafe practices.

Jerry Higgs spoke to council regarding feeding large game animals. He said a difference the City of Bonners Ferry has over the City of Sandpoint or Dalton Gardens is wording. Jerry suggested wild game animals be used rather than wording used in the other city's ordinances. He said in Bonners Ferry we have a greater variety of species than other city's do. Jerry liked the Dalton Gardens wording in their ordinances and felt they covered their bases. He hopes council will consider this.

Jerry Higgs said as far as the Union goes "if it is not broken, don't fix it". He said we may have problems but does not think it is at the point where such action is needed.

Dan Sundstrom said he is an IBEW journeyman lineman and also a City of Bonners Ferry electric rate payer. He said when people hear the word union they think money and of the problems that are glorified in the national media. He said the benefit package for every lineman in the room is comparable, and it is an economics reality is that you cannot get paid more than you are worth. He said there is nothing that will happen in the collective bargaining costing more money than the market can hold.

Brent Gunter, Acting Supervisor for Northern Lights in Bonners Ferry, said he has been and IBEW member for 19 years and in the trade for 20 years. He worked one year in the non-union side. It is very apparent in regards to safety training and the type of people that IBEW employs to be the reason he works where he does as the IBEW supplied his training. He is a fifth generation Idahoan and went away and saw the training and what the brotherhood does in this industry. If it were not for the training and the IBEW we would not have the quality of work we do today.

Ron Smith said he had the experience of dealing with a labor disturbance at Moyie when he was Sheriff. He thinks all the electric department knows how he feels about them even though the pay is not as high as what was promised by a previous city administrator. Ron asked if the training would be available if the employees were not members of the IBEW. John Trumble said not necessarily. Ron thinks we could do something in our personnel policy that would give the employees due process for cause rather than being at will like it is now. Andrakay agreed. He would be in favor of the change in our policy.

Connie Wells asked how much this would cost the City. She said other Union workers come to assist because they know they will be paid Union wages and maybe Bonners Ferry cannot afford those wages. If our wages are lower Connie asked what it will cost to go Union. She asked if the Union specifies the wages and benefits. John said they bargain and gave the example of a bad termination the City recently had that cost the City a lot of money, time, and resources. He said the cost is hard to put on the employer but if there is a side by side relationship the cost comes back ten-fold to the employer. John said when the City contracts out work like Derrick spoke of we are being charged Union scale. Connie said contractors bring their own equipment and pay their own workers comp. She said she has spoken to someone very familiar with Unions who told her we don't have to have a reason to get rid of someone, just tell them we no longer need their services and have the Union hall send a replacement. John said the collective bargaining agreement would have a just cause standard for the employees to be treated fairly and handedly when it comes to the employer administering its rules. There would be a just cause

standard for resolving disputes. He said it would not be like a construction contract, it would be like the contract Northern Lights, Kootenai, or City of Cheney enjoys. Derrick clarified that the agreement is not generic but is specific to the duties of the electric workers. He said the Union solves the problem if a lineman does not follow safety protocols. He said you don't want to go rogue with the Union. Connie argued that could be done now if an employee is not being safe. Derrick said the agreement protects the employer and the employee making a paper trail so lawsuits are not filed. Connie said who reports the unsafe worker and it should be our employees that report that regardless of whether or not there is a Union. Derrick said the agreement would spell out the safety protocols and this is a protection for the City. John said it solves the issue of two lineman working together without a supervisor.

Adam Arthur asked what happens if employees do not want to join the Union. John said they do not have to join the Union but would be covered under the collective bargaining agreement. Ron asked if they would have to pay the fees. John said they would not.

Mayor Sims said one of the comments he hears from the rate payers is the cost of our utilities. The poverty level is high and wages are low so people struggle to pay their utilities. He is concerned about the cost increasing to the customers. He said there are not layers of bureaucracy to work through at the City, as there is the electric crew, the city administrator, and then the mayor and council. He is hopeful that they can work with the City administrative staff in a productive manner without representation from an outside entity. Mayor Sims said he is concerned about a separate set of rules for one department than the rest of the City. John said a regional standard and regional rates are looked at objectively. The constant struggle for what the City is paying for electricity is an issue but it is not fair to keep rates low on the backs of the workers. He said they are not asking to be the top dog, only for representation rights. Ron asked what other costs would be involved other than negotiating salaries. John said conditions and benefits. Ron asked what was meant by conditions. John said breaks, fire retardant clothing, a lunch room, microwave, etc. John said we are 18 percent behind Northern Lights in wages. Mayor Sims said he got a comparison for wages today from the regional economist for Bonner and Boundary Counties and the reality is that wages are different in different areas. He said in most cases Boundary County wages are lower than those in Bonner or Kootenai Counties. John understands what he is saying, but when we recruit for lineman we are looking at a regional rate and that can start to cause problems. He asked where we get our people and where we lose them to. Mayor Sims said he understands our lineman are skilled employees and are much more skilled than a call center employee. He said our hospital struggles as they cannot afford regional rates but don't have the luxury of raising rates to pay for these services. John said it is tough to recruit and maintain doctors for example. Ron said he has heard that the lineman were promised to be paid 90 percent of what Northern Lights linemen are paid. He questioned the 18 percent figure John was speaking about. John said that is what he figured the current difference to be. Mayor Sims said 18 percent is very typical. Ron said a year ago we tried to lessen this difference and we are looking to the future cost of living. John said Avista settled for a three, three, three agreement for three years. Mayor Sims said if we go for Union wages for all City employees we would only have about half of the employees. He said we have to be fair to the employees.

Mayor Sims asked the opinion of the city attorney. Attorney Andrakay Pluid said the Union decision is a council decision and they have heard the pros and cons. Ron Smith said he thinks Councilman Alonzo should be part of the Union decision.

Derrick said they are not asking for gold bricks and the dues are paid by the employee. They are not asking for new trucks each year for example. He said wages will be part of the discussion and the promise will be part of it. He said the items on this list are more valuable than wages. The Union dues are paid by the employees themselves. Ron said the promise was supposedly given by one person, and council tried to address this issue a year ago. He questioned the recourse of the Union if agreement is not had for wages. John said it goes to mediation and this will be worked out and bargaining will be done. If there is a deadlock, he said they will not strike. He has been a representative for over 30 years and this has not happened. He said if there is a good faith impasse the employer has the right to implement. Mayor Sims said in Idaho our rates have to be at cost or lower. Mike Klaus asked the percentage of lineman in the State of Idaho that are Union versus non-Union. John said their jurisdiction only goes to Grangeville and Idaho Power is non-Union but there are other representing entities in the south. Idaho Falls is with the Union out of Salt Lake.

Adam Arthur said he is trying to figure out the benefits. He said we have the safety, and the bullet points on the handout are not telling him of benefits we do not already have. John said the linemen would like to have freedom of being part of a Union. Matt Reese said one of the benefits is the network of lineman to come in from Washington, Idaho, and Montana if there is a bad storm or problem. He said this would be a consideration for him. Matt said line work safety and efficiency can go down if people are not Union, as Union looks at the code of excellence for Union members. He said these are not linear, tangible benefits but they are important. He said the City can only pay out what they can afford and John has 31 years' experience. Matt said lineman trust that the workers that come in are safe.

Brian Kerins said the reason we don't have safety issues is because of the IBEW training and the IBEW presence is here because most of our lineman are IBEW trained. He said the City is reaping the benefits of that education and training without any money being involved. Brian said we are 90 percent there so joining the Union would come full circle. He said if we need to have outside workers come in we can pull lineman from the Union and work with them instantly and efficiently and not have to pay contractors.

Ron Smith asked if we had problems here if there is a mutual aid agreement where we can call in others. Kevin said we had a mutual aid agreement with Northern Lights in roughly 2000 and he does not know if that is current. Mike Klaus said we do have a mutual aid agreement with Northern Lights but if there is a large problem we would have to contract out. Adam Arthur asked how often we have had to call on the mutual aid agreement in the past 20 years. No one knew the answer. Joe Eberley said we should not say this as that is when a big storm hits. Brent Gunter spoke about the difference in rates between utilities and said the minimums are very comparable.

Connie Wells said it is not in the best interest of the City to go Union, as we are a small enough group that we can deal with bargaining with our employees and dealing with them on our own without another complex mixture. She moved for the City of Bonners Ferry to not recognize the International Brotherhood of Electrical Workers Local 77 as the bargaining agent for the City of Bonners Ferry's electrical department employees. Adam Arthur seconded the motion. Ron Smith commented that he would like to see a full council make the decision. Connie wanted to go ahead with the vote. Connie Wells "yes", Adam Arthur "yes", Ron Smith "no".

John Trumble thanked the council for their consideration.

There being no further business the meeting adjourned at 7:34 p.m.

David Sims, Mayor

Attest:

Kris Larson, City Clerk