

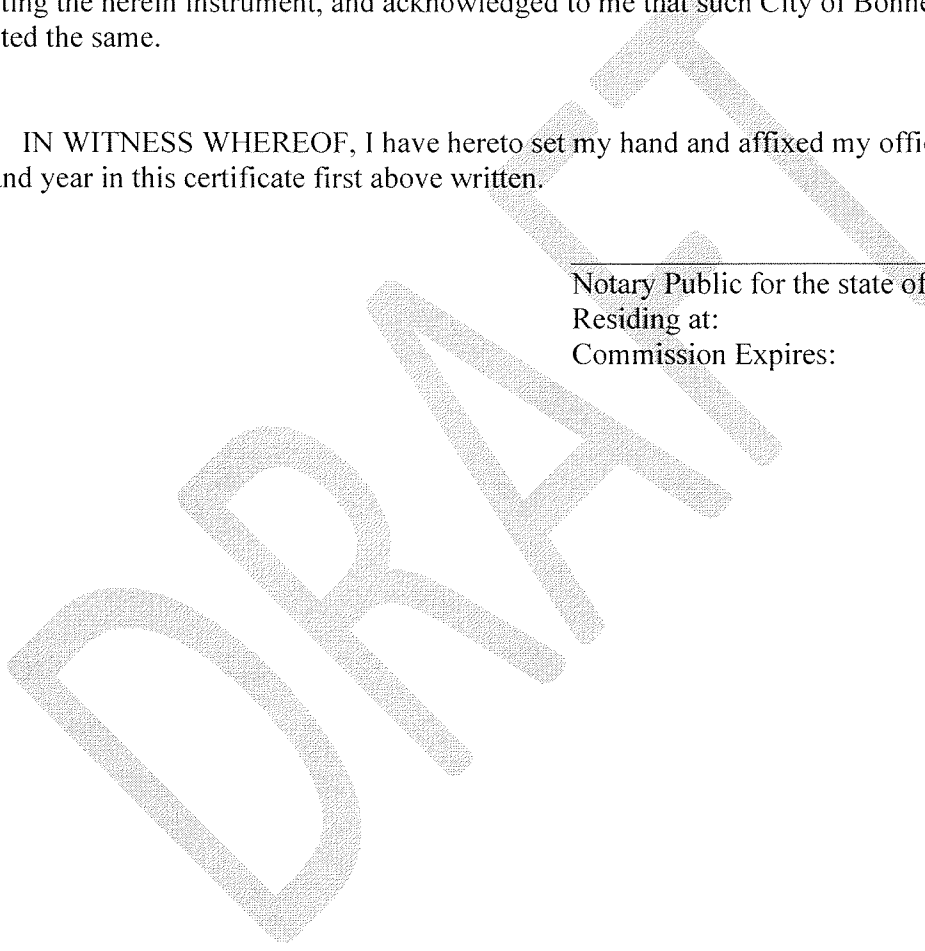
ACKNOWLEDGMENTS

STATE OF IDAHO )  
 :ss  
County of Boundary )

On this \_\_\_\_ day of \_\_\_\_, 2019, before me, a Notary for the state of Idaho, personally appeared *David Sims* and Christine McNair, known, or identified to me to be the *Mayor* and *City Clerk*, respectively of the City of Bonners Ferry, Boundary County, Idaho, executing the herein instrument, and acknowledged to me that such City of Bonners Ferry executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal, the date and year in this certificate first above written.

\_\_\_\_\_  
Notary Public for the state of Idaho  
Residing at:  
Commission Expires:



INSERT SEPARATE NOTARY PAGES FOR EACH OWNER

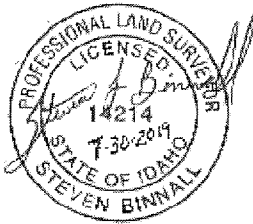
DRAFT

# EXHIBIT A INSERT BINALL DESCRIPTION

Exhibit - A

## Legal Description

That Portion of Government Lots Six (6), Seven (7), and Eight (8), in Section Twenty-six (26), Township Sixty-Two (62) North, Range One (1) East, Boise Meridian, Idaho, lying north of the Burlington Northern & Santa Fe Railroad right-of-way, and being more particularly described as Tax Parcel Numbers 20 through Tax 25, in said Section; containing 35.77 acres more or less, as shown in Record of Surveys filed in Book 1, Pages 79 and 80, and a portion of which is shown in Book 6, Page 100, filed in the Recorder's Office of Boundary County, Idaho.



**EXHIBIT B – insert map**

DRAFT

**MINUTES  
CITY COUNCIL MEETING  
Bonners Ferry City Hall  
7232 Main Street  
267-3105  
July 16, 2019  
6:00 pm**

Mayor David Sims called the Council meeting of July 16, 2019 to order at 6:00 pm. Present for the meeting were: Council President Rick Alonzo, Council Members Valerie Thompson and Ron Smith. Also present were: City Administrator Lisa Ailport, City Engineer Mike Klaus, City Attorney Andrakay Pluid, Police Chief Brian Zimmerman, Clerk/Treasurer Christine McNair, Contract Planner Clare Marley and Economic Development Coordinator Dennis Weed. Members of the public present were: Jerry Higgs, Dave Gray, Denise Crichton, Craig Kelson, Marciavee Cossette, Marty Martinez, Ralph Lotspeich, Julie Williams, Leann Sukenik, Ron Sukenik and Carolyn Testa.

**PLEDGE OF ALLEGIANCE**

**GUEST**

**PUBLIC COMMENTS**

Jerry Higgs said he has noticed the long hours Christine McNair has been working and he appreciates it. Jerry said the Street Department is doing a great job with the highway project, while still staying on top of all of the other things they have to do. Jerry thanked Craig Kelson for standing up to groups that are bringing hate in to our community.

**REPORTS**

City Administrator Lisa Ailport said the City has been working on the application for a grant for an electric vehicle charging station.

City Engineer Mike Klaus said the test results for the new well came back as zero risk, so we do not have to worry about filtering it, which is good news.

Economic Development Coordinator Dennis Weed said he is continuing to work with a variety of businesses on a number of issues. There was a Visitor's Center volunteer meeting today. It is fully staffed Monday through Saturday. The Visitor's Center has one wall that is dedicated to Idaho.

Urban Renewal District Mayor Sims said there was a meeting last week and they will be moving forward with the new urban renewal district. Mayor Sims said the Job Service is closing the local office and Summer MacDonald is hoping she will be able to use the meeting room at the Visitor's Center.

**CONSENT AGENDA – {action item}**

1. Call to Order/Roll Call
2. Approval of Bills and Payroll
3. Approval of the June 25, 2019 Special Council meeting minutes, July 3, 2019 Council meeting minutes, July 9, 2019 Special Council meeting minutes
4. Treasurer's Report

Adam Arthur moved to approve the consent agenda. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

**OLD BUSINESS**

5. Golf – Consider Approval of Golf Fees and Play Policy (attachment) {action item}

Lisa said the amended areas are underlined in Section VII (b), Section V (b). Some redundant items were removed at the request of the Golf Contractor. Lisa feels this policy is ready for approval. Valerie Thompson moved to approve the Golf Fees and Play Policy. Ron Smith seconded the motion. The motion passed with all in favor.

## **NEW BUSINESS**

### 6. City – Update from Craig Kelson, City Human Rights Advocate

Craig is hoping the City will consider a declaration of human rights. Craig said the City of Coeur d' Alene and the City of Boise have declarations of human rights. Mayor Sims has asked Andrakay to contact other cities that have a human rights declaration. Mayor Sims said it might be best to incorporate it into the vision statement.

### 7. Pool – Consider Approval of Pay Application #4 for BF Builders for the Pool Project (attachment) {action item}

Mike Klaus said the pool project is complete, but there are a few items that need to be addressed. The handrail is rusting and needs to be replaced. The concrete needs to have some minor repairs since the cone shapes are falling off. Mike said there is a one year warranty. Rick Alonzo moved to approve pay application #4 for BF Builders in the amount of \$5769.40 for the pool project. Ron Smith seconded the motion. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

### 8. Planning and Zoning – Consider De-Annexation of Property East of the Fodge Mill (attachment) {action item}

Mayor Sims said we are not making a decision in de-annexation tonight, the decision is to decide how to proceed with the request from the property owners Ron and Leann Sukenik. Clare Marley said there are no procedures on how to de-annex. If the City decides to de-annex this property the County will have be involved. Ron Sukenik owns four properties and there are other property owners that may also be interested in de-annexing. Ron Sukenik said all the parcels were owned by one owner and that is when the property was brought into the City limits. Ron Sukenik said there are six acres that are not in the flood way and he and Leann are interested in building one house on the lots. Ron Sukenik does not expect any other houses being built in that area. Adam asked if the whole piece is zoned industrial because it was brought in as one parcel. Mayor Sims said yes. Lisa said this the only area that is able to be developed that is in the flood plain and flood way. There are several restrictions for development in the flood plain areas. Ron Smith asked if it is left the way it is now can a house be built there. Clare Marley said it would require a zone change. Ron Smith said if it is de-annexed, we will lose out on the taxes that are currently being collected. Lisa said yes and any future taxes as well. Valerie asked if Sukeniks are seeking any other services that do not already exist. Ron Sukenik said if the property remains in the City limits, then he would, but if it is de-annexed he would not. Valerie Thompson moved to consider de-annexation of the Sukenik property with a formal petition for de-annexation. Ron Smith seconded the motion. The motion passed with all in favor.

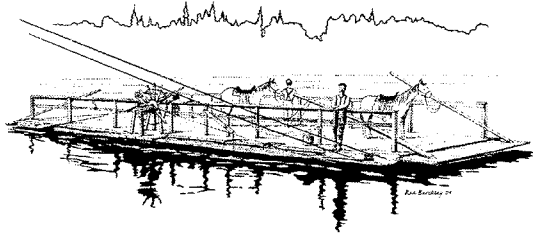
### 9. Planning and Zoning – Consider Urban Farming Ordinance (attachment) {action item}

Mayor Sims said the ordinances have not been enforced unless there has been a complaint. Mayor Sims said he feels the ordinances either need to be enforced or changed. Andrakay, Lisa and Clare have spent a lot of time working on a new ordinance. Adam asked if it is covered under the nuisance ordinance. Mayor Sims said it depends. Mayor Sims said the current ordinance is fairly simple to enforce since the only zone that animals are allowed are in is Zone B. Brian Zimmerman said it would require a full time officer to accurately enforce an animal ordinance. Brian said his guys didn't sign up for that, they don't have a problem taking a guy to jail for dui or arresting a drug dealer, but the ordinances like that, they don't want to be involved with because it is not their area of expertise. Rick said the best thing would be a code enforcement officer, if we could afford it, but we can't. Lisa said there will be an enforcement issue regardless of the ordinance. Mayor Sims said we need to be able to enforce all ordinances. Andrakay said the complaints are very time consuming for something that should be easily complied with. Ron asked what happens if we leave it the way it is. Andrakay explained the steps to correct the problems. Mayor Sims said it would be a good idea to put a link on the website that says what zone they live in and what animals they can have. Clare said there are some changes that need to be made to Zone B. Adam asked if all cities have ordinances that allow farm animals in the city limits. Clare said she researched several cities and not all cities allow farm animals. Andrakay said a lot of people make a lifestyle choice to live in the city limits instead of the county. Lisa recommends staff works with Planning & Zoning to make changes to the Zone B. Adam asked about rabbits. Clare read the definition of domestic livestock. Rick Alonzo moved to have Planning & Zoning and staff work towards a zoning ordinance that helps identify the Zone B domestic livestock and keeping of poultry based on the bullet points presented by Clare Marley, excluding Zones A and AA. Ron Smith seconded the motion. The motion passed with all in favor.

10. City – Consider Approval of High 5 Expenditure for the City of Moyie Springs for Playground Equipment (attachment) {action item}  
Lisa said the City of Moyie Springs wants to do a phased approach for playground equipment for the area behind the City Hall in Moyie Springs. The phases that will be in \$15,000 increments. The details are still being worked out. Mayor Sims said there is community support to have a playground near the Moyie Springs City Hall. Rick asked when the money has to be spent. Valerie Thompson moved to approve the High 5 steering committee to provide the funds for the first phase of the City of Moyie Springs project for \$15,000. Adam Arthur seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes
11. City – Consider Approval of High 5 Expenditure for University of Idaho for Physical Activity Equipment and Nutrition Lesson Kits (attachment) {action item}  
Lisa said the University of Idaho is requesting to work with the Friday Friends and Boundary County 4-H to focus on healthy eating. Rick Alonzo moved to approve the High 5 expenditure for the University of Idaho for physical activity equipment and nutrition lesson kits in the amount of \$1,500. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes
12. City – Consider Approval of High 5 Expenditure for 9B Trails for One Exercise Equipment Station at the County Park (attachment) {action item}  
Lisa said the 9B Trails is requested funding for one exercise equipment station at the county park on the north side of the Kootenai River. Mayor Sims said Boundary County has approved the installation of the equipment stations. Adam Arthur moved to approve the High 5 expenditure for 9B Trails for one exercise equipment station at the county park in the amount of \$2,500. Valerie Thompson seconded the motion. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes
13. Electric – Consider Direct Mail of Lighting Kits to Residential Electric Customers (attachment) {action item}  
Lisa said there is approximately \$64,000 left in the conservation money. This is the end of the two year funding cycle. Mayor Sims asked if we can carry over any portion of the money. Lisa said \$50,000 can be carried over. The lighting part of the conservation program is going away for the next funding cycle. Adam asked how many of the City buildings have been converted to LEDs. Lisa said she will check with Steve Neumeyer, but she believes most of the buildings have been converted. Adam Arthur moved to approve the direct mail of lighting kits to residential electric customers. Valerie Thompson seconded the motion. The motion passed with all in favor.

#### **ADJOURNMENT**

The meeting adjourned at 7:18pm



## CITY OF BONNERS FERRY

7232 Main Street  
P.O. Box 149  
Bonners Ferry, Idaho 83805  
Phone: 208-267-3105 Fax: 208-267-4375

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### STAFF REPORT FOR LIVESTOCK STANDARDS AMENDMENT, TITLE 11 BONNERS FERRY CITY COUNCIL AMENDMENT FILE #AM04-19

**Prepared by:** Clare Marley, AICP  
City Contract Planner, Ruen-Yeager & Associates, Inc.

**Project Description:** The City of Bonners Ferry has initiated an amendment to its zoning regulations (Title 11 of Bonners Ferry City Code) to adjust livestock uses and standards in the Residential B zoning district, provide for community gardens in all zones, and amend the domestic livestock definition. The Planning and Zoning Commission has made a recommendation of approval to the City Council. The Council will make the final decision on the ordinance amendment.

**Publication Date:** August 29, 2019 Planning and Zoning Commission  
October 31, 2019 City Council

**Political Subdivisions Notification:** August 29, 2019 Planning and Zoning Commission  
October 31, 2019 City Council

**Hearing Dates:** Planning and Zoning: September 19, 2019  
City Council: November 19, 2019

**Hearing Packet:** Draft ordinance, legal notice, P&Z minutes of 9/19/19, Ordinance summary.

#### PROJECT BACKGROUND/SUMMARY

The City of Bonners Ferry has initiated an amendment to its land use regulations regarding livestock standards and community gardens. The proposed ordinance retains the prohibition on domestic livestock and poultry in the Residential A and AA zones and adjusts the standards within the Residential B District. The Residential B District is the only zoning district that currently allows livestock. The amendment proposes to:

- Add community gardens as permitted uses in all zoning districts;
- Redefine domestic livestock to only include those animals permitted in the B District, which are cattle, horses, sheep, goats and female chickens (hens), subject to specific zoning standard. Dairy animals, "other grazing animals" rabbits, poultry, and domestic birds are proposed to be removed from the domestic livestock definition;



- Tie “housekeeping” measures to existing city animal control laws rather than the health district or non-specific “commission” listed in current code;
- Prohibit stockyard or confined animal feeding operations, clarifying current code’s prohibition on “livestock confinement operations;”
- Prohibit bulls, stallions, rams, bucks, or roosters;
- Increase the minimum acreage requirement for permitted livestock in the B zone from 21,780 square feet (½ acre) to 1 acre;
- Change the number of animals allowed from 1 animal unit per ½ acre to 1 animal unit per 1 acre and limit chickens to a maximum of 12 hens, regardless of animal units.

The community explored the potential for expanding livestock/urban farming to other zoning districts in 2018. A sampling of the area citizens through a non-scientific poll produced mixed results from the nearly 100 people who took the survey. A total of 83% indicated they did not own any livestock. The majority (59%) favored expanding allowances for keeping livestock in the city. Some wanted the animal types limited to hens or honeybees. Others wanted greater freedom to keep livestock, while others wanted no livestock in the city, finding that “livestock has no place in the city.” Concerns about odors and noise were raised in the survey responses.

The Planning and Zoning Commission reviewed options for expansion of urban farming in late 2018 and 2019. They looked at other Idaho cities urban farming regulations and drafted some language to allow limited keeping of poultry and bees in the A and AA zones with stricter housekeeping and setback requirements.

The City, in the meantime, has been fielding continued complaints from citizens regarding violations of the current livestock laws, problems with odors from poor housekeeping, and noise produced by poultry introduced into a number of districts where the animals are not allowed.

The Bonners Ferry City Council reviewed the livestock options and heard discussion from city legal staff and police regarding the challenges and costs of enforcing livestock complaints if the uses are expanded to other parts of the city. After consideration of these viewpoints, the Council requested the Planning and Zoning Commission redraft the proposed ordinance to retain livestock in the Residential B zone only, and update the livestock standards to mitigate neighboring impacts by increasing the required acreage and reducing the number and type of animals (Council meeting of 7/16/19).

## **PUBLIC COMMENTS**

No written public comments had been submitted to the record at the time of this staff report. One member of the public testified at the Planning and Zoning Commission meeting in favor of allowing small livestock such as rabbits and chickens in the A zone because Bonners Ferry is a rural town.

## **COMPREHENSIVE PLAN ANALYSIS**

Adoption or amendment of the zoning code requires confirmation that the ordinance is in accord with the policies set forth in the adopted comprehensive plan. Many of the comprehensive plan sections do not directly relate to the proposed livestock standards ordinances. Below is a summary of each section, and portions that may relate to the proposed ordinance:

**Section 1** of the adopted comprehensive plan addresses the need to adopt regulations that are consistent with community goals and objectives. Planning principles encompass various goals regarding housing, transportation, etc., and include creating opportunities for open space, parks, and greens.

**Section 2** covers property rights, and policies to recognize private property ownership as a basic right and to administer ordinances to allow reasonable use of private lands consistent with public health, safety, and general welfare.

**Section 3** deals with population and growth.

**Section 4** reviews the school facility and transportation needs.

**Section 5** on economic growth recognizes the community's source of income relies on natural resources and retail trade. Policies consider the promotion of tourism, clean industry, and expansion and growth of existing businesses.

**Section 6** of the comprehensive plan established three land use types: Residential, Commercial, and Industrial. None expressly provides for agricultural operations. Buffers between incompatible uses are encouraged to be developed. Land use decisions must consider the availability of services and should consider the preservation and enhancement of natural resources. Protection and enhancement of general public safety, health, and welfare are factors in guiding land use decisions.

**Section 7** addresses natural resources, and encourages the protection of natural beauty and environment of the area and the need for buffers and mitigation to protect from noise, odor, or pollution.

**Section 7.1** acknowledges agriculture is a major industry in Boundary County, but there is a limited amount of property within the city to raise farm crops (Section 7.1). The plan recognizes the "Right to Farm" policies of the State of Idaho, found at Title 22, Chapter 45.

**Section 8** includes potential rail, river, and hillside hazards and emergency services.

**Section 9** reviews available water, sewer, power, fire, solid waste and health services.

**Section 10** is relative to transportation, needs, and policies.

**Section 11** covers small and larger scale recreational needs, and includes concepts to create small, pocket parks, green space, and encouraging a "community wide park environment," while promoting a "sense of community ownership."

**Section 12**, Special Areas or Sites acknowledges the wildlife refuge, Selkirk Loop and natural lands. Specific policies regarding farming and livestock are not included in this section.

**Section 13**, regarding Housing, covers clean, safe housing, access, and services. Residential uses are to be buffered from non-residential uses. Zoning should be updated to provide responsible, well-planned development.

**Section 14**, Community Design, refers to the Hudson strategic plan.

**Section 15** is an implementation section on ordinance updates and urges the community to review and update its standards and policies on an ongoing basis, based on changing conditions and new issues.

#### **STAFF ANALYSIS**

While there are few policies and goals in the comprehensive plan that directly address urban farming, a number of policies cover property rights, effects of development on services, buffering of differing uses and open space and green areas.

The Agriculture section of the plan addresses the Right To Farm. The Right to Farm legislation and its effects on city laws relating to livestock have been reviewed by the city attorney during the formation of this amendment. The city attorney has advised that regulating numbers and types of animals is allowed under powers granted to the city by the state. The Right to Farm legislation is directed at the issue of "coming to the nuisance," which prevents cities or landowners who move into farmlands from declaring farm operations nuisances (7/15/19 email communication).

The proposed ordinance includes allowances for community gardens and garden structures as permitted uses in all zoning districts, which can encourage development of community green and open spaces.

City police advised of its limited resources and the challenges that the expansion of livestock uses could put on the city force. The comprehensive plan requires the city to examine the effects of land use decisions on city services. The plan also urges the city to look at its standards and laws as new issues and changing conditions arise.

## RECOMMENDATION

The Bonners Ferry Planning and Zoning Commission recommended to the City Council approval of the ordinance amendment following its September 19<sup>th</sup> public hearing. The Commission recommended the draft ordinance be revised to:

- Change the reference of “female chickens” to hens;
- List the type of animals allowed in the same order in the B regulations and the domestic livestock definition;
- Strike Section 11-2-1 C.1. paragraph (F) allowing “Other animals. Maximum numbers shall be set by the city council.” The code does not provide a process to add other animals and the correct procedure to add other livestock would be an ordinance amendment.

## AUTHORITY/PROCEDURES

**Idaho Code §67-6511.** Zoning Ordinance. Establishes procedures and requirement to be in accord with comprehensive plan. Requires notice and process in accord with Idaho Code §67-6509.

**Idaho Code §67-6509** establishes the procedures for adoption and amendment of the plan (and zoning codes, by cross-reference). At least 15 days prior to the public hearing, the city must give notice of the proposed amendment to the official newspaper of record, media, political subdivisions within the city jurisdiction, school districts, and the manager of the public airport. The Planning and Zoning Commission shall make a recommendation to the City Council on the proposed amendment. The City Council may conduct at least one public hearing, in addition to the Commission decision, after it receives the recommendation from the Planning and Zoning Commission. If the City Council makes any material change in the recommendation or options contained in the Commission recommendation, further notice and a public hearing must be conducted by the Council.

**Idaho Code §67-6518.** Standards. Cities have authority to adopt standards for public and private development.

**Bonners Ferry City Code Chapter 6,** Amendment of the Act. Process, and rights of city to initiate amendment.

## PUBLIC NOTICE

Notice was published in the official newspaper of record on August 29, 2019, (21 days prior to the public hearing) for the Planning and Zoning Commission and on October 31, 2019 (19 days prior to hearing) for the City Council hearing. Notice was also mailed to taxing districts, the media, school district, and airport manager August 29<sup>th</sup> for P&Z and October 31<sup>st</sup> for Council. Legal noticing requirements have been met.

## MOTIONS BY THE GOVERNING BODY:

Motion to Approve: I move to approve this file #AM04-19, amending Bonners Ferry City Code, Title 11, regarding livestock standards and community gardens, finding that it is in accordance with the general and specifics goals and standards of the City of Bonners Ferry comprehensive plan, as enumerated in the findings and reasoned statements below and based upon testimony received at this hearing.

I further move to adopt the following reasoned statement as written (or as amended). (READ STATEMENTS, SPECIFYING HOW THE PROPOSAL MEETS THE STANDARDS, BASED UPON THE FINDINGS OF RECORD).

Motion to Deny: I move to deny this file #AM04-19, amending Bonners Ferry City Code, Title 11, regarding livestock standards and community gardens, finding that it is not in accordance with the general and specifics goals and standards of the City of Bonners Ferry comprehensive plan,

as enumerated in the findings and reasoned statements below and based upon testimony received at this hearing.

I further move to adopt the following findings and reasoned statement as written (or as amended). (READ STATEMENTS, SPECIFYING HOW THE PROPOSAL FAILS TO MEET THE STANDARDS, BASED UPON THE FINDINGS OF RECORD).

**REASONED STATEMENTS**

1. The amendment **IS/IS NOT** supported by the City of Bonners Ferry Comprehensive Plan.

Community Design	Special Areas and Sites
Natural Resource	Recreation
Population	Housing
Economic Development	Land Use
Hazardous Areas	Public Services, Facilities and Utilities
Transportation	Implementation
Property Rights	

**Findings:**

1. The Agriculture section of the adopted comprehensive plan recognizes the Right To Farm as a “natural right.” The premise of the Right To Farm and the proposed ordinance have been reviewed by legal staff to ensure rights are not violated.
2. The Property Rights section covers property rights, and policies to recognize private property ownership as a basic right and to administer ordinances to allow reasonable use of private lands consistent with public health, safety, and general welfare. The City Council heard concerns from community leaders about the enforcement challenges and issues of noise and odor related to the keeping of livestock within city limits (July 16, 2019 Council meeting).
3. The Recreation section of the plan calls development of a “community wide park environment,” while promoting a “sense of community ownership.” The proposed ordinance would allow community gardens and garden structures throughout the City.
4. Implementation, Section 15 of the plan, urges the community to review and update its standards and policies on an ongoing basis, based on changing conditions and new issues.
5. The Land Use component of the plan identifies three distinct land bases: Residential, Commercial, and Industrial. Buffers between incompatible uses are encouraged to be developed. Land use decisions must consider the availability of services and should consider the preservation and enhancement of natural resources. Protection and enhancement of general public safety, health, and welfare are factors in guiding land use decisions.
6. The Planning and Zoning Commission and City Council have conducted duly noticed public hearings in accord with Idaho Code §67-6509 to consider the proposed amendment.

## NOTICE OF PUBLIC HEARINGS

Notice is hereby provided that public hearings pursuant to Idaho Code 67-6509 and Bonners Ferry City Code have been set for the Bonners Ferry City Council for **NOVEMBER 19, 2019 AT 6:00 PM** at Bonners Ferry City Hall to consider the following:

**File #AM04-19 – Livestock Ordinance:** The City of Bonners Ferry has initiated an amendment to its zoning regulations to adjust livestock uses and standards in the Residential B zoning district, provide for community gardens in all zones, and amend the domestic livestock definition. The Planning and Zoning Commission recommended to the City Council approval of the ordinance at its September 19, 2019 hearing, with revisions to certain terminology and removal of a section regarding domestic animals not listed in ordinance.

**File #AN04-19 – Sukenik, et al De-Annexation Request:** Landowners Ronald and Leann Sukenik, Naomi Jordan Revocable Trust, and Gagnier-Anderson Living Trust (Mark P. Gagnier and Marla R. Anderson), are requesting the City of Bonners Ferry de-annex about 35.7 acres of land at the easterly edge of the city limits, north of the BNSF right-of-way and south of the Kootenai River in Section 26, Township 62 North, Range 1 East, B.M. The land is known as Tax Nos. 20-26 and is currently zoned Industrial. If approved, the land would become part of unincorporated Boundary County after completion of terms of de-annexation.

The public is welcome and encouraged to attend the hearing or provide written response. Any written comment greater than one (1) page must be submitted at least six (6) days prior to the meeting. Written material not exceeding one (1) page may be read into the record the day of the hearing. Public wishing to speak at the public hearing may do so in compliance with Resolution 2014-06-01, a copy of which is located at City Hall.

The deadline for submitting written comment and/or material longer than 1 page is **November 13, 2019 by 5pm**. Written comment can be mailed to City of Bonners Ferry, Planning and Zoning, P.O. Box 149, Bonners Ferry, ID 83805, or faxed to (208) 267-4375.

Complete files are available for view at City Hall, located at 7232 Main, during regular business hours. Anyone requiring special accommodations due to disability should contact the City Clerk at (208) 267-3105 at least two days prior to the meeting.

City of Bonners Ferry Planning and Zoning Dept.

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ATTEST:	Lisa M. Ailport
PUBLISH:	October 31, 2019

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MAIL: By October 31, 2019 to taxing districts, media, airport manager, and landowners within 300' of File #AN04-19 properties

POST: To website by November 1, 2019; to property by November 12, 2019

**AGENDA MINUTES  
CITY PLANNING AND ZONING COMMISSION  
Bonners Ferry City Council Chambers  
7232 Main St.  
(208) 267-3105  
September 19, 2019  
5:30 pm**

Vice-chairman Andy Howe called the September 19, 2019 meeting to order at 5:30 PM. Planning and Zoning Commission members present were: Wally Cossairt, David Gray, Andy Howe, Sue Larson, Matt Morgan and Glenda Poston. Absent was Chairman Chris Rawlings. Also present were: Contract Planner Clare Marley and Clerk Stacie Watts. Members of the public present were Levi Shiell and Amber Shiell.

Vice-chairman Howe announced that this meeting of the Planning & Zoning Commission was a legislative session and specific requirements would be covered when the Public Hearing was addressed.

**CONSENT AGENDA**

**Approval of July 18, 2019 Meeting minutes:** Glenda made a motion to accept the July 18, 2019 meeting minutes. David Gray seconded the motion. The motion passed with all in favor.

**PUBLIC HEARING: ACTION ITEM – RECOMMENDATION TO CITY COUNCIL**

Vice-Chairman Howe opened the public hearing for File #AM04-19 – Livestock Ordinance, by reading the following announcement: the City of Bonners Ferry has initiated an amendment to its zoning regulations to adjust livestock uses and standards in the Residential B zoning district, provide for community gardens in all zones, and amend the domestic livestock definition ordinance. The Planning and Zoning Commission will make a recommendation to the City Council, who will make the final decision on the ordinance amendment.

Clare Marley covered the hearing process and provided instructions for those providing testimony for or against, iterating that they were asked to provide their name and address. She also summarized the edits to the ordinance which included revising the domestic livestock definition, adjustments to the Residential B livestock allowances, an option for community gardens, tying the ordinance to existing housekeeping measures and the prohibition of roosters and intact male animals in B zone, but did not include the expansion of livestock options to Residential A and AA zones, beekeeping or rabbit rules and additional standards for chicken coop setbacks, food and animal enclosures. Clare then provided the background on the ordinance change and the activities, concerns, and topics addressed by the Commission over the last six months, as well as City Council directives after review of the draft ordinance, to reach the recommendation being made to City Council.

Clare offered that the Residential B zone contains allowance for the maximum number of “other animals” under item F, but does not provide a process for determination, and recommended deleting item F altogether.

Clare outlined the process that the decision would follow with the Planning & Zoning Commission recommendation being forwarded to City Council, who would make the final decision.

Clare stated that there was no written or agency written comment to the record with the exception of the City Council minutes and reflections by the city legal staff and police regarding the management of livestock and livestock complaints currently in the City. Said documents were distributed to the Commission members by email and hard copy. No further written comments to the record.

Vice- chairman Howe opened the hearing up for public comment. Levi Shied, residing at 6885 Fresno Street commented *"We are in Zone A. I think we should just have access to small livestock in Zone A, like rabbits and chickens. I feel like there is already a bunch of people who have them and are doing it within the ordinances. So, I personally have a job where I can't violate the ordinances so I'm trying to do it legally but I just think in this area we should have that sort of thing. Big cities have that and stuff and we don't have that and we're rural Idaho. If you can have chickens on a rooftop in New York City, I don't see why you can't have them in Bonners Ferry."*

Vice-chairman Howe opened the hearing up to the Commission. Clare addressed the topic of rabbits, brought up in Mr. Shieds' testimony, commenting that the Council did not say yes or no to rabbits because it was hard to determine if they were pets or not. Rabbits are left silent and not a specific prohibition or specific right and needs to be left to further discussion.

Clare reviewed and confirmed the requirements had been met for the commission to come to a decision. Clare provided sample motions for the Commission and addressed how to include any amendments in the motion.

Glenda requested consistency in the order that animals and numbers were listed in the ordinance.

Glenda requested confirmation that the fair in no way is affected by this ordinance. Clare stated that the city attorney said that is something that could be addressed in the animal control ordinance and that she didn't prohibit special events.

Vice-chairman Howe asked about the people that are currently in violation of the ordinance would be addressed. The attorney will do further research about those that were in possession of animals before the ordinance was adopted or the property was annexed and those that had animals illegally and whether those who had animals before could be sun-downed and those that had animals illegally would be addressed through public notice.

David Gray stated that he would like to see "female chickens" changed to pullets or hens.

Glenda made a motion to recommend approval of File #AM04-19 – Livestock Ordinance. *"I move to recommend approval of File #AM04-19, amending Bonners Ferry City Code, Title 11, regarding livestock standards, finding that it is in accordance with the general and specific goals and standards of the City of Bonner Ferry comprehensive plan, as enumerated in the findings and reasoned stated below and based upon testimony received at this hearing. I further move to adopt the following reasoned statement as written, with the following amendments: Minor housekeeping – strikeout of Number F and list order of animals. The amendment is supported by the Bonners Ferry comprehensive plan"*.

Motion seconded by Wally Cossairt. Motion passed with all in favor.

Vice-chairman thanked the public guests for attending and closed the public hearing.

## **OLD BUSINESS**

1. Parking update - **DISCUSSION/ADVISORY**. Clare reviewed the current parking requirements and considerations:
  - Rural/city nature of Bonners Ferry
  - Downtown core exemptions
  - Shared parking – peak parking
  - Adjustments to parking schedule
  - Handling unlisted uses
  - Allowing flexibility
  - Eliminating “gross floor” measurements (no count of utility, halls, etc.)

Suggestions for parking code update include a “zero” parking standard for downtown, evaluating where future development could require parking, using bike racks to reduce requirements, considering gross floor measurements and adjusting the number of spaces required by not including the square footage of hallways, closets, storage and other non-circulation areas.

Clare noted that there is no parking inventory available.

Discussion followed around examples from other cities, shared parking and the difference in businesses, etc. from when the parking requirement went into effect.

2. Schedule updates: October meeting agenda to include:
  - Parking update
  - Downtown district options
  - Table adjustments
  - Discounts for utility and non-public spaces
  - Pending land use files



ORDINANCE NO. \_\_\_\_\_

TITLE: LIVESTOCK STANDARDS

AN ORDINANCE OF THE CITY OF BONNERS FERRY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO AMENDING TITLE 11 (ZONING REGULATIONS) TO: ADJUST LIVESTOCK USES AND STANDARDS IN THE RESIDENTIAL B ZONING DISTRICT; PROVIDE FOR A COMMUNITY GARDENS DEFINITION AND ALLOW COMMUNITY GARDENS IN ALL ZONES; AND AMEND THE DOMESTIC LIVESTOCK DEFINITION; AND PROVIDE SEVERABILITY; PROVIDE THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

**WHEREAS**, the Constitution of the State of Idaho, Article XII, Section 2, the Local Land Use Planning Act, Title 67, Chapter 65, and the Idaho Municipal Corporations Title 50, Chapters 3 and 9 provide authority for the City of Bonners Ferry to adopt ordinances establishing land use standards; and,

**WHEREAS**, the City of Bonners Ferry desires to revise standards for the keeping of livestock in the Residential B zoning district to mitigate the effects on adjoining properties by these uses; and

**WHEREAS**, the Planning and Zoning Commission held a duly noticed public hearing in accordance with the Local Land Use Planning Act, Title 67, Chapter 65, Idaho Code and recommended to the City Council approval of the Livestock Standards ordinance, File #AM04-19, on September 19, 2019, with revisions; and

**WHEREAS**, the Bonners Ferry City Council held a duly noticed public hearing on November 19, 2019 to consider the Livestock Standards ordinance.

**NOW THEREFORE**, Be it ordained by the Mayor and the Council of the City of Bonners Ferry, Idaho, as follows:

**SECTION 1: ADOPTION:** That Bonners Ferry City Code, Title 11 (Zoning Regulations) is hereby amended to read as follows: (Text to be removed is shown with a ~~striketrough~~; new language is shown with an underline.)

**PART A:**

Section 11-1-3, Definitions, and Appendix A, Definitions, of Bonners Ferry City are hereby amended to add the definition of “Garden, Community Garden,” and to amend “Domestic Livestock,” which shall be listed in alphabetical order and shall read as follows:

GARDEN, COMMUNITY GARDEN: A private or public space for cultivation of flowers, vegetables, fruits, and ornamental plants, and including customary gardening structures such as hoop houses, non-commercial greenhouses, tool sheds, or potting sheds.

DOMESTIC LIVESTOCK: Includes cattle; horses; dairy animals; sheep; goats; and other grazing animals, as well as swine, rabbits, poultry and domestic birds; and chickens (hens only), not raised for commercial use and subject to the specific standards of the zoning district where allowed.

**PART B:**

Section 11-2-1 Paragraph C ((B) Residential B District) is hereby amended to read as follows:

C. (B) Residential B District: To provide regulations for a mixed use such as in a residential A area, except for allowing animal units per the following standards, which may be maintained in buildings or enclosures. ~~below.~~ The buildings or enclosures for housing such animals and housekeeping measures shall meet the sanitary standards of section 5-3A-6 of city code. ~~the approval of the health district and/or the commission and does not cause offensive odors, noise or disturbances to people in the neighborhood.~~

1. Prohibited Livestock Uses. The following are prohibited uses:

- a. ~~Residential B does not include~~ The operation of animal feeding operations (AFOs) or confined animal feeding operations (CAFOs). Livestock confinement operations (LCOs).
- b. The keeping of intact male livestock (bulls, stallions, rams, bucks, or roosters).

2. Permitted Livestock Uses. The following are permitted uses:

- a. Livestock and poultry shall be allowed on all properties ~~exceeding one (1) acre or larger twenty one thousand seven hundred eighty (21,780) square feet (1/2 acre), in size following in accord with the animal type and guideline standards of one animal unit per one (1) acre the one-half (1/2) acre as provided in the following subsection:~~

~~1.3.~~ One animal unit equals:

- a. One cow, or
- b. One horse, or
- c. Three (3) sheep, or
- d. Four (4) goats, or

- e. Twelve (12) chickens (hens only) maximum regardless of acreage. Twenty five (25) poultry
- f. ~~Other animals: Maximum numbers shall be set by the city council.~~

4. Buildings housing farm animals shall not be located closer than fifty feet (50') from any property line.

**PART C:**

Appendix B, Table of Uses, Official Schedule of District Regulations, of Title 11 of Bonners Ferry City Code is hereby amended to add a new row, "Gardens, Community Gardens" in alphabetical order to the Residential Uses, which shall read as follows:

	Zoning Districts						
	AA	A	B	C	I	M	D
Residential use:							
Accessory structures	P	P	P	P	P	P	P
Animals, domestic livestock			P				
Dwelling, duplex (two-family)		P	P	P		P	P
Dwelling, multi-family				P			P
Dwelling, single-family	P	P	P	P		P	P
<u>Gardens, Community gardens (no commercial sales on site within residential districts unless permitted with home based business)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Home based business	S	S	S	P	P	S	P
Home occupation	P	P	P	P	P	P	P
Swimming pools, private	P	P	P	P	P	P	P
Townhouses				P			P

**SECTION 2: PROVISIONS SEVERABLE:** The provisions of this Ordinance are hereby declared to be severable and if any provision of this Ordinance or application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

**SECTION 3: EFFECTIVE DATE:** This ordinance shall be effective upon its passage and publication in the manner provided by law.

APPROVED by the Mayor and City Council of the City of Bonners Ferry this \_\_\_\_\_ day of \_\_\_\_\_, 2019

This ordinance passed [under suspension of rules] and duly enacted as an ordinance of the City of Bonners Ferry, Idaho on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, upon the following roll call vote:

**ROLL CALL:**

- Council President Alonzo \_\_\_\_\_
- Council Member Arthur \_\_\_\_\_
- Council Member Thompson \_\_\_\_\_
- Council Member Smith \_\_\_\_\_

CITY OF BONNERS FERRY, IDAHO

BY: \_\_\_\_\_  
Mayor David Sims

Attest:

\_\_\_\_\_  
Christine McNair, Clerk, City of Bonners Ferry

**SUMMARY FOR PUBLICATION OF  
CITY OF BONNERS FERRY ORDINANCE NO. \_\_\_\_\_**

Pursuant to Idaho Code Section 50-901A, the City of Bonners Ferry, Idaho hereby gives notice of the adoption of City of Bonners Ferry Ordinance No. \_\_\_\_\_, adopted on November 19, 2019. The full title of the ordinance is:

AN ORDINANCE OF THE CITY OF BONNERS FERRY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO AMENDING TITLE 11 (ZONING REGULATIONS) TO: ADJUST LIVESTOCK USES AND STANDARDS IN THE RESIDENTIAL B ZONING DISTRICT; PROVIDE FOR A COMMUNITY GARDEN DEFINITION AND ALLOW COMMUNITY GARDENS IN ALL ZONES; AND AMEND THE DOMESTIC LIVESTOCK DEFINITION; AND PROVIDE SEVERABILITY; PROVIDE THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

The ordinance defines community gardens and allows the use in all zones; redefines domestic livestock to match animals allowed in Zone B; prohibits roosters; requires animal housekeeping meets city animal control regulations; prohibits keeping of intact male livestock; requires minimum 1 acre for keeping permitted livestock; sets animal unit increments at 1 acre and maximum number of hens at 12; strikes reference to other animals not listed.

The full text of Ordinance No. \_\_\_\_\_ is available at Bonners Ferry City Hall, 7232 Main Street, Bonners Ferry, Idaho 83805, during regular business hours.

City of Bonners Ferry, Idaho

ATTEST:

\_\_\_\_\_  
David Sims, Mayor

\_\_\_\_\_  
Christine McNair, City Clerk

City Attorney Statement Pursuant to Idaho Code Section 50-901A(3)

I, Andrakay Pluid, duly appointed City Attorney for the City of Bonners Ferry, Idaho, certify that the above summary is true and complete and provides adequate notice to the public.

\_\_\_\_\_  
Dated: \_\_\_\_\_

APPROVAL OF ORDINANCE SUMMARY

Publication of this ordinance by summary in the official newspaper is hereby approved by the Bonners Ferry City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, upon the following vote:

Council President Alonzo \_\_\_\_\_

Council Member Arthur \_\_\_\_\_

Council Member Thompson \_\_\_\_\_

Council Member Smith \_\_\_\_\_

CITY OF BONNERS FERRY, IDAHO

BY: \_\_\_\_\_  
Mayor David Sims

Attest:

\_\_\_\_\_  
Christine McNair, Clerk, City of Bonners Ferry

**MINUTES**  
**CITY COUNCIL MEETING**  
**Bonnors Ferry City Hall**  
**7232 Main Street**  
**267-3105**  
**November 5, 2019**  
**6:00 pm**

Mayor David Sims called the Council meeting of November 5, 2019 to order at 6:00 pm. Present for the meeting were: Council President Rick Alonzo, Council Members Adam Arthur, Valerie Thompson and Ron Smith. Also present were: City Engineer Mike Klaus, City Attorney Andrakay Pluid, City Clerk/Treasurer Christine McNair, Police Chief Brian Zimmerman, City Administrator Lisa Ailport and Economic Development Coordinator Dennis Weed. Members of the public present were: Dave Gray, Marty Martinez, Lawrence Drake, Olivia Drake, Jerry Higgs, Marciavee Cossette, Bruce Merrifield, Denise Crichton, Carolyn Testa, Mat Surprenant, Valerie Surprenant, Stephanie Lederhos, Seth Brown, Weston Hyer and Mitzi Hyer.

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

Carolyn Testa said the Pearl Theatre is hosting a presentation on Saturday night for Veterans Day. The Turkey Trot will be Thanksgiving morning 9:00am at the Fairgrounds, which benefits the food bank. Please bring a non-perishable food item.

**REPORTS**

Police Chief Brian Zimmerman it has been quiet except for the occasional DUI. Brian said Christine has been helpful with his budget or anything he needs. He appreciates her help and dedication to the City.

City Administrator Lisa Ailport said clean up week is November 4 – November 12. We are finalizing the draft application for the Transportation Alternative Program (TAP). All utilities are gearing up for winter. We should have the results for the electric vehicle charging station grant application soon. The community block grant is wrapping up the pool project, most of the project will be completed by spring. We were able to pave the ADA parking spaces. A few things left are: installing the water heater, ADA toilets, showers and paint. Ron asked if we are trying to get more money from the High 5 funding. Lisa said we have a good relationship with High 5 and it may be possible for future projects. High 5 is using us as an example to other cities. Ron asked about the splash pad. Lisa said the pad has been laid out and we have received all the parts. It will be open next spring or early summer. Valerie Thompson asked about the synthetic ice rink. Mayor Sims said the ribbon cutting will be Saturday at 11:00am. The Moyie Springs city park is getting a great response.

City Engineer Mike Klaus said the golf course roof repair was started and the electrical wiring was done just below the shingles. The contractor will install spacers and sheeting above current roof and we will rewire the electrical. The quote was \$34,000 and we do not anticipate any increases. Rick asked if this is only on the west side of the roof. Mike said it is. The splash pad will be approximately 20-30 working days to finish, which will have to be next spring. The sewer main repair below Apache Court has been completed, but there is still some clean up. Charlie Kramer has mobilized his equipment and the project should be completed in a couple of weeks.

Economic Development Coordinator Dennis Weed said the park in Moyie Springs looks great and lots of people are excited for the park. Dennis said there are still contributions being received for the Moyie Springs Park. This is the first of three phases for the park. There will be planter boxes and grass put in next year. They received 500 concrete railroad ties, which they have used for steps.

SPOT: Ron Smith said SPOT now has a final route. Tuesdays and Thursdays are the Sandpoint route, Wednesdays and Fridays are the local route. First Saturday in December will start the ski route to Schweitzer. Mayor Sims said Dr. Taylor Geyman is offering free dental care on Veterans Day and SPOT will provided as many rides as possible.

**CONSENT AGENDA – {action item}**

1. Call to Order/Roll Call
2. Approval of Bills and Payroll
3. Approval of the October 15, 2019 Council meeting minutes, October 18, 2019 Special Council meeting minutes  
Adam Arthur moved to approve the consent agenda. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

**OLD BUSINESS**

**NEW BUSINESS**

4. Electric/Water/Sewer – Consider Request from Doug Ladely Sr. for Waiver of Base Fees for Unoccupied Residences {action item} Doug Ladely was not present for the meeting.

5. Pool – Consider Approval of Pay Request #11 from Panhandle Area Council (attachment) {action item}  
Mike said this covers from May 30, 2019 – September 1, 2019. Should be one more pay request in December. Valerie Thompson moved to approve pay request #11 for Panhandle Area Council in the amount of \$1,525.00. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

6. Sewer – Discuss Idaho Community Development Block Grant for Lift Station #5 {action item}  
Mike said we were moving forward in the grant process. When we received the cost estimate from JUB, the costs were a lot more than we can afford. There are some things we can do before next year to lower the costs and make it possible to apply for the grant next year.

7. Fire – Consider Authorizing the Mayor to Sign the Contract with the Kootenai Tribe of Idaho for Fire Protection Services (attachment) {action item}  
Mayor Sims said this is the same contract as last year. Ron asked if the fire chief was aware of the contract. Lisa said she will make sure the fire chief knows. Valerie Thompson moved to authorize the Mayor to sign the contract with the Kootenai Tribe of Idaho for fire protection services. Adam Arthur seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

8. Street – Consider Approval of Estimate from Glahe and Associates for Survey/Topo work for the Garden Lane Extension project (attachment) {action item}  
Lisa said we need to do design work for the LRIP grant to complete the Garden Lane extension. Ron asked if this will be a paved City street when it is completed. Lisa said it will be. Mat asked if that will affect any of the current utilities. Lisa said we won't know until the design work is done. Mat asked if EL Automation can be notified as early as possible if changes will be required. Weston Hyre asked what the advantages are to opening this street. Mayor Sims said it was a recommendation during the Transportation Plan to reduce the amount of traffic on the highway. Rick Alonzo moved to approve the estimate with Glahe and Associated for survey/topo work for the Garden Lane extension project in the amount of \$5,600.00. Ron Smith seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

9. Electric – Consider Approval to Purchase 20 Itron Remote Disconnect Electric Meters, Associated Software and Annual Maintenance Fee from General Pacific (attachment) {action item}  
Lisa said this will allow the City to start a process to remotely disconnect power, when there is an aggressive dog. Ron asked how it works. Lisa said it works with our handheld to disconnect a meter remotely. Valerie Thompson asked about the cost of the meters. Mayor Sims said the cost is similar to the current meters. Ron Smith moved to approve the purchase of 20 Itron remote disconnect electric meters, associated software and the annual maintenance fee from General Pacific. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

10. Electric – Consider Authorizing the Mayor to Sign the Contract with Kendal Deaton (attachment) {action item}  
Lisa said Kevin wants to trim trees this fall with the total cost not to exceed \$20,000. Adam asked if we've been using Kendal. Mayor Sims said we used Kendal 2 years ago. Valerie Thompson asked if it is in the budget. Mayor Sims said it is. Valerie Thompson moved to authorize the Mayor to sign the contract with Kendal Deaton to trim trees along the City electric line corridors with the total contract amount not to exceed \$20,000 without prior approval. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

11. City – Consider Authorizing the Mayor to Sign the Contract with Computer Arts for Fiscal Year 2019-2020 (attachment) {action item}  
Lisa said our contract expired October 1, 2019. There were some renegotiations which took longer than expected. There is a 5% increase in the total cost of the 300 hours from \$21,300 to \$22,500. There will be an approximate reduction or \$4,800 in meal and travel expenses. Valerie Thompson asked if we are happy with the services being provided. Lisa said we are content. Mayor Sims said we have talked to other vendors. Valerie Thompson asked if we can look for other providers. Adam asked if it is a 30 day cancellation. Lisa said it is 90 days. Valerie Thompson asked if it is possible to work with the County for IT services. Mayor Sims said the County has some proprietary software provided by Computer Arts. Andrakay said the other local providers are doing this as a side business, which makes it difficult to receive services during working hours. Mayor Sims said it makes sense to continue to look for other options. Rick Alonzo moved to authorize the Mayor to sign the contract with Computer Arts for fiscal year 2019-2020. Ron Smith seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

12. City – Consider Requesting Proposals to Partner with a Company to Provide Internet Service to City Electric Customers (attachment) {action item}  
Mayor Sims said the City was approached by a company to provide internet service to City electric customers. Mayor Sims he wanted to open this opportunity to all interested providers. Mat asked what role the City plays in providing internet service to the customers. Why does the City want to provide internet service. Mayor Sims said the City has been interested in making sure there is good internet services available to the citizens for at least 10 years. Valerie Surprenant asked what is considered good internet service. Mayor Sims said at his house he can get Frontier DSL. Mat said EL can provide service there also. Valerie



Surprenant said there are nine providers for Boundary County. Mayor Sims said that is why the request for proposal (RFP) process is important. Valerie Surprenant feels the City should not partner with a provider when there are nine providers available. Mayor Sims said he wants to do an RFP, because he does not want to favor one company over another. Mat said he does not understand why the City has any involvement with an internet company. Andrakay said at this point the City does not have any involvement. Any company can submit an RFP and the City can see if there is anything of interest to the City. This is simply exploring what is out there. Rick said the City was approached by a company, we did not initiate this process. Mayor Sims said the City was approached by a company, in order to be transparent we wanted to offer this to any interested provider. Valerie Thompson said the confusion is not knowing what we are actually proposing. Stephanie Lederhos asked if research has been done to know the areas the providers cover and the speeds. Ron said it is confusing to use the word partnership. Mayor Sims said it is a good word to describe it. Mayor Sims said the City has been interested in being involved in the internet business for at least 10 years. Mayor Sims said we have looked at the Ammon model, where Ammon provides internet service. Valerie Surprenant said in Ammon they were trying to develop a service that was not available. Here the City is trying to step into a business that they know nothing about. Mayor Sims said we are just seeing what is available. Seth asked if the City will spend money to do this. Mayor Sims said we don't know. Stephanie Lederhos said she thinks the City should try to bring in something that the community actually needs, not something that is already here. Ron asked if the Council will see the RFP before it is sent out. Mayor Sims said yes. Valerie Thompson moved to have staff to prepare a request for proposal packet to Council for further discussion. Adam Arthur seconded the motion. The motion passed with all in favor.

**13. Street – Consider Approval of Seasonal Wintertime Employee (attachment) {action item}**

Lisa said last year we hired a part-time employee for a season wintertime employee. The same employee is interested in the position this year. Lisa asked if this is something Council wants brought before them every year. Ron said if it is in the budget, it doesn't have to come before Council. Ron Smith moved to allow the Street department to create a seasonal winter employee position with the hourly rate of \$15.00 per hour for on call services. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

**14. City – Consider Approval of High 5 Expenditure for Grow's Little Free Garden Program and City Signage at the Golf Course (attachment) {action item}**

Lisa said the Little Free Garden Program is seeking to provide an additional 20 boxes. The gardens must be places in a public area. Each garden is registered with the program, so you can do a "walking salad". Staff is hoping to have four 3 x 8 banners, that offer free golf for kids. Adam Arthur moved to approve the High 5 expenditure for Grow's Little Free Garden Program in the amount of \$2,499.30 and the City signage at the golf course in the amount of \$300.00. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

**15. City – Consider Approve to Purchase Gift Cards for the Christmas Party {action item}**

Christine said gift cards are given as door prizes at the Christmas party every year. Christine is asking if Council is interested in doing that again this year and if so how much Council wants to allow. Mayor Sims asked what the dollar amount was last year. Christine said it was \$500.00. Rick Alonzo moved to approve the purchase of gift cards for the Christmas party for the total amount of \$500.00. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

**16. Executive Session Pursuant to Idaho Code 74-206, Subsection 1 (c) To acquire an interest in real property which is not owned by a public agency**

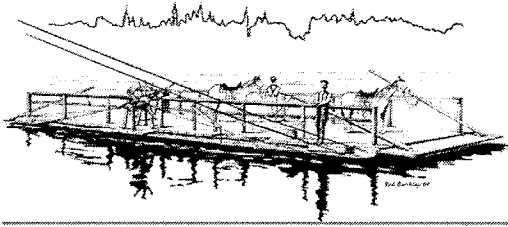
Rick Alonzo moved to go into executive session pursuant to Idaho Code 74-206, Subsection 1 (c) To acquire an interest in real property which is not owned by a public agency. Adam Arthur seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

Entered into executive session at 7:27 pm.

Executive session ended at 7:39 pm with no action taken.

**ADJOURNMENT**

The meeting adjourned at 7:39 pm.



## CITY OF BONNERS FERRY

7232 Main Street  
P.O. Box 149  
Bonners Ferry, Idaho 83805  
Phone: 208-267-3105 Fax: 208-267-4375

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**TO:** Mayor and City Council

**FROM:** Lisa Ailport, City Administrator *LMA*

**DATE:** November 15, 2019

**RE:** Whitebridge Consulting, Inc.- IT Consulting

Kevin Boldt, owns Whitebridge Consulting Inc. and has prepared the attached scope of service to assist the city in making decision about our current and long term IT needs.

Based on the attached contract the city would consult with Mr. Boldt on an as-directed basis with approved projects.

It is my recommendation that council authorize the Mayor to sign a professional service agreement with Whitebridge Consulting and authorize the attached scope of service for the technology assessment and recommendation in the amount not to exceed \$3,565.00 without prior approval.

Please let me know if you have any questions.

## City of Bonners Ferry

### Technology Assessment and Recommendations Proposal

Whitebridge Consulting, Inc. 11/14/19

#### **Background**

The City of Bonners Ferry has been experiencing issues for some time with staff computer support. There is also concern that some of the IT infrastructure is dated and is being affected by current and future software and security updates. Older software and hardware is problematic and requires more time and effort to support. There is also a desire to capture, document, and prioritize the operational needs of the staff both now and into the near future. Finally, the city must meet certain standards for their technology environment to run modern software, to protect from cyber threats, and to protect vital city data. They desire to ensure that they meet those standards and to easily demonstrate compliance to interested parties.

Whitebridge Consulting, Inc. proposes to survey the staff, consultants, vendors, and any other relevant personnel to gather the city requirements, issues, and desires for the office computing infrastructure. In addition to being used to apply the right technology to meet business needs, this information will be used to ensure that needs are prioritized, the staff is well supported, the computing infrastructure is properly documented, and environment meets the requirements of any auditors.

#### **Scope of Work**

Specifically, Whitebridge proposes to interview each key person to determine current activities, any problem areas, and future needs. Then, the IT infrastructure will be detailed and documented. These two areas of information will be put together and will be used to generate the staff support requirements and sufficiency of the current IT system.

Next, Whitebridge will detail several ways staff support could be implemented and the recommended approach. Any recommended changes in hardware, software, or network will be explained and accompanied by vendor quotes. Finally, Whitebridge will recommend areas for documentation and security improvements. All of these will be detailed in a project report.

#### **The following areas will be addressed:**

- The amount and frequency of files being stored, accessed, and shared.
- The amount of email, calendar, and contact information being used and shared.
- Staff support issues and priorities.
- Financial accounting activities.
- Human Resources.
- Security.
- Backup operations.
- Disaster recovery.
- Mobile access to office computing environment (smart phones, iPad, etc.).
- Computing infrastructure documentation.
- Explore expanded technology to support future city growth.

**The project report will include:**

- Summary of current user activities.
- Current infrastructure status and its ability to support current and future operations.
- Diagram of current and future network infrastructure.
- Models for staff support and recommended approach.
- Recommendations for new equipment, software, and processes to support current and future operations.
- Likely timelines for implementing those resources.
- Priorities for the recommendations.
- Documentation recommendations.

**Cost Estimates**

The following represents estimates for each part of the project. Actual hours will be billed.

- Prepare for project: 5 hours
- Interview staff: 10 hours
- Summarize information and detail sufficiency of current environment: 5 hours
- Work with vendors to produce recommendations: 4 hours
- Evaluate and make documentation requirements: 2 hours
- Write project report: 5 hours
- Total: 31 Hours (\$3565 @ \$115/hr)

While Whitebridge Consulting has performed numerous assessments, it's possible to discover elements that require extra time to characterize, assess, and provide direction. This situation is unlikely in this case. Billing will not exceed \$3565.

If something does arise and additional time is required, Whitebridge will work with city staff to seek further funding and approval.

Approval to proceed:

Date:

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City of Bonners Ferry

ORDINANCE NO. 587

AN ORDINANCE OF THE CITY OF BONNERS FERRY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REPEALING AND REPLACING BONNERS FERRY CITY CODE TITLE EIGHT, CHAPTER FOUR PERTAINING TO REMOVAL OF SNOW AND ICE FROM SIDEWALKS IN THE CITY OF BONNERS FERRY; PROVIDING FOR PENALTIES; PROVIDING SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, The Council has determined that it is in the interest of the public to have safe and traversable sidewalks within the City of Bonners Ferry. In order to achieve this goal it is necessary for sidewalks to be cleared of snow and ice in front of properties within the City.

NOW, THEREFORE, Be it ordained by the Mayor and the Council of the City of Bonners Ferry, Idaho, as follows:

**Section 1:** That Bonners Ferry City Code Title Eight, Chapter 4 is hereby repealed.

**Section 2:** That Bonners Ferry City Code Title Eight, Chapter 4 is hereby replaced to read as follows:

**8-4-1: REMOVING SNOW AND ICE REQUIRED:**

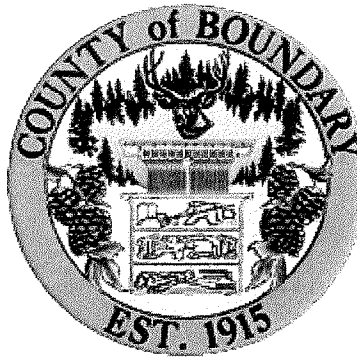
Every owner of any building or vacant lot, or their designated agent for a building or vacant lot, and every person having the charge of any church, jail or public building in this City shall, during the time snow shall be on the ground, by nine o'clock (9:00) A.M. every morning, when necessary, clear the sidewalks and gutters in front of the property from snow, and keep conveniently free therefrom during the day, so as to allow citizens to use the sidewalks in an easy, safe and commodious manner. It shall be unlawful for any person to neglect or refuse to comply with the provisions of this section.

**8-4-2: PENALTY:**

Any person violating any provision of this chapter for the first time, upon conviction, shall be guilty of an infraction with a penalty of \$100. A second violation shall be an infraction with a penalty of \$300. A third or subsequent violation of this chapter shall be a misdemeanor, and upon conviction, subject to penalty as provided in Idaho Code and 1-4-1 of this Code.

Each day that the violation continues shall constitute a separate offense.

Glenda Poston  
Clerk/Auditor/Recorder  
Boundary County Courthouse  
E-mail: gposton@boundarycountyid.org



Court 208-267-5504  
Auditor 208-267-2242  
Fax 208-267-7814

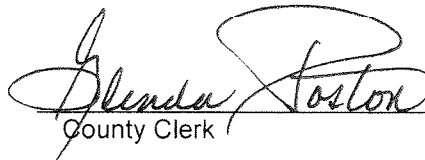
**BOUNDARY COUNTY**  
**P. O. Box 419**  
**Bonnors Ferry, ID 83805**

STATE OF IDAHO

} ss.

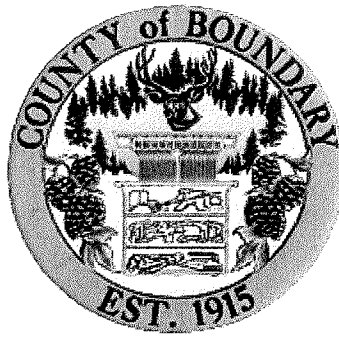
COUNTY OF BOUNDARY

I, Glenda Poston, County Clerk of said county and state, do hereby certify that the attached is a full, true and complete copy of the abstract of votes for the candidates therein named and/or the questions as they appeared on the election ballot on November 5, 2019 for the City of Bonnors Ferry, the City of Moyie Springs, and the Cabinet Mountain Water District as shown by the record of the Board of Canvassers filed in my office this 12<sup>th</sup> day of November, 2019.

  
County Clerk

**Boundary County Commissioners**

*Dan R. Dinning, Chairman  
Wally Cossairt, Commissioner  
Walt Kirby, Commissioner*



Telephone (208) 267-7723  
Fax: (208) 267-7814  
commissioners@boundarycountyid.org

**BOUNDARY COUNTY  
P. O. Box 419  
Bonnors Ferry, ID 83805**

STATE OF IDAHO

} ss.

COUNTY OF BOUNDARY

We, the commissioners of the county and state aforesaid, acting as a Board of Canvassers of Election, do hereby state that the attached is a true and complete abstract of all votes cast within this county for the candidates and/or questions as they appeared at the election held on November 5, 2019 as shown by the records now on file in the County Clerk's office

Dan R. Dinning, Chairman

Wally Cossairt

Walt Kirby

County Board of Canvassers



Attest:

  
Glenda Poston, County Clerk

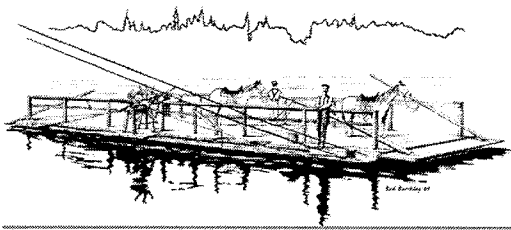
**BOUNDARYCOUNTY RESULTS**

		BALLOT QUESTIONS				
		Moyie Srping City Council Vote for Two				
Precinct	Cabinet Mountain Water		Terry A. Johnson	Tim Narvaez	Deborah Rauth	Douglas Reoch
	YES	NO				
BF/Kootenai	68	34				
Naples	121	68				
North BF						
Valley View						
Moyie Sprgins			41	23	29	17
Absentee	41	21	17	2	10	8
<b>CO. TOTAL</b>	<b>230</b>	<b>123</b>	<b>58</b>	<b>25</b>	<b>39</b>	<b>25</b>
<b>Total Votes Cast</b>		<b>353</b>				
<b>Percentage</b>		<b>65.16%</b>	<b>34.84%</b>			



**BOUNDARY COUNTY RESULTS**  
**November 5, 2019 City of Bonners Ferry**

	Boundary County City Of Bonners Ferry		COUCIL MEMBER vote for two (2)	
	MAYOR	MAYOR		
Precinct	James R. "Dick" Staples, Mayor	David Sims, Mayor	Rick Alonzo	Valerie Thompson
BF-Koot	54	60	88	90
NBF	65	68	99	91
Valley View	60	42	73	69
Absentee	43	50	75	70
<b>COUNTY TOTAL</b>	<b>222</b>	<b>220</b>	<b>335</b>	<b>320</b>



## CITY OF BONNERS FERRY

7232 Main Street  
P.O. Box 149  
Bonners Ferry, Idaho 83805  
Phone: 208-267-3105 Fax: 208-267-4375

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**TO:** Mayor and City Council

**FROM:** Lisa Ailport, City Administrator *LMA*

**DATE:** November 15, 2019

**RE:** Street Superintendent Winter-time Vehicle Use

The Street Superintendent has requested use of a take home vehicle this winter so that when conditions require his attendance for plowing or other inclement winter time activities, he can leave his home with this work vehicle.

It is anticipated that this would only occur only during the winter months of December through March.

Please let me know if you have any questions.

# Memorandum

Date: November 7, 2019

To: Shelley Keen

From: Craig L. Saxton

Re: Estimated filing fees for hydropower water rights held by the City of Bonners Ferry

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Claim fees for power rights in the Northern Idaho Adjudications are set in Idaho Code § 42-1414. Each non-de minimis claim has a \$50 base fee and a variable fee based on the water use. The variable fee for power rights is "\$3.50 per kilowatt of capacity (manufacturer's nameplate rating), or \$250,000, whichever is less."

The water right records show the City of Bonners Ferry has four water rights for generating power at the Moyie River Hydroelectric Project. Dam safety records from 1995 indicate the project has four generators rated at a collective total of 3950 KWs.

It is not possible, using the water right records or dam safety records, to match each water right with a single generator because the installation dates for the generators do not match the water right authorization dates. Therefore, to estimate the claim filing fees, I have assumed one claim for each water right and calculated the variable filing fees based on the generating capacity of each generator. The estimated filing fees are \$14,025. See below:

Water Right #'s:	Unit #	Base Fee	KW Capacity	Variable Fee
98-2036, 98-2060, 98-7320, 98-7492	1	\$ 200 (\$50 per claim base fee x 4 claims)	1000	\$ 3,500
	2		450	\$ 1,575
	3		1000	\$ 3,500
	4		1500	\$ 5,250
Total Variable Fees:				\$ 13,825
Total Base Fees:				\$ 200.00
Total Estimated Claim Fees:				\$ 14,025

This is an estimate based on available information.

# Public Education for Lead

## IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER

The City of Bonners Ferry found elevated levels of lead in drinking water in some homes during scheduled sampling in August of 2019. The lead level that requires public education and additional requirements is 15 parts per billion or 0.015 mg/L and the level of lead for our public water system was 0.027 mg/l in August. It is important to note that the City's water supply from Myrtle Creek does not contain lead. It turns out that some of the 10 homes tested in August have pipes or plumbing that contain lead. When water is in contact for several hours with pipes (or service lines) or plumbing that contains lead, the lead may enter drinking water. Homes built before 1988 are more likely to have plumbing containing lead.

### What is Being Done?

Once the sample results were received by the City from the August testing, the City immediately began investigating ways to reduce the lead levels. The City worked in collaboration with Suzanne Scheidt of the Idaho Department of Environmental Quality (IDEQ) to determine the best method to reduce lead in the water. Suzanne provided the City with valuable guidance and assistance in lowering the lead levels in customer homes. Together with IDEQ, the City found that raising the pH helps keep the lead from dissolving into the water in people's homes. The natural pH of the City's source water, Myrtle Creek, is typically below 7.0, which is acidic.

The City has added soda ash (sodium carbonate) for decades to help bring the pH to 7.0 or above, but found recently that keeping the pH above 8.0 is effective at keeping lead from corroding from customer piping. The City began adding enough soda ash in September 2019 to keep the pH above 8.0. In October and November of 2019, the City tested 20 homes for lead, after the pH level was increased. None of the test results exceeded the action level of 0.015 mg/L, with the 90<sup>th</sup> percentile being 0.006 mg/L, compared to 0.027 mg/L in August. The City plans to continue maintaining a pH high enough to keep lead from entering the water in customer pipes and plumbing.

### Health Effects of Lead

Lead can cause serious health problems, especially for pregnant women and children 6 years and younger. Please read this notice closely to see what you can do to reduce lead in your drinking water. Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

### Sources of Lead

Lead is a common metal found in the environment. Drinking water is one possible source of lead exposure. The main sources of lead exposure are lead-based paint, lead-contaminated dust or soil, and some plumbing materials. Brass faucets, fittings, and valves, including those advertised as "lead-free," may contribute lead to drinking water. Lead can also be found in certain types of pottery, pewter, brass fixtures, food, and cosmetics. Other sources include exposure in the work place and exposure from certain hobbies (lead can be carried on clothing or shoes). Lead is found in some toys, some playground equipment, and some children's metal jewelry.

When water is in contact for several hours with pipes (or service lines) or plumbing that contains lead, the lead may enter drinking water. Homes built before 1988 are more likely to have plumbing containing lead.

EPA estimates that 10 -20% of a person's potential exposure to lead may come from drinking water. Infants who consume mostly formula mixed with lead-containing water can receive 40 -60% of their exposure to lead from drinking water.

### Steps You Can Take to Reduce Your Exposure to Lead in Your Water

1. **Run your water to flush out lead.** If the tap hasn't been used for several hours, run water for 15-30 seconds to flush lead from interior plumbing or until it becomes cold or reaches a steady temperature before using it for drinking or cooking.
2. **Use cold water for cooking and preparing baby formula.** Lead dissolves more easily into hot water. Do not use

water from the hot water tap to cook, drink, or make baby formula.

3. **Do not boil water to remove lead.** Boiling water will not reduce lead.
4. **Look for alternative sources or treatment of water.** You may want to consider purchasing bottled water or a water filter. Read the package to be sure the filter is approved to reduce lead. Be sure to maintain and replace a filter device in accordance with the manufacturer's instructions to protect water quality.
5. **Test your water for lead.** Call us at the number listed below to find out how to get your water tested for lead. A list of Idaho certified laboratories is available at <http://healthandwelfare.idaho.gov/Health/Labs/CertificationDrinkingWaterLabs/tabid/1833/Default.aspx>
6. **Get your child's blood tested.** Contact your local health department or healthcare provider to find out how you can get your child tested for lead, if you are concerned about exposure.
7. **Identify and replace plumbing fixtures containing lead.** Brass faucets, fittings, and valves, including those advertised as "lead-free," may contribute lead to drinking water. Prior to January 2014, the law allowed fixtures, such as faucets, with up to 8% lead to be labeled as "lead free." "Lead free" is now defined as a weighted average of less than or equal to 0.25%. Visit the National Sanitation Foundation website at [www.nsf.org](http://www.nsf.org) to learn more about lead-containing plumbing fixtures.

#### **For More Information**

Call us at 208-267-4380 or visit our website at <https://bonnersferry.id.gov/>. For more information on reducing lead exposure around your home/building and the health effects of lead, visit EPA's website at [www.epa.gov/lead](http://www.epa.gov/lead) or contact your health care provider.

Date Distributed: November

11/15/2019

Water System ID 1110003

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.