

Welcome to tonight's City Council meeting!

The elected officials of the City of Bonners Ferry are appreciative of an involved constituency. Testimony from the public is encouraged concerning issues when addressed under the Public Hearing portion of the agenda. Any individual who wishes may address the council on any issue, whether on the agenda or not, during the Public Comments period. Normal business will preclude public participation during the business portion of the meeting with the discretion left to the Mayor and Council. Special accommodations to see, hear, or participate in the public meeting should be made at City Hall within two days of the public meeting.

Vision Statement

Bonners Ferry, "The Friendliest City", strives to achieve balanced growth, builds on community strengths, respects natural resources, promotes excellence in Government, and values quality of life.

AGENDA
CITY COUNCIL MEETING
Bonners Ferry City Hall
7232 Main Street
267-3105
May 2, 2017
6:00 p.m. Public Hearing
7:00 p.m. Regular Meeting

PUBLIC HEARING

Vacation of Platted Alleyway File #VC03-17 – Harris Vacation

Decision on Vacation of Platted Alleyway File #VC03-17 – Harris Vacation

PLEDGE OF ALLEGIANCE

GUESTS

PUBLIC COMMENTS

Each speaker will be allowed a maximum of five minutes, unless repeat testimony is requested by the Mayor/Council

REPORTS

Police/Fire/City Administrator/Economic Development Coordinator/Urban Renewal District

CONSENT AGENDA

1. Call to Order/Roll Call
2. Approval of Bills and Payroll
3. Treasurer's Report
4. Approval of April 18, 2017 Council Meeting Minutes and April 24, 2017 Special Council Meeting Minutes

OLD BUSINESS

NEW BUSINESS

5. City – Approve Catering Permit for Kootenai Tribe Development Co. dba Kootenai River Inn for the Ducks Unlimited Banquet on May 12, 2017 at the Fairgrounds (attachment)

6. Water – Adopt Resolution 2017-05-01 Amending Resolution 2015-12-01, Regarding Financing of the Cassia Water Storage Tank Project (attachment)
7. Pool – Hire Lifeguards for Summer 2017 (attachment)
8. Police – Approve Request to Carryover Vacation for Willie Cowell
9. Water – Authorization to Move Forward with Well Site Property Purchase (attachment)
10. Electric/Water/Sewer – Approval to Purchase Computer and Software for Mapper (attachment)
11. EDC – Authorize Mayor to Sign Letter of Match Commitment to Idaho Department of Commerce for the Economic Development Professional Grant (attachment)
12. City – Discuss Traffic Safety Committee City Code (attachment)

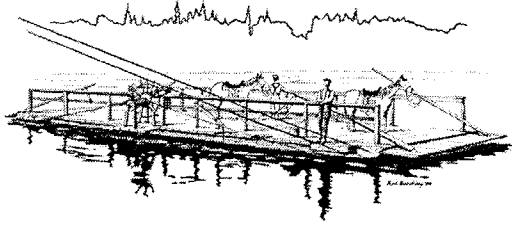
EXECUTIVE SESSION PURSUANT TO IDAHO CODE 74-206, SUBSECTION 1

- (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general;
- (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent, or public school student;
- (c) To acquire an interest in real property which is not owned by a public agency;
- (d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code;
- (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;
- (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;
- (g) By the commission of pardons and parole, as provided by law;
- (h) By the custody review board of the Idaho department of juvenile corrections, as provided by law;
- (i) To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement; or
- (j) To consider labor contract matters authorized under section 67-2345A [74-206A] (1) (a) and (b), Idaho Code.

ADJOURNMENT

INFORMATION

13. Electric/Water/Sewer – Profit/Loss Reports (attachment)
14. Street – Claim for Damage (attachment)
15. City – Mayoral Proclamation for Police Week May 14-20, 2017 (attachment)



CITY OF BONNERS FERRY

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

STAFF REPORT FOR

VACATION OF PLATTED ALLEYWAY FILE #VC03-17 – HARRIS VACATION

Prepared by: Lisa Ailport, AICP
City Planner

Project Description: Vacation of CDA Ave and Willow Street

Location: Terminus of Hemlock Street

Parcel size: 0.32 Acres or 13, 980 sq ft.

Applicant: Ben and Shelia Harris

Applicant's Representative: N/A

Property Owner: Same as applicant's

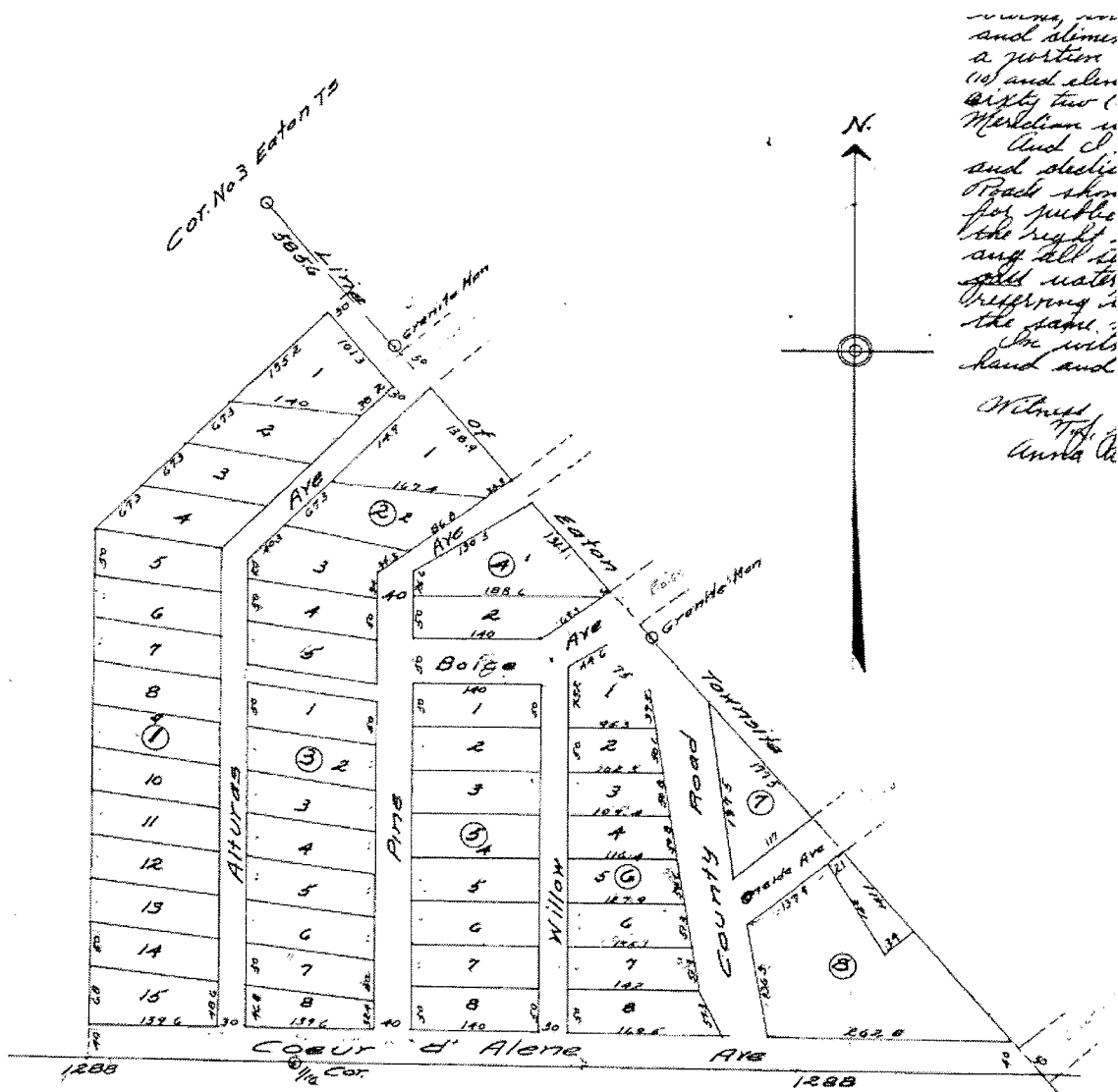
Petition filed with City: February 15, 2017

Notice Provided: Certified Mailings: April 17, 2017
Published in Paper: April 13, April 20, 2017

Council Packets: Staff report
File information (application, agency comments, public comments, ZV05-17, BP7007-02-17)
Draft Traffic Safety Minutes of March 22, 2017
Plat of Jones First Addition
Official notice and official mailing of record

PROJECT SUMMARY / BACKGROUND

The applicant is requesting to vacation of a portion of Coeur d'Alene Avenue (AKA- Hemlock) and Willow Street (currently unnamed) as dedicated within the Plat of Jones First Addition.



The purpose of the vacation is to address a detached accessory building that was remodeled without a required building permit (ZV05-17) and an existing home that appear to have been constructed within platted City right-of-way. According to aerial photography and Assessor Records (see file records), a ±88-year old garage, approximately 15'x25' was taxed as part of property known as RPB0440005008BA when the applicant purchased the property (file record, applicant testimony).

Sometime in 2016, the applicant removed the building and replaced it with a larger 30'x40' building (BP7007-02-17) but at the time had not contacted the City to inquire about a building permit. Staff initiated correspondence with the landowner through a certified letter on

February 7, 2017 notifying of the lack of permit on file. The letter also noted concern about the location of the building as it appeared to be located within city owned right-of-way; this was based on Assessor GIS parcel shapefile overlaid with 2014 Google aerial imagery (see file record). In conversations with the applicant after the letter was sent, Mr. Harris explained that he had not received a building permit and that he had not checked to confirm when he purchased the property if the structure is located on the property (verbal testimony with staff on 2/14/17- ZV05-17). Subsequently, the application for vacation was submitted on the 15th of February and included the portion of the platted right of way of Coeur d'Alene Ave (AKA Hemlock) and a portion of existing Willow Street right-of-way.

The house, which is also located on the same ownership and according to Assessor records, was constructed circa 1924 four years before the original detached accessory building was constructed. While not specifically listed as a zoning violation by city records, if the home was to be improved or rebuilt, the city also would want confirmation that the structure is located on lands owned by the applicant. In lieu of this conflict, the applicant is seeking vacation of the right-of-way so that the building can be reconstructed or improved upon.

Jones First Addition was originally platted in 1910. At the time of the plat, the roads, streets and alleyways were dedicated to the public (see below) in the dedication portion of the plat.

Mentioned in Jones County Idaho.
And I do hereby donate, give, grant
and dedicate all the streets, alleys and
Roads shown upon this plat to the public,
for public highways, forever, reserving however,
the right to lay pipe in the ground on
any all streets, alleys and roads for
gas water, or other public use; also
reserving to myself the reversion in fee, should
the same may ever be legally vacated.

With the dedication of the rights-of-way, the streets, road and alleys have become the property of the public. Although the physical improvement of the 15'x25' accessory structure was originally completed circa 1928 and the home in 1924, the improvements to the accessory building in 2016 may not have been permitted without certainty that the structure was located on private property and conformed to the zoning standards. However, because it now exists, a building permit is required and the structure is to be located on property owned by the applicant or proven to be owned by the applicant. In order to accommodate this requirement, the applicant seeks to vacate the public lands to private ownership.

The applicant contends the request for vacation is due the fact that the structures have been in the rights-of-way for "many years," and that due to the amount of time the structures have been located in the right-of-way it would indicate lack of use or need for the right-of-way by the

public. Lastly, by granting the vacation, the Harris's also claim the land will generate \$998.00 of additional property value (application).

ANALYSIS:

According to Idaho Code 50-311, the City may vacate a public right-of-way when it is determined to be "expedient for the public good" to do so. Furthermore, IC 50-1306A stipulates certain procedures to be adhered to and a public hearing held before City Council. Once these requirements have been met, the City Council may grant the request to vacate with such restrictions as they deem necessary in the public interest.

The application was routed to City Department heads on March 8, 2017 and the Traffic Safety Committee, which met on March 22, 2017. After reviewing the application, Traffic Safety committee listed four concerns and/or comments regarding the vacation. Those include:

1. Future development may pose access concerns and secondary access concerns if the right-of-way is abandoned;
2. There are currently limited opportunities for adequate turn-around for City equipment in the area, and vacating the right of way may exasperate the problem;
3. There are concerns for adequate turn around areas for life-safety equipment, such as fire and ambulance that wouldn't require city personnel to utilize private property in-cases of emergency or general use;
4. Future development patterns may require the City to acquire additional right of way to provide adequate connections and future access to property to the south;
5. It is unknown if the Vacation is necessary with a general lack of adequate data to conclude the violations are entirely or partially located in the right of way.

When City Departments met on March 8, 2017, the City Streets, City Electric and the City Sewer and Water Departments listed concerns over granting the vacation for a number is reasons which were summarized in a memo from the City Administrator/Engineer dated April 11, 2017 those concerns included the following:

1. Rights-of-way (R-O-W) provide cities with corridors for traffic and utilities, and in my [City Administrator] opinion, a city should never vacate a right-of-way unless there is a high level of certainty that the property in question will not be needed for either of those purposes;
2. Coeur d'Alene Avenue is currently utilized as a turn-around by both City vehicles and Emergency responders;

3. In this particular vacation request, part of Coeur d'Alene Street could potentially be used as future vehicle and utility corridors for property to the south;
4. If the garage that appears to be placed in the R-O-W did not exist, the City could improve the intersection of Willow and Coeur d'Alene Street for road maintenance vehicles and equipment turn-around. In addition, the City could store snow within the right-of-way;
5. On Willow Street, plated lots exist that are not currently being physically accessed. It is possible that those lots would utilize Willow Street, or a portion of it for access, that would not be available if vacated;
6. Obtaining a permit may have led to the building being properly located on property owned by the applicant.

PUBLIC COMMENTS

At the time of this staff report, there has been no public comment received. Any public comment that is received to this file and before the date of the public hearing will be included with the packets to the City Council.

COUNCIL ACTION:

Ultimately it is City Council who has to weigh the facts and the testimony at the hearing to ensure adequate evidence supports what "expedient for the public good" is and what it means.

In a memo to the City Council by former contract attorney Nancy Stricklin, some evaluative measures and comments could include:

1. **Is the right-of-way anticipated to be needed for public travel or other purposes sometime in the future?** If it is anticipated to be needed in the future, it would not be in the best interest of the public to vacate it.

Staff Comment: It is conceivable that lands to the south may be incorporated in to the city at some point or time in the future. If access points are eliminated, the city may be in a position to buy those lands back in order to accommodate future roads and multiple access points for connectivity.

2. **Is the right-of-way accessible to the public now and are there any obstacles to making the right-of-way accessible to the public in the future?** Lack of accessibility could make the right-of-way unusable and deemed to be in the best interest of the public to vacate it. Consideration should be given to what it would take to make it accessible, the costs to the taxpayers, and whether there is an alternative travel route available to the public.

Staff Comment: Hemlock Street (aka Coeur d'Alene Ave) is accessible and is used by the City Streets Department and Emergency Response vehicles at the end of the road as a turn-around. Prevention for continuation of the road is the structure impediments and the lack of connectivity to lands to the south.

- 3. Are there any utilities located in the right-of-way, or planned for installation within the right-of-way in the near or distant future, or franchise rights of cable providers etc.?** I.C. 50-311 states that franchise and easement rights of public utilities are not terminated when the right-of-way is vacated. In the case of *Allison v. City of Coeur d'Alene* the court reiterated that regardless of the vacation, those rights remain in effect. It is my commendation that the reservation of those rights be placed in the vacation document as well to put future owners on notice.

Staff Comment: According to the application the area requested to be vacated includes electrical lines and guy wires. A condition requiring an easement over the same area is included as a condition (see condition #2).

- 4. Do any adjacent lot owners have an easement over the property underlying the right-of-way?** The court held in the *Allison v. City of Coeur d'Alene* case that the city could vacate the right-of-way even though an individual property owner has a claim of right to use right-of-way for travel purposes. In the case of *Allison v. City of Coeur d'Alene* the court further held that although there is no limitation on the authority of the city to vacate right-of-way as long as the process is followed, even when the rights of a private property owner is impaired, a private property owner has the right to seek compensation for the damages caused by the vacation.

Staff Comment: Staff is unaware of any additional private easements held over the underlying right-of-way.

- 5. Does the right-of-way serve more than one property?** In the *Allison v. City of Coeur d'Alene* case the court emphasized the difference between the public interest and the interest of just one property owner. This analysis helps to determine whether it is really a public issue, or an issue to just one property owner. It also allows the city council to consider the extent of the damage claims they might receive.

Staff Comment: Willow Street right-of-way serves as the only accessible right-of-way for Block 6, Lots 1-4 of the subdivision. Cemetery Road also bounds the block and lots, but does not, and likely cannot serve as physical access to the lots.

- 6. Will vacation of the right-of-way cut off all access to a public road for a property owner?** Cutting off all access to a public road would likely result in damage claims for eliminating the access. If there are other points of access from the private property to a public road, numerous courts have held it is not a taking. A taking only occurs when all reasonable access is eliminated.

Staff comment: In the Harris vacation request, if Willow street is vacated, then it would seem that while there would be right-of-way frontage from Cemetery Road, access from that road could not be achieved to a standard acceptable by the city, thereby leaving Lots 1-4 with limited opportunities for legal access.

- 7. Will the vacation negatively impact the efficient pattern of traffic circulation?** This helps determine the extent of the public interest.

Staff Comment: See comments, concerns by the Traffic Safety Committee. In addition, it is staff's opinion that vacating Coeur d'Alene Ave and Willow streets could prevent future connectivity if lands are incorporated and developed to the south.

It's important to note that the above standards of evaluations are not exhaustive and could include additional points of consideration.

Lastly, the applicant's seeks to have all the right-of-way vested with the applicant, if approved by City Council. According to a former Contract City Attorney, Nancy Stricklin there are occasions when the 50/50 distribution would not be equitable and the city council should consider a different distribution. Those scenarios may include:

1. Right-of-way that was not platted, but deeded to the city by one property owner. In that case, the right-of-way should revert back to the property from which it came.
2. In a rare circumstance, right-of-way is platted to follow the exterior boundary of a plat and the adjacent property on one side is outside of the plat from which it was dedicated. In that case, the platted right-of-way came from only those lots that were created as part of the plat and the right-of-way should revert only to the adjacent lots within the plat from which the right-of-way came.
3. Circumstances where the topography of the vacated right-of-way would make the land unusable for one of the adjoining property owners.

In this scenario, condition 2 is applicable. The right of way is platted to follow the exterior boundary of the plat. If the vacation was approved, providing ½ of the right-of-way to the southern property owner would not only be outside of the plat boundary but also outside the limits of the city. If the Council were to approve the vacation, it would seem appropriate to have all the lands requested vacated back to the applicant.

APPLICABLE IDAHO LAWS:

Idaho Code §50-311(Vesting) Idaho Code §50-1306, (procedural)

DRAFT CONDITIONS OF APPROVAL

If approved, staff recommends the following conditions be enforced:

1. The vacation of the above described right-of-way shall be effective upon recording of an ordinance by the Council granting the vacation, vesting to reside with Robert and Linda Case.
2. Upon vacation of the above described property, the city reserves with it an easement over and across the same lands previously held previously by the platted right-of-way.
3. The granting of the vacation shall not impede the franchised rights of any utilities.

DRAFT MOTION BY THE COUNCIL

Draft findings have been prepared based on the file information, including department and committee comments. Draft Motions and draft Reasoned Decision, including draft findings have also been provided. However, the Council may modify those or direct staff to develop additional findings based on testimony received at the hearing or additional fire records that support the decision of the Council.

Motion to Approve: I move to approve this file VC03-17, to vacate a portion Willow Street and a portion of Coeur d’Alene Avenue as defined as follows:

A parcel of land in Jones First Addition to Bonners Ferry, Boundary County Idaho more particularly described as follows:

That portion of Coeur d’Alene Avenue, a Forty (40) foot wide public right-of-way as shown on the Plat of Jones First Addition, which is bounded to the West by extending the East line of Lot Eight (8), Block Five (5) to the South line of said Plat, and bounded to the East by a line running due South from the Southeasterly corner of Lot Eight (8), Block Six (6) to the South line of said Plat, encompassing an area of approximately 7,980 square feet; and

That portion of Willow Street, a thirty (30) foot wide public right-of-way as shown on the plat of Jones First Addition, which is bounded to the North by a line extending between the North line of Lot Five (5), Block Five (5), and the North line of Lot Five (5), Block Six (6) of said Plat, and bounded to the South by a line extending between the South line of Lot Eight (8), Block Five (5) and the South line of Lot Eight (8), Block Six (6) of said Plat, encompassing an area of approximately 6,000 square feet.

Finding that it is in the interest of the public based on record, as outlined in the staff report, and testimony received at this hearing. I further move to adopt the following findings of fact and reasoned decisions, including the conditions of approval (as amended, or as submitted) and enumerated in the staff report. The actions to be taken to obtain the vacation are to complete the conditions of approval as provided. (Read conclusions 1-2)

Motion to Deny: I move to deny this file VC02-16, to vacate a portion Willow Street and a portion of Coeur d'Alene Avenue, finding that it is not in the interest of the public based on the record and testimony received at the hearing. Furthermore, I move to adopt the following findings of fact and reasoned decisions (read conclusions 1-2- noting the findings that support your claim-which conclusions does it fail to meet)

The actions to be taken to receive approval is

1. Submit a new petition that meets the standards of Idaho Code 50-311 and 50-1306A and concludes the interest of the public is met;

REASONED DECISION

***The above staff report and subsequent evidence in the record provides for the findings of fact required in order to make any conclusion of law. Based upon those findings, the following conclusions are proposed to be adopted by the City Council by motion to approve.**

Reasoned Decision 1:

The proposal was review for compliance with I.C. §50-1306A notification requirements, procedures. Therefore, the proposal **is/is not** in accordance with the applicable notification standards.

Draft Finding: Certified mailings of the request to vacate were sent to landowners within 300-feet of the lands to be vacated on April 17, 2017 (file record).

Draft Finding: Notification of the proposed hearing was published in the April 13 and April 20, 2017 by affidavit of publication by the Bonners Ferry Herald (file record).

Reasoned Decision 2:

The vacation of right-of-way **is/is not** in the interest of the public

Draft Finding: The Plat was completed in 1910 and dedicated the roads to the public. The existing home has been in the same location since 1924 and the former accessory building since 1928 (Assessor Records)

Draft Finding: There are no known easements of records (Application).

Draft Finding: The vacated lands may create \$998.00 of taxable area (Application).

Draft Finding: The newer 30'x40' Accessory building was constructed in 2016 without a building permit or authorization by the City (ZV05-17).

Draft Finding: Future uses of the right-of-way may include access for public utilities and other public purposes (Traffic Safety Minutes).

Draft Finding: The current road is utilized by the City and Emergency Responders as a turn-around and could be used for snow storage absent of the building (4/11/2017 memo by M. Klaus; Comments by John Youngwirth)

Draft Finding: Future development of lands to the south may cause connectivity issues and the need to repurchase the lands in order to address development (Traffic Safety minutes; 4/11/2017 memo by M. Klaus).

Draft Finding: No information has been provided by the applicant to conclude the structures are physically located within the rights-of-way (Traffic Safety Minutes).

Draft Finding: Lots 1-4 of Block 6 may have limited, if not unusable, access if Willow Street and Coeur d'Alene Avenue are vacated (File Record).

Harris Vacation File V03-16

2014 Google Aerial with 3/8/2017 Boundary County Parcel Shapefile overlaid

Legend

- Feature 1
- Feature 2

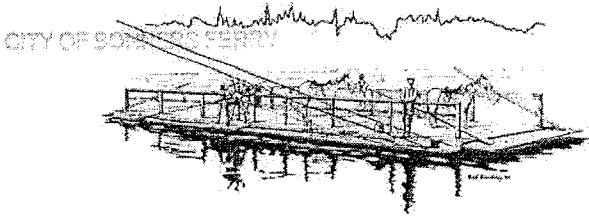


Google Earth

300 ft

RECEIVED

FEB 15 2017



CITY OF BONNERS FERRY

PETITION TO VACATE RIGHTS OF WAY (IDAHO CODE - TITLE 50)

Applicant's Name: BEN HARRIS Date: 2-14-2017

Mailing Address: 6268 HEMLOCK ST

Day Telephone Number: (208) 304-0084 E-mail Address: bsharris2@yahoo.com

Applicant's Name: SHEILA HARRIS Date: 2-14-2017

Mailing Address: 6268 HEMLOCK ST

Day Telephone Number: (208) 304-0082 E-mail Address: bsharris2@yahoo.com

Applicant's Representative:

Company

Mailing Address:

Day Telephone Number: () E-mail Address:

DESCRIPTION:

Subdivision Name: JONES 1ST ADDITION Instrument # 203229

Block Number 5, 6 Lot Number(s) 5, 6, 7, 8 Book of Plat No. 1 B Pages: 57

Quarter: SE SW Section: 26 Township: 62 N Range: 1 E

Location of Property: (Street Address or cross streets) 6268 HEMLOCK ST

Parcel or Tax Lot Number (if available) R P 804400050088A (This information can be obtained from County Assessor's Office)

REQUEST

(If more space is needed, please use additional paper)

Please explain why the vacation is necessary:

DWELLING AND ORIGINAL SHOP WERE ALREADY IN RIGHT OF WAY WHEN PROPERTY WAS PURCHASED IN MARCH OF 2015. AERIALS SHOW THESE STRUCTURES HAVE BEEN THERE FOR MANY YEARS. THERE IS NO EVIDENCE OF THESE AREAS EVER BEING USED FOR "80's" PUBLIC ACCESS.

Please explain why this vacation is in the interest of the public to vacate:

TAX BASE $199.5 \times 40 = 7980$
 $\$200 \times 30 = 6000 = 13,980$
ESTIMATED TAXABLE VALUE ~~7980~~

Are there any utilities within the existing right-of-way? If yes, please explain

YES, A POLE WITH GUY WIRE FOR CITY POWER

Will any utilities remain in the same location if the vacation is approved? If yes, please explain: YES, ALL SAME

Does that applicant propose to provide any easements as part of the vacation? If yes, please explain: YES, FOR CITY POWER

Title to Vacated Portion to be Vested With: BEN HARRIS;
And SHEILA HARRIS

I (we), the undersigned, do hereby petition the City of Bonners Ferry to vacate the right of way described in this application and do certify that all information, statements, attachments and exhibits submitted herewith are true to the best of my (our) knowledge.

[Signature]
Applicant Signature

2-14, 2017
Date

[Signature]
Applicant Signature

2-14, 2017
Date

A parcel of land in Jones First Addition to Bonners Ferry, Boundary County, Idaho, more particularly described as follows:

That portion of Coeur d'Alene Ave, a forty (40) foot wide public right-of-way as shown on the Plat of Jones First Addition, which is bounded to the West by extending the East line of Lot Eight (8), Block Five (5) to the South line of said Plat, and bounded to the East by a line running due South from the Southeasterly corner of Lot Eight (8), Block Six (6), to the South line of said Plat, encompassing an area of approximately 7980 square feet.

And also that portion of Willow Ave, a thirty (30) foot wide public right-of-way as shown on the Plat of Jones First Addition, which is bounded to the North by a line extending between the North line of Lot Five (5), Block Five (5), and the North line of Lot Five (5), Block Six (6) of said Plat, and bounded to the South by a line extending between the South line of Lot Eight (8), Block Five (5), and the South line of Lot Eight (8), Block Six (6) of said Plat, encompassing an area of approximately 6000 square feet.

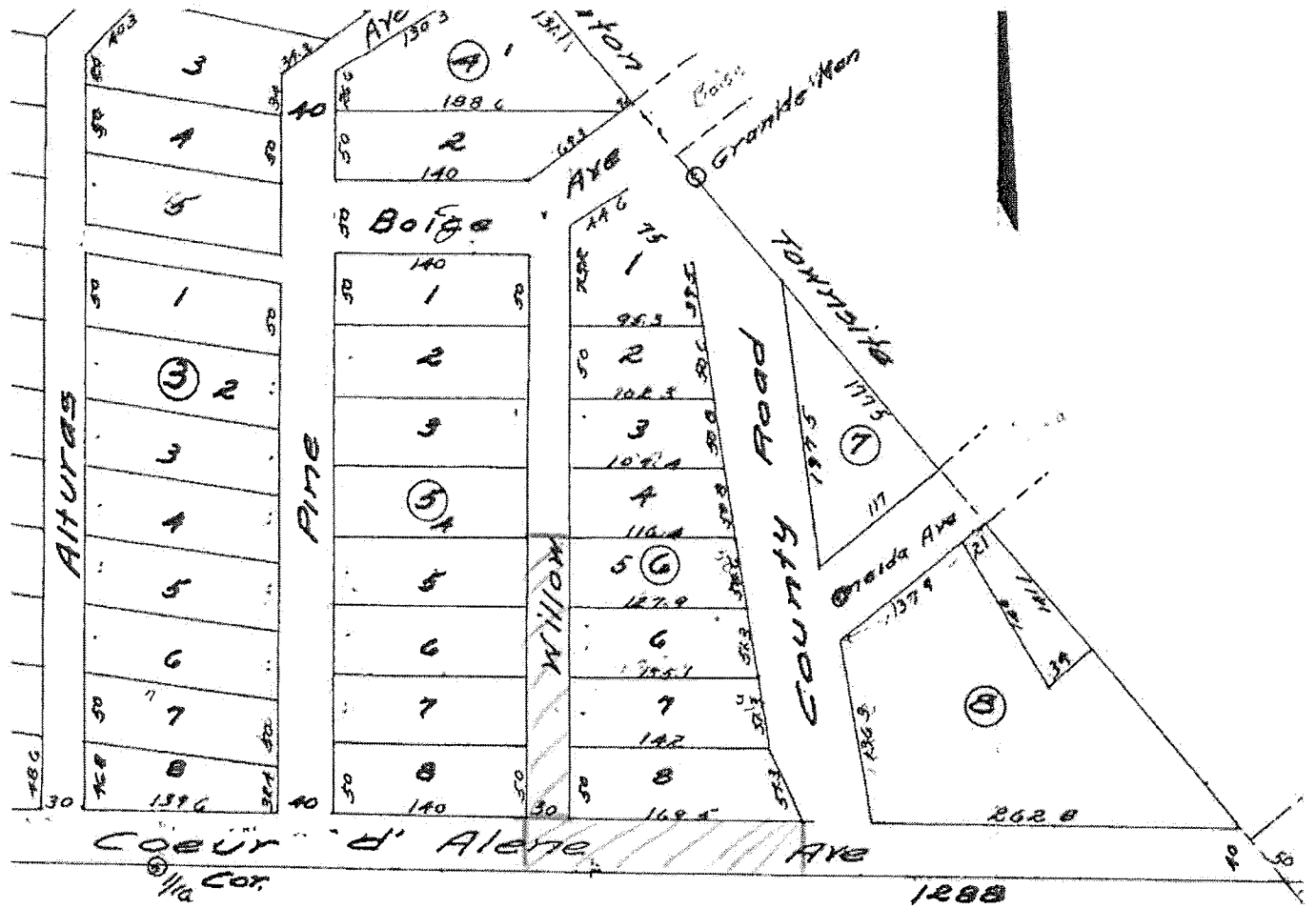
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FEB 15 2017

CITY OF BONNERS FERRY



RECORDED
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 CITY OF BONNER'S FERRY



RECEIVED

FEB 15 2017

CITY OF BONNERS TERRA

150440005008B

263229



Community Title, LLC

STATE OF IDAHO }
County of Boundary } SS.
Filed by: Community Title
on 3-20-15 at 12:21
Glenda Poston
County Recorder J. Isaac
By Deputy
Fee \$ 16.00 Chg
Mail to C.T.

WARRANTY DEED

Escrow No.: 21964-JF

FOR VALUE RECEIVED

Alice Agnes Neumayer, as her sole and separate property, as to a 6/9th undivided interest and as to a Life Estate, James A. Neumayer, Son of Eugene E. Neumayer, as his sole and separate property, as to a 2/9th undivided interest and Florence M. Neumayer a widow, as to a 1/9th undivided interest, with the undivided interests held as tenants-in-common.

the grantors, do(es) hereby grant, bargain, sell and convey unto

Ben Harris and Sheila Harris, Husband and Wife, as community property, with right of survivorship

whose current address is 6268 Hemlock St, Bonners Ferry, ID 83805

the grantees, the following described premises, in Boundary County, Idaho, TO WIT:

Lots 5, 6, 7 and 8, Block 5 and Lots 5, 6, 7 and 8, Block 6, Jones First Addition to The City of Bonners Ferry, according to the Plat thereof, on file with the Boundary County, Idaho, Recorder. ✓

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 4, 2015

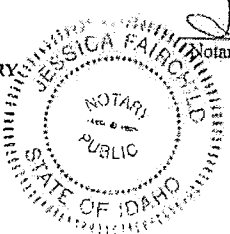
Alice A. Neumayer
Alice Agnes Neumayer

STATE OF IDAHO }
COUNTY OF BOUNDARY } SS.

On this 6 day of March, 2015 before me, a Notary Public in and for said state, personally appeared Alice Agnes Neumayer known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that she executed the same.

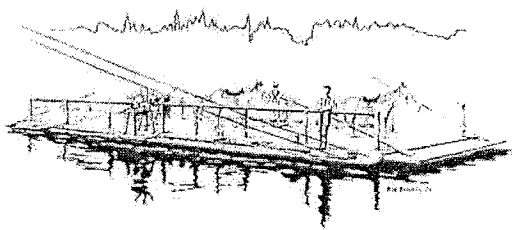
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Residing at: BONNERS FERRY
Commission Expires: 2/02/2017



Jessica Fairchild
Notary Public for the State of Idaho

RECEIVED
FEB 18 2015



CITY OF BONNERS FERRY

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

February 7, 2017

Ben Harris
6268 Hemlock Street
Bonners Ferry, ID 83807

CERTIFIED MAIL

RE: Construction without a Building and Zoning Permit
File: ZV05-16

To Whom It May Concern:

It has been brought to the city's attention that a residential building has been constructed without the necessary zoning or building permits on property within city limits. A drive-by by staff on December 21, 2016 visually confirmed the building's construction and photos of the building are included with this letter. A phone call to you today confirmed that a building permit was not sought or obtained through the City. Per Bonner Ferry City Code, Title 9 the City has adopted and procedures and building codes (IBC) for placement of buildings within city limits.

Of significance importance to the City is the location of the building. According to a 2014 Aerial imagery, it appears an existing "older" building was replaced. According to your testimony on 2/7/2017, an original building was demolished and replaced with the current building on the same foundation. Based on the aerial imagery and County parcel information, it appears the building may not be located on lands within your ownership. In fact, the majority of the building appears to be located within the platted right-of-way of "Coeur d'Alene Street" platted within Jones's First Addition Plat (Book 1, Page 150) which is currently within the ownership of the public. In addition, the new building appears to have been enlarged from the previous foot print of the former building. Information pertaining to the accuracy of the actual location of the building in relations to your property lines, along with dimensions of the former building that was replaced is necessary in order for staff to determine compliance with zoning codes/standards.

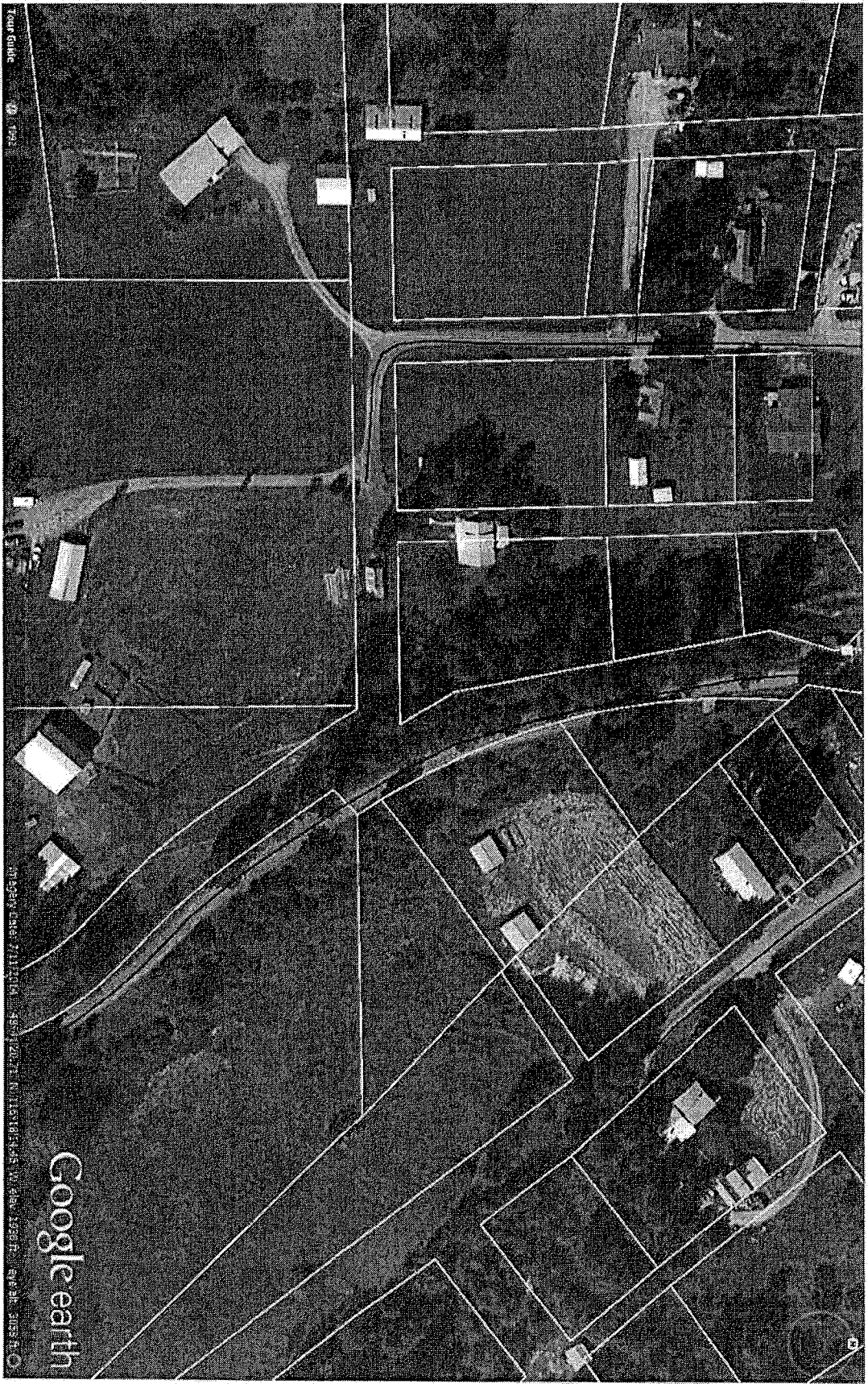
The current building administrator is Pat Park with James A. Sewell and Associates. You are encouraged to contact him immediately to complete your building permit requirements. Included with this letter is a blank building permit, which doubles as a zoning permit as well. Please remit to the City the enclosed building permit along with all requirements to the City **by no later than February 24, 2017.**

Failure to comply with this requirement will result in this matter being forwarded to the City Attorney for further prosecution.

Sincerely,

Lisa M. Ailport, AICP
City Planner

Enclosure: Building Permit application
Cc: Pat Parks, Building Inspector, JAS and Associates (by Electronic Mail)



Tour Guide



© 2007 Google. All rights reserved. 15° 45' 30" N, 78° 12' 30" W

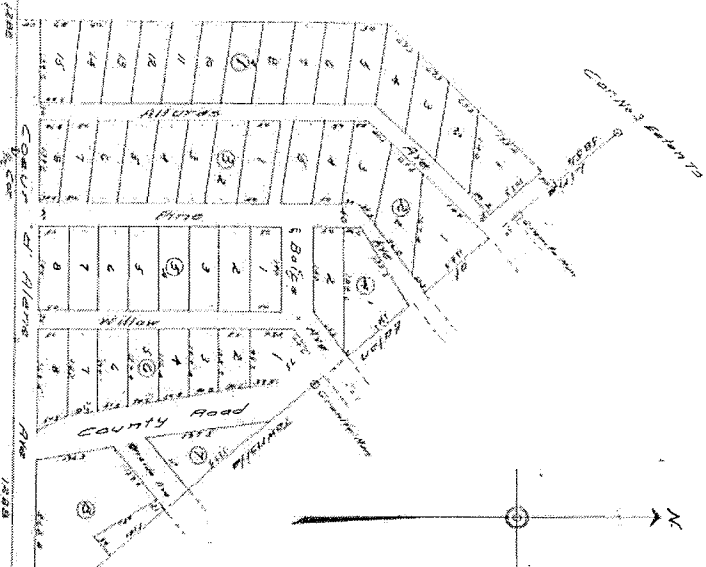
Google earth



JONES FIRST ADDITION.

BONNERS FERRY 1847-50

Scale 1" = 100'



Description
 This tract of land, containing about 100 acres, was acquired by the late James H. Jones, who died in 1847, and was conveyed to his son, James H. Jones, Jr., in 1850. The land was then divided into lots, and the same were sold to various purchasers. The land is now owned by the Jones family, and is being offered for sale by the undersigned.

COM. No. 3
 COM. No. 4

State of Idaho

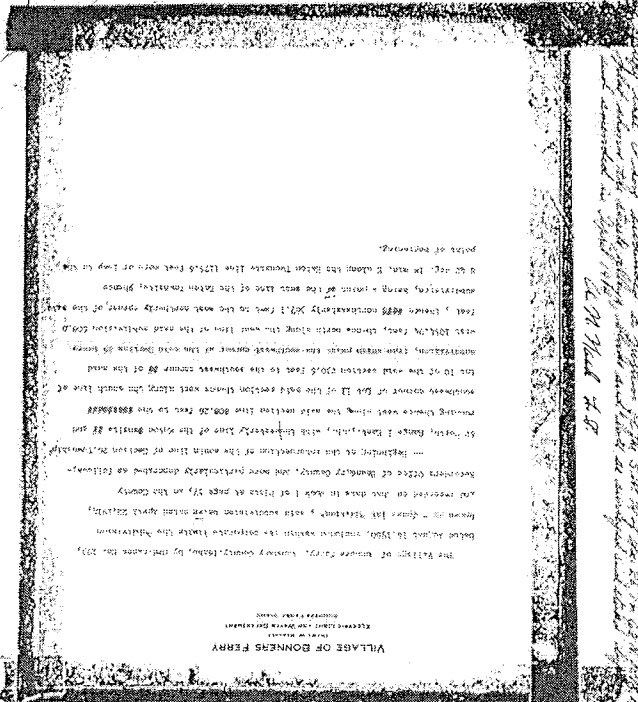
County of Bonner

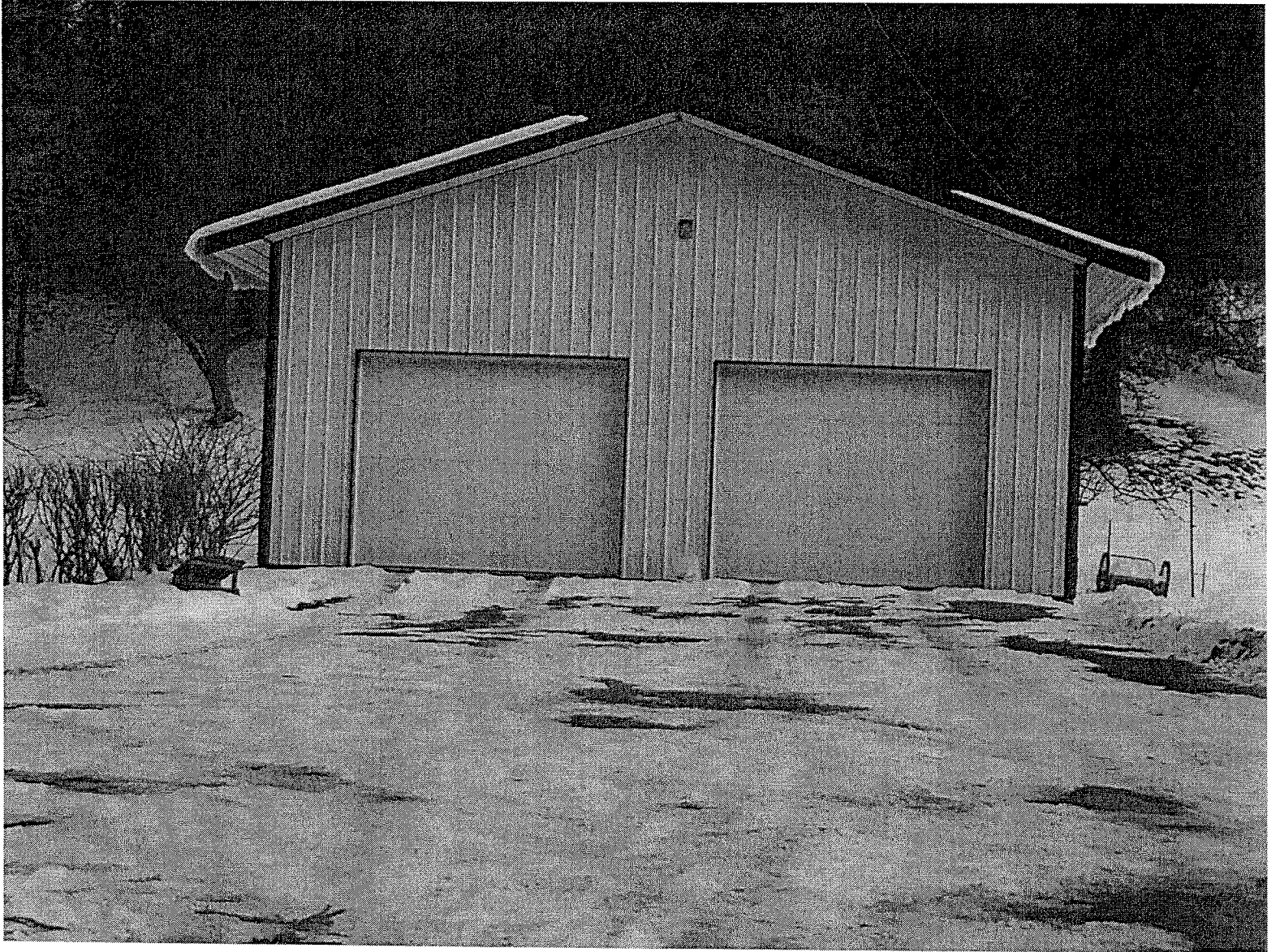
I, the undersigned, being a resident citizen of the State of Idaho, do hereby certify that the above is a true and correct copy of the original plat of the Jones First Addition, as the same appears on file in the office of the County Clerk of Bonner County, Idaho.

James H. Jones, Jr.

The undersigned, being a resident citizen of the State of Idaho, do hereby certify that the above is a true and correct copy of the original plat of the Jones First Addition, as the same appears on file in the office of the County Clerk of Bonner County, Idaho.

I, the undersigned, being a resident citizen of the State of Idaho, do hereby certify that the above is a true and correct copy of the original plat of the Jones First Addition, as the same appears on file in the office of the County Clerk of Bonner County, Idaho.





~~Buildings~~
~~MANUFACTURED HOME PLACEMENT~~
 APPLICATION

JAMES A. SEWELL & ASSOCIATES, LLC, BUILDING INSPECTORS FOR:
 CITY OF Bonniers Ferry, IDAHO

LEGAL DESCRIPTION: Section <u>26</u> , Township <u>62N</u> , Range <u>1E</u> , SITE ACREAGE: <u>1.27</u>		BUILDING PERMIT #: <u>7007-02-17</u>																	
Site Address <u>6268</u> (Number) <u>HEMLOCK</u> (Road Name)																			
OWNER <u>BEN AND SHEILA HARRIS</u>																			
OWNER MAIL ADDRESS <u>6268 HEMLOCK ST</u>		OWNER PHONE <u>208-304-0084</u>																	
CONTRACTOR <u>BEACHY BUILDINGS</u>		PHONE <u>267-8592</u>																	
MAIL ADDRESS <u>300 PANTHER LANE</u>		LICENSE #																	
MANUFACTURER <u>N/A</u>	YEAR <u>N/A</u>	MAKE <u>N/A</u>	SIZE <u>30 x 40</u>																
IDAHO INSIGNIA NUMBER <u>N/A</u>		ROOF SNOW LOAD RATING:																	
Describe Work: <u>Compliance Permit for bld constructed</u>		Permanent () Temporary () Real Property ()																	
Type of Heating: <u>N/A</u>	Utility Company: <u>BONNERS FERRY</u>																		
Describe Use:																			
Directions to Site: <u>95 N TO Right ON ASH, Right ON OAK</u> <u>Right ON MONTANA, Right ON Hemlock.</u>																			
CONDITIONS:		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">FEES</th> </tr> </thead> <tbody> <tr><td>Permit Fee:</td><td></td></tr> <tr><td>Plan Check Fee:</td><td></td></tr> <tr><td>Special Fees:</td><td></td></tr> <tr><td>City Fees:</td><td></td></tr> <tr><td>Stormwater/Erosion Fees:</td><td></td></tr> <tr><td>TOTAL:</td><td></td></tr> <tr><td colspan="2">VALUATION OF WORK:</td></tr> </tbody> </table>		FEES		Permit Fee:		Plan Check Fee:		Special Fees:		City Fees:		Stormwater/Erosion Fees:		TOTAL:		VALUATION OF WORK:	
FEES																			
Permit Fee:																			
Plan Check Fee:																			
Special Fees:																			
City Fees:																			
Stormwater/Erosion Fees:																			
TOTAL:																			
VALUATION OF WORK:																			
		Parcel #: <u>RPB0440005008BA</u>																	
		Zone District: <u>Res B</u>																	
		Floodplain Zone: <u>N/A "C"</u>																	
		Development Permit #: <u>N/A</u>																	
NOTICE: SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, MECHANICAL AND PLUMBING. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IN NOT COMMENCED WITHIN 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED UNLESS PRIOR APPROVAL OF BUILDING DEPARTMENT. HOWEVER, A PERMIT IS VALID AS LONG AS WORK IS CONTINUED.		APPROVALS																	
I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OF LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCES OF CONSTRUCTION.		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>AGENCY:</th> <th>BY: / DATE:</th> </tr> </thead> <tbody> <tr> <td>City Approval:</td> <td></td> </tr> <tr> <td>Sewage Disposal Permit #:</td> <td></td> </tr> <tr> <td>Roads/DOT:</td> <td></td> </tr> <tr> <td>Division of Environ.:</td> <td></td> </tr> <tr> <td>Fire District:</td> <td></td> </tr> <tr> <td>Other (Specify):</td> <td></td> </tr> </tbody> </table>		AGENCY:	BY: / DATE:	City Approval:		Sewage Disposal Permit #:		Roads/DOT:		Division of Environ.:		Fire District:		Other (Specify):			
AGENCY:	BY: / DATE:																		
City Approval:																			
Sewage Disposal Permit #:																			
Roads/DOT:																			
Division of Environ.:																			
Fire District:																			
Other (Specify):																			
Name of Owner or Authorized Agent <u>BEN HARRIS</u>		Date <u>2-14-17</u>																	
Signature of Owner or Authorized Agent <u>[Signature]</u>		Date <u>2-14-17</u>																	
Application Accepted By: / Date: <u>2/15/2017</u>	Plans Checked By: / Date:	Approved to Issue By: / Date:	Issued Date:																

**BUILDING PERMIT
PLOT PLAN**

**JAMES A. SEWELL & ASSOCIATES, LLC, BUILDING INSPECTORS FOR:
CITY OF BOONVILLE, IDAHO**

OWNER

HARRIS

BUILDING PERMIT #

7007-02-17

Draw a map of the site, providing the following information in the space below:

- The boundary lines of the site, including dimensions.
- An arrow indicating direction north.
- All roads - public and private - that provide access to the site.
- All bodies of water, existing drainage systems.
- Proposed structure and its dimensions. All existing structures.
- Distance from all property lines and any bodies of water to architectural projections of structures.
- Parking spaces, accesses and driveways as required by zoning ordinance or special conditions.
- All easements of record (roads, utilities, Army Corps of Engineers, etc.)
- Indicate the building site drainage plan for stormwater control.
- Location of septic tank, leach field and well, if applicable.
- Location of water sewer hook-ups, if applicable.

RECEIVED
FEB 15 2017
CITY OF BOONVILLE

SEE ATTACHED

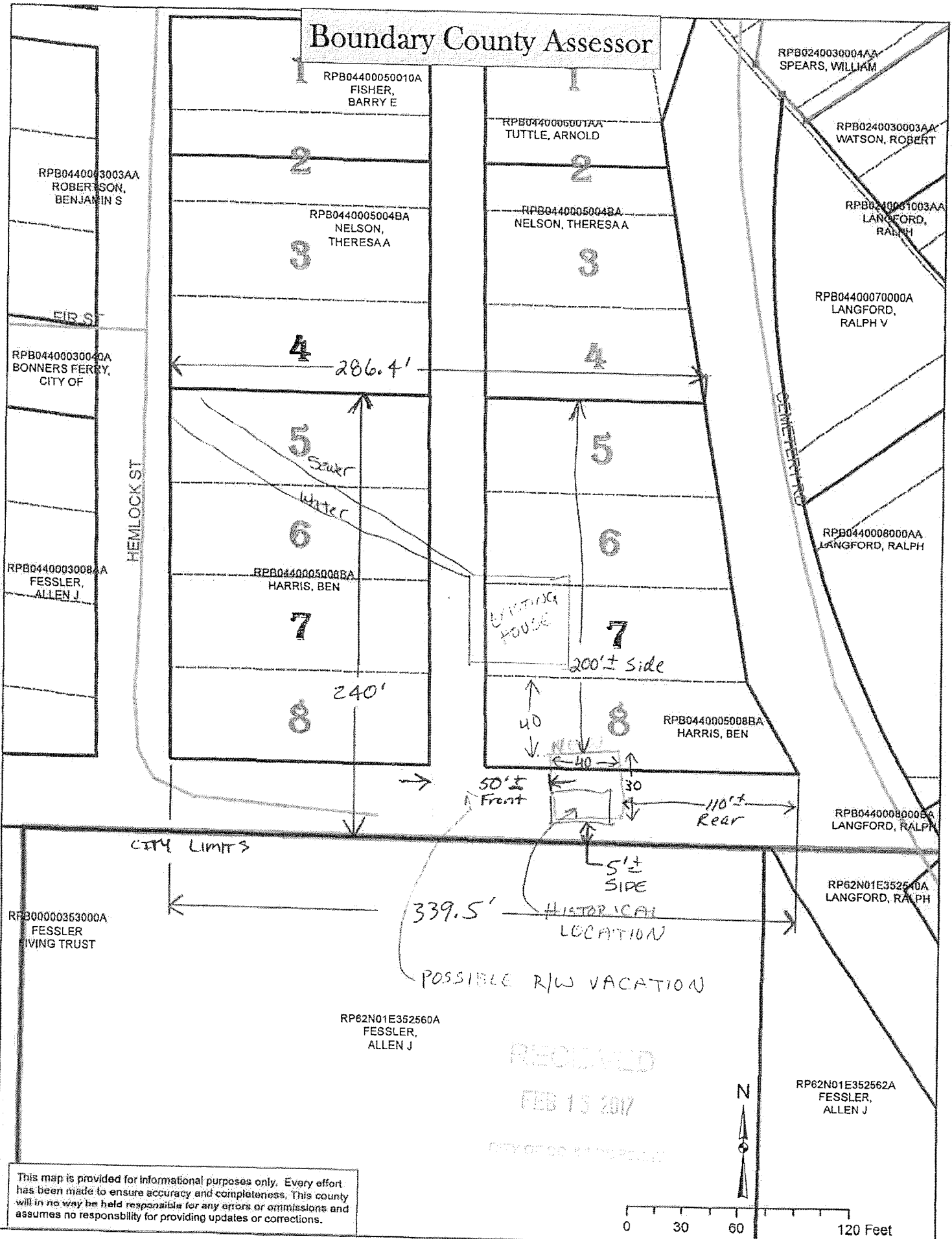
I / WE CERTIFY THAT THE PROPOSED CONSTRUCTION WILL CONFORM TO THE DIMENSIONS AND USES SHOWN ABOVE AND THAT NO CHANGES WILL BE MADE WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM THE CITY. I / WE CERTIFY THAT THE PROPOSED CONSTRUCTION, ALTERATION AND/OR REPAIR WILL CONFORM TO THE LOCAL PLANNING AND ZONING AND HEALTH DEPARTMENT REQUIREMENTS THAT WILL BE IN EFFECT ON THE DATE OF THE GRANTING OF THE BUILDING PERMIT.

[Signature]
Name of Owner(s) of Site and Structure (please print)

Signature of Owner(s) or Authorized Representative

(Date)

Boundary County Assessor



RPB04400050010A
FISHER,
BARRY E

RPB04400050017AA
TUTTLE, ARNOLD

RPB0240030004AA
SPEARS, WILLIAM

RPB0240030003AA
WATSON, ROBERT

RPB0440003003AA
ROBERTSON,
BENJAMIN S

RPB0440005004BA
NELSON,
THERESAA

RPB0440005004BA
NELSON, THERESAA

RPB0240031003AA
LANGFORD,
RALPH

RPB04400070000A
LANGFORD,
RALPH V

RPB04400030040A
BONNERS FERRY,
CITY OF

← 286.4' →

EXISTING
HOUSE

200'± Side

RPB0440008000AA
LANGFORD, RALPH

RPB0440003008AA
FESSLER,
ALLEN J

RPB0440005008BA
HARRIS, BEN

RPB0440005008BA
HARRIS, BEN

RPB0440008000BA
LANGFORD, RALPH

HEMLOCK ST

CEMETERY RD

CITY LIMITS

50'± Front

110'± Rear

RPB00000353000A
FESSLER
LIVING TRUST

339.5'

HISTORICAL
LOCATION

RP62N01E352540A
LANGFORD, RALPH

POSSIBLE R/W VACATION

RP62N01E352560A
FESSLER,
ALLEN J

RECORDED

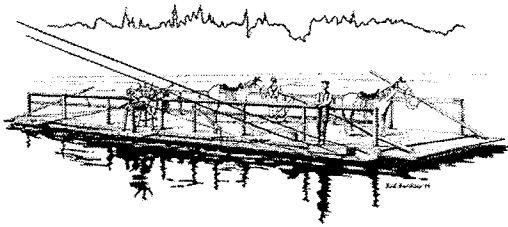
FEB 13 2017

RP62N01E352562A
FESSLER,
ALLEN J

CITY OF SEASIDE



This map is provided for informational purposes only. Every effort has been made to ensure accuracy and completeness. This county will in no way be held responsible for any errors or omissions and assumes no responsibility for providing updates or corrections.



MEMO

CITY OF BONNERS FERRY
CITY ENGINEER/ADMIN

Date: April 11, 2017
To: VC03-17 File Record
From: Mike Klaus, City Administrator/Engineer
Subject: **Utility/Engineer Department Comments / Opinions**

This memo is intended to summarize my opinions and observations of the Harris Vacation request based on a staff meeting with the City Electrical, Sewer/Water and Streets Departments held on March 8, 2017. In my comments, I will refer to the street names as they appear on the plat of record as referenced in the file:

1. Rights-of-way (R-O-W) provide cities with corridors for traffic and utilities, and in my opinion, a city should never vacate a right-of-way unless there is a high level of certainty that the property in question will not be needed for either of those purposes;
2. Coeur d'Alene Avenue is currently utilized as a turn-around by both City vehicles and Emergency responders;
3. In this particular vacation request, part of Coeur d'Alene Street could potentially be used as future vehicle and utility corridors for property to the south;
4. If the garage that appears to be placed in the R-O-W did not exist, the City could improve the intersection of Willow and Coeur d'Alene Street for road maintenance vehicles and equipment turn-around. In addition, the City could store snow within the right-of-way;
5. On Willow Street, plated lots exist that are not currently being physically accessed. It is possible that those lots would utilize Willow Street, or a portion of it for access, that would not be available if vacated;
6. Obtaining a permit may have led to the building being properly located on property owned by the applicant.

Based on the comments above, I recommend that the City Council of Bonners Ferry not vacate the property requested.

Thank you,

Mike

The traffic safety committee meeting of March 22, 2017 convened at noon at City Hall. Present for the meeting were John Marquette, Foster Mayo, Howard Kent, Silas Thompson, Police Chief Vic Watson, Planner Lisa Ailport, Street Department John Youngwirth, City Administrator Mike Klaus, and Clerk Kris Larson.

Chief Vic Watson said the council hearing last night denied the vacation request that we reviewed in November.

Planner Lisa Ailport went over the City Code 2-2-7 designating the duties of the Traffic Safety Committee.

The group briefly discussed the stop light on Highway 95 at Alderson Lane and traffic flows.

John Marquette moved to approve the minutes of November 16, 2016 with the spelling correction to Foster Mayo's last name. Foster Mayo seconded the motion. The motion passed, all in favor.

The group briefly discussed the public process of the traffic safety committee and meeting notifications.

The application from Ben and Sheila Harris for vacation of public right of way was reviewed by the group. Lisa said the application came to light as a result of a building permit violation. The applicant built a garage in the City right of way. It replaces an old shed (15' x 30') that was located in the same place according to the applicant.

Lisa told the group that the platted road names are different than the common names of the streets. The new building is on Hemlock Street (platted name Coeur d'Alene Street) and the applicant is requesting a vacation of a portion of Hemlock Street and Willow Street (not a named street but platted street). On the aerial photo the home looks like it is on a portion of Willow Street (platted street, not named street).

Mike Klaus said this area has quite a bit of storm water drainage. He also said we need to consider land locking lots.

Silas said maybe we could consider vacating only a portion of the area. John Youngwirth said he does not think we should vacate it, as the City may need the platted roads for utilities. John Marquette said there is the option of amending the plat if we do not approve the vacation request for Willow Street.

Lisa said the old building was 80 years old, and the applicant said he built the new building on the same foundation and location. John Youngwirth said the new building has a new foundation.

Howard said the issue would have been resolved had the applicant applied for a building permit as he should have.

Mike said there were two violations – building built without a building permit and also building built in city right of way. John Youngwirth said there may be a violation for not getting a demolition permit for taking the old building down. Vic said a vacation would clear up the issues for the applicant.

Lisa said a public right of way is dedicated for public use, to be owned and maintained by the jurisdiction representing the public. On an easement there is a right given by the private party to other parties. Lisa said one of the key things to note is who has the right to use it.

John Youngwirth said all the driveways in the area requested on Hemlock Street (platted name Coeur d'Alene Street) are used for snow plows to turn around.

Foster inquired about taxes on the vacated property being requested. Lisa explained that it would be very small.

John Marquette said future impact seems to be greater than current. He also said the applicant may need to prove that the improvements are in the right of way.

Lisa will summarize the concerns to council in a memo. They are as follows: 1) future development may pose access concerns and secondary access concerns if the right of way is abandoned; 2) there are currently limited opportunities for adequate turn-around for city equipment in the area, and vacating the right of way may exasperate the problem; 3) there were general concerns for adequate turn-around areas for life safety equipment, such as fire and ambulance that wouldn't require city personnel to utilize private property in cases of emergency or general use; 4) future development patterns may require the City to acquire additional right of way to provide adequate connections and future access to property to the south; 5) it is unknown if the vacation is necessary with a general lack of adequate data to conclude the violations are entirely or partially located in the right of way.

Lisa is working on the FLAP (federal lands access project) Grant. The City is looking to apply for this grant for improvements from west of the railroad crossing on Riverside to the edge of city limits. Our project will meet the County's project that continues to Myrtle Creek. The improvement will be a 32 foot road with bike and pedestrian paths and two 11 foot traffic lanes. Lisa said we want to start gaining access to our federal lands by a means other than motorized vehicles.

Lisa said the City was successful in obtaining the LRIP Grant and we will be working on a transportation plan. She also said we received the High Five Grant. Lisa said many people are looking to build a community where people want to live and bring their work with them.

John Marquette spoke about the presumed turning lane on Cody Street and Highway 95. He said it is difficult to turn off the highway onto Cody Street due to the parking spaces by the Wells Fargo Bank. He would like to look at this at the next meeting.

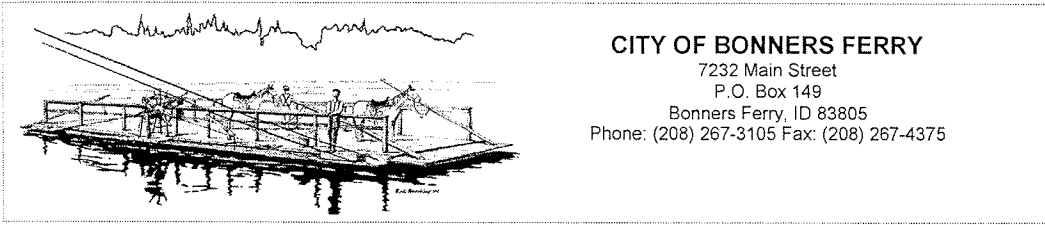
The group discussed having a meeting in June. Lisa said it would be logical to have a meeting at least quarterly.

Mike said the highway project may take care of the Cody Street/Highway 95 issue. He will look at the plans.

The group discussed having meetings on June 14, 2017, September 13, 2017, and December 13, 2017.

The meeting adjourned at 1:37 p.m.

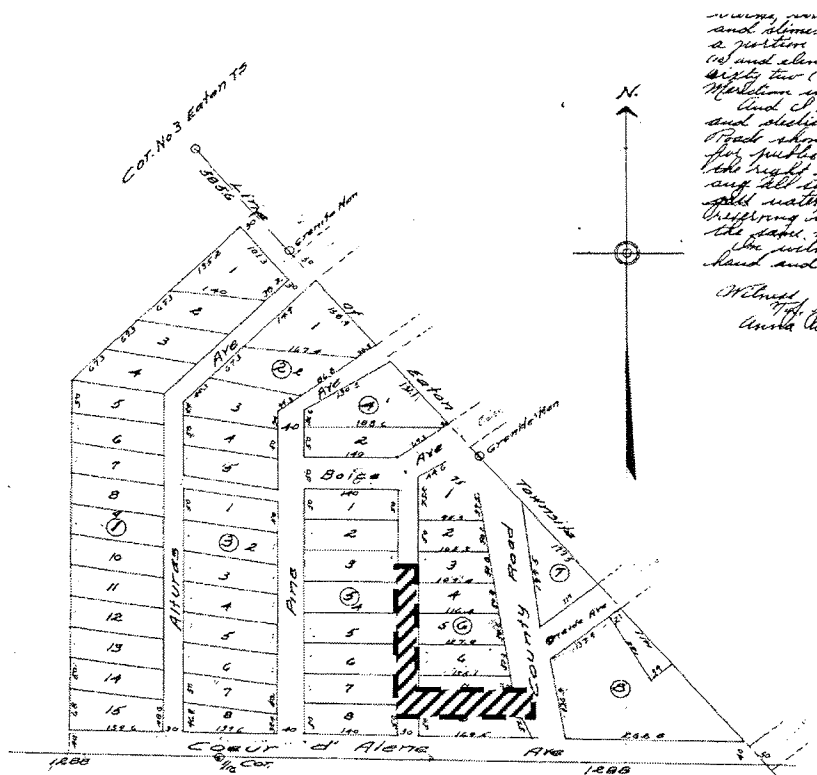
DRAFT



CITY OF BONNERS FERRY
 7232 Main Street
 P.O. Box 149
 Bonners Ferry, ID 83805
 Phone: (208) 267-3105 Fax: (208) 267-4375

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Bonners Ferry City Council, pursuant to Idaho Code 50-13 will conduct a public hearing at City Hall, 7232 Main Street, on **Tuesday, May 2, 2017 at 6:00 p.m.** to consider vacating a portion of Coeur d'Alene Avenue (aka Hemlock) and Willow Street, located within the plat of Jones First Addition, according to the plat thereof (see below). The applicants, Ben and Shelia Harris are requesting the vacation which is generally located at the end of Hemlock Street, within the City of Bonners Ferry.



The deadline for submitting written comment and/or material is **5:00 p.m. Tuesday, April 25, 2017**. Written comment may be mailed to City of Bonners Ferry, P. O. Box 149, Bonners Ferry, ID 83805, or faxed to (208) 267-4375. Written comment of one page or less will be accepted at the hearing provided the person submitting the material reads it into the record.

Anyone requiring special accommodations to hear or see should contact the City Clerk at (208) 267-3105 at least two days prior to the meeting.

City of Bonners Ferry

ATTEST: Kris Larson, City Clerk
 PUBLISH: April 13, 2017, April 20, 2017
 Certified Mailed: April 17, 2017

PARCEL_ID	MAIL_LN	MAIL_FN	MAIL_A1	MAIL_A2	MAIL_CT	MAIL_ST	MAIL_ZP
RP62N01E352562A	FESSLER	ALLEN J	6267 HEMLOCK STREET		BONNERS FERRY	ID	83805
RPB00000353000A	FESSLER LIVING TRUST		6255 HEMLOCK STREET		BONNERS FERRY	ID	83805
RP62N01E352560A	FESSLER	ALLEN J	6267 HEMLOCK STREET		BONNERS FERRY	ID	83805
RP62N01E352540A	LANGFORD	RALPH	6870 HAZEL STREET		BONNERS FERRY	ID	83805
RPB0440008000BA	LANGFORD	RALPH	6870 HAZEL STREET		BONNERS FERRY	ID	83805
RPB0440008000AA	LANGFORD	RALPH	6870 HAZEL STREET		BONNERS FERRY	ID	83805
RPB04400070000A	LANGFORD	RALPH, V	6870 HAZEL STREET		BONNERS FERRY	ID	83805
RPB0440006001AA	TUTTLE	ARNOLD	6928 CEMETERY ROAD		BONNER FERRY	ID	83805
RPB0440005004BA	NELSON	THERESA A	6228 HEMLOCK STREET		BONNERS FERRY	ID	83805
RPB0440005008BA	HARRIS	BEN	6268 HEMLOCK STREET		BONNERS FERRY	ID	83805
RPB0440004001AA	MCNEAL	TOBY	PO BOX 1562		SANDPOINT	ID	83864
RPB0440004002BA	TREGONING	WILLIAM R	PO BOX 436		SAGLE	ID	83860
RPB0440002005BA	LUZWICK	JOHN L	1033 N SYCAMORE AVENUE		LOS ANGELES	CA	90038
RPB0440001007AA	SNIDER	KEITH EVERET	PO BOX 1443		BONNERS FERRY	ID	83805
RPB0440001011AA	NAVARRO	BRADLEY A	6214 FIR ST		BONNERS FERRY	ID	83805
RPB0440001015AA	FESSLER	ALLEN J	6267 HEMLOCK STREET		BONNERS FERRY	ID	83805
RPB0440003008AA	FESSLER	ALLEN J	6267 HEMLOCK STREET		BONNERS FERRY	ID	83805
RPB04400030040A	CITY OF BONNERS FERRY		PO BOX 149		BONNERS FERRY	ID	83805
RPB0440003003AA	ROBERTSON	BENJAMIN S	3539 KOOTENAI TRAIL RD		BONNERS FERRY	ID	83805
RPB04400050010A	FISHER	BARRY E	PO BOX 1108		SANDPOINT	ID	83864
RPB0240030006BA	TUTTLE	ARNOLD	6928 CEMETERY ROAD		BONNERS FERRY	ID	83805
RPB0240030006AA	SPEARS	WILLIAM	6872 HAZEL STREET		BONNERS FERRY	ID	83805
RPB0240030004AA	SPEARS	WILLIAM	6872 HAZEL STREET		BONNERS FERRY	ID	83805
RPB0240030003AA	WATSON	ROBERT	6651 NEZ PERCE		BONNERS FERRY	ID	83805
RPB0240031003AA	LANGFORD	RALPH	6870 HAZEL STREET		BONNERS FERRY	ID	83805
RPB0240033000AA	LANGFORD	RALPH	6870 HAZEL STREET		BONNERS FERRY	ID	83805

FILE NO.: _____

HEARING DATE: _____

PAGE _____ OF _____

RECORD OF MAILING APPROVED BY:

I hereby certify that a true and correct copy of the "Notice of Public Hearing" was mailed to the entities listed above, on this 17 day of April, 2017.

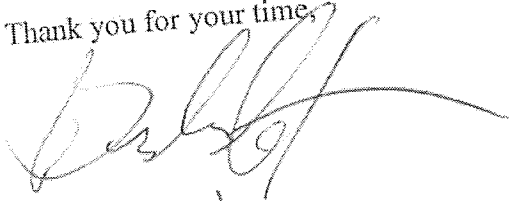
Lisa M. Ailport, City Planner

~~Date:~~

To The Bonners Ferry City Council,

I received your notice in the mail about the vacating of portions of Couerdalene ave and Willow. Not knowing exactly what this meant I discussed the matter with Mr. Harris and he gave me some additional information. He said his house and garage are sitting in these "public right of ways" and he's trying to work with the city to vacate these areas. He said this came to light when he replaced his garage with another one without a permit. But as far as I can see the new garage is in the same spot as the previous one, maybe slightly larger. He also shared with me the concerns of the city as far as turning around and placing snow there, but I can tell you as long as I've lived in my house, (17 years) the city has never used the portion that Mr. Harris wants to vacate as a turnaround or snow storage, even if they wanted to. Mr. Harris said he would work with the city. There's no way in my opinion that these "right of ways" could ever be used as a future road because of the steep terrain and since I've lived here I have not seen the city or the public use these "right of ways". This seems like an easy decision if common sense is used. I would like the city council to know we are in favor of the Harris vacation and the extra tax revenue it would generate for the city.

Thank you for your time,


Brad Navarro

CITY OF BONNERS FERRY
CATERING PERMIT APPLICATION

Owners Name: Kootenai Tribe Development Co.

Business Name: Kootenai River Inn/River Plaza

Business Address: 7169 Plaza Street

Bonnors Ferry ID 83805

State Beverage License Number: 3977

I hereby request a catering permit for the following dates: 5/12/2017

from the hours of 10:00 a.m./p.m. to 11:59 a.m./p.m. at the

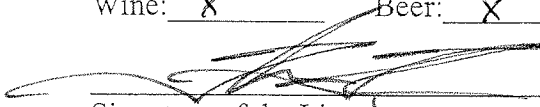
following location: Boundary County Fairgrounds

Catering will be done for the following group or organization sponsoring the

event: Ducks Unlimited

Type of Event: Fundraiser

Wine: Beer: Hard Liquor:


Signature of the Licensee
Tom Turpin, GM
Printed Name

4/20/17
Date

Address: 7169 Plaza St. BF, ID Phone: 267-8511

Date Submitted to City Council _____

A non-refundable fee of \$20 per day is required with the application

Please make check payable to: City of Bonners Ferry
P. O. Box 149
Bonners Ferry, ID 83805

RECEIVED
MAY 20 2017
CITY OF BONNERS FERRY

RESOLUTION 2017-05-01

**A RESOLUTION BY THE CITY COUNCIL OF BONNERS FERRY,
BOUNDARY COUNTY, IDAHO, AMENDING RESOLUTION 2015-12-01,
REGARDING THE FINANCING OF THE CASSIA WATER STORAGE TANK
PROJECT**

WHEREAS, the Water Department made a loan from the Electric Fund for the purpose of financing construction of the Cassia Water Storage Tank by Resolution 2015-12-01, and

WHEREAS, Resolution 2015-12-01 dictated certain terms of repayment of the Interfund Loan, and

WHEREAS, an amendment to Resolution 2015-12-01 has been deemed in the best interest of the citizens of Bonners Ferry to allow a change to the repayment terms of the Interfund Loan and grant an additional five months to bring the loan to full repayment in order to more harmoniously conform to the planned yearly repayment amounts,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BONNERS FERRY, BOUNDARY COUNTY, IDAHO, as follows:

Section 1: AMENDMENT TO TERMS OF INTERFUND LOAN.

The City Council hereby authorizes that the interfund loan repayment term, formerly agreed upon as October 1, 2026, be extended to March 1, 2027. The unpaid loan balance shall continue to be subject to the rate of three percent (3%) per annum interest rate for the amended repayment date. All other provisions of Resolution 2015-12-01 shall remain in full force and effect.

Section 2: SEVERABILITY.

If one or more provisions of this Resolution shall be declared by any court of competent jurisdiction to be contrary to law, then said provision shall be null and void, and shall be deemed separable from the remaining provisions of this Resolution, and shall in no way affect the validity of the other provisions of this Resolution.

Section 3: REPEALER.

All resolutions or parts thereof in conflict herewith, to the extent of such conflict, are hereby repealed.

Section 4: EFFECTIVE DATE.

This Resolution shall be in full force and effect immediately upon adoption.

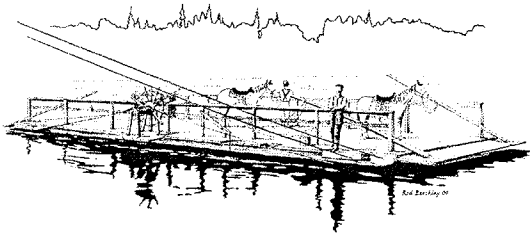
ADOPTED by the Mayor and City Council of the City of Bonners Ferry, Boundary County, Idaho on _____, 2017.

CITY OF BONNERS FERRY
Boundary County, Idaho

David Sims, Mayor

ATTEST:

Kris Larson, City Clerk



MEMO

CITY OF BONNERS FERRY
CITY ADMIN/ENGINEER

Date: April 28, 2017
To: City Council
From: Mike Klaus, City Administrator/Engineer
Subject: Hiring of Lifeguards for 2017

The City has interviewed for lifeguard positions for 2017, and recommends hiring Abby Davis as the head lifeguard at \$9.70 per hour, and the following individuals as lifeguards at \$8.00 per hour:

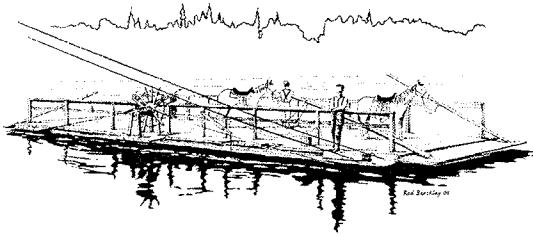
Sophia Claphan Nick Sabin, Michaela Worley, Bailey Jenkins, Kaylee Kramer, and Stephanie Koehn.

None of the lifeguards listed above have the Water Safety Instructor (WSI) certification, that is required in order to have swim lessons. I am working right now to have someone get the WSI as soon as possible. A lifeguard that gets the WSI certification receives a \$0.50 addition to their hourly rate.

I am requesting that the City Council approve the hiring of the lifeguards listed above at the rates shown. I am also requesting approval to add \$0.50 to the hourly rate of a lifeguard that receives WSI certification.

Thank you,

Mike



MEMO

CITY OF BONNERS FERRY
CITY ADMIN/ENGINEER

Date: April 27, 2017
To: City Council
From: Mike Klaus, City Administrator/Engineer
Subject: **Land Purchase for New Well Site**

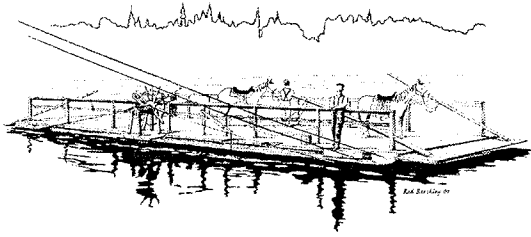
The test well at Dakota Street appears to provide a sufficient quantity and quality of water that would be beneficial to the City. Pump testing showed that the 6" well is capable of producing 200 gallons per minute, with only 2 feet of drawdown. Based on the pump testing, I anticipate that a properly designed well will be capable of producing much more than 200 gallons per minute.

The quality of water appears to be good also. Preliminary testing shows no presence of bacteria, and all of the other chemical results we have received show no other problems. We have not yet received sample results for radiological contaminants or synthetic organic contaminants. Before purchase of the property, I recommend verifying that those contaminants are not present in the water.

I anticipate that we will receive those results soon, but I'm not sure exactly how much longer it will be. I would like to discuss with Council the idea of approving the purchase of well site contingent upon favorable results of the remaining chemical testing. The deadline for purchase of property is May 31, 2017.

Thank you,

Mike



MEMO

CITY OF BONNERS FERRY
CITY ADMIN/ENGINEER

Date: April 28, 2017
To: City Council
From: Mike Klaus, City Administrator/Engineer
Subject: Computer for Mapper

The City has moved forward to hire a mapper that should begin working for the City in early June. The new employee will need a computer that I estimate will cost \$3,000. I am requesting that the Council allow me to order a new computer for up to \$3,000. The new employee will also need AutoCAD software that I was unable to get a quote on before the Council meeting. I will bring that quote to an upcoming Council meeting for your approval.

Thank you,

Mike

May 2, 2017

Megan Ronk
Director
Idaho Department of Commerce
P.O. Box
Boise, ID 83720

Re: Rural Economic Development Professional Grant Match Letter

Dear Director Ronk:

The City of Bonners Ferry actively supports Boundary Economic Development Council's application for FY 2018 Economic Development Professional Grant Funds. In support of the application the City of Bonners Ferry commits to providing an estimated \$10,000 in community match.

The match will consist of the following:

Form Of Match	Amount	Description
Cash Contribution	\$10,000.00	
Fee waiver	\$	
In-kind Services	\$	
Provision of Infrastructure	\$	
Other	\$	

Sincerely,

David Sims
Mayor

CHAPTER 2

TRAFFIC SAFETY COMMITTEE

SECTION:

- 2-2-1: Created
- 2-2-2: Membership; Term
- 2-2-3: Ex Officio Members
- 2-2-4: Officers
- 2-2-5: Meetings
- 2-2-6: Expenditures
- 2-2-7: Duties

2-2-1: **CREATED:** There is hereby created, in accordance with section 50-210, Idaho Code, a special advisory committee to be known as the traffic safety committee, with the powers and duties as hereinafter set forth. (1959 Code § 2-3-1; amd. 2003 Code)

2-2-2: **MEMBERSHIP; TERM:**

- A. Appointment: The traffic safety committee shall consist of five (5) members appointed by the mayor with the consent of the council.
- B. Term: Members shall serve terms of two (2) years; provided, however, that, of the first five (5) members thus appointed, three (3) shall serve a term of one year, which positions shall, in the following year, be appointed for two (2) year terms, the intent being that approximately one-half ($\frac{1}{2}$) of the committee shall be appointed each year. Members may be reappointed for successive terms. The membership shall represent a cross section of the traveling public. (1959 Code § 2-3-2; amd. 2003 Code)
- C. Vacancies: Vacancies shall be filled by appointment of the mayor with the consent of the council. (1959 Code § 2-3-7)

2-2-3: **EX OFFICIO MEMBERS:** The following persons shall serve as ex officio members of the traffic safety committee, with the right to advise the committee but without a vote on the committee: one member of the city council, the director of water department of the city or his designee, the city engineer or surveyor, one member of the planning and zoning commission, the police chief or his designee, the fire chief or his designee, and the state traffic engineer or his designee. (1959 Code § 2-3-3; amd. 2003 Code)

2-2-4: **OFFICERS:** The officers shall consist of the chairman, vice chairman and secretary. The chairman and vice chairman shall be elected at the first meeting of the year for a term of one year. The secretary shall be appointed by the city clerk or his/her designee. (1959 Code § 2-3-6; amd. 2003 Code)

2-2-5: **MEETINGS:**

A. Regular Meetings: The meetings of the traffic safety committee shall be held not less than four (4) times a year, or more often as the membership decides.

B. Special Meetings: The chairman or two (2) members of the committee may call a special meeting as the need arises. (1959 Code § 2-3-5; amd. 2003 Code)

C. Quorum: The business of the traffic safety committee may be conducted when a quorum is present. A "quorum" is defined as a majority of the voting membership. (1959 Code § 2-3-6; amd. 2003 Code)

2-2-6: **EXPENDITURES:** The members of the committee shall make no expenditure or incur any indebtedness except as may be authorized and appropriated by the city council. (1959 Code § 2-3-8)

2-2-7: **DUTIES:** The duties of the traffic safety committee shall be as follows:

A. To review the impact of commercial and industrial developments on the city's transportation system.

- B. To review major subdivisions' traffic generation characteristics and the possible impact on the street system.
- C. To review major construction projects in the preliminary design phase.
- D. To review the design and timing of new signal installations.
- E. To review the long term and short term capital improvements budgets (traffic division) of the city each year.
- F. To review all aspects of pedestrian and bicycle safety and appurtenant projects.
- G. To review any other items which come to the attention of the staff or the committee which relate to traffic and public safety.
- H. To recommend to the staff and the city council any and all changes or improvements which could or should be effected to improve traffic and public safety for the citizens of the city. (1959 Code § 2-3-4; amd. 2003 Code)

**CITY OF BONNERS FERRY WATER FUND
MONTHLY FINANCIAL AND OPERATING REPORT**

REPORT FOR THE MONTH OF: *March, 2017*

	SALES	DOLLARS		Cubic Feet Sold		# of Cust.
		This Month	Year to Date	This Month	Year to Date	
1	Residential	\$53,110	\$312,635	510,802	3,573,831	1,077
2	Commercial - small	\$20,488	\$128,295	256,173	1,997,335	216
3	Commercial - large	\$11,295	\$70,953	164,200	1,285,106	83
4	Interdepartmental	\$405	\$2,490	6,267	56,614	6
5	Wholesale					
6	Industrial	\$361	\$2,106			2
7	Pumping & Drainage	\$81	\$472			1
8	Total (1 thru 7)	\$85,740	\$516,951	937,442	6,912,886	1,385
INCOME STATEMENT						
OTHER REVENUES						
9	Bulk Water Sales				This Month	Year to Date
10	Coin Op Sales	\$85	\$574		\$85,915	\$520,964
11	Misc. Water Revenue					
13	Connect Fees	\$90	\$3,439		\$118,217	\$318,790
14	Grant Revenue					
15	Total Misc. Revenue (9 thru 14)	\$175	\$4,013			
16	Total Operating Revenue (8 + 15)	\$85,915	\$520,964			
OPERATING EXPENSES						
17	Source of Supply	\$4,614	\$9,713		\$151,182	\$516,858
18	Pumping	\$1,218	\$6,433		(\$65,267)	\$4,106
19	Treatment	\$31,946	\$103,352			
20	Transmission	\$154	\$1,623		\$127	\$595
21	Distribution	\$3,396	\$35,177		\$178,726	\$179,415
22	Line Operation/Maintenance	\$4,381	\$14,177		\$178,853	\$180,010
23	Meter Maintenance/Reading	\$1,951	\$5,611		\$113,586	\$184,116
24	Structure Maintenance		\$2,379			
25	Customer Service					
26	Customer Accounting	\$1,617	\$8,515		\$59,914	\$59,914
27	Rolling Equipment	\$2,931	\$7,363			
28	General & Administrative	\$58,727	\$117,165			
29	Conservation					
30	General Property Maintenance	\$7,282	\$7,282			
31	Total Operating Expenses(17 thru 28)	\$118,217	\$318,790		\$59,914	\$59,914
	Net Income (13 minus 17)				\$53,672	\$124,202

CITY OF BONNERS FERRY SEWER FUND

MONTHLY FINANCIAL AND OPERATING REPORT

REPORT FOR THE MONTH OF: March, 2017

	SALES	DOLLARS		Cubic Feet Sold		# of Cust.
		This Month	Year to Date	This Month	Year to Date	
1	Residential	\$31,003	\$176,464			997
2	Commercial - small	\$19,120	\$106,950			203
3	Commercial - large	\$11,807	\$65,853			71
4	Interdepartmental	\$30	\$166			1
5	Wholesale					
6	Industrial	\$59	\$332			2
7	Pumping & Drainage					
8						
9	Total (1 thru 7)	\$62,019	\$349,765	0	0	1,274
INCOME STATEMENT						
OTHER REVENUES						
10	Junk or Salvage Sold				This Month	Year to Date
11	Flusher Truck Rental	\$268	\$547		\$62,392	\$351,311
12	Misc. Sewer Revenue	\$105	\$105		\$58,521	\$183,377
13	Connect Fees		\$894			
14	Grant Revenue					
15	Total Misc. Revenue (10 thru 14)	\$373	\$1,546		\$5,700	\$34,200
16	Total Operating Revenue (9 + 15)	\$62,392	\$351,311		\$3,120	\$17,566
OPERATING EXPENSES						
17	Pumping & Lift	\$8,583	\$26,842		\$67,341	\$235,143
18	Treatment	\$34,676	\$88,891		(\$4,949)	\$116,169
19	Dredging		\$2,346			
20	Transmission		\$4,336		\$130	\$587
21	Distribution	\$3,271	\$14,408			\$161
22	Collection				\$130	\$748
23	Operation Lines	\$55	\$1,196		(\$4,819)	\$116,917
24	Maintenance of Lines		\$117			
25	Structure Maintenance		\$648			
26	Customer Service					
27	Customer Accounting	\$133	\$863			
28	Rolling Equipment	\$4,280	\$9,829			
29	General & Administrative	\$7,523	\$33,841			
30	General Property Maintenance		\$60		\$0	\$0
31	Total Operating Expenses(17 thru 30)	\$58,521	\$183,377		(\$4,819)	\$116,917

CITY OF BONNERS FERRY ELECTRIC FUND

MONTHLY FINANCIAL AND OPERATING REPORT

REPORT FOR THE MONTH OF: *March, 2017*

	ENERGY SALES		DOLLARS		KWH SOLD		# of Cust. This Month
	This Month	Year to Date	This Month	Year to Date	This Month	Year to Date	
1 Residential & Farm	\$271,423	\$1,102,689	2,612,372	15,998,775	1,999		
2 Residential Seasonal							
3 Commercial - small (50 KVA or less)	\$47,502	\$288,265	706,478	4,295,060	458		
4 Commercial - large (over 50 KVA)	\$86,698	\$533,658	1,366,765	8,667,603	188		
5 Industrial	\$99,832	\$580,772	1,906,159	11,149,935	12		
6 Irrigation and/or drainage pumping	\$2,076	\$14,461	27,957	172,210	7		
7 Public Street Lighting	\$2,438	\$14,628			3		
8 Interdepartmental	\$5,272	\$29,873	77,527	438,292	28		
9 Self Consumed	\$292	\$1,558	3,286	20,548	3		
10							
11							
12 Total (1 thru 11)	\$515,493	\$2,565,904	6,700,544	40,742,423	2,698		
INCOME STATEMENT							
OTHER REVENUES							
13 Pole Use	\$1,750	\$1,750		\$518,278			\$2,582,904
14 Connects	\$1,035	\$4,693					
15 Conservation		\$9,279		\$510,851			\$1,978,113
16 Misc. Electric Revenue		\$1,278		\$40,235			\$241,410
17 Total Misc. Revenue (13 thru 15)	\$2,785	\$17,000					
18 Total Operating Revenue (12 + 16)	\$518,278	\$2,582,904		\$25,914			\$133,702
OPERATING EXPENSES							
19 Generation	\$23,599	\$112,703		\$13,055			\$19,187
20 Power Purchases - BPA	\$321,549	\$1,189,991		\$590,055			\$2,372,412
21 Power Purchases - Other				(\$71,777)			\$210,492
22 Maintenance - General Property	\$5,179	\$29,559					
23 Conservation		\$5,318					
24 Customer's Svc & Record	\$4,685	\$22,145					
25 Total Ops & Treatment Expense							
26 Administrative and General	\$77,322	\$339,127		\$13,055			\$19,309
27 Transmission	\$3,026	\$21,755		\$58,077			\$59,102
28 Distribution	\$71,706	\$230,836		\$71,132			\$78,411
29 Rolling Equipment	\$3,785	\$26,679		(\$645)			\$288,903
30 Total Operating Expenses(19 thru 29)	\$510,851	\$1,978,113					
14. Interest on long term debt				\$1,526			\$18,031
15. Interest on investment of municipality				\$2,603			\$15,615
16. BPA Revenues							
17. BPA Expenditures							
18. Miscellaneous income deductions							
19. Total income deductions (14 thru 18)				\$4,129			\$33,646
20. Net income (13 minus 19)				(\$4,774)			\$255,257

NOTICE OF TORT

For Damage or Injury

ATTENTION:

This form is to be completed by the claimant and is a requirement that if used, be presented to and filed with the clerk or secretary of the public entity involved. This form is being provided as a courtesy to assist you in filing your claim. Providing this form to you, is not an admission nor shall it be construed to be an admission of liability or an acknowledgement of the validity of a claim by the political subdivision. Legal requirements for filing claims can be found in the Idaho Code: Title 6, Chapter 9. All claims must be filed promptly and in writing.

Name: Marty Silva & Elizabeth Silva

Address: 6553 Jackson St

City: Bonnars Ferry State: ID Zip Code: 83805

Address for the Six Months Prior to the Date of the Damage or Injury Occurred:

Home Number: (208) 267-1245 Work Number: (208) 267-6862

Date of Incident: Winter 2016-17 Time: _____ A.M. or P.M.

Location of Occurrence: 6553 Jackson St

Injuries that Resulted: Cyclone Fence Damaged from snow plow

Provide a Description of What Happened:
(Please attach any additional information you deem necessary)

Snow continuously pushed against cyclone fence. Bent & broke poles & fence. Wasn't able to determine extent of damages until snow melted.

I hereby certify that I have read the above information and it is true and correct to the best of my knowledge.

I hereby make a claim against City of Bonners Ferry
(a public entity)
for Damage & Repair of Fence in the amount of Repair Costs
(damage, injury, etc.)

If you were injured and you are on medicare/medicaid, please fill out the following as required by 42 U.S. C. 1395.

Date of Birth _____

SSN _____

Medicare/Medicaid Number _____

Signature: Marty Silva
Elizabeth A. Silva

Date: 4/06/17
4/06/17

RECEIVED

APR 03 2017

CITY OF BONNERS FERRY

9:08 am

Mayoral Proclamation for National Police Week 2017

To recognize National Police Week 2017 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities.

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including those serving here in local, State, and federal agencies; and

WHEREAS, there have been 15,548 assaults against law enforcement officers in 2015, resulting in approximately 14,453 injuries; and

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, 394 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 143 officers killed in 2016 and 251 officers killed in previous years; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 29th Annual Candlelight Vigil, on the evening of May 13, 2017; and

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 14-20; NOTE: Because May 14, 2017 falls on a Sunday, some events will take place before the official dates of police week 2017.

WHEREAS, May 15, 2017 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

NOW, THEREFORE, BE IT RESOLVED that the City of Bonners Ferry, Idaho, formally designates May 14-20, 2017, as Police Week in Bonners Ferry, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

In witness thereof, I have hereunto set my hand this 27th day of April, 2017.

David Sims, Mayor

Attest: _____
Kris Larson, City Clerk