

Mayor David Sims called the regularly scheduled council meeting of March 21, 2017 to order at 5:00 p.m. Present for the meeting were Mayor Sims, Council President Rick Alonzo, Council Members Ron Smith and Adam Arthur, Clerk Kris Larson, City Administrator Mike Klaus, City Attorney Andrakay Pluid, Police Chief Vic Watson, Fire Chief Pat Warkentin, Fire Chief Elect Dave Winey, Economic Development Coordinator Dennis Weed, Billing Clerk Jean Diel, and Bookkeeper Christine McNair. Also present were Bob Graham, Melinda Brinkman, Jerry Higgs, Bob Spalding, Doug Ladely, Sr., Dave Gray, and Marcia Cossette. Councilman Ken Toline was gone due to illness.

Melinda Brinkman from Chamber of Commerce spoke regarding Kootenai River Days. She said they want to have Kootenai River Days on July 8, 2017 which is the same time as Swish. The Chamber wants to use Bonner Street during the day for vendors to sell during Swish and then use First Street in the evening for a street dance and bouncy castle. She asked about home based business vendors and open container laws for the street dance. Mayor Sims suggested since Swish has already been approved for their event to work with the Police Chief and Fire Chief to make sure the street closures are compatible. Melinda asked if there would be a problem with home based vendors. Mayor Sims said Andrakay may have to look into that. Chief Watson will speak to Melinda about her questions and they will come back to council with the particulars. Melinda left the meeting at 5:04 p.m.

Jerry Higgs passed on a job well done to the crews that helped with the mudslides. He said there is an exception for contractors to haul four yard loads to help out at this time even with the weight restrictions on the roads.

Police Chief Vic Watson said in the last two weeks there have been one warrant arrest, one aggravated assault case, one attempted arson arrest, one trespass, three cases of felony possession of a controlled substance, one battery, one investigate suspicious, two mental holds, one false imprisonment, and one unattended death. Vic said he wants to look at finances in April so he will hold the filling of his open position until then. He referred to the mudslides and said human life, public safety, and property are the priorities. After the events there was a review, and Vic said all the agencies worked well together to accomplish the same goals. He said some folks were unhappy as they were sitting in their vehicles for a long time. Ron commented about people's frustration especially when traffic seems to be moving in one direction. Vic said some of the people waiting in line did not know what was happening ahead.

Lois Johnson joined the meeting at 5:10 p.m.

Fire Chief Pat Warkentin said an oil spill was responded to near the parking lot of the old junior high school near the administration office. There were five quarts of oil that was spilling by someone changing their oil. Eighteen firemen were on duty Saturday during the emergencies. They were controlling intersections and evacuations but had equipment on both sides of the slides. Pat and Chief Elect Winey went to Coeur d'Alene and met with ATF and FBI last week on the St. Ann's Catholic Church fire. He said the case is proceeding and looks positive. Vic said the trial date is in August.

Mike Klaus gave the administrator report. He said the street crew was pretty busy and finished the Ash Street slide last night. Unit one should be operating tomorrow and unit three should be operating by the end of the week. Mayor Sims thanked all the crews and commended them for the wonderful jobs they did during the emergencies.

Dennis Weed got a draft from the Boise State Capstone Project and the feedback is valuable. He said two of the students plan to come to Bonners Ferry in the next three weeks, hopefully by mid-April. He said they have done an outstanding job, and much of the data will be used at our visitor center. Dennis has been speaking with Albertson's about the old Akins building. They have turned it over to a commercial realtor and are looking at what they can garner per square foot. Dennis will meet with them again. He said the whole building needs renovated, and Dennis is hopeful that this won't take too long so we don't have another empty building. The Legion just sold, and that is being utilized, and there are a couple more businesses coming in. Ron asked about the building next to City Hall. Dennis said nothing at this time but there may be movement soon.

Rick Alonzo moved to add late agenda items to include authorizing the Mayor to sign an agreement addendum with Gary Falcon for extending access to property until May 31, 2017 for completing work described and detailed in the original agreement; adopt resolution 2017-03-01 Disaster Emergency Declaration; and to authorize the Mayor to sign a contract with Wink Inc. for excavation and heavy equipment services. Ron Smith seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Adam Arthur “yes”.

Mayor Sims said the American Legion has been putting on the Memorial Day Parade and the purchase of insurance has been a hardship for them. He suggested having the Memorial Day Parade as a city event so our insurance will cover for the event. Rick Alonzo moved to have the Memorial Day Parade covered under our insurance. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Adam Arthur “yes”. Mayor Sims asked if the council wanted to be the cleanup crew for the parade. He did not get a response.

Mike Listman and Owen Plato joined the meeting.

Ron Smith said for many years Bob Graham has been the incident commander for Boundary County. He has resigned as incident commander and has offered his services as an advisor if issues arise. He will not be the incident commander but offers his advice. Bob Graham said he will be available to the City for extraordinary events or to whomever is in charge, particularly explosive events. He does not want to take over or be overly involved on emergencies that arise. He is available for advice if needed. Ron Smith spoke about liability when Bob is helping the City. Andrakay will look into this. Bob thinks this has already been done through the Attorney General's Office several years ago. He said he recalled it being anyone responding on an emergency event is covered. Mayor Sims said we will look at this and put it on the agenda at the next meeting.

Bob Graham suggests that the City and County get together and develop an emergency evacuation plan. He said this should be done in advance to see what roads will be used first when Highway 95 closes. He suggested improving the Mirror Lake Road so people can get to

and from where they need to go. Even if both lanes could not be used, radios could be placed at both ends of the road directing traffic.

Mike Klaus requested approval to advertise for lifeguard and head lifeguard. Adam Arthur moved to approve advertisement for lifeguard and head lifeguard. Rick Alonzo seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Adam Arthur “yes”.

Council is available for the joint city/county meeting on April 24, 2017.

Rick Alonzo moved to set the FY2018 budget hearing for September 5, 2017 at 7:00 p.m. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Adam Arthur “yes”.

Mayor Sims said the SPOT Board needs an advisory member to attend the meetings once per month. Ron Smith volunteered. Adam Arthur moved to appoint Ron Smith as Spot Board Representative. Rick Alonzo seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Adam Arthur “yes”.

Mike Klaus spoke regarding the annual contracts with local contractors. He said the contracts reflect the current rates being charged by the contractors. Ron Smith inquired about going out for bids. Mike said we would need to bid this if it went over \$25,000. Most of these contract services would be for less than this amount unless it is an emergency and then the bidding requirement is waived. Rick Alonzo moved to approve contracts with Mastre Backhoe Service, Mike Kelly Excavating, KG&T Septic Service, District 1, P&O, and Wink Inc. Ron Smith seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Adam Arthur “yes”.

Mike Klaus read his memo regarding the MSN irrigation computer for the golf course. Ralph Lotspeich told Mike the phone support is critical when there are problems. Ron Smith moved to approve the agreement with Toro MSN for the irrigation computer in the amount of \$2,099 for two years. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Adam Arthur “yes”.

Claire Marley joined the meeting.

Mike spoke to council regarding the purchase of a test pump for the water test well. They drilled four hundred feet for the well, hitting water at 100 feet or between 100 and 110 feet. He said the band of water bearing strata is pretty narrow and it would be useful to pump on that area to see what the well produces. The site is less than 300 feet from the river so DEQ requires a microscopic particulate analysis. The pump would allow us to do this test. Mike said we hit water at 50 feet but it was not good. There was also a small stream of water at 397 feet but was not promising. Mike requested spending up to \$2,000 to perform a test pump on the test well with Jamin Ensz. Adam Arthur moved to approve well pump testing with Jamin Ensz for up to \$2,000. Ron Smith seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Adam Arthur “yes”.

Linda and Bob Case, and Bob and Cheryl Boone joined the meeting.

A beverage license transfer for Haley and Selva Kumar was discussed. Clerk Kris Larson informed the group that we had not received the State license for the transfer yet, but when we looked on the website for the Beverage Control Board the name was Linked Technology doing business as Wild Bees. We have a call into the Beverage Control Board for clarification. Rick Alonzo moved to approve the beverage license transfer for Selva and Haley Kumar dba Jack's pending receipt of proper documentation. Ron Smith seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Adam Arthur “yes”.

The fiscal year 2017 budget review will be on April 11, 2017.

Mike said the well was done last week and the previous agreement required that it be done by today. The pump testing and microscopic particulate analysis that is needed may take three to four weeks to complete. Mike would like to extend the agreement to May 31, 2017 for purchase if it turns out the quantity and quality are there for us. Rick Alonzo moved to authorize the Mayor to sign the agreement addendum with Gary Falcon for extending access to property to May 31, 2017 for completing work described and detailed in the original agreement. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Adam Arthur “yes”.

Mayor Sims said he declared an emergency on Saturday and told the Sheriff who was contacting the State of Idaho. Ron Smith moved to adopt Resolution 2017-03-01 Disaster Emergency Declaration. Rick Alonzo seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Adam Arthur “yes”.

At 5:45 p.m. Mayor Sims recessed the meeting until 6:00 p.m. for the Case Vacation request hearing.

At 6:00 p.m. the council meeting reconvened. Present were Mayor Sims, Council President Rick Alonzo, Council Members Ron Smith and Adam Arthur, Clerk Kris Larson, City Administrator Mike Klaus, City Planner Lisa Ailport, Attorney Nancy Stricklin, and Police Chief Vic Watson. Also present were Lance Galbraith, Bob Case, Linda Case, Claire Marley, Attorney Tevis Hull, Joan Branscome, Roger Branscome, Lois Johnson, Patrick Tomulty, Brenda Tomulty, Jessica Tingley, Jerry Higgs, Marcia Cossette, Mike Listman, Owen Plato, Doug Ladely, Sr., Dave Gray, Robert Boone, Cheryl Boone, Rebecca Huseby, Mike Smith, Steve Galbraith, Deanna Galbraith, Vaughn Hoehn, Lisa Hoehn, Laurel Martin, Lillian Clements, David Kriedel, Marjorie Guynn, Harry Guynn, Patrice Adams, and David Adams.

Mayor Sims read the hearing rules to the group. At 6:10 p.m. Mayor Sims opened the hearing for the Case vacation request file #VC02-16.

Nancy Stricklin spoke to the group. She said when right of way is dedicated on a plat or deeded to the City it is for the benefit of the public. The role of the city council is to manage that right of way for the public. When council looks at a vacation request they need to look at what is in the best interest of the public. The public's interest in that right of way is what council needs to look at, whether they preserve that or think it is needed or not. She said this is a legislative

hearing because it relates to right of way and it is the public's interest. Legislative matters apply to an open class not just to an individual need or piece of property.

Lisa Ailport introduced the file for the Case vacation request. She said the Case request will be detailed by the applicant. Lisa said there was an addition made to the Case vacation request and said there is the continuation of the previous hearing for the vacation of the alleyway. The new request is for the vacation of North River Drive. There have been some amendments to the conditions.

Claire Marley from Ruen Yeager, 219 Pine Street in Sandpoint, representing Bob and Linda Case, thanked council for the additional time allowed at the December hearing for the 16 foot vacation request for exploration extending utilities or other options within the project. She said North River Drive is below the area where it was platted. The plat is 126 years old and sometimes the roads are platted not in relation to topography. Exhibit C was presented to council. It was an aerial photograph showing red and green areas for the purpose of illustrating that platted rights of way do not line up with actual rights of way. North River Drive does not line up with the platted right of way and they are hopeful to come to a solution with the adjoining property owners. This approximately 30 feet has been added to the vacation request. The alleyway does not physically touch North River Drive as it is used today. It dead ends at the platted right of way 20 feet above in the Case's yard. Idaho Code 50-1306A and Idaho Code 50-311 were requested to be Exhibit D per Claire. Claire gave copies of the code to council to review. She said Idaho allows vacations for roads or alleys that have not been used for 50 years and that is enough reason to vacate. She asked if the right of way has served the public in the past and said the area is a vertical slope that is terraced and is not developed. The terraced area is the platted North River Drive but there is no road that has been developed in that area. Claire asked if the area has served as a transportation corridor in the past, and the answer is no. Has there been utilities in that right of way. She said there have been some questions regarding a power pole and whether or not it is in the right of way. Until the property is surveyed this will not be known. She asked if the alleyway serves the public. Claire said it does not as it is steep and there are physical barriers so it is not accessible from either end. She said the alleyway does not meet City standards as it is too steep. The 30 foot wide right of way is on a slope so it cannot be developed. Claire said the applicant went to the Assessor's Office and found a value of \$13,480 for 6,970 square feet, and taxes would be approximately \$320. It also removes liability for the City due to the steep access points. Applicant said they wish for the utility easements to remain even if the vacation is approved. Applicant prefers the 30 feet go to them but if need be the 50/50 split will be approved with the ad joiner.

Linda Case said they respectfully request Council to vacate the 16 foot portion of Arapaho Alley and the 30 foot portion of North River Drive. She said the platted alley has never been used by the City, and they are the only ones that have cared for and used that area in the past 15 years. Linda said she had spoken to Steve Galbraith earlier this week. Her goal was to vacate the property at the top of the hill, and his was to not have to incur more expense for utilities by having to put in more transformers and power poles. She requested that the vacation take place so they can go ahead with their plans.

Mayor Sims asked when Case's purchased the property if they had a survey done. Linda said they did not. He asked if there has ever been a survey done. Linda said they had one done recently. Mayor Sims asked if anyone from the City has ever approached the Case's regarding their encroachment on City property. Mrs. Case said not until this vacation request came up. JRS said the power pole was in the right of way but Steve Galbraith had previously testified that the power pole was outside the right of way. The power pole was in place when Case's purchased their property. Mayor Sims asked how the power pole was installed. Mike Klaus thinks it was installed from the top where it is flat. Mayor Sims asked how the pole would be serviced from the current North River Drive. Mike said with a crane. Rick Alonzo asked if it could be serviced from the top. Mike said there is right of way at the top that we could use. Mayor Sims asked about the application quoting our standards. He said street grade can be developed on more than a six percent based on site conditions. Claire said since it is such an extreme slope on the alleyway that it would threaten the environmental and physical integrity of the adjoining properties. Mayor Sims clarified that there is parking on the alleyway. Claire said there is parking at the top. Mayor Sims asked about the tax figures that were quote tonight being all taxing districts rather than just the City's taxes. He calculates the City taxes to be \$63. 43 per year. He explained that only a portion of the taxes go to the City. He said at that rate it would take over 200 years to make back the value of the vacation. Mayor Sims said the value of the gazebo is already being taxed.

Adam Arthur asked if any building permits were secured when Case's built on their property. He said there is a portion of the house in the North River Drive right of way and other things in the alley right of way. Mayor Sims thinks the house is in the proper area. There was not a building permit obtained for the pergola according to Linda Case.

Lisa Ailport summarized the file for staff and showed a power point presentation. She said the physical location of North River Drive does not coincide with the platted North River Drive. When the plat was made the owners of the property donated property for public use.

Lisa said the initial application was filed in October, 2016, first public hearing on December 20, 2016, continued to January 3, 2017, and at that meeting the applicant requested more time to address concerns of access and utilities so the date of March 21, 2017 was set to continue the matter. The hearing of March 21, 2017 was re-noticed. The applicant submitted new materials relating to the initial request and a new request for additional lands to be vacated was received on February 22 and 27, 2017. Notice of public hearing went out March 2 and 9, 2017. On March 13, 2017 Exhibit A1 and B were submitted by the applicant. Applicants are offering a 16 foot strip of land to be dedicated as an easement which could be executed through a development agreement. Amendment to include an additional 30 foot strip on North River Drive. Our attorney has advised that we cannot made deals in exchange for vacation of property.

Idaho Code 50-1306A is limited to vacation of portions of plats, which includes platted rights of way. Idaho Code 50-311 is applicable to all street vacations and who property goes to in the end.

Lisa said the notice and hearing requirements have been met. She said the council may make a decision to vacate right of way as long as the statutory process is followed. Things to consider

for “in the interest of the public”: is the right of way anticipated to be needed for public travel or other purposes sometime in the future; is the right of way accessible to the public now and are there obstacles in the way; are utilities in the right of way. Lisa spoke about vesting of the 50/50 distribution if right of way is vacated.

Mayor Sims said the traffic safety committee met before the first hearing and asked if they had considered the new request. Lisa said they did not consider the new request. He asked Administrator Mike Klaus to report on the departments of the City. Mike said one of the questions to be considered is if the City should vacate right of ways. Right of ways provide cities with corridors for traffic and utilities. He said in his opinion we should never vacate rights of way unless there is absolute certainty that the rights of way will never be needed for either of those purposes. He said the purposes for right of ways are for access (motorized, bicycle, pedestrian), water, sewer and electric service. We provide these services in this area. He said his opinion for using the right of way with respect for access is possible but not likely; for water mains or services it is possible but not likely; for sewer mains or services it is possible but not likely; but for electric service it is possible to use the right of way and it is likely to be used for electric distribution, services, or access to maintain existing city infrastructure. It is his recommendation not to vacate the property. Ron Smith asked for clarification of Mike’s opinion about electric. Mike said, as the Mayor mentioned, there is a power pole that may or may not be in the right of way. The easiest way to maintain that pole would be on the flat portion from above. If the pole were to be maintained from below, it would have to be serviced by a crane. Mike said the City does not know how things will grow to the north and to the west, so the right of way is a possible corridor for electric service.

Mayor Sims said there is a five minute time limit for public comment and no derogatory comment will be allowed. He read the rules to the group about public speaking.

Lance Galbraith, 6731 North River Drive, spoke. He said as far as electric utilities there are poles due north and due west that could provide service in that area. He said there is access to telephone from the north on the other street, and he does not see how sewer would ever be feasible with the terrain.

Mayor Sims asked Mike Klaus to show on the power point the location of the power pole that serves the Galbraith residence and the Case residence. Mike showed the location to the group.

Joan Branscome, Porthill, Idaho, thinks it is odd if the Case’s offer an easement why it is such a big deal for the City to grant the vacation. Roger Branscome, P. O. Box 37, Porthill, Idaho affirmed Joan’s comments.

Mayor Sims called for neutral comments. No one wished to speak.

Marty Martinez joined the meeting.

Mayor Sims called for comments from those opposed.

Jerry Higgs, 7612 Wildhorse Lane, said he hopes the City will consider that ownership of the property by the Case’s or the Galbraith’s will not be forever. He asked that the City government

not be involved in something that appears to be a personal matter. He said the issue with the power pole is real. He thinks this is a personal issue and is opposed to it do to the future need for electrical service.

Mike Smith, 167 Zimmerman Road, said the property was vacant when the home was built and agrees with the gentlemen that spoke before him. The property should have been surveyed before the home was built. He has had to deal with this in the past.

Steve Galbraith, 6528 North River Drive, read a statement into the record. To vacate has to be for public good. One definition of public good is the use for one person should not prevent the use by others. He said the vacation of Arapaho Alley is not in public's best interest or good of the City. Arapaho Alley is the best path for utilities for their rental house. He would like to see Arapaho Alley cleared of encroachments so electric crews can access the power pole. He thinks it is not good for a boom truck to be used to reach the transformer. He said the alley should not be vacated. Steve said he uses the north end and Case's use the south end. If the City grants permission, the Galbraith's want to develop the center section of the alley for maintenance access. This would be at their expense. He met with Dave Sims and Mike Klaus last summer to look at this according to Steve. He said if their encroachments were removed, access to the existing power pole and transformer could be easily achieved using existing City right of way. He said Cases are in violation of law by placing obstructions on a City street. There are restrictions to planting trees and having structures that prevent access to city power poles. Steve then spoke regarding North River Drive and said the only access to the north of his property is through North River Drive. He said the City utility application agrees to ingress and egress. Steve said they relocated the City sewer line at a cost of approximately \$10,000 and improved North River Drive. Mayor Sims queried Steve about relocating North River Drive from the current road to the platted road right of way. Steve said they had this agreement with the other City Administrator and could do it if they wanted to.

Lisa Hoehn, 6525 Upper Pack River Road, asked if an encroachment such as a gazebo is built on city right of way, is it okay, and is that what we are telling the community.

Vaughn E. Hoehn, 6525 Upper Pack River Road, agrees with Jerry about this being a personal reason rather than for the public good. He said Galbraith's have built their place and made it nice, and if the vacation occurs this would devalue Galbraith's property and make it not as nice.

Lillian Clements, 7373 Boundary Street, said she walks on this property so it is not non accessible. She enjoys walking on this property and any property that she is allowed to walk on. She gets flowers from the alley that are planted in her garden.

Deanna Galbraith, 6825 North River Drive, showed the property owned by Steve and Deanna. She said they are proposing to develop more of their property to rentals. She showed on the power point the location of where the electric service would be located for the new line. She said a relocation of the power lines to Chinook would be very costly to them. She said if the property was vacated on the lower portion and it was split 50/50 they would be agreeable. Deanna showed a picture that was in their packet of information submitted with comments concerning the alleyway.

Rebecca Huseby, 2192 Blue Sky Road, agrees with Deanna Galbraith and Mike Smith.

Laurel Martin, 357 Laurel Lane, Naples, Idaho works at Dr. Geyman's Office and there is an alleyway that they thought about asking to be vacated, but she believes alleyways are planned for accessibility. She said they use the alley near the Galbraith's and likes the comfort of knowing the alley is there for public use.

Rebuttal by the applicant was next. Tevis Hull, 95 Tamarack Lane, Sagle, Idaho, attorney for the Cases, said he wants to put on the record the date of the Mayor's meeting as well as the conversation. Mayor Sims said Mr. Galbraith had a number of issues he wanted to discuss, and one of the issues was the alignment of North River Drive particularly of the section near the dike. They also talked about whether the City has interest in the property leading to the boat dock east of his house. Also discussed was his desire to develop the lots they own. Mayor Sims said at that time Steve spoke about developing the northern part of the alley. They did not talk about the portion the Cases wish to vacate. The second meeting was with Mike Klaus and they spoke to Linda Case at that time. They told Mr. Galbraith that his requests would require written application to the City because this was outside their authority.

Claire Marley said the petitioners are offering utility access in three different ways. Galbraith's testimony was that their concern was with utilities and the access to the poles. Claire said the applicant is agreeable to giving this access. She said Galbraith's are not opposed to the vacation of North River Drive if there is a 50/50 split. Claire said the walking of the dog is likely not possible as there is a rock wall and the terrain is steep. Linda Case said last week Steve called her and wanted to make some kind of agreement so they talked. Mayor Sims said that is not rebuttal. Attorney Tevis Hull told Linda that she cannot speak about this since Steve did not speak about it in his testimony.

Attorney Nancy Stricklin said the current location of the roadway is not in the platted right of way so it is a prescriptive right. If the platted right of way is vacated we would not have the ability to ever put the road there and if there is a challenge to the prescriptive right that may be an issue for the City. She said if the right of way for where the road is currently located was deeded to the City that would not be as much of a concern.

Ron Smith said his concern is if the utility easement will be there so this would not stop anyone from developing. Mayor Sims said this would be appropriate for deliberations.

Mayor Sims closed the public hearing at 7:36 p.m.

Mayor Sims said it is important, as elected officials, to look in the future and beyond the folks that are here tonight, because long after we are gone the streets will still exist. We need to take a long term look at this. He said neighbors use or potentially want to use the right of way. He said the public purpose is a high threshold that we need to meet. If it is for the public good it has to benefit more than one party, and he sees that the vacation would benefit the Cases but not others. He further said City Staff has said it should be kept for future use. He does not feel that we should vacate the alleyway or North River Drive and he thinks it is in the City's interest to leave it as it has been for 125 years. Adam Arthur said he tends to agree, and he cannot say what will

happen in the future. Rick Alonzo's main concern is the access for utilities. He commented that Cases have been using the alleyway for parking and nothing has happened in the past 15 years, and he does not see anything changing. Adam said he also does not want to set a precedence.

Nancy Stricklin asked for two separate motions – one for the alleyway and the other for North River Drive.

Adam Arthur moved to deny file VC02-16 to vacate alleyway finding that it is not in the best interest of the community. Rick Alonzo seconded the motion. Ron Smith “no”, Rick Alonzo “yes”, Adam Arthur “yes”.

Adam Arthur moved to deny request to vacate a portion of North River Drive. Rick Alonzo seconded the motion. The motion passed – Ron Smith “no”, Rick Alonzo “yes”, Adam Arthur “yes”.

Mayor Sims recessed the meeting while Planner Lisa Ailport developed the findings for the denial motions.

Mayor Sims reconvened the meeting at 7:58 p.m.

Adam Arthur moved to adopt the following reasoned decisions for File VC02-16, to vacate a 16 foot wide alleyway located between Lots 1-3 and Lots 22-24 within Block 17 of the Amended Plat of Bonners Ferry. Reasoned Decision #1: The proposal was reviewed for compliance with Idaho Code 50-1306A notice requirements, procedures, and 50-1324 necessity of taxes paid. Therefore, the proposal is in accordance with the applicable notification standards. Finding: Certified mailings of the request to vacate was sent to landowners within 300 feet of the lands to be vacated on December 6, 2016 and March 2, 2017, respectfully. Finding: Notification of the proposed hearing was published on December 1 and December 8, 2016 and on March 2 and March 9, 2017 by affidavit of publication by the Bonners Ferry Herald. Reasoned Decision #2: The vacation of the right of way is not in the interest of the public. Finding: Testimony by the public included use of the alleyway for walking purposes. Finding: The Council should consider the benefit of all citizens and users and not the interest of individuals. This request only benefits one party. Finding: Future uses of the alleyway may include access for utilities and other public purposes. Rick Alonzo seconded the motion. The motion passed - Ron Smith “no”, Rick Alonzo “yes”, Adam Arthur “yes”.

Adam Arthur moved to adopt the reasoned decisions for File VC02-16, to vacate a portion, a 30 foot area of North River Drive. Reasoned Decision #1: The proposal was reviewed for compliance with Idaho Code 50-1306A notice requirements, procedures, and 50-1324 necessity of taxes paid. Therefore, the proposal is in accordance with the applicable notification standards. Finding: Certified mailings of the request to vacate was sent to landowners within 300 feet of the lands to be vacated on December 6, 2016 and March 2, 2017, respectfully. Finding: Notification of the proposed hearing was published on December 1 and December 8, 2016 and on March 2 and March 9, 2017 by affidavit of publication by the Bonners Ferry Herald. Reasoned Decision #2: The vacation of the right of way is not in the interest of the public. Finding: Vacating the right of way of North River Drive may reduce the City's ability to

negotiate a future realignment of the right of way. Finding: Vacation of the right of way does not remove the encroachments that have been in place for years. Finding: The Council should consider the benefit of all citizens and users and not the interest of individuals. This request only benefits one party. Rick Alonzo seconded the motion. The motion passed – Ron Smith “no”, Rick Alonzo “yes”, Adam Arthur “yes”.

The meeting adjourned at 8:02 p.m.

David Sims, Mayor

Attest:

Kris Larson, City Clerk