

Mayor David Anderson called the regularly scheduled council meeting of March 1, 2011 to order at 6:00 p.m. Present for the meeting were Mayor Anderson, Council President Chris Clark, Council Members Mike Klaus, Connie Wells, and Tom Mayo, Clerk Kris Larson, City Administrator Stephen Boorman, and Assistant City Administrator David Sims. Also present were Carolyn Testa, Dave Gray, Jennifer English, Christa and Don Webster, Joe and Latresa Pemp, Paul Shelton, and Crystal Anton.

The first order of business was a special use permit hearing for Christa Webster to operate Playhouse Daycare at 6725 Augusta Street. Mayor Anderson read the hearing process to the group. Christa Webster wants to move into a bigger location in town and said it would be more convenient for her patrons. She would like the larger location in town for playroom classroom and preschool. She thinks the larger location would also allow her to expand her business. She wants to supply a better service and the building she is in now is too small. Connie Wells asked how many children. Christa said she has ten children now and with her and her daughter they should be able to offer service for 15 children depending on the ages of the children. Connie asked about fencing. Christa said the entire back yard will be fenced off. Connie also asked about painting the building. Christa said there would not be wild paint, it will stay residential paint and be respectable. Mike Klaus asked about the entrance and exit to the daycare. Christa said there would be a one way pull in drop off so there would not be any backing out. Christa reviewed a map with council. Christa will comply with city laws concerning the drop off. Chris Clark asked about Christa's certifications. She is licensed in Idaho and has Idaho approved child care program to help parents that cannot afford daycare. Most of the children are pre-school age group and she would make sure she stays within the State guidelines. The hours of operation requested are Monday through Saturday 8:00 a.m. to 6:00 p.m. but Christa is willing to only operate Monday through Friday. Connie asked if she has patrons who have children attending Valley View. Christa does. Mike Klaus is concerned about the busy corner near the school. Christa explained the proposal to Mike. Tom Mayo asked about the distance of the drop off drive. Christa said it is about 40 feet. Connie asked about parking spaces. Mike Klaus asked if Christa is planning on purchasing the property. She said she would be interested if this endeavor works out.

Stephen said the property owners were notified within 300 feet and notice was published in the paper. He said an encroachment permit would need to be obtained if there is a different access developed to the property. Mike Klaus asked if the owner of the property would be allowed to have a daycare at this location without going through the special use permit process. Stephen looked in city code and a special use permit is required in all zones.

Mayor Anderson said a written comment was received at the city. He read the comment received from Francis and Marcia Miller who were opposed to the daycare.

Crystal Anton is a patron of Christa's current daycare and thinks Christa should be allowed to have the special use permit to operate the daycare. Crystal said the space Christa has now is

limited and the proposed location on Augusta Street would allow Christa to have a nap room, play area, and preschool. Crystal said Christa teaches the children very well and expounded on how her children have learned since they have been in Christa's daycare. Crystal does not think the traffic should be a huge consideration since there are two schools in the area.

Latresa Pemp, owner of the property, said the children love Christa and the Pemp's thought the area was perfect for a daycare especially since there is a kindergarten across the street. She said she and her husband support Christa fully but understand that safety must be considered first and Pemp's are willing to work with Christa.

Paul Shelton, neighbor to the property, said the procedural elements associated with the special use process are a concern of his. He is concerned of a precedent being set for special use by not meeting the minimums specified in the ordinance. He said application contents designated in city code 11-5-4 (f) must contain the plans for all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, utilities, signs, etc. – he read from the ordinance. He said his comments are based on the plan that was sent out with the notice. He said in the proposal that was sent to the property owners within 300 feet, it does not show the drive through or parking that was spoken about this evening. Paul said parking needs to be designed so that any vehicle leaving or entering the property needs to be in a forward motion. The plan submitted does not comply with this. Paul spoke of the snow burn that is plowed to the side of the street near the proposed daycare for the buses and the difficulty of the children walking in the area. Paul said the narrative requirements in subsection (g) have not been met and does not see how the noise is addressed in the plan submitted. Paul said they have signatures from 11 property owners in the area opposing the daycare primarily due to Saturday operations and additional parking. City code 11-5-5 (d) states that the use will not be disturbing or hazardous to the existing neighboring uses. He spoke of the off street parking requirements in City code 11-13. Paul said it was his understanding that the daycare would be for 13 children. There should be a minimum requirement of five parking stalls. He said the drawing does not show dimensions for the parking spaces and spoke of ADA parking requirements. Paul said there is a drainage swale on Lincoln Street and this would not allow for a culvert so there is a drainage problem for surface water. On the Augusta Street side there is a deep drainage ditch that will not allow for parking. He does not think the minimum zoning ordinance requirements have been met by the applicant.

Jennifer English said she knows Christa and thinks she does a good job with children but her problem is the location. She is concerned about the traffic on the street and said there are always events on the weekends so there is always a lot of traffic. She thinks it would be very dangerous and the kids could get run over. Jennifer said the Traffic Safety Committee has not reviewed the area and this was spoken about at the Planning and Zoning hearing.

Christa said she would meet any requirements that need be to make this daycare work. Christa thought it would be a help to the community by making the daycare location convenient. She

said the kids at her daycare will not be driving. Her daughter is old enough to drive but she will be riding with Christa.

Mayor Anderson closed the hearing at 6:44 p.m. Christa and Don Webster, Crystal Anton, Joe and LaTresa Pemp, Jennifer English, and Paul Shelton left the meeting.

Mike Sloan, John Youngwirth, Pat Warkentin, Rick Alonzo, Don Bartling, Jim Deffenbaugh, Barbara Hansen, Tony Villelli, Rick Philbrook, and Cher Aucutt joined the meeting.

Cher Aucutt said she is disappointed in Earthworks' construction. (Clerk's note: Cher was speaking about the water project on the northside.) She did not like the fact that four pine trees were taken down that shielded her property from her neighbors. She had a pile of railroad ties with a claw foot bathtub sitting on them and when she got home the tub was damaged. She also commented that Earthworks left the hose on and her basement flooded but said Farm Bureau paid for the water damage. Cher said Earthworks also smashed her burn barrel. She thanked Stephen for replacing the burn barrel. She is very disappointed in the fact that she had to pay for the repair to her tub and asked if there is any recourse for her. Cher had filed a claim for damage against the city but the city's insurance carrier, ICRMP, denied the claim and it was sent to Earthwork's insurance carrier. Earthwork's has denied much of the damage claim. Cher said the damage caused by Earthworks is not something that the residents should have to bear. Cher left the meeting at 7:03 p.m.

Don Bartling from the School District spoke regarding the M&O levy to be held on March 8, 2011. He gave a history of the past M&O levies to council. He said it is a necessary levy and is a supplement to State funding. In March, 2005 the levy did not pass and that was when the four day school week went into effect. Last year there was \$800,000 cut from the budget due to lack of funding from the State and Evergreen School closed. He said there are three furlough days this year. He said the School Board is looking at cutting costs. The School District is asking for support of the City Council. Don said on the website there is general information for the public and there is a levy calculator so property owners can see the tax increase they would have if the levy should pass. Don gave a flyer to council and said the levy is for maintenance and operations. He said voting will not be at the schools as it used to be but will now be at the county voting locations. Chris Clark asked about the supplemental levy balancing the budget. Don said 17 of the 19 school districts in northern Idaho run a levy. He said Worley/Plummer and Avery are the school districts that do not run levies. Don spoke of the forest funds and how they have declined and it is projected that next year there will not be forest funds. He said out of 1277 acres in Boundary County that 74 percent is owned by federal and state government. The group briefly discussed on-line learning. Don said the 19 school district superintendents in northern Idaho wrote a letter to Boise to ask if the cuts passed down by the State could be made at the local level and not dictated.

Toni Hackwith, CPA, presented the financial statements for fiscal year 2010. The financial statements were given an unqualified or clean opinion by Magnuson, McHugh and Company. Toni left the meeting. Christa and Don Webster jointed the meeting.

Police Chief Rick Alonzo said today spice became an illegal substance according to federal law and Idaho Board of Pharmacy made it illegal a couple months ago. Rick is hopeful the State of Idaho will follow up with a law prohibiting spice.

Fire Chief Pat Warkentin gave the fire report. He said there were seven call outs in February. There was a house fire on Dakota Street, false alarm at the Boot Shop by the Fairgrounds, odor investigation at the high school, assisted with a truck accident on north hill, downed power line on Chinook and Blaine, fire at Mario's Restaurant, and smoke investigation at Harvest Foods but it turned out to be water vapor rather than smoke.

Stephen Boorman said unit one is about two weeks out from completion and there was a setback with bolts for the project. The snowplow budget is not doing as well as it was two weeks ago due to the recent snowfall.

Mike Sloan said the Community Reviews will be here on Wednesday. He got 75 copies and will give copies to people on the home team and then Mike plans to have an open house for the public.

Chris Clark moved to add agenda item 17, employee appreciation and moved that item 15, discussion of urban renewal, be moved to item 4b. Connie Wells seconded the motion. The motion passed – Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Connie Wells moved to approve the consent agenda. Tom Mayo seconded the motion. The motion passed – Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “yes”. The consent agenda contained the following: roll call; approval of accounts payable and payroll; and approval of February 15, 2011 council meeting minutes.

Urban renewal districts were discussed. Mayor Anderson asked Jim Deffenbaugh from Panhandle Area Council (PAC) what the situation was with the status of the bills at the State. Jim gave an update on the bills regarding urban renewal districts. Jim is uncertain if the proposed legislation will pass. The bill concerning election of the URD commissioners may become law and that may allow for someone to block something in the development plan. The other issue is that the plan for the district must be exact and that could limit the life of the district. Jim said if we get our urban renewal district done before June then it will fall under the current law and not the new one. PAC could be paid through the increment financing and the agreement to guarantee this payment if the development does not occur could be made with the developer. Mayor Anderson asked for clarification. The developers are willing to underwrite the guarantee of payment of the fees for Panhandle Area Council. Jim will get a sample agreement to the city attorney. David Sims asked about the time frame for completion of the

urban renewal district. Jim said we will make it. He said we need to get the engineers on board to get the proposal written. Chris Clark asked for a list of projects to be paid out of the urban renewal district. Mike Klaus commented on the urban renewal development committee and how soon we need to have it formed. Jim said this is an integral part of the urban renewal district and the developers and PAC will look at the wishes of the city for the urban renewal district. Jim Deffenbaugh, Rick Philbrook, and Tony Vilelli left the meeting.

Tom Mayo moved to issue a letter of support for the School District 101 M&O levy. Connie Wells seconded the motion. The motion passed, all in favor.

The special use permit for the daycare proposal by Christa Webster at 6725 Augusta Street was discussed. Mike Klaus said there are configurations for parking and drop off that might work but this is a tough site. Mike understands the need for daycare in our community. Chris Clark said Mr. Shelton raised concerns that council needs to keep in mind concerning procedural challenges and he also said he is concerned about how kids are dropped off and picked up. Connie said she is concerned about the drop off and parking but does not think 12 more cars are a problem. She thinks the drop off and parking issues need to be resolved. Tom Mayo said he thinks it is a great place for a daycare but understands and is concerned about the parking and drop off and would like the traffic safety committee to take a look at the area. Mayor Anderson said he lives in the neighborhood but is not within 300 feet and said whether the daycare special use permit is approved or not Christa can reapply for the permit. Chris Clark moved to deny the application for the special use permit due to procedural issues as well as the parking issues. He added that he would encourage the applicants to come back with a more detailed plan and said it would be considered. Tom Mayo seconded the motion. The motion passed – Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “yes”. Don and Christa Webster left the meeting.

Chris Clark asked about the change in fees proposed for the Farmer’s Market. Stephen Boorman said the charge last year was \$400. This year the Farmer’s Market is proposing to pay \$325. Barbara Hansen said this year the Market would propose to pay one payment by the first of May rather than \$80 per month as was paid last year. Chris Clark asked how the Market would pay in advance if they don’t know the revenues. Barbara said the previous year’s fees are looked at. Stephen said the fee is charged to the Farmer’s Market not the individual vendors. Mayor Anderson said there are expenses to the city for the Farmer’s Market being there and said he has no problem with the fee being \$350. Barbara spoke of the signs being set up on Fridays notifying people parking in the lot that the Farmer’s Market will take place on Saturday. John Youngwirth said the Farmer’s Market area is the current 24 hour parking area for the city. Connie Wells asked about the spaces displayed on the handout being encroached upon. Barbara said they will not encroach on the adjacent parking spaces, that the drawing is incorrect. Connie said the Farmer’s Market is good for everyone but thinks the fee should be left at \$400 for the season. She said this is valuable city space and does not think the extra \$50 should be a problem. Tom agreed with Connie and would rather not lower the fee from \$400. He said some of the brick and mortar businesses think they are paying too much and aren’t appreciative of the

Farmer's Market although he likes it. Connie Wells moved to leave the fees for the Farmer's Market at \$400 for the 2011 season and allow the Farmer's Market to put up the signs notifying the public of the market on Saturdays. Tom Mayo seconded the motion. Chris Clark commented that the spaces used by the Farmer's Market be only the spaces specified as were clarified tonight. The motion passed, all in favor. Stephen commented that the signage for the light poles will need some more consideration when the time comes.

Rick Alonzo spoke regarding vacation carryover for himself and Joel Minor. He said since the police department is short handed that vacations cannot be taken so he is requesting carryover of vacation time. Rick thinks John Lunde's injury may not be as severe as first thought so hopefully he will be back to work soon. He said Tiffany is having surgery this week and Rick is hopeful that the department will be at full staff by June. Council asked questions regarding the vacation carryover request. Rick said he is over about 70 hours and Joel is over about five hours. Rick explained that he was injured so he did not have the opportunity to take his vacation in December as he usually does. Joel's anniversary date is in May. Chris Clark moved to approve the vacation carryover request for Chief Alonzo and Joel Minor until the department is whole and he can take his vacation. Tom Mayo seconded the motion. The motion passed – Mike Klaus "yes", Chris Clark "yes", Connie Wells "yes", Tom Mayo "yes".

Bond ordinance #521 was tabled.

Connie Wells moved to read Ordinance 522 Rezone of the Blocks including 7160 Ash Street from Residential to Commercial. Mike Klaus seconded the motion. The motion passed, all in favor. Attorney Tim Wilson read Ordinance 522 in its entirety.

Mike Sloan gave a Professional Services Agreement between the City of Bonners Ferry and U.S. Metronets, LLC to council for their review. Mike said we need a 28 percent penetration in our community for the broadband project to break even. He said we should reasonably be able to meet the 28 percent penetration. He said there is a two year period to build revenues for bonding payments. Panhandle Area Council is responsible for the bond payments. Mike asked for approval for the Mayor to sign this document. Chris Clark does not think government should compete with free enterprise but does not think free enterprise is coming here for broadband. David said U.S. Metronets will get about 9.5 percent of the profits. Chris Clark understands what a benefit this would be to economic development and what an asset this would be to the community and he sees this as a win, win for the community. Mike said a service provider will take the installation of fiber the last leg of the project from the infrastructure to the home. David said U.S. Metronets is planning to be in our community next week to look at the penetration. Connie Wells moved to authorize the Mayor to sign the contract with U.S. Metronets. Chris Clark seconded the motion. The motion passed – Mike Klaus "yes", Chris Clark "yes", Connie Wells "yes", Tom Mayo "yes".

Pat Warkentin spoke regarding memorandums of understandings (MOUs). Pat said the city has MOUs with other taxing entities. Homeland Security has advised the city that if there is a fire that requires the city's assistance by another taxing district that we need to have a limit of free service. If there is a major incident and expenditures are reimbursed by a federal agency the limit of free service must be in place. The expenditures would be reimbursed for personnel and equipment after four hours. Pat said the city will not be left unattended for fire protection. Pat also spoke regarding extrication equipment. He said the County and State Patrol would like to see the fire department's extrication equipment used if there is an accident in the county that requires extrication. Pat needs council's approval for this equipment to leave the city. Tom asked if there was any talk of reimbursement. Pat said only on the city's side of the equation and further commented that the city pays \$5,000 out of the fire department budget for the dispatch agreement and no other fire department pays anything for dispatching. Chris Clark said he is not comfortable sending city equipment all the way out to Highway 1. Mayor Anderson commented on the call outs for the equipment and the possibility of loss of life. Mike Klaus said if there was a way to charge for the equipment then there would not be call outs if not necessary. Tom Mayo instructed Pat to keep the council posted.

Dave Sims said 12 applications were received for the temporary position for lagoon dredge operator and he recommended hiring Tom Bennett for the position. Mike Klaus moved to hire Tom Bennett for lagoon dredge operator at the recommended rate of \$14 per hour. Chris Clark seconded the motion. The motion passed – Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “yes”.

David Sims spoke to council regarding computer expertise that is needed at the city. David said Computer Arts is willing to work on an hourly basis and that would be good for the city. Tom Mayo commented that the County uses Computer Arts and has had good experience with them. Mike Klaus moved to authorize the Mayor to sign a contract with Computer Arts for computer expertise. Tom Mayo seconded the motion. The motion passed – Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “yes”. Stephen commented that the city has been very fortunate with the in-house employees, Dave Sims and Dean Satchwell.

Connie Wells moved to approve the personnel policy with changes. Mike Klaus seconded the motion. The motion passed – Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “yes”. Clerk's note: the effective date was March 6, 2011.

Chris Clark spoke regarding employee appreciation. He said the county has done something with granting days off along with holidays to their employees since raises were not in the budget this year. Chris said there would have to be stipulations to make sure no additional staff is brought in on overtime to work with this program. He was considering no more than three days off but not less than one day off. Tom Mayo agreed with Chris's proposal but said the city operates differently than the county. Chris said it does not have to be associated with holidays as

he was thinking it could be floating days off. Mayor Anderson suggested Tom and Chris form a committee with Stephen to consider the issue.

At 8:53 p.m. Connie Wells moved to go into executive session per Idaho Code 67-2345 (1) (f) to discuss legal issues. Tom Mayo seconded the motion. The motion passed – Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “yes”. At 9:22 p.m. executive session ended. No action was taken.

There being no further business, the meeting adjourned at 9:22 p.m.

David K. Anderson, Mayor

Attest:

Kris Larson, City Clerk