

Mayor David Anderson called the regularly scheduled council meeting of July 3, 2012 to order at 7:00 p.m. Present for the meeting were Mayor Anderson, Council President Mike Klaus, Council Members Rick Alonzo, Connie Wells, and Tom Mayo, Clerk Kris Larson, City Administrator Stephen Boorman, Assistant City Administrator David Sims, Police Chief Steve Benkula, Fire Chief Pat Warkentin, and Attorney Tim Wilson. Also present were Marcia Cossette, Adam Arthur, Jessica Tingley, Jerry Higgs, Tremain Albright, Doug Ladely, Sr., Ruth Sutton, and Dale Simpson.

Tremain Albright read a statement to council. He said they have come up with a plan to move the tree house to poles. The Albright's are asking for an extension to the amount of time granted by Corps to work with the city allowing more time to remove the tree house. He said it is a safety issue for the people moving the tree house. Tremain also asked the city to give more time for the removal of the tree house. He said the City Administrator's Office has said the tree house, tree, and garage are on city property and Albright's disagree with that statement. Tremain said the old fence line is the property boundary until a judge says otherwise. He said the city has far exceeded its time to object to the property line by authorizing building permits and not objecting to the tree house or fences on Albright's property. Tremain further stated that the 1928 document referring to structures was an agreement and not an easement. He said the 1948 easement replaced the 1928 agreement and it describes the city's right to maintain the levee but does not prohibit property owners from enhancing their holdings with structures that do not interfere with the maintenance of levee vegetation. He said the land was not given to the city but an easement was given. He read an email from Mark Ohlstrom from the Corps of Engineers that said they would look favorably on a request of an extension of time for removal of the trees especially in light of the current high river flows in our region. Tremain will get their plans to the city so they can be forwarded to the Corps.

Police Chief Steve Benkula said Swift Justice is nearly ready and this was provided by grant funding from Homeland Security. The system will be operational within the next ten days. The police advertisement for an officer is open until July 6, 2012. There have been 30 reports taken since the last meeting, five driving without privileges, one DUI, one domestic battery, three possession of a controlled substance, one burglary, one disturbing the peace, and five property crimes.

Fire Chief Pat Warkentin gave the fire report. He said the fire department responded to a vehicle accident with the rescue unit on the Paradise Valley Hill. The fire department helped with sand bagging at the Kootenai River Inn and they also helped with flagging on the dike.

City Administrator Stephen Boorman said most of the recent work load has been focused on high water. The storm sewers downtown have to be pumped out into the river. The sewer lagoons also have to be pumped to the river because the river is so high that the gravity feed no longer works. There are private residences off Ivy Lane and it is under water. Fodge Pulp is having problems due to the high river level and may have to shut down. The high ground water is where

the damage is showing up. General Feed and Grain is also experiencing problems due to some of their augers being below ground and the seepage that is coming in. Stephen again said the high ground water is causing problems for some of our citizens. David Sims said there were dike repairs made on Riverside near Idaho Forest Group and the fairgrounds.

Connie Wells moved to add a late agenda item authorizing the Mayor to sign a fiber optic lease with Boundary County School District. Tom Mayo seconded the motion and it passed, all in favor.

Connie Wells moved to approve the consent agenda. Tom Mayo seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”. The consent agenda contained the following: roll call; approval of accounts payable and payroll; approval of June 5, 2012 and June 19, 2012 council meeting minutes and June 26, 2012 special council meeting minutes.

Connie Wells moved to start proceedings to file for a new annexation plan. Mike Klaus seconded the motion. Mayor Anderson clarified that we would basically start the annexation process over again while we are waiting on the court decision on the current annexation. The motion passed – Connie Wells “yes”, Tom Mayo “yes”, Mike Klaus “yes”, Rick Alonzo “no”.

The master owner participation and reimbursement agreement addendums were discussed. Mike Klaus said these agreements took nearly a year to develop and complete. The agreements are with Super 1 and the other is the Kootenai Valley Preservation League. David said the exhibit A is where the agreements differ. Tom Mayo moved to authorize the Mayor to sign the Addendum to the Master Owner Participation Agreement with Kootenai Preservation League. Connie seconded the motion and it passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”. Mike Klaus moved to authorize the Mayor to sign the Addendum to the Master Owner Participation Agreement with Super 1. Rick Alonzo seconded the motion and it passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Mike Klaus gave an update on the Association of Idaho Cities conference that he attended. He said storm water and water rights are areas of concern to the city. Storm water now has scrutiny similar to sanitary systems. NPDS permits are required in some instances especially for larger cities. He said this is a single point discharge and they are targeted by EPA. Some entities are forced to reduce their sediment load and this costs greatly. He said this does not make sense if you look at the amount of sediment that is pulled off the river banks. The storm water treatment is a huge problem and the costs come out of the general fund. This is very difficult to manage within a general fund budget. The City of Lewiston is a case study in the State of Idaho. They have given the landowners a fee for their prorated share of the cost of the NPDS permit. Taxes cannot be raised fast enough to keep up with the costs of the storm water treatment. Jerry Mason is trying to find a solution for this problem because cities cannot come up with tax money or a fee for the treatment.

Another component of the conference was mock legislature proceedings and this was quite interesting. Mike also found out that the Snake River Adjudication is coming north. Boundary County was not mentioned during the discussion. Water Resources has decided that water adjudication is not coming to Boundary County since our water source starts in Canada and ends up in Canada so this is very good news for our community. Water rights can be applied for into the future if the water master plan has the growth figures included.

Connie Wells moved to approve the special event permit for the Rotary Club for the 3 on 3 Swish Basketball tournament to be held on Main Street on July 14-15, 2012. Rick seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Mike Klaus moved to approve the 4<sup>th</sup> of July celebration volunteers as listed. Rick seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Connie Wells moved to authorize the Mayor to sign a contract with Mastre Backhoe. Mike Klaus seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Connie Wells moved to approve the special event permit form with the hold harmless language in the application. Tom Mayo seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

David said the solar cells that were originally installed for the power source for the Myrtle Creek turbidity monitor are not sufficient. He said the city is looking at replacing the power source with stronger batteries. Stephen said the original system was put in right after the 2003 Myrtle Creek fire and it would send an alarm to the water plant. The new system will send out an alarm as well as shut down the water plant. Mike Klaus moved to purchase and install the necessary equipment to increase the power for a cost of \$3,200. Connie Wells seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Council will meet at 6:00 p.m. on July 17, 2012 for a budget workshop.

The sidewalk from Super 1 to Bauman Street was discussed. The cost will be reimbursed from the Urban Renewal District. Part of the agreement was to remove the Beazer sign and put in the sidewalk in order to have a waterline easement. Mike Klaus moved to award the sidewalk bid to BR Concrete, Inc. for \$5,875. Rick Alonzo seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Stephen said the fiber optic lease with the School District is patterned after the lease we did with Community Hospital. He said this will be revenue neutral to the city pretty much but will be better for the School District. Tom Mayo moved to authorize the Mayor to sign the fiber optic

lease with the School District. Connie seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Tom Mayo moved to go into executive session at 7:35 p.m. per Idaho Code 67-2345 (1) (f). Connie Wells seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”. At 8:00 p.m. executive session ended. No action was taken.

There being no further business, the meeting adjourned at 8:00 p.m.

---

David K. Anderson, Mayor

Attest:

---

Kris Larson, City Clerk