

Mayor Anderson called the regularly scheduled September 1, 2009 council meeting to order at 7:00 p.m. Present for the meeting were Mayor Anderson, Council President Dave Gray, Council Members John Langs, Chris Clark, and Connie Wells, Clerk Kris Larson, City Administrator Stephen Boorman, Assistant City Administrator David Sims, Deputy Police Chief Joel Minor, Water Department Supervisor Jim Fritzsche, Water Department Employee John Delaney, Fire Chief Pat Warkentin, Economic Development Coordinator Mike Sloan, and City Attorney Tim Wilson. Also present were Marcia Cossette, Julie Golder, Carolyn Testa, Ron Frederickson from B.F. Garbage, John Tindall from DEQ, and Brett Converse from JUB Engineering.

The budget hearing was opened for the 2010 fiscal year. No comments were received so the Mayor recessed the hearing.

John Tindall from DEQ and Brett Converse from JUB Engineers spoke to council. Dave Sims said Mr. Tindall was asked to come speak this evening due to the fact that the city considered a master plan for the sewer department in the past but now we may need to consider the plan again due to our letters of non-compliance that the city has received. John Tindall said the grant funding available for the master plans are a fifty percent match. John said the water quality or public health issues guide the ranking of the grant funding. John said DEQ is the State's equivalent of EPA. He said the letter said we had violations of the sewer plant and this may help the city obtain grant funding. He also said there are some ideas to help the city meet our requirements. John said communities have been fined who did not meet the requirements of the EPA. He could not comment on the time frame that EPA has before it starts fining communities. Brett said at times a community may be in the corrective process and they have still been fined. Stephen said DEQ regulates what goes into the sewer pipes but EPA controls what comes out of the pipe and goes into the river. John said the grant program is an annual program. We will get a letter asking for input in November and then by April the decision will be made. Mayor Anderson said the city has an algae problem and the Tribe is putting algae in the river to help their needs. John Tindall said there are issues to be looked at in the planning process for the algae problem that may be viable opportunities for the city. Mayor Anderson said there should be give and take because one rule does not fit all. David Sims said we are working under the old permit at this time but the new permit may have changes. Our permit expired in May but we have applied for the new one in a timely fashion. Stephen said sometimes the testing requirements change in the permitting process. John Tindall suggested looking at the algae issue through the planning process when we do the master plan. The group briefly discussed phosphates. John Tindall said right now the Kootenai River is not impaired for nutrients.

Brett Converse from JUB is doing leak testing at the sewer lagoon. He said there is a new procedure to test all four lagoons while the lagoons are on line. He will be meeting with DEQ in Boise later in the week to speak to them about our leak testing and the manner that we are testing now. Brett said there are alternatives to discharging in a river but they are expensive and sometimes the regulatory agencies do not care about the expense. He said the city has been making efforts toward improvements at the sewer lagoons by the actions that have been taken

and he said a master plan would also help by showing EPA that we have a plan for the next 50 years. The primary reason for doing a master plan is to have a road map of what we will need in the future and if we plan to use state funding we must have a master plan in place first. DEQ has a checklist of what is entailed in order to receive funding and to do a road map for the future. He said a facility plan will help council to make good decisions in the future. He said the lagoons turn out nutrients into the river and right now our river needs nutrients. Stephen said a mechanical plant is expensive and rates are driven by the type of plant a community has. Brett said communities south of Bonners Ferry are having a problem with discharging nutrients so a lagoon plant may not work for them. David Sims said the future growth factor also needs to be looked at because of our capacity at the lagoons. Stephen said the lagoon study could be split between treatment capacity and collection. Chris Clark asked about a master plan. Stephen explained the water master plan and how it guides the city for future needs. Brett said the collection system master plan gives the developers an idea of what is needed when they are looking at a community. Stephen said there was a master plan done in the early 1980's for water, sewer, and electric. Brett said another good thing about the master plan is that it helps guide the connection charges for sewer and water and then developers don't have a basis for challenge. Brett said if you don't get the money from connection fees it must come from the rates.

Brett said there is electronic equipment being used to collect the data the DEQ is requesting while the sewer ponds are on line. Stephen said leakage is measured in inches per day on the pond. By regulation you can only be at .25 inch per day. We are only .05 per day. John Tindall said the leakage rates are much lower than the requirements DEQ has set. He said some of the bugs need to be worked out for the techniques being used. Stephen said Bonners Ferry is setting precedence and the procedure may be used in other communities. Council thanked Brett and John for attending the meeting and giving the update. John Tindall and Brett Converse left the meeting.

Joel Minor gave the police report. He said there has been one burglary attempt with malicious injury to property, trespass violation, one run away, three DUIs, two batteries, one possession of drug paraphernalia with purchase of drugs, and one theft.

Pat Warkentin gave the fire report. The roof on the fire hall is complete as of today. Tomorrow the department will spend time with Idaho Bureau of Homeland Security. Boundary County Sheriff requested the assistance from the City of Bonners Ferry on the Trusstek fire last week. He said there were water problems and the fire was very advanced by the time it was reported. A couple out buildings were saved as well as some of the lumber. The fire department spent about four hours on the Trusstek fire. Pat also said our fire department will be evaluated by the State and this will affect the fire rating. He said the city is currently rated a four and that is very good. He said it is unlikely that we could go to a three and he is hopeful that the city can maintain the rating of four. An email was received that says what items need to be on each piece of

equipment. Pat said standards and guidelines change and the fire department will do their best to maintain the current rating.

Stephen said he met with the County Commissioners and there is a letter from Panhandle Health District that the County is at the limit for tonnage in the landfill. He said the garbage contract to be considered this evening is just for pickup, not recycling. Stephen said the underground wires are in on the Riverside project. He said the USGS may move the gauging station so we can clean up the Riverside project area better. John Youngwirth is working on the plan for snow removal to stay within budget this winter. He said most of the water line is complete on VanBuren. We exceeded our HAA5 limit again and we are exploring the cause of that now to find out where the problem is. David Sims said the HAA5 is a fairly recent test, implemented in 2005, so it is difficult to figure out the cause and treatment to remedy it. He said there is not a chronic health affect but there could be over a long period of time.

Stephen said the Trusstek fire showed a problem of land use planning due the fire hydrant being on the opposite side of the highway so the highway had to be closed down.

Chris Clark asked about the HAA5 violation. David said the city had a problem in the past so we went to post chlorination processes and this has helped. David said the HAA5 test is on an annual basis and in November we tested 101 but our average is 65. We have been speaking with DEQ and have been following their suggestions but are not seeing the improvement we would like.

John Langs moved to approve the consent agenda. Connie Wells seconded the motion. The motion passed, all in favor. The consent agenda contained the following: roll call and approval of accounts payable and payroll.

Mayor Anderson reconvened the budget hearing at 7:53 p.m. There was no comment on the fiscal year 2010 budget. He closed the budget hearing due to there being no comments. Dave Gray moved to suspend the readings of the appropriations ordinance three separate times and read by title only. Connie Wells seconded the motion. The motion passed – John Langs “yes”, Chris Clark “yes”, Connie Wells “yes”, Dave Gray “yes”. Attorney Wilson read Ordinance 513 by title only. Dave Gray moved to approve Ordinance 513 Appropriations for Fiscal year 2010. John Langs seconded the motion. The motion passed – John Langs “yes”, Chris Clark “yes”, Connie Wells “yes”, Dave Gray “yes”.

The bond ordinance for phase 1 and 1A water projects was discussed. Stephen explained that the bond paperwork was prepared by Mike Ormsby who is a very competent bond attorney that we have used in the past. The amount of the bond is \$2,000,000. It is for a 30 year loan from USDA Rural development. Connie Wells moved to dispense with the reading of Ordinance 514 three times and read by title only. John Langs seconded the motion. The motion passed – John Langs “yes”, Chris Clark “yes”, Connie Wells “yes”, Dave Gray “yes”. Attorney Tim Wilson read Ordinance 514 by title only. Connie Wells moved to adopt Ordinance 514 Water Revenue

Bond, 2009A - \$1,500,000, Water Revenue Bond, 2009B - \$500,000. Dave Gray seconded the motion. The motion passed – John Langs “yes”, Chris Clark “yes”, Connie Wells “yes”, Dave Gray “yes”.

Interim financing for water projects phase 2 and 2A was discussed. Stephen said most of the reasons for borrowing from our electric department rather than DEQ are due to the regulatory requirements with DEQ and we pay ourselves interest on the loan. This loan will be paid off with another bond from USDA Rural Development when the projects are complete. Mayor Anderson inquired about the bid and work being done by Earthworks, Inc. on the water projects. Jim Fritzsche said for the most part the project is coming along well. Stephen said we have a good on-site inspector on the water project. He is from Welch Comer and Jim said he is really outstanding. Mayor Anderson asked if there is a way to take advantage of the downed economy for the next bidding process. Stephen said we may be able to take advantage due to the timing as it should be done in February. Chris Clark moved to approve Resolution 2009-08 Borrow Funding for Phase 2 and 2A from the Electric Department. Connie Wells seconded the motion. Motion passed – John Langs “yes”, Chris Clark “yes”, Connie Wells “yes”, Dave Gray “yes”.

Chris Clark moved to authorize Mayor to sign pay request #1 for Earthworks, Inc. for the phase 2 water project. Dave Gray seconded the motion. The motion passed – John Langs “yes”, Chris Clark “yes”, Connie Wells “yes”, Dave Gray “yes”.

Stephen spoke of the water phase 2 additional work that is needed. The recommendation is to have the Street Department chip seal the cuts in the road on VanBuren Street and Comanche Street. This expense would be paid by the water department under the project. There are also two service lines on Comanche Court that are in need of having the meters moved. The cost of the meters being moved is \$5,500 and the estimated cost of patching the roads is \$25,000. Connie Wells moved to overlay the streets and install the two services. Chris Clark seconded the motion. The motion passed – John Langs “yes”, Chris Clark “yes”, Connie Wells “yes”, Dave Gray “yes”.

Ron Frederickson spoke regarding the garbage contract. He said it is frightening to him to have the 30 or 60 day exit clause in the contract because he has quite a bit on the line with his equipment and expenses of his business. Ron said his attorney is researching the issue further with City Attorney Tim Wilson. Ron said it is a wording issue between the attorneys. Dave Gray moved to authorize the Mayor to sign the contract with Frederickson’s B.F. Garbage Company. John Langs seconded the motion. The motion passed – John Langs “yes”, Chris Clark “yes”, Connie Wells “yes”, Dave Gray “yes”.

Ron Frederickson said the county is in agreement to work with the garbage company on a recycling program. He said we need to sit down and figure out some more details such as how often for pickup and what type of recycle containers are needed. The categories will be paper products, tin and aluminum, and #1 and #2 plastics. Ron needs to get a recycling multiple stage

truck first and then upgrade to a newer model if needed at a later date. He said the recycling will help save the landfill under the small community exemption for a while longer. Ron said we are three weeks out for the recycle bins and at least a month out for the truck. The bins cost anywhere from \$7 to \$13 each according to Ron. There are a lot of details to work out and the education of the public will be the hardest part. Ron said it is a challenge to get the public to deal with their garbage cans now so he said this will be a difficult process. He said we may start with a certain section of town first. He thinks he will pick up weekly with the same garbage routes that people have now. Ron will probably have to hire an additional employee to facilitate this recycle effort. Mayor Anderson said basically the city will be subsidizing the county for keeping the tonnage out of the landfill so there may be negotiations that will be had with the county.

The visitor center lease with the Chamber of Commerce was discussed. The lease will begin January 1, 2010 for \$300 per month. Stephen said the liability insurance issue will be discussed by Mike Sloan. Mike said he spoke with Darrell Kerby and the Chamber needs coverage for the officers through an errors and omissions policy. Mike said there is an addition to someone's personal policy that can be obtained for coverage to protect the individuals of the Chamber. Stephen said a directors and officers policy is actually what will be needed. Dave Gray said he wants to make sure that the city is not at risk without the liability insurance clause. Mike said all people coming in to the Chamber will be notified that there is no coverage. David Sims said the no insurance clause in the contract does increase the liability of the city. Tim Wilson said the volunteers could sign an indemnification and hold harmless agreement. Dave Anderson said the Chamber is a minimal risk activity but he highly encouraged the Chamber to have a directors and officers insurance policy. Mike said the Chamber of Commerce is a corporation. Tim recommended that each individual that works at the visitor center sign a waiver and that the Chamber sign a waiver and indemnification for the city. Mike said it takes about \$10,000 to operate the visitor center and the rent will be for approximately one third of the costs and the Chamber will be occupying about one third of the space at the center. Chris Clark authorized the Mayor to sign the contract with the Chamber of Commerce. Connie Wells seconded the motion. The motion passed – John Langs “yes”, Chris Clark “yes”, Connie Wells “yes”, Dave Gray “yes”.

Stephen said the BPA Conservation contract is a savings on our power purchase contract. John Langs moved to authorize the Mayor to sign the BPA conservation contract. Dave Gray seconded the motion and it passed – John Langs “yes”, Chris Clark “yes”, Connie Wells “yes”, Dave Gray “yes”.

The quotes for the Riverside project sidewalk were received. David Sims recommended awarding the sidewalk bid to BR Concrete due to their bid being the lowest at a price of \$17,198. The work is scheduled to be done by September 27, 2009. John Langs moved to accept the bid for the Riverside project sidewalk for the low bidder, BR Concrete. Dave Gray seconded the

motion. The motion passed – John Langs “yes”, Chris Clark “yes”, Connie Wells “yes”, Dave Gray “yes”.

Surplus city equipment was discussed. Dave Gray moved to declare city equipment listed as surplus. Chris Clark seconded the motion. The motion passed, all in favor.

Two handicapped parking spaces near the courthouse on Kootenai Street were discussed. Dave Gray moved to approve the two handicapped parking spaces near the courthouse on Kootenai Street. Connie Wells seconded the motion. The motion passed – John Langs “yes”, Chris Clark “yes”, Connie Wells “yes”, Dave Gray “yes”.

Jeanette Woodard’s POST training expenses were discussed. John Langs moved to send a letter to Jeanette Woodard thanking her for her service and waive the reimbursement on an exception basis not setting precedence. Dave Gray seconded the motion. Dave Gray also recommended the letter state that Jeanette was the first lady police officer. John Langs agreed. Connie Wells said Jeanette did an exceptional job but she signed the contract when she started and should repay the training costs. Chris Clark said a contract is a contract and Jeanette did a great job but asked why we write this in a contract if we are going to waive it. Joel Minor said we may not be able to recoup the costs but Shoshone County is reimbursing the city for Jeanette’s bullet proof vest. Tim Wilson said the contract is vague and gave two ways to look at the contract – one is to prorate the expenses and the other is to take a hard line and request it all. Joel Minor said he is behind the contract but Jeanette has done an excellent job on the police department. He said there were personal reasons that she needed to leave. Tim said we need to redo the contract. Chris said it would be approximately \$500 and we got this back from the vest. Council was informed that the cost of the vest was not included in the training cost amount they were reviewing. The motion passed – John Langs “yes”, Chris Clark “yes”, Connie Wells “no”, Dave Gray “yes”.

There being no further business, the meeting adjourned at 8:55 p.m.

David K. Anderson, Mayor

Attest:

Kris Larson, City Clerk