

Mayor David Anderson called the regularly scheduled meeting of November 6, 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, Economic Development Coordinator David Sims, Police Chief Steve Benkula, and Fire Chief Pat Warkentin. Also present were Tom Turpin, Cory Trapp, Kevin Cossairt, Laura Rhoady, Loretta Hunsaker, Robert Karlac, Marcia Cossette, Ruth Sutton, Dale Simpson, Tremain Albright, Jerry Higgs, Doug Ladely, Sr., Jessica Tingley, Adam Arthur, Terri Maine, Carolyn Testa, Mike Sloan, Dean Satchwell, and Pat Stevens.

Jerry Higgs read a letter into the record regarding the planning and zoning hearing of November 1, 2012. He said the applicant withdrew his application as it should have been submitted by the church rather than Mr. Klaus. He also said that multiple conflicts of interest took place at the hearing and were not disclosed and were in violation of Idaho Code. He said multiple recommendations were given by those with conflicts of interest before the application was withdrawn. He said council members must have a blind trust if they choose to pursue matters of economic interest. Jerry also spoke of a privacy fence that was discussed during the hearing.

Tremain Albright asked that the city council request Mike Klaus's immediate resignation due to the conflicts of interest that were stated in Mr. Higgs letter this evening and witnessed in person. In addition Tremain said that Mr. Boorman also violated the same Idaho Codes at the planning and zoning hearing and asked that city council reprimand Mr. Boorman for his abuse of power of his position. Tremain also spoke about the dike removal near the Kootenai River Inn and did not have a problem with the lowering of the dike but did have a problem with fencing in 8,000 feet of Oak Street by the Casino. He questioned the maintenance proposed by the Casino of the property and said the cyclone fence on the Kootenai River Inn property bordering Arizona Street is in terrible condition and their junk is not maintained. He also said the estimated \$15,000 to replace the dike in an emergency is not the responsibility of the citizens of Bonners Ferry. He gave the history of the Vernon Sandy lawsuit.

Pat Stevens, Power Plant Foreman, invited council to have an informational tour of the power plant and see the upgrades at their convenience.

Mike Klaus spoke as a citizen and stepped down from the council table. Mike Klaus apologized for not disclosing that he was a council member at the planning and zoning hearing on November 1st. He offered to let the Mayor select another councilman at the end of the year if he so chooses. He would gladly pay a fine if that is necessary. He said it was not his intention to break any laws or to have any economic benefit to his family. He said Mountain Springs Church approached him about selling his property to them so they could use it for additional parking and office space. He said there is no financial gain to him at the time of sale with the church as he has offered to sell the property for what he owes on it. He said he did withdraw his application at the end of the hearing because planning and zoning said if the sale did not go through that the property could be used for any commercial use. He said there was no ill intent on his part. He

offered to share his closing documents with anyone interested if the sale should go through. He said his critics were successful because he and his wife and neighbor were hurt. But the most hurtful thing was that after the meeting, when he was walking out, Ruth Sutton told him “we just did this to hurt you the way you hurt us”. Mike said any decision he makes as a council person will be based on good judgment and what is best for the city. Mike gave an example of his neighbor having a different opinion and cannot imagine that he would hate him or not like him. He said he does not understand the personal attacks. He said he will listen to the facts, stand up and be a man and vote the way he should. He will gladly let his seat go if the Mayor chooses for him to be replaced. Mayor Anderson said we will speak to legal at a later date.

Ruth Sutton said she was sorry that Mike chose to hear it that way. She said what she said was that the city council needs to feel the way that the annexation area people feel and that is that they cannot do what they want with their property, they can't make any plans for their property, they cannot live the lifestyle they want to live, they cannot do anything because they are sitting and waiting for all this to come up to pass and it is kind of hypocritical for someone on the city council to be able to use their property however they want when the people in the annexation area feel like they are being tied down and bound down. Otherwise she would not care what he did with his property but it is time for the city council to stop and see the side of the people in the annexation area and how they feel.

Jerry Higgs said the criticisms he has are not anything to do with what happened in the Marx Subdivision and has nothing to do with the annexation group. He said he does not think Mike is a crook but he thinks the city collectively has a modes operendi that it operates on the fringe of the frameworks of higher authority and has a pattern of then coming back when being caught and has to explain their way out and this is what gets the city in trouble. He would like the city to workshop with legal counsel and come up with the proper order. He said city government does not want to follow direction.

Tremain said he went through a request for rezone in 1988 and there were two city councilmen that stepped down for a conflict of interest. He said he was sorry that Mike used bad judgment and did not do this right and this was not personal. He wants stuff based on facts. He said the new police chief was warned about him and his partner, Adarah, that they may be combative and violent and he has to stand there when the tree house was removed.

Police Chief Steve Benkula gave the police report. He said there have been three bomb threats at the high school and junior high school. The School Resource Officer has taken 60 criminal complaints at the high school in the last 37 days and those involve minor possession of alcohol, tobacco, battery, and a couple theft reports. The city is working with the other threat assessment agencies to improve the response to the schools.

Fire Chief Pat Warkentin said the fire department has also responded to the bomb threats and it requires a lot of time and equipment. Accountability for who is in the buildings and the use of

firemen to reduce the amount of time for the checks is being worked out for the command situation. For October the fire department responded to eight events. They also continue to work on maintenance issues at the station and a leak in unit two was discovered by Adam Arthur and the cost of a little over \$100 will be used for this repair. Pat said the fire department keeps getting emergency service (EMS) response requests by the Ambulance people. The fire department has been operating on an as needed basis for the Ambulance. Most of the fire departments in the State of Idaho respond when EMS has a call. There are about 200 EMS calls in the city limits during the year and that includes standby calls and transport calls and the city would not need to respond to these calls. He said if the fire department did respond there would be a cost to the city of about \$5,000 more per year.

Stephen Boorman said the District 2 waterline will be in service later this week. There is a report from Welch Comer in the packet about where we are on waterlines and the final project to be paid from USDA grant money will be a line upgrade on highway 95 south from the Chic N Chop to the Department of Lands where old four inch steel line will be replaced with six or eight inch pvc. The Legislative meeting will be in Boise on December 7, 2012 and there may be topics of interest for the city. The police phone line will be forwarded to the Sheriff's Office dispatch if the phone is not answered in four rings. The article on water from USA Today points out that the increased costs of water systems is driven by federal regulations

David Sims said there is a bark company that has a facility in Oregon and Ohio and sells it as beauty bark. They want to take their Ohio business and move it to Bonners Ferry to use Welco's bark. There has been a delay due to the death of one of their employees. They need a building over 10,000 square feet and want to be here next spring. He said the Library is considering building a new building and use it as a learning center. The fiber project in Sandpoint is being looked at closely by Blackfoot because they are investigating the feasibility of it.

Connie Wells moved to add the agenda item to approve a catering permit for the Kootenai River Inn for catering a Ducks Unlimited banquet on November 16, 2012 at the fairgrounds. Tom Mayo seconded the motion. The motion 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 items: roll call; approval of accounts payable and payroll, approval of October 22, 2012 special council meeting minutes, and approval of October 16, 2012 regular council meeting minutes.

Stephen Boorman gave a history of the levees. He said there is a complication with the elevations because the 1929 datum was based on sea level and the 1988 datum is based on where sea level would be at your location. He said when you get information on the river the datum must be looked at to see what is being looked at. The river gauging station is based on the 1929 datum. There is about four feet difference (3.86 ft.) between the two datum's. The elevation of

Arizona Street is about 1777 to 1778 feet based largely on the court case with Vern Sandy. The court case settlement was at 1777 feet. There was also an old river gaging station that used a data based on the bottom of the river. Most of the levees today are at 1781 feet on Riverside and beyond. The flood level of the 500 year flood is 1771 feet. The best graphical representation for the Kootenai River Inn is 1781 at the dike beyond the Inn, Arizona Street is 1777, the restaurant is 1769, and the lawn is 1766. This is using the 1929 datum. The addition at the Inn will be at 1774 using the 1929 datum according to Cory Trapp.

Tom Turpin said lots 13 and 14 (Eaton Townsite) are owned by the City of Bonners Ferry. The Mayor reviewed a map of the dike area near the Kootenai River Inn. Cory Trapp apologized for the miscommunication and confusion between he and Stephen regarding the access for fire on the Oak Street property. He said there could be a mutual shared agreement between the Tribe and the City for maintenance of the Oak Street property. He said the Tribe was not aware of the decisions to remove the dirt. He said there was no maliciousness in doing this. Hagadone projects move very fast and the contractor moved dirt very quickly. He said they are willing to replace the dirt if the city chooses or to pay for the dirt. Tom said the Tribe had no idea that the dirt was being removed and apologized on behalf of the Tribe for any miscommunications. Cory spoke about a fence that would be constructed with a gate for maintenance and fire. Stephen said there is not a right answer for the levee heights because they were constructed prior to the Libby Dam but the conservative rule of thumb is to use the 500 year flood level. He said some of the neighbors would like to see the levee height reduced for aesthetics. Mayor Anderson said the Eaton Addition looks like it was developed in Kansas and there are many problems with this due to the terrain. He would like to be on ground and look at the area personally. He said the important level is 1769 for the floor of the Inn. Cory said the project is scheduled for completion in May, 2013. Mike Klaus said the first order of business is to protect the citizens and since the Libby Dam the numbers have changed. He would like to walk the area also and asked if there have been any other requests made to lower the dike. Rick also wanted to look at the area. Connie said she does not see a problem with lowering the dike and wants to walk it but is concerned about future requests and setting precedence. Tom agreed. He asked what the purpose is for reducing the levee height. Cory and Tom said it is more of an aesthetic issue rather than a view as only four rooms would benefit. Tom offered to provide the blue prints if council wants to see them. Tom said the wooden fence would be run down the entire length to keep the area clean. Stephen said an issue to consider is the ease of access if fill was needed for Arizona Street for protection. David Sims said the Corps is getting more and more particular about maintaining the dikes and we paid to have this done this year so this would save the city money. Cory asked that council check in with Tom Turpin or at the construction trailer prior to them touring the area.

Tom Turpin and Cory Trapp left the meeting at 7:59 p.m.

Mike Klaus moved to approve the pay request, change order, and accept the certificate of substantial completion for the Deep Creek project and authorize the Mayor to sign the

paperwork. Connie Wells seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”. Stephen said there was a problem with the butterfly valve on the Deep Creek line and all shared in the cost of repair.

Connie Wells moved to approve the special event permit for Carolyn Testa for the Turkey Trot for November 22, 2012 at the fairgrounds. Tom Mayo seconded the motion and it passed, all in favor.

Rick Alonzo moved to authorize the Mayor to sign the engagement letter with Magnuson, McHugh and Co. for the single audit of fiscal year 2011. Mike Klaus seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Connie Wells moved to allow the hire of Jeannie Robinson for replacement of Sunny while on maternity leave. Rick Alonzo seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Stephen spoke about the spare voltage regulator needed by the electric department at an estimated cost of nearly \$15,000. We need a spare due to the age of most of the regulators we are using. Kevin Cossairt said it is good to have a spare so we can run at regulation otherwise we are at the mercy of Bonneville Power Administration. Mike Klaus moved to approve purchase of the spare voltage regulator as presented. Rick Alonzo seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Stephen spoke regarding the open covered storage at the city yard. This would primarily be for material storage and would be paid for by the electric department. The floor will be crushed rock and a concrete floor could be poured at a later date. The group discussed the design for the proposed structure. This would get some of the transformers under cover. The cost is estimated to be \$14 per square foot. Rick Alonzo moved to approve the request for the covered storage addition for the electric shop. Mike Klaus seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

David Sims said Idaho Transportation Department (ITD) has selected JUB Engineering to do the corridor study for highway 95 and they have begun doing some traffic counts. ITD would like to get as many people involved in the public meetings as possible. He said the study is scheduled to be done by September, 2013. The purpose of the study is to look at improvements in the next ten years. He said the south hill is being treated as a special condition and we need to look at what some of the options will be. He said one of the concerns that John Youngwirth has is that when it comes to the time for changing the routing of traffic that the maintenance issues will drop off. We have asked in our letter to ITD not to do this as it is a concern as to which road Stephen said if at some time the need for a bypass is being looked to that the maintenance of highway 95 road surface will probably suffer.

Mike Klaus moved to purchase a quick coupler for the street loader. Rick seconded the motion and it passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Tom Mayo moved to go into executive session per Idaho Code 67-2345 (1) (a) and (b) at 8:16 p.m. Mike Klaus seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”. At 8:53 p.m. executive session ended. No action was taken.

Rick Alonzo moved to pay Foster Mayo \$17.85 per hour. Mike Klaus seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Mike Klaus moved to give a 1.5 percent raise across the board effective with the pay period beginning November 11, 2012 and give three additional days off – the day after Thanksgiving, Christmas Eve, and the Friday after the 4th of July. Rick Alonzo seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “no”. (Clerk’s note: the extra days off are for fiscal year 2013).

The group discussed the Christmas party.

Rick Alonzo moved to approve the catering permit for the Kootenai River Inn for the Ducks Unlimited Banquet on November 16, 2012 at the fairgrounds. Tom Mayo seconded the motion. The motion passed, all in favor.

The meeting adjourned at 9:03 p.m. due to no further business.

David K. Anderson, Mayor

Attest:

Kris Larson, City Clerk