

Mayor David Anderson called the regularly scheduled council meeting of November 15, 2011 to order at 7:00 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, Assistant City Administrator David Sims, Police Chief Rick Alonzo, Fire Chief Pat Warkentin, Economic Development Coordinator Mike Sloan, Street Department Supervisor John Youngwirth, and Attorney Tim Wilson. Also present were Dave Gray, Marcia Cossette, Matt Philbrook, Loretta Hunsaker, Bill Leach, Jr., Jerry Higgs, Doug and Barbara Ladely, Ruth Sutton, Alice Sandaker, Dale Simpson, Steve and Maureen Shelman, Candi Lysiak, Shane Fallis, Carolyn Testa, Adam Arthur, Jessica Tingley, Pamela Larson, Bryan and Judith Regehr, Attorney Fonda Jovek, Terri Maine, Rich Beck, and Louis and Nancy Maggi.

Mayor Anderson told the group that city council cannot take further testimony in regard to the annexation hearing.

Dave Gray congratulated the Mayor and Council Members for their successful election results.

Bill Leach asked council if they had a chance to read the Marx Subdivision petition. Attorney Tim Wilson said the petition was submitted in the annexation hearing so council cannot comment on it. Bill Leach asked if council had received a copy and had read it. Council and the Mayor said they had.

Jerry Higgs spoke regarding the Right to Farm Act and read from Idaho Code 22-4501, 22-4503, and 22-4504. He further said no ordinances apply if they are in conflict with the Right to Farm Act. Tim Wilson told Jerry that he was out of order because he cannot speak regarding information presented at the hearing. Jerry said Idaho Code 67-6508 and 67-6509 was the land use planning act of 1975 and was not followed when the city adopted the comprehensive plan. Tim objected again. Jerry said Idaho Code 67-6525 provides planning and zoning plans for incorporated areas. He read 50-222 concerning class B annexation and said it defines implied consent as part of class B annexation. Tim Wilson objected to Jerry's comments. Jerry said category B and C annexations are subject to judicial review.

Police Chief Rick Alonzo gave the police report. He said there have been three domestic disputes, two DUIs, one child abuse case, three warrant arrests, one reported run away which ended up being a minor in possession, two burglaries, one overdose, one fraud case, one possession of marijuana, and one driving without privileges,. The impaired driving grant will begin this weekend.

Fire Chief Pat Warkentin said there has been one gas odor call.

City Administrator Stephen Boorman gave kudos to Mike Sloan for cleaning up the garbage at the Conoco south of town. Super 1 groundbreaking ceremony is at 10:00 a.m. tomorrow. There was a county road grader that hit a power pole and broke it off causing an outage last week. The fall cleanup week is done and there was quite a lot of yard waste hauled by the street department.

Mike Sloan gave the EDC update. Black Mountain Communications will be looking for office space in the Sandpoint area so this is a good sign.

Mike Klaus said there is an urban renewal meeting on November 21 at the visitor center and all is going well. He said the Super 1 ground breaking is a milestone.

Connie Wells moved to change the wording on agenda item #6 to consider annexation of approximately 77 parcels. Tom Mayo seconded the motion. The motion passed – Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Mike Klaus moved to approve the consent agenda. Chris Clark 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; approval of November 1, 2011 council meeting minutes; and approval for two employees to attend Utilities Management Training in Moscow from January 10-12, 2012.

Connie Wells moved to annex the 77 parcels in the annexation plan. Tom Mayo seconded the motion. Mike Klaus said he found the public hearing to be very helpful and it helped having an attorney sum up the comments. He said annexation is emotional. He said normally people are looking to be annexed for development or for a residence that needs utility services. Mike said historically water and sewer services were provided outside the city limits and in the past this was through the water and sewer districts that were formed. Mike Klaus said there is one parcel that is owned by Dan Dinning that could utilize the ag exemption and he thinks it should be eliminated. Attorney Tim Wilson said the motion could be amended to include the exemption of the Dan Dinning parcel. Mike Klaus said there is also a parcel owned by Matt Philbrook that is requesting a different zoning classification than what was proposed. Mike Klaus would like to amend Connie’s motion to exclude the Dan Dinning parcel. Connie Wells seconded the motion. Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “no”. This vote was just for the amendment of the motion made by Connie.

Chris Clark said he sees the City of Bonners Ferry when he drives out from the city and there is now urban sprawl. He said the increase in taxes is for city services and if there is a crisis in that area the city emergency services will be the first to respond. His vote is most greatly weighed by the Planning and Zoning Commission and the petition brought forth by the residents of the Marx Subdivision. He said the Marx Subdivision was annexed ten years ago and he did not realize there were people upset about promises made that were not fulfilled. He said this weighs heavily on him.

Connie Wells said all the area proposed for annexation is a part of Bonners Ferry. She said it is unfair to the citizens that she represents for them to pay taxes that benefit those outside the city limits that are not paying. She said all are citizens of Bonners Ferry and we all need to pay our fair share.

Tom Mayo said annexation is beneficial to the citizens he represents and hopefully he can represent the proposed annexation area folks some day.

Mike Klaus said he did not realize there were unhappy folks in the Marx Subdivision. He said the city needs to determine what promises were made and it is the duty of the city council to follow up on these issues. Tom Mayo said he concurs with Mike on this issue also. He said John Youngwirth has not been informed about the issues stated in the petition. Connie Wells agreed and said council is always open.

The annexation passed – Mike Klaus “yes”, Chris Clark “no”, Connie Wells “yes”, Tom Mayo “yes”.

Mike Klaus asked about the zoning on the Matt Philbrook property. Mike moved to zone the properties annexed as residential B with the exception of the Matt Philbrook property to be zoned as commercial. Connie Wells seconded the motion. Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Attorney Fonda Jovek notified council that the residents will be exercising their appeal rights on the annexation issue.

Fire Chief Pat Warkentin spoke to council regarding the proposed apparatus purchase for the fire department. Pat explained the purpose of the accountability center as it is a life saving unit. All firemen are tracked by the personnel in the accountability center. The old support unit has 122,000 miles on it. Pat said the entire police budget is spent each year. He said the last new vehicle purchased by the fire department was in 1987 and it is still in service. He said he did a review of the past budgets for a ten year period from 1998 to 2008 and there was \$321,000 unspent for this time period by the fire department and this is the reason for the old equipment. He said used equipment is being sought to fulfill the needs of the department. He gave the history of the recent fire department purchases. The proposed apparatus has new tires, on spot chains, has a diesel engine, and it is being sold for \$19,500. He said there is a video that council can review on the internet for this equipment. Pat said he has looked at the budget to see if there is funding in the budget for this equipment but he is prejudice. John Youngwirth said at the last council meeting he had asked council for approval to purchase parts for the plow but he forgot to add in the shipping and the order would be 60 days out so it would be too late for his snow plow season. John said he thinks the fire equipment is needed and it is rare because it contains a personnel carrier. Tom Mayo asked how much it would cost to get the apparatus shipped. Pat had an estimate of \$3,800 for shipping. John Youngwirth said he would like his snow plow parts funding consideration to go toward the fire apparatus this year and said he will put the plow parts in his budget next fiscal year. Tom asked why a 30 year old rig would only have 23,000 miles on it. Pat said it was probably on a small rural department. Pat said the support unit runs every call. John said it carries gear and equipment for ten men but it can also haul personnel, probably five or six men. Tom Mayo asked about the DOT inspection report. Pat said the vehicle looks

well maintained. He said another consideration is finding a vehicle that fits in the fire station due to the height limitations of the building. Stephen said the DOT report says the vehicle is safe to be on the road. Mike Klaus said the fire department is probably the most underfunded department and he appreciates the efforts put forth for the dangerous job they do. He asked if the proposed purchase would be the number one priority for the capital budget available. Pat said this apparatus is a priority for the fire department. Mike asked if there is any needed equipment to man the fire station on McCall since we annexed property in that area tonight. Pat said there is a fire engine at the station on McCall. He said there are national standards for newer equipment that the city cannot meet but we keep our turnouts and personal protective gear up to standard. Chris Clark moved to authorize the fire chief to make an offer on the new personnel carrier of \$19,500 and have it be delivered. Mike Klaus seconded the motion. Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Tom Mayo moved to approve the catering permit for the Mirror Lake Golf Course for the city Christmas party. Connie Wells seconded the motion. The motion passed, all in favor.

Tom Mayo moved to award the day after Thanksgiving as a day off with pay for city employees. Chris Clark seconded the motion. The motion passed – Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “yes”.

The election results were not approved as we had not received the canvassed results from the county.

David Sims said the information has changed since he wrote the memo for council regarding the district 2 well. He and Jim Fritzsche met with the contractor for the equipment for the well and the maintenance costs are unacceptable to the property owner.

Mike Klaus moved to approve hire of Randy Tremble as a reserve officer. Chris Clark seconded the motion. The motion passed, all in favor.

Rick Alonzo found a potential employee but he lives 22 miles outside the city limits. Our personnel policy has a limitation of 15 miles. Rick said there are pros and cons to the mileage limit. He said it does not make sense sometimes due to the fact that good people are living outside the 15 mile limitation. Connie asked about the hire of a police officer that lives in Sandpoint. Mayor Anderson said no one was paying attention when the officer living in Sandpoint was hired as we were in need of an officer. Attorney Tim Wilson said the city council can make an exception to a city policy. Connie asked about take home vehicles. Rick said take home vehicles are for officers living in the city limits only. Mayor Anderson said this issue will be agendized for the next meeting.

Chris Clark moved to accept the resignation of Police Chief Rick Alonzo so he can fulfill his council seat. Connie Wells seconded the motion. The resignation is December 31, 2011. The motion passed, all in favor.

Stephen said the mechanic shop was built in the mid 1990s and there were two hot water heaters installed to run the hydronic heat system. He said these water heaters are not designed to run the hydronic system and it is not warm enough in the shop. Bryan Morgan does this type of boiler work. Chris Clark moved to authorize the Mayor to sign the contract with Bryan Morgan for the boiler work. Tom Mayo seconded the motion. The motion passed Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “yes”.

At 8:09 p.m. Mike Klaus moved to go into executive session per Idaho Code 67-2345 (1) (f). Connie seconded the motion. The motion passed – Mike Klaus “yes”, Chris Clark “yes”, Connie Wells “yes”, Tom Mayo “yes”. Executive session ended at 8:40 p.m. No action was taken.

There being no further business, the meeting adjourned at 8:40 p.m.

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David K. Anderson, Mayor

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Kris Larson, City Clerk