

Mayor Darrell Kerby called the regularly scheduled council meeting of January 17, 2006 to order at 7:00 p.m. Present for the meeting were Mayor Kerby, Council President Russ Docherty, Council Members John Langs, Leslie Falcon, and Dave Gray, Clerk Kris Larson, City Administrator Stephen Boorman, Police Chief Dave Kramer, Fire Chief Larry Owsley, and City Attorney Tim Wilson. Also present was Doug Ladely, Sr.

Doug Ladely stated he had a concern over the annexation of county property into the city. Mayor Kerby said his assumption is that Ladely's property is in the area being proposed to be annexed but there have been no hearings yet. Doug asked why his property is being considered when the people do not want to be annexed. He is concerned about his trailer park and the restrictions in the city. Mayor Kerby said he would think what is in the trailer park is grandfathered. Attorney Tim Wilson said if the property stays in the family then it could be grandfathered. Mayor Kerby told Doug that there would be public notices and opportunities to speak and get questions answered during the annexation process. Mayor Kerby told Doug to continue his trailer park business. Doug said he does not want junk in his park but is worried about the restrictions in the city. Doug also asked how far the city is considering annexing. Mayor Kerby said the School District property, the Ladely property, and the Philbrook property are being looked at in Doug's area. Mayor Kerby said there has not been an ordinance prepared yet so there are no definite properties named but the Ladely property is one of the pieces being looked at as well as others.

Doug Ladely said the mini storage business has been sold. Doug said years ago there was an agreement between the City and the County where the City would plow the road between Ladely's and the high school and the road between Ladely and Philbrook's and the County would plow Alderson Lane. He said now the County is saying they aren't responsible for maintaining the road. Stephen Boorman will have copies of the proposed area map for Mr. Ladely later in the week. Stephen said if trailers are moved out and new ones moved in then new restrictions would apply. Doug left the meeting at 7:22 p.m.

Dave Kramer gave the police report. There have been seven warrant arrests since the last meeting. There have been minor theft arrests and a few accidents. Dave said the issue of emergency mental detention is being worked on. There have been restrictions put on by the mental detention facility that are causing difficulties for law enforcement. If patients cannot be transferred to Kootenai Medical Center then they must be held under guard at our hospital or else be transferred to Lewiston. Mayor Kerby asked Dave to speak to the Police Organization at the State level to get the Idaho Code changed. The patient must be evaluated by a Designated Examiner and then the Judge signs an order to transport the patient. There is a second evaluation done by another Designated Examiner and at this time the patient is sometimes off their drugs or no longer inebriated so the Designated Examiner recommends release and the Judge releases the patient. Dave has requested a meeting with the County Prosecutor, Sheriff, and Health and Welfare to help resolve this issue. Mayor Kerby suggested contacting Senator Broadsword. Dave said video conferencing may be used to help the Judges and the patients save on travel time for hearings.

Larry Owsley said there have been three minor incident calls since the last meeting. He said several firemen were certified state defensive drivers through classes taken at the Fire Department. Also the hazmat trailer is being retrofitted at no expense to the city. One of the fire trucks that the fire department was looking to buy was in an accident but there may be another truck coming up for sale in the Kennewick area. Larry reported that the FEMA people are still working in the hurricane area.

Russ Docherty moved to approve the consent agenda. Leslie Falcon seconded the motion. Leslie inquired about the type of spray licenses Tim English and Steve Galbraith have. Stephen responded. The motion passed, all in favor. The consent agenda contained the following: roll call; approval of January 17, 2006 accounts payable; approval of January 3, 2006 Council meeting minutes; approval for Dave Kramer to attend the Idaho Chief's meeting and FBINA Board meeting in Boise from February 2-8, 2006; approval for Dave Kramer to attend FBI National Academy training in Quantico, VA from March 27-31, 2006; approval for Steve Galbraith and Tim English to attend a Vegetation Spray Class in Spokane on February 2, 2006.

Tim Wilson said there is a meeting with the County Commissioners on January 23, 2006 at 9:30 a.m. concerning the area of impact presentation. He said hearings will be set after that date.

Tim Wilson said he and Gary Falcon are working on the annexation ordinance. Mayor Kerby asked Tim for certainty of the timeline on the annexation ordinance. Tim will work with Gary to get the information for the Mayor. Council also asked Tim to get the legal answer about grandfathering property that is in the annexation area.

Russ Docherty moved to have the final reading by title only of Ordinance 496 Limiting the Sale of Methamphetamine Precursor Drugs. Leslie Falcon seconded the motion. The motion passed, all in favor. Clerk Kris Larson read Ordinance 496 by title only.

Russ Docherty moved to adopt Ordinance 496 Limiting the Sale of Methamphetamine Precursor Drugs. Leslie Falcon seconded the motion. Mayor Kerby said the Governor has requested the legislature to pass a law similar to this ordinance. The motion passed – Russ Docherty “yes”, John Langs “yes”, Leslie Falcon “yes”, Dave Gray “yes”. Ordinance 496 reads as follows:

ORDINANCE NO. 496

LIMITS ON THE SALE OF METHAMPHETAMINE PRECURSOR DRUGS

AN ORDINANCE OF THE CITY OF BONNERS FERRY, COUNTY OF BOUNDARY, IDAHO, AMENDING MUNICIPAL CODE TITLE FOUR (4) TO ADD A NEW CHAPTER ESTABLISHING LIMITS ON THE SALE OF METHAMPHETAMINE PRECURSOR DRUGS AND PROVIDING THAT VIOLATION OF THE CHAPTER ARE A MISDEMEANOR PUNISHABLE BY A ONE THOUSAND DOLLAR (\$1,000.00) FINE OR BY IMPRISONMENT FOR SIX (6) MONTHS, OR BOTH; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND EFFECTIVE DATE OF JANUARY 1, 2006.

WHEREAS, methamphetamine is an illegal drug that is produced using legal precursor substances such as pseudoephedrine, which is contained in over-the-counter medicines sold in retail outlets; and,

WHEREAS, methamphetamine is produced and distributed in our communities with negative social effects, including harm to children, families, increasing crime and property damage; and,

WHEREAS, the production of methamphetamine in illegal labs can cause significant health and safety risks such as the danger of fire, explosion, and environmental hazards from production byproducts; and,

WHEREAS, the legislature of the State of Idaho has not enacted any laws to control the sale of pseudoephedrine, a precursor drug used to manufacture methamphetamine; and,

WHEREAS, the City Council of the City of Bonners Ferry deems it to be in the best interest of the health, safety and welfare of the citizens of the City of Bonners Ferry to regulate the sale of pseudoephedrine, a precursor drug used to manufacture methamphetamine.

NOW, THEREFORE, be it ordained by the Mayor and City Council of the City of Bonners Ferry, Boundary County, Idaho:

SECTION 1. That Chapter Four (4) is hereby added to the Bonners Ferry Municipal Code as follows:

CHAPTER FOUR- REGULATION OF THE SALE OF METHAMPHETAMINE PRECURSOR DRUGS

4-4-1: Definitions:

The following definitions shall apply in this Chapter:

- a) Methamphetamine precursor drugs:
 - i) a drug or product containing as its sole active ingredient pseudoephedrine, or any of its salts, optical isomers, or salts of optical isomers; or
 - ii) a combination drug or product containing as one of its active ingredients pseudoephedrine, or any of its salts, optical isomers, or salts of optical isomers.
 - iii) this term does not include any compounds, mixtures, or preparations that are in liquid, liquid capsule, or gel capsule form.
- b) "Over-the-counter sales" means a retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription.
- c) "Retailer: any person, corporation, partnership or other business entity conducting business within the City of Bonners Ferry, Idaho who sells or furnishes any over-the-counter drug product containing pseudoephedrine.

4-4-2: Prohibited Acts:

- a) It shall be unlawful within the incorporated limits of the city for any retailer or employee thereof to knowingly to sell, transfer, or to otherwise furnish in a single transaction more than three (3) packages of any product that he or she knows to contain more than a total weight of nine (9) grams of methamphetamine precursor drugs.
- b) The limits established in this section shall not apply to any quantity or methamphetamine precursor drugs dispensed pursuant to a valid prescription.

4-4-3: Limitation on Accessibility to and Sale of Methamphetamine Precursor Drugs:

A business establishment that offers for sale methamphetamine precursor drugs shall ensure that all packages of the drugs are displayed and offered for sale only:

- a) behind a checkout counter where the public is not permitted; or
- b) inside a locked display case; and
- c) all sales shall be conducted with an employee of the retailer and cannot be conducted by a self-service system.

4-4-4: Penalty:

Any person or entity violating the provisions of this Chapter is guilty of a misdemeanor, the penalty for which shall be a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed six (6) months, or both.

SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3: Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Bonners Ferry, City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 4. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 5: After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Bonners Ferry, and shall be in full force and effective January 1, 2006.

APPROVED, ADOPTED and SIGNED this 17th day of January, 2006.

/s/ DARRELL KERBY, Mayor

ATTEST: /s/ KRIS LARSON, City Clerk

Mayor Kerby recommended appointment of Don Lindsay, Chris Matyi, and Matt Morgen to the Traffic Safety Committee. Leslie Falcon moved to approve Mayor Kerby's recommendation of appointing Don Lindsay, Chris Matyi, and Matt Morgen to the Traffic Safety Committee. Dave Gray seconded the motion. The motion passed, all in favor.

Leslie Falcon moved to authorize Mayor Kerby to sign the 2006 and 2007 golf contract with Ralph Lotspeisch doing business as Kootenai View Golf Resources, Inc. Dave Gray seconded the motion. The motion passed – Russ Docherty "yes", John Langs "yes", Leslie Falcon "yes", Dave Gray "yes".

Road standards were discussed. Leslie Falcon said she would like to see the decrease of 2.5 residences per acre and would like to see curbs, sidewalks, and gutters required in new subdivisions. She wants to see these standards implemented in the new road standards policy. Russ Docherty has concerns about maintenance on the curbs, gutters, and sidewalks in the future. The group discussed the City's ordinance requiring property owners to maintain the sidewalks in front of their residence or business. Exceptions were briefly discussed. Common sense should be applied according to the Mayor.

Leslie Falcon moved that curbs, gutters, and sidewalks need to be provided at 2.5 residences per acre as an amendment to what currently exists. Dave Gray seconded the motion. The motion passed – Russ Docherty “yes”, John Langs “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Leslie Falcon moved to have the first reading in its entirety of Ordinance 497 Requiring Contractor Registration Numbers on Building Permit Applications. John Langs seconded the motion. The motion passed, all in favor. Ordinance 497 was read by Councilwoman Leslie Falcon.

Russ Docherty moved to authorize the Mayor to sign the audit engagement letter with Magnuson, McHugh and Company for the FY2005 audit. Leslie Falcon seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

A special meeting will be held on January 31, 2006 at 7:00 p.m. to review the fiscal year 2004 audit.

Russ Docherty moved to request the Department of Environmental Quality to evaluate the water filtration plant. Dave Gray seconded the motion. Stephen said it is a proactive way of looking at our system. The motion passed, all in favor.

Leslie Falcon moved to authorize the Mayor to sign contracts with Mike Kelly, Dally construction, Sandpoint.Com, and ER Balancing Services for hire when needed as per the contract specifications. John Langs seconded the motion. The motion passed – Russ Docherty “yes”, John Langs “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Stephen said there are a number of public power organizations that the city is involved with and maintains a membership. He spoke of Public Power Council and the Idaho Consumer Electric Utility Association. Stephen said ICUA had a big push to set up an Idaho Energy Resource Authority. Mayor Kerby is a member of this board. The legislature set up this authority but provided no funding for it. There may be an impact to the City of Bonners Ferry for expenses to attend these board meetings and asked for Council approval. Council had no problem with the expenses as they felt the City is benefiting from the Mayor sitting on this board. Mayor Kerby said the Senate has to approve his appointment.

Council requested a report on the annual payments and receipts for building permits and inspections for the last fiscal year to be presented at the next regular meeting.

At 8:39 p.m. Russ Docherty moved to go into executive session per Idaho Code 67-2345 to discuss legal and negotiation issues. Leslie Falcon seconded the motion. The motion passed – Russ Docherty “yes”, John Langs “yes”, Leslie Falcon “yes”, Dave Gray “yes”. At 9:07 p.m. Russ Docherty moved to go out of executive session. Leslie Falcon seconded the motion. The motion passed, all in favor. No action was taken.

There being no further business, the meeting adjourned at 9:08 p.m.

Darrell Kerby, Mayor

Attest:

Kris Larson, City Clerk