

Mayor Darrell Kerby called the special city council meeting of February 21, 2007 to order at 7:00 p.m. Present for the meeting were Mayor Kerby, Council President Russ Docherty, Council Members John Langs and Dave Gray, Clerk Kris Larson, City Administrator Stephen Boorman, Fire Chief Larry Owsley, and Police Sergeant Foster Mayo. Also present were Mick Mellett, Dave Anderson, Ralph Byquist, and Leroy Vogl.

Mayor Kerby requested that the order of business for the meeting be changed and requested that Mick Mellett be appointed to take his sister Leslie Falcon's place on the Council. Russ Docherty moved to appoint Mick Mellett to City Council. Dave Gray seconded the motion. The motion passed, all in favor. Clerk Kris Larson swore Mick Mellett into office.

Gary Falcon and Margaret Mellett joined the meeting at 7:05 p.m.

Leroy Vogl inquired about a leash law. Mayor Kerby said the City does not have a leash law but a person can come in and file a complaint and the citation is more severe. Leroy said there are quite a few dog problems in the city and it is illegal to shoot a gun in the city limits. He is concerned about animal problems. Leroy said there are quite a few people that come to the overlook of town. He also inquired about Fish and Game coming in to get rid of the turkeys and deer. He even had a moose in his yard. Leroy said the geese at the golf course are also a problem. He said these are a few items that have been a concern of his and he thought the Council should be aware.

Foster Mayo said there have been six burglaries in the past week at the following businesses: China Kitchen, Badger Den, Pizza Factory, Mountain Mikes, Enchanted Florist, and Second Chance Thrift. The thefts have been occurring at night and the police are doing some unmarked surveillance to try to catch the burglars.

Fire Chief Larry Owsley said there was a power line in a tree at Oak Street last week. He has spoken with Doug Young in Boise on the annexation issue. The fire department can go 1.5 miles from each station and still keep the number four fire rating.

Russ Docherty moved to approve the consent agenda. Mick Mellett seconded the motion. The motion passed, all in favor. The consent agenda contained the following: roll call; approval of February 21, 2007 accounts payable; approval of February 6, 2007 council meeting minutes.

Foster, Leroy, Margaret, and Gary left the meeting at 7:17 p.m.

Mayor Kerby spoke about the Farmers Market and said the downtown business owners are interested in the Farmers Market and asked if Mr. Byquist has spoken to any of them. Mayor Kerby gave Mr. Byquist their names. He said the business owners would like to close off a section of downtown and have the market in the downtown area to hopefully get more activity from the patrons of the market. Mayor Kerby suggested that Mr. Byquist speak to Mike Sloan, Economic Development Coordinator.

Mick Mellett moved to table the Farmers Market issue until the next meeting. Dave Gray seconded the motion. The motion passed, all in favor.

The annexation issue was postponed until the City Attorney arrives to give legal advice on the process to be followed for annexation. Mayor Kerby said there are a couple legislative issues that are out there that may confuse the issue.

John Langs moved to set the fee increase hearing for March 20, 2007 at 7:00 p.m. Dave Gray seconded the motion. The motion passed, all in favor.

Mayor Kerby said the moratorium on building permits was adopted at the February 15, 2007 special council meeting and Mike Klaus felt there needed to be clarification to the resolution. Dave Gray moved to adopt Resolution 2007-04A to amend the moratorium on building permit applications. Russ Docherty seconded the motion. The motion passed – Russ Docherty “yes”, John Langs “yes”, Dave Gray “yes”, Mick Mellett “yes”. Resolution 2007-04A reads as follows:

**RESOLUTION NO. 2007-04A
CITY OF BONNERS FERRY COUNCIL**

Amending Moratorium on Building Permit Applications

The Mayor and Council of the City of Bonners Ferry have considered and recommended the adoption of a Building Permit Moratorium on building permit applications for more than one residential *dwelling* unit per parcel or lot *in residential zones* until the City’s existing Zoning Ordinance rewrite is complete.

The record shows that the City of Bonners Ferry Mayor and Council provided notice and conducted a public hearing as is provided by law.

IT IS HEREBY RESOLVED by the Mayor and Council of the City of Bonners Ferry that the Building Permit Moratorium is hereby adopted. It shall hereafter serve to deny *residential dwelling* building permit applications *within the City’s AA, A & B residence zones* for more than one residential dwelling unit per parcel or lot until the City’s existing Zoning Ordinance rewrite is complete.

Dated this 21st day of February, 2007.

/s/ Darrell Kerby, Mayor

Attest: /s/ Kris Larson, City Clerk

Mayor Kerby gave a flood level report. He said the biological opinion concerning white sturgeon recovery has been challenged by environmental groups stating that it does not meet the requirements concerning endangered species. The Kootenai Tribe is concerned that the lowering of the flood stage from 1764 feet to 1762 feet may trigger the rewriting of the biological opinion. Mayor Kerby said the levee repairs come in to play sooner by the Corps of Engineers if the flood level is lowered to 1762 feet rather than 1764 feet. Whether or not a rewrite of the biological opinion would be required is an unknown. Mayor Kerby spoke to a representative of the Corps of Engineers and this resulted in a request from Governor Otter to provide funding for the levee repairs. There is a meeting on February 26, 2007 at 2:00 p.m. at the Extension Office with the Corps of Engineers to go over the levee repairs engineering study. This would be the first step in the funding process. The Colonel of the Corps of Engineers has notified the City that the west side of the levee near the sewer lagoon is in need of urgent repair. The flood level is set by the National Weather Service and this is the level that emergency notice is given to the public that the risk of flooding is near. Stephen said the flood level on the Moyie River is also being looked at. Mick Mellett inquired if the Mayor supports the 1762 level or the 1764 level. Mayor Kerby said he supports the 1762 level because this affects the residents and it also helps the farmers. John Langs moved to send a letter supporting the 1762 foot flood level. Mick Mellett seconded the motion. The motion passed, all in favor.

Attorney Tim Wilson joined the meeting.

Stephen told council that the garbage rules are included in the packet this evening and they may be sent out as a bill stuffer. Dave Gray said he received a red tag on his garbage for not having the garbage in a can. He said there is a conflict in the garbage rules. Dave read the red tag notice to the group. Mayor Kerby thinks the rules for garbage cans came from the state law and either DEQ or Panhandle Health due to bags of garbage being susceptible to animals tearing the bags and spreading garbage. Mayor Kerby said Pace-Kerby got a red tag for having too large of a can. Stephen said he will invite Ron Frederickson to Council to give an update. Dave Gray said the information on the red tag and the garbage rules do not match. Mayor Kerby cautioned that the rules should match the state laws.

Idaho Department of Commerce has funding available for planning and growth issues that the City of Bonners Ferry qualifies for. Mick Mellett moved to authorize the Mayor to sign the Rural Community Development Initiative Grant paperwork for planning. Dave Gray seconded the motion. Stephen said the Department of Commerce is considering hiring a consultant to prepare model ordinances for the entities selected to follow and since the City has already met most of the ordinance requirements that urban renewal districts and impact fees will be looked at. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

Attorney Tim Wilson spoke to Council regarding annexation. The City of Bonners Ferry has consolidated with two water districts that were previously independent. Idaho Code 50-222 speaks to annexation. All areas being served by the City for water and sewer services are giving their implied consent for annexation. John Langs asked if the City can select areas to annex or if the City is required to take all of the areas. Attorney Wilson said hearings would be required. Mick said in there used to be requirements that had to be given to the property owners. Stephen inquired about the size of property and the annexation rules. Tim reviewed the law. Mayor Kerby said the area needs to be defined for the water systems that the City serves.

Mayor Kerby said Moose Valley has provided a quote for planting and caring for the flower baskets for downtown this season. John Langs moved to contract with Moose Valley for planting and caring for the flower baskets. Dave Gray seconded the motion. Mick questioned conflict of interest and support of a city business. Attorney Wilson said if there previously was a conflict there still is a conflict. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

The catering permit for Ivanos was discussed. Mick Mellett moved to authorize the catering permit for Ivanos for the Pheasants Forever banquet. Russ Docherty seconded the motion. The motion passed, all in favor.

Stephen spoke about the chlorine feed for the sewer lagoon plant. Dave Gray moved to approve the purchase of the equipment as recommended by Mike Klaus. Russ Docherty seconded the motion. The motion passed, all in favor.

Mick Mellett moved to table the vac truck purchase. Dave Gray seconded the motion. The motion passed, all in favor. John Langs said he will need clarification of the issues regarding the truck and the legality of leasing options.

Stephen spoke to Council regarding the roof of the chlorine contact chamber. B.F. Builders recommended a change order for concrete to provide a slope to the roof. Mick Mellett moved to approve the change order for the roof change. Russ Docherty seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

Stephen spoke to Council regarding the change order request on the visitors center/parking lot project. He said some of the cost is for inspections; reinforcement of concrete subbase for doorways; rough carpentry substitution; exterior light cost change; change in contract time providing a winter shut down for outside work; time extension of 52 days; quantities of base rock and asphalt for the parking lot. Dave Gray wants to make sure the security cameras are in place and the area is covered. Mick Mellett moved to table the change order issue until after executive session. Dave Gray seconded the motion and it passed.

Mick Mellett moved to approve the application for Rural Fire Assistance Grant. Russ Docherty seconded the motion. Larry Owsley said the City would be obligated for about \$2,000 if the grant was awarded. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

Mick Mellett moved to authorize the Mayor to sign the contract for fire extinguisher services with General Fire. Russ Docherty seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

Dave Gray moved to approve the mechanic software update purchase. John Langs seconded the motion. The motion passed, all in favor.

Mick Mellett moved to appoint Dave Gray as Panhandle Area Council Representative. John Langs seconded the motion. The motion passed, all in favor. John Langs moved to appoint Mick Mellett as alternate representative for Panhandle Area council. Russ Docherty seconded the motion. The motion passed, all in favor.

Mick Mellett moved to read Ordinance 502 Amending Ordinance 159 Bonners Ferry Zoning Ordinance. Russ Docherty seconded the motion. The motion passed, all in favor. Attorney Tim Wilson read Ordinance 502 in its entirety.

John Langs moved to waive the second and third readings of Ordinance 502. Dave Gray seconded the motion. Mick inquired about Planning and Zoning comments. Mayor

Kerby said the report was given orally at the last special council meeting held after the planning and Zoning hearing. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

John Langs moved to adopt Ordinance 502. Mick Mellett seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”. Ordinance 502 reads as follows:

ORDINANCE 502

AMENDMENT TO ORDINANCE NO. 159

BONNERS FERRY ZONING ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NO. 159, NAMING A MEDICAL ZONE IN SECTION 11-1-3; AND SETTING FORTH THE RESTRICTIONS IN THE MEDICAL ZONE IN 11-1-10:

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

Section 11-1-3 of Ordinance No. 159 of the City of Bonners Ferry shall be amended to add a new zoning district to read as follows:

11-1-3: NAMING ZONING DISTRICTS: For the purpose of this act, the city shall be and is divided into zoning districts as follows; and it shall be unlawful to construct, erect, build or move upon land within a zoning district, a building not conforming to the hereinafter described regulations of that district:

- A Residence zone
- AA Residence zone
- B Residence zone
- C Commercial zone
- D Industrial zone
- E Unrestricted zone
- M Medical zone**

(1959 Code §4-4-3)

Section 11-1-10 of Ordinance No. 159 of the City of Bonners Ferry shall be amended by adding a subsection, 11-1-10(a) to read as follows:

11-1-10: PROVIDING FOR UNRESTRICTED E ZONE: In the unrestricted E zone, all buildings and premises may be used or occupied for any use in the A, B, C and D zones and for any use not prohibited by other acts of the city and for the following additional uses:

Animals and poultry may be maintained and raised in buildings and enclosures when approved by the health officer or planning and zoning commission when not prohibited by any other acts.

Storage of flammable liquids in overhead tanks and/or flammable liquids in underground storage in unlimited quantities for use or for unloading or rehandling. (1959 Code §4-4-10; amd. 2003 Code)

11-1-10(a) RESTRICTIONS IN THE MEDICAL M ZONE

Permitted uses: In the medical M zone, all buildings or premises may be used or occupied for any use permitted in the A residence zone and for any of the following uses:

1. Health, medical and dental clinics and offices
2. Police, fire, government structures
3. Accessory structures
4. Laboratory, medical, dental clinics and offices
5. Nursing or convalescent homes

The following uses are allowed in the medical M zone by special use permit:

1. Ambulance services
2. Heliports
3. Medical retail sales and services

APPROVED by the Mayor and City Council of the City of Bonners Ferry this 21st day of February, 2007.

CITY OF BONNERS FERRY, IDAHO

/s/ Darrell Kerby, Mayor

Attest: /s/ Kris Larson, Clerk, City of Bonners Ferry

Mick Mellett moved to have the first reading in its entirety of Ordinance 503 Establishing a Medical Zone. John Langs seconded the motion. The motion passed, all in favor. Attorney Tim Wilson read the ordinance.

Mick Mellett moved to waive the second and third readings of Ordinance 503. Russ Docherty seconded the motion. The motion passed, all in favor.

Mick Mellett moved to adopt Ordinance 503. Russ Docherty seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”. Ordinance 503 reads as follows:

ORDINANCE NO. 503
ESTABLISHING A MEDICAL ZONE

AN ORDINANCE OF THE CITY OF BONNERS FERRY, BOUNDARY COUNTY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; ESTABLISHING A MEDICAL ZONE FOR THE PROPERTY AT, AND ADJACENT TO THE BOUNDARY COUNTY COMMUNITY HOSPITAL, LOCATED AT 6640 KANIKSU STREET IN BONNERS FERRY, CHANGING THE PROPERTIES SET FORTH BELOW FROM RESIDENTIAL ZONING TO MEDICAL ZONING; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF.

WHEREAS, Section 11-1-3, of the Bonners Ferry, Idaho City Code has been amended to establish a medical zone

containing the properties in the following legal descriptions:

- Lots 1-4 and 11-14 of Block 1 of O’Callaghan’s Acre Tracts, page 121 of book 1, according to the original plat on file with the Boundary County Recorder.
- All lots in Block 6 of the amended plat of Bonners Ferry, Idaho according to the original plat on file with the Boundary County Recorder.
- Lots 8 and 9 of Block 15 of the amended plat of Bonners Ferry, Idaho according
- Properties near or adjacent to the Boundary County Community Hospital on Kaniksu Street with the following Instrument Numbers: 184174, 218319, 183136, 169922, and 223147.
- The Boundary County Restorium property as described; commencing at a point which is 144.00 feet West of the South Quarter corner of Section 22, TWP62N, R1E; thence North 264.00 feet to a point ; thence West 221.00 feet to a point; thence South 264.00 feet to a point; thence East 221.00 feet to the point of beginning. And; commencing at a point which is 204 feet North of the South Quarter corner of Sec. 22-62-1E; thence North 60 feet to a point; thence West 144 feet to a point; thence South 60 feet to a point; thence East 144 feet to the point of beginning.

NOW THEREFORE, BE IT ORDAINED by the City Council of Bonners Ferry, Idaho that the following be and is hereby adopted as an ordinance for the City of Bonners Ferry, Idaho:

Section 1.00: AUTHORITY

This ordinance is adopted pursuant to Idaho code Section 50-901.

Section 2.00: ESTABLISHMENT OF THE MEDICAL ZONE

There is to hereby establish a medical zone in the City of Bonners Ferry which is to be added to the City of Bonners Ferry Zoning Ordinances.

Any prior ordinance, section of any ordinance, or part of any ordinance in conflict with this Ordinance is hereby repealed to the extent of such conflict, as necessary.

Section 3.00: SEVERABILITY

If any part of this ordinance shall be declared invalid for any reason whatsoever, that declaration shall not affect the remaining portions of this ordinance which shall remain in full force and effect. To this end, the provisions of this ordinance shall be severable.

Section 4.00: EFFECTIVE DATE

This Ordinance shall take effect on, and be in full effect on, Published effective date.

Section 5.00: PUBLICATION

This Ordinance shall be published according to law in the Bonners Ferry Herald, a newspaper of general circulation published in the City of Bonners Ferry and the official newspaper of the City of Bonners Ferry, and hereby declared the official newspaper for the publication of this Ordinance.

Adopted as an Ordinance of the City of Bonners Ferry this 21st day of February, 2007.

CITY OF BONNERS FERRY, IDAHO

By: /s/ Darrell Kerby, Mayor

ATTEST: /s/ Kris Larson, Clerk, City of Bonners Ferry

Mike Sloan, Economic Development Coordinator, joined the meeting.

Mayor Kerby spoke regarding the loan and grant request for funding through USDA Rural Development. He said there is currently funding available and Rural Development has asked the City to apply to secure the funding. Mick Mellett moved to authorize the Mayor to sign the application for loan and grant funding through USDA Rural Development. Russ Docherty seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

Stephen spoke to Council regarding tile being installed in the visitors center restrooms rather than FRP panel. This is a cost upgrade of \$15,500 for backer board and tile. Mayor Kerby said the contractor said the FRP can be burnt with a lighter and thought the

tile would be more aesthetic and durable. Stephen said the tile would be seven feet six inches high and the restrooms will have a nine-foot ceiling. Mick suggested a concrete spray for the walls of the restrooms. Stephen said the project is on budget and the question is what the City wants. Mick said he would be interested in a spray surface with an epoxy finish like he has seen in a concrete or block building if the finish is sturdy enough and less expensive than tile. If this would hold up the contractor he is not interested but if it is reasonable he would like to explore it. No action was taken.

Mick Mellett moved to go into executive session at 9:00 p.m. to discuss legal issues and negotiations. Russ Docherty seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”. At 9:22 p.m. Dave Gray moved to go out of executive session. Russ Docherty seconded the motion. The motion passed, all in favor. No action was taken.

John Langs moved to approve change order #2 for the visitor’s center parking lot project. Dave Gray seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Dave Gray “yes”, Mick Mellett “yes”.

There being no further business, the meeting adjourned at 9:23 p.m.

Darrell Kerby, Mayor

Attest:

Kris Larson, City Clerk