

Mayor Darrell Kerby called the council meeting of April 4, 2006 to order at 7:00 p.m. Present for the meeting were Mayor Kerby, Council President Russ Docherty, Council Members Leslie Falcon and Dave Gray, Clerk Kris Larson, City Administrator Stephen Boorman, Police Chief Dave Kramer, Deputy Police Chief Rick Alonzo, Fire Chief Larry Owsley, and Planning and Zoning Coordinator Gary Falcon. Also present were Quentin Harden, Judith Holly Beaudet, and Tom Rhinevault and Cindy Slane of the Land Education Foundation.

Quentin Harden spoke to Council regarding the South Hill Water and Sewer District water contract for 2006. He said there is concern regarding a water shortage and the contract says that the city could shut the water off to the District if there is a shortage. He asked the city to consider the contract change to say if there is a shortage that everyone shares in the shortage. Dave Gray said he would like to reconsider the sharing of the shortage if there is one. Russ Docherty said he would talk about it. Mayor Kerby asked if South Hill Water would like to have the city take control over the District at this time. Quentin said they would like the city to take over the District as soon as water meters are installed. Mayor Kerby gave an example of the control of the water and how our attorneys have said you cannot perform your fiduciary responsibility serving on the board of the city owned system if you cede control of the ability to provide flow to anyone else. It is unlikely that South Hill would be cut off but they may be curtailed if there were a shortage. Quentin does not foresee a shortage this year but thinks it is the time to raise the issue. He is concerned with fire fighting capabilities. Mayor Kerby said he will not cede the control of the city's water system to South Hill Water District. Quentin still asked council to reconsider. Leslie said she does not want to change the contract. No action was taken.

Quentin inquired how many meters are being installed per day. Mayor Kerby said the number per day varies but the northside meters are installed with the exception of approximately eight. Stephen said there are between 250 and 300 meters installed at this time. Mayor Kerby said we are hoping to have the meters installed by fall. Quentin said South Hill would like that.

Rick Alonzo spoke to Council regarding the Rod Bender's Car Club car show to be held on June 3, 2006 in downtown Bonners Ferry. He asked for the use of Main Street from Kootenai Street to Riverside as it would be closed. He said Kootenai Street would be open but Bonner Street would be closed and Main Street between Kootenai and Arizona would be closed and the new parking lot at the end of Main Street would be used if there were enough participants. If not, the parking lot would be open for public. Rick asked for permission to use Main Street and for the city to waive the fees and liability insurance for the car show. He asked if non-profit vendors could sell refreshments without purchasing licenses. Rick said there will also be a car bash and a car blowing up competition. Dave Gray moved to approve the use of downtown for the car show and waive the fees and insurance subject to approval of the Police Department and to waive licenses for non-profit vendors. Leslie Falcon seconded the motion. The motion passed, all in favor.

Judith Holly Beaudet read a request into the record for an environmental impact study and the filing of an environmental impact report after a two-year study on storm water run off and untreated street runoff water on the Kootenai River and endangered species in the river. This is regarding annexation of property and the area of impact according to Ms. Beaudet. She spoke of the Area of Impact Ordinance 499 and the joint hearing on the area of impact that was held with Boundary County. She asked that a private environmental firm be obtained to do the study and that annexation action be put on hold and that Ordinance 499 be deemed moot. She would like these issues addressed and said there could be serious problems and criminal charges such as malfeasance. Ms. Beaudet said the hillside has sloughed off in the past and people have been killed. She wants Council to be aware of these issues.

Tom Rhinevault and Cindy Slane were welcomed to Bonners Ferry. Mr. Rhinevault said they met with city staff yesterday concerning annexation and a proposed subdivision. He said he and Cindy are partners in a land development corporation. They said the storm water in their proposed development will be contained and regulated by DEQ. Cindy said their engineer, Dean Briggs, was also present for the meeting with the city.

Larry Owsley gave the fire report. There have been three calls for grass fires and burns since the last meeting. There was an incident on Cody Street concerning sewer gas but the investigation is not complete. The calls were for odor. The fire department evacuated the residents. Manhole covers were pulled and the odor dissipated. This has been an ongoing problem and seems to come up when there is an inversion. He is not sure if it is from the gas stations filling their pumps or not. Stephen said there will be investigation of the sewer system to see if there is a problem also.

Dave Kramer gave the Police Report. He is trying to contact entities to see what events will be coming up in the near future such as parades so the department can be prepared. Dave had a good trip to the FBI Academy and thanked Council.

Leslie Falcon moved to approve the consent agenda. Dave Gray seconded the motion. The motion passed, all in favor. The consent agenda contained the following: roll call; approval of April 4, 2006 accounts payable; approval of March 23, 2006 and March 28, 2006 special council meetings; and approval of March 21, 2006 regular council meeting minutes.

Gary Falcon said the County Attorney is reviewing the area of impact ordinance. Russ Docherty moved to have the second reading of the Area of Impact Ordinance 499 by title only. Leslie Falcon seconded the motion. The motion passed, all in favor. Clerk Larson read Ordinance 499 by title only.

Stephen spoke about the annexation request from Cindy Slane and Tom Rhinevault. Stephen said a definite legal description is needed for annexation and fire-fighting capabilities were discussed, particularly on the steep slopes as a contract with Department of Lands may be needed for fire fighting in those areas.

Leslie Falcon moved to read Ordinance 498 Amending City Code 1-4-1, 5-2-24, 5-3B-4 by title only. Russ Docherty seconded the motion. The motion passed, all in favor. Clerk Larson read Ordinance 498 by title only. Russ Docherty moved to adopt ordinance 498. Dave Gray seconded the motion. The motion passed – Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”. Ordinance 498 reads as follows:

**ORDINANCE 498**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BONNERS FERRY IN SECTIONS 1-4-1 GENERAL PENALTY; 5-2-24 GENERAL OFFENSE AND 5-3B-4 LICENSE FEE.

WHEREAS, the Idaho Code has changed its maximum fine involving infractions and misdemeanors; and

WHEREAS, the City of Bonners Ferry finds it desirable to match the fines applied to infractions and misdemeanors to that of the State; and

WHEREAS, the City of Bonners Ferry finds it advantageous to its citizens to have a set fee for all altered dogs, not just spayed females.

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

Section 1: Section 1-4-1 GENERAL PENALTY, of the Bonners Ferry City Code shall be amended to read as follows:

1-4-1: GENERAL PENALTY:

A. Misdemeanor: Unless specifically provided elsewhere, any person convicted of a violation of any section or provision of this code deemed a misdemeanor may be fined in a sum not to exceed the maximum dollar amount established for misdemeanors under Idaho Code Section 18-113 and in accordance with Idaho Code Section 50-302. In addition thereto, any person so convicted shall pay such costs as the court may assess.

B. Infraction: When an offense is designated as an infraction by any section or provision of this code (ordinance of the city), it is punishable only by a penalty not exceeding the maximum dollar amount authorized by the State under Idaho Code Section 18-113A and in accordance with Idaho Code Section 50-302 and no incarceration may be imposed. Prosecution of infractions shall be in accordance with the procedures required for the prosecution of infractions as established under state law and rules2.

C. Federal Programs: In any federal program in which the city is participating, wherein penalties or enforcement remedies are required or mandated by the terms of participation in the program, penalties shall be in accordance with such penalties as shall be required by such federal program, to include criminal or civil monetary penalties not to exceed one thousand dollars (\$1,000.00), or imprisonment for criminal offenses not to exceed six (6) months or to include both a fine and imprisonment for such criminal offenses. (1959 Code § 1-8-1; amd. Ord. 466, 2-19-2002)

Section 2: Section 5-2-24 GENERAL OFFENSE, of the Bonners Ferry City Code shall be amended and read as follows:

~~5-2-24: GENERAL OFFENSE~~

~~It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by the state law, insofar as such laws are applicable to municipal government. (1959 Code Section 6-1-21)~~

5-2-24 GENERAL OFFENSE

It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by the state law, insofar as such laws are applicable to municipal government. Any violation of this section that would be considered a misdemeanor under Idaho Law shall be a misdemeanor under the city code; any violation of this section that would be considered an infraction under Idaho Law shall be an infraction under the city code. This section shall also comply with the Idaho Criminal Rules.

Section 3: Section 5-3B-4 LICENSE FEE, of the Bonners Ferry City Code shall be amended and read as follows:

5-3B-4 LICENSE FEE

~~The annual license fee required to be paid shall be established by resolution of the Mayor and City council for each male dog and for each spayed female dog; for each altered dog, male or female, and the annual license fee for all other female dogs shall be established by resolution of the Mayor and City Council, which sum shall be due and payable annually on or before January 31 of each year or within thirty (30) days from the date that the party obtains possession of the dog if the dog is acquired between February 1 and November 1. Failure to obtain a license within the time required will cause a doubling of the license fee. The annual license fee shall be for the period of January 1 through December 31. The license fee is the obligation of the person or persons possessing the dog. (Ord. 427, 7-9-1996; amd. Ord. 477, 5-6-2003).~~

DATED this 4th day of April, 2006.

CITY OF BONNERS FERRY, IDAHO

By: /s/ Darrell Kerby, Mayor

ATTEST:

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

The city organization chart was discussed. Dave Gray thanked Stephen for the chart. Dave Gray moved to adopt the organization chart for the city. Leslie falcon seconded the motion. The motion passed, all in favor.

The effective date of raises for state certifications was the next agenda item. Russ Docherty moved to give the raises effective April 1, 2006 for Alan Branson, Doug Ladely, and Jim Fritzsche. Dave Gray seconded the motion. The motion passed, all in favor.

Russ Docherty moved to hold the budget hearing on September 5, 2006. Leslie Falcon seconded the motion. The motion passed, all in favor.

Leslie Falcon moved to hire Andrew Barclay for the water meter project as a laborer. Dave Gray seconded the motion. The motion passed, all in favor.

Dave Kramer spoke to Council about the Jay Owenhouse Magic Show. Telemarketers advertise the magic show for DARE and he said the proceeds to the city are about \$4,000. Leslie Falcon moved to approve the contract with Jay Owenhouse Magic Show. Russ Docherty seconded the motion. The motion passed – Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Leslie Falcon moved to enter into a contract with Oxarc for fire extinguisher maintenance for the city. Dave Gray seconded the motion. Larry Owsley asked if Oxarc will hydro test the fire extinguishers. Stephen did not know but said John Youngwirth looked into several entities doing our maintenance and he chose Oxarc. The motion passed – Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Dave Gray moved to authorize Mike Ormsby to use the City logo for an advertisement. Leslie Falcon seconded the motion. The motion passed, all in favor.

Mayor Kerby reminded the group that there will be a meeting at 6:00 p.m. on April 5, 2006 for discussing impact fees.

Dave Kramer said there will be an LEPC meeting on April 6, 2006.

Attorney Tim Wilson joined the meeting at 7:45 p.m.

Dave Gray gave an update on the Human Rights Conference he attended in Moscow. He met many interesting people and he gained more tolerance. Dave also spoke about the Inland Northwest Partners Economic Development meeting he attended in Post Falls. He feels that the city is right on target and ahead of the curve.

Leslie Falcon said she attended a dispatch meeting and said there were more issues with the outlying departments than the city departments. She was involved with the odor call earlier this week and said the Police and Fire departments work well together. She spoke about getting the fire departments off the public frequency and getting them on a tactical channel.

Larry Owsley said he responded to the mercury emergency at Lake City High School and his hazmat team had just received training on mercury that was invaluable.

At 7:56 p.m. Russ Docherty moved to go into executive session per Idaho Code 67-2345 for legal issues, negotiations, and personnel. Leslie Falcon seconded the motion. The motion passed – Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”. At 8:10

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.

Dave Gray inquired where Head Start will be located. Mayor Kerby explained the location to Dave. Council commented on the good review given to the city employees for their work on the Head Start project.

Mayor Kerby said Robin Ponsness is resigning her position as economic development professional to pursue other interests. The job description is being reviewed and it will be sent to Panhandle Area Council for advertisement for the position. Robin will follow through with the projects she has been working on.

The North Idaho College outreach center was briefly discussed as well as the old Crown Pacific mill site.

Mayor Kerby said there was a request received for maintaining the football field lights and they were told that the city cannot maintain the lighting. The electric crew feels the poles are not safe to climb according to Stephen. Caribou Creek did the repairs

Stephen said the District 1 waterline project is done except for Davidson's and Copeland's and a final walk through by Rural Development. The power plant project is done and all four units are up and running.

The visitor's center is at Idaho Transportation for review. Stephen is hopeful that it will go out for bid soon. Council briefly discussed the project.

There being no further business, the meeting adjourned at 8:28 p.m.

---

Darrell Kerby, Mayor

Attest:

---

Kris Larson, City Clerk