

The regularly scheduled meeting of May 1, 2001 was called to order by Mayor Kerby at 7:00 p.m. Present for the meeting were Mayor Darrell Kerby, Council President Jim Burkholder, Council Members Mick Mellett, Russ Docherty, and Leslie Falcon, City Administrator Mike Woodward, Clerk Kris Larson, Electric Department Superintendent Stephen Boorman, Planning and Zoning Coordinator Gary Falcon, City Attorney Dan Featherston, Police Chief Dave Kramer, Police Officer David Hall and Chad Deitz, Golf Course Manager. Also present were Jay Cohn from the Bonners Ferry Herald, Judith Hollie Beaudet, Chris and Terri Bork, Jeff Gutshall, Torr Nelson from the Kootenai Valley Times, and Devryn Short.

Mayor Kerby informed the group that the School Superintendent asked the City if they could help the Valley View School fix the rough edges on the slab that was poured irregularly when the new gym was being built. Jim Fritzsche fixed the problem for the school.

Judith Hollie Beaudet addressed the Council and inquired about the status of Louisiana Street. She has property on two sides of Louisiana Street and would like to know the status and would like to use it. Mayor Kerby stated that the street was platted but was never developed into a street. She asked if it can be used for foot or horse traffic. Judith asked that Louisiana Street be opened up as a drivable street. She further stated that Chris Bork erected an improperly placed barb wire gate on Alder Street that is not on his property (according to Ms. Beaudet) to bar her from entrance to her property. She asked that the gate be moved back 15 to 20 feet. Mayor Kerby stated that the City does not get involved in civil matters. Ms. Beaudet stated that it is City property. Mayor Kerby will take the matter under advisement. The Mayor further stated that Louisiana Street is not a street but it is a public right of way at this time. He stated that it is still in question as to whether Ms. Beaudet owns the property that she is speaking about. Judith stated that the closing on her property purchase is scheduled for next week. Mayor Kerby stated that egress or ingress is not available on Louisiana Street because it has not been developed. Ms. Beaudet is confused as to who can use it. Mayor Kerby stated that adverse possession or rights cannot be gained from a government. Mayor Kerby stated that he will not answer her questions until the issue is looked into. Ms. Beaudet inquired about Alder Street and stated that it needs to be looked into due to her neighbor gating the property.

Ms. Beaudet asked if there will be public comment and hearings for the waste to energy project that is proposed. Mayor Kerby responded that the two sites proposed for the waste to energy project are not in the area of impact of the City and that DEQ and the Kootenai Tribe will be working on the issue. Mayor Kerby does not know of the process that will take place. Ms. Beaudet does not believe that the waste to energy plant should be placed in Boundary County.

Ms. Beaudet inquired about when the Louisiana Street issue will be resolved. Mayor Kerby responded that the issue will have to be looked at and the legal opinions will not be public but the actions of the Council will be in open public session. Ms. Beaudet inquired if she would be arrested if she walks on the property in question. Mayor Kerby stated that he cannot give legal advice but if private property is damaged that he thinks she could be at fault.

Russ asked for clarification whether or not her property is in the city. She stated that one lot is in the city limits but the majority is not. Ms. Beaudet believes that it is illegal for her to be land locked.

Jim Burkholder asked if she is a resident of the city limits. Ms. Beaudet responded that she lives in her van. Jim asked Attorney Featherston if she was a resident. Dan stated that she is not. Jim further inquired of Ms. Beaudet if she signed a document representing herself as the property owner and a resident of the City. She said that she did so she could get power.

Jim Gutshall spoke to the group regarding right of way that is not developed. He stated that he received legal advice that if a governing body wishes to open up the right of way that they can or they do not have to. A government should adhere to the rights of citizens and he gave an example of county right of ways that go right through people's residences. He further stated that people occupying a right of way can use the right of way until the governing body decides differently.

Chris Bork spoke that the idea of opening up Louisiana Street is not necessary and the land lock issue is not correct because there is access from another street to the property Ms. Beaudet has been speaking about.

Mayor Kerby welcomed Devryn Short from the Bonners Ferry High School. She asked that the curfew be extended an hour for prom night. Mick Mellett moved that the curfew be extended until 1:00 a.m. on May 5, 2001 for the prom. Leslie Falcon seconded the motion. The motion passed - all in favor. Devryn left the meeting.

Chief Dave Kramer introduced Dave Hall and stated that he was chosen to serve on a committee for the North Idaho College law enforcement program. Chief Kramer stated that this is quite an honor.

Dave Kramer also informed Council that he has found some information on the Internet for grant funding through the federal government. The first year there is no match required and it is a three-year grant. It is specifically for School Resource Officers. He requested that Council authorize the Mayor to look over the application and sign it prior to May 11th when it is due. The grant will be monitored during the fourth year to make sure the program is still operational. There are two deadlines. One is May 11th and the other is in June. This would

be a City grant in partnership with the School District. Leslie informed Dave to get the schools together to meet with the City when they go over it on Wednesday, May 9, 2001 at noon at Mugsy's. Mayor Kerby asked that Dave do a presentation for both the Council and the School District.

Dave stated that May 15th is designated as Police Officer Memorial Day and the President of the United States has designated the following week as Police Officer Week. Mayor Kerby read a proclamation that he signed designating the week May 13, 2001 through May 18, 2001 as Police Officer Week. The flag will be flown at half-staff. Dave is anticipating a brief ceremony around noon on May 15th to honor officers. He appreciates the support. Mayor Kerby inquired if the Canadian's would be invited. Dave will invite them.

Dave stated that the traffic safety committee met today. They would like to see additional lighting over the bypass for pedestrians and bicycle riders.

Jim Burkholder inquired if there will be a second State Police Officer assigned in our area. Dave is aware that the request has been made but does not know if an additional officer has been assigned.

Russ Docherty inquired about the possibility of issuing traffic tickets by mail. Dave has not looked at it. Russ commented on a friend who received such a ticket from Canada.

Chris and Terri Bork and Jeff Gutshall left the meeting at 7:35 p.m.

Jim Burkholder moved that the consent agenda be approved with the removal of item #5, approval for Keith Fairchild to attend Terex-Telelect School in South Dakota. Leslie seconded the motion. The motion passed - all in favor. The consent agenda contained the following: approval of the April 17, 2001 regular council meeting minutes; approval of the April 24, 2001 special council meeting minutes; approval of accounts payable for May 1, 2001.

Mayor Kerby informed the group that budget figures are not available yet.

Mick Mellett moved to table the acceptance of the police vehicle bid until the financial status is known. Leslie Falcon seconded the motion. The motion passed - all in favor. Mayor Kerby stated that once the financial information is known that a special meeting will be held.

Mayor Kerby inquired about the annexation issue. Gary Falcon gave an update that the letters and notice of hearing are being mailed out and the notice is being published for a hearing to be held May 17, 2001 at 7:30 p.m. Dan Featherston will get the legal description from the City and will draft the ordinance. Mike Woodward stated that if the annexation of the Marx Subdivision is to take place it

would be good to get it done before the fire season due to the anticipated dry conditions this year.

Mick Mellett moved to purchase the aerator for the golf course. Russ Docherty seconded the motion. Jim Burkholder does not want to purchase the aerator and would like to rent it this year because he is afraid that by the time a decision can be made concerning the City finances that it will be too late for use. Russ Docherty rescinded the second and Mick rescinded his motion. Mick moved to place the aerator purchase on the table until the finances are in order. Leslie Falcon seconded the motion. The motion passed - all in favor. Jim asked that Chad provide the cost of renting an aerator also at the next discussion. Chad informed Council that the aerator would be used quite often if it was owned rather than rented. Mayor Kerby inquired if there are other golf courses that we could share such a machine with. Chad stated that every other course in the area has an aerator and he is not aware if we can borrow one or rent one from them.

Mayor Kerby stated that the Bonneville Power Administration update was not favorable. The group discussed the rate increase hearing that will be upcoming and rate increases. Mick would like to see a rate increase that supports the figures that were given to Council. Mike Woodward spoke to the group about wholesale versus retail rates. Dan Featherston stated that the hearing notice should be structured to let the public know that the Council will consider a rate increase recommendation proposed by the electric department. The group discussed electrical rates. Mayor Kerby stated that at the time of the hearing that there will be information from the City regarding comfort level billing and other programs for energy assistance that the public may need. Dan stated that the public hearing notice must be published in the paper. Mayor Kerby inquired of Mike if the ceiling is \$300 for wholesale prices at this time. Mike stated that if the projections are accurate that some of the big businesses will shut down. Mayor Kerby stated that people that have abandoned old wood stoves will be firing them up again and that our customers may not keep the accounts receivable current. He is fearful if a rate increase is put in place in June just how high should it be and will it be appropriate to be adjusted again in the fall. Leslie stated that there are budgets being set that need the rate increase for their finances. Mayor Kerby stated that many businesses are selling or promising goods now that must be delivered next fall. Dan Featherston researched Idaho Code for the proper hearing requirements. Council is concerned about the fixed income residents and the businesses and schools with the rate increase. Stephen stated that the rates are at a hydro generated price at this time and they will never come back down to what they are today according to what Representative George Eksridge said at the public meeting. He agrees with his statement. The group continued to discuss electric rates. Northern Lights customers will be suffering greater than City of Bonners Ferry customers will.

Dan Featherston read from Idaho Code regarding fee increase hearings. The hearing must be published twice with the last notice given the week before the hearing is actually held.

Mick and Jim would like to see about a fifty- percent increase in June in anticipating that the fall rate increase will not be so high. This will give the customers time to get used to the fall increase. They would have the summer to retrofit their homes and get them more energy efficient before winter. Mayor Kerby wants to be prepared to inform the customer about the energy assistance agencies and contacts available. Supply and demand will be an issue.

Council discussed rate increase possibilities and how they would like to build up a reserve to make the fall increase less intrusive to the customer.

Mick Mellett moved to look at a proposed rate increase of 50 percent. Jim seconded the motion. The motion passed - all in favor. The rate increase will be effective the first possible billing cycle in June.

The group discussed Stephen's letter in response to the request from Northwest Energy Storage concerning marketing green power generation. The letter from the City informed the Shappell's that their generation does not justify City involvement.

Jim Burkholder moved to set the fee increase hearing on the 22nd day of May, 2001 at 7:00 p.m. at City Hall. Leslie seconded the motion. The motion passed - all in favor.

Mick Mellett moved that Russ Docherty be the Association of Idaho Cities voting member and Leslie Falcon be the alternate voting member. Jim seconded the motion. The motion passed - all in favor.

The ICRMP renewal is being worked on for fiscal year 2002.

Leslie Falcon inquired about a street near Valley View School. Mike stated that a camera has been ordered to look at the sewer line in the Valley View area.

Another issue being looked at is consideration of paving the parking lot near the old Mormon Church across the street from Valley View School and installing basketball hoops and lighting to help alleviate vandalism behind Valley View and near the school. Mike Woodward stated that the parking lot drainage would be a feasible project. Mike will come up with an estimate of costs to be presented to the Council when the finances are in order. There is an existing drainage problem in that area near Augusta Street.

Mick Mellett stated that a request had been made for a crosswalk between Harrison Street and the top of the south hill. Dave Kramer stated that the traffic safety committee has not addressed the issue.

Mayor Kerby stated that there is a leak in the concrete water tank at the City yard. Mike Woodward stated that cold patches have been made in the past and the joints need to be worked on to correctly fix it. There was also a leak near the Deep Creek crossing. Mike stated that it has been worked on and a strap was installed.

An external disconnect is now required for safety reasons on the main electrical external unit for new buildings being constructed.

The work order billings will be outsourced to get the backlog caught up because this information is necessary to complete the audit and get the financial information to council.

The final public meeting for the Revitalization Project will be held at the Old High School Auditorium at 6:30 p.m. on May 8, 2001.

The 11 northern counties will meet in Bonners Ferry for the North Idaho Chamber of Commerce spring meeting on May 4, 2001 at 10:00 a.m. at the Kootenai River Inn. Forest issues will be discussed and the acting Regional Forester out of Missoula will be attending. The Idaho Attorney General's Office will be on the panel along with Jim Riley of Intermountain Forest Industries and other distinguished guests. There will also be panel discussions concerning forest issues, agricultural issues, and highway 95 issues. There will be a noon luncheon sponsored by Anheuser-Busch. Friday evening is a banquet and the local people are encouraged to attend. This is an open public meeting.

Stephen Boorman informed council that the PCB school will be held in Spokane next fall so he will attend that school rather than go to Denver in June.

Mayor Kerby adjourned the meeting at 8:53 p.m.

Darrell Kerby, Mayor

Attest:

Kris Larson, City Clerk

