

Mayor Darrell Kerby called the May 16, 2006 council meeting 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, Street Supervisor John Youngwirth, and Fire Chief Larry Owsley. Also present was Ken Hustad from Bonneville Power Administration, Kevin and Rebecca Forsythe.

The first item was the electric fee rate increase hearing. There was no comment so the hearing recessed at 7:04 p.m.

Kevin Forsythe spoke to Council regarding a registered sex offender, Stephen Allured. The address on the sex offender notification for Mr. Allured is incorrect as it belongs to Forsythe's daughter. Kevin is requesting a phone call be made to get the address corrected in a timely manner. Mayor Kerby agreed. Police Chief Dave Kramer clarified the issue of registering sex offenders. He said the address has been corrected on the sex offenders web site according to the Sheriff's Office. Ms. Forsythe said their daughter has a disability and Mr. Allured is harassing her. Police Chief Dave Kramer said there are elements that need to be proven in a criminal case but there are also civil remedies that can be sought. Mr. Forsythe feels quite frustrated with the issue.

Mr. Forsythe also thanked the city for writing a letter concerning Holly Beaudet's special use permit application with the county, as he does not like what she is attempting to do in their neighborhood.

Mr. and Mrs. Forsythe left the meeting at 7:21 p.m.

Dave Kramer said the Special Olympics Tip a Cop is going on tonight at the Kootenai River Inn. Traffic training classes are being looked into with the City of Sandpoint to help educate individuals who are cited for driving offenses to learn what the laws are rather than paying a fine. The training classes would be paid for by the individuals and the city police would be putting on the training. Post Falls currently has this program and it is working well. Dave is also looking at having a small citizen's academy this fall to help educate the public on the workings of the police department and for the public to have a better understanding.

Ken Hustad from Bonneville Power Administration (BPA) spoke to Council. He said Bonneville has a rate case that is ongoing and should be wrapped up this summer. A rate case is a process that establishes what the revenue requirements are for an eight-month period of time. Bonneville has about 150 non-profit customers as well as others and BPA has been in operation since 1937. Investor owned utilities are also customers of BPA. Firm power in the amount of 71 to 73 average megawatts is generated in a year – about half of the power needed in the Pacific Northwest. BPA is obligated to serve some customers such as the city. This is the first time since 1937 that BPA may not have enough power to serve its customers.

Contracts signed in November 2007 will be effective for 20 years. Some of the key features of the contracts will be take-or-pay purchase commitments from utilities. Each customer gets a defined right to buy from the existing federal system at a tier 1 rate (high water marks, HWM). Beyond HWMs customers could either develop their own resources or buy power from BPA at a higher tiered rate called tier 2. BPA resets rates every two to three years to ensure rates recover costs. The base amount will be at the tier 1 rate for the City of Bonners Ferry and the additional power we need to buy to serve our customers will be at a higher rate. Stephen said the city's average load is 8 megawatts but sometimes in winter months we hit 16 to 18 megawatts. BPA will have interaction with the city over the upcoming months to come up with a contract that best suits our needs. Wildlife mitigation is about a 20 percent cost to BPA totaling about 690 million dollars per year. The debt of BPA has been extended out to 2018 to 2020 to help bring the rates down. BPA receives no appropriations from Congress. Take or pay commitment is the commitment to buy a certain amount and it must be paid for whether it is used or not. Stephen told Ken that the pre-pay option was not legal for the city to partake. Mayor Kerby told Ken that the city appreciates BPA.

Larry Owsley gave the fire report. There was a car fire responded to at the Jenni Lane Apartments. Hose testing is 90 percent done. There are some updates to the hoses that will need to be made. There is a leak at the fire hall in the waterline that serves the building. The water department and city engineer are looking into the leak. The fire truck is in Olympia and is ready for inspection. He will get with the city mechanic and figure out a time and get travel arrangements made to go view the fire truck. Dave Gray inquired about fire departments using the fire hydrant near his home and who is paying for the water when the parking lot is being washed at Boundary Trading Company. The water is on South Hill Water's line.

Ken Hustad left the meeting at 8:07 p.m.

Leslie Falcon moved to approve the consent agenda. John Langs seconded the motion. The motion passed, all in favor. The consent agenda contained the following: roll call; approval of May 16, 2006 accounts payable; approval of May 2, 2006 council meeting minutes; approval of May 9, 2006 special council meeting minutes; approval for two employees to attend a Highway Maintenance Welding Class in Coeur d'Alene from June 28-29, 2006.

The group discussed the area of impact ordinance. Russ Docherty moved to delay city action until May 23, 2006. Dave Gray seconded the motion. The motion passed, all in favor.

Annexation of property is still pending.

Council considered the amendment to the subdivision ordinance. Leslie Falcon moved to adopt Ordinance 495A amending Bonners Ferry Subdivision Ordinance based on the findings of facts from the Planning and Zoning Commission. John Langs seconded the

motion and it passed – John Langs “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”. Ordinance 495A reads as follows:

**ORDINANCE 495A
AMENDMENT TO ORDINANCE NO. 495
BONNERS FERRY SUBDIVISION ORDINANCE**

AN ORDINANCE AMENDING ORDINANCE NO. 495, RELATING TO PRELIMINARY SUBDIVISION PLANS, SPECIFICALLY, SECTION 12-3-3: APPLICATION; SECTION 12-3-4: PROCEDURES; SECTION 12-5-3: APPLICATION; AND SECTION 12-5-4: PROCEDURES:

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

Section 12-3-3: APPLICATION: of Ordinance No. 495 of the City of Bonners Ferry shall be amended and read as follows:

12-3-3: APPLICATION:

~~Any person who undertakes a subdivision shall submit to the city a preliminary subdivision plan with seven (7) copies for staff review. Upon preliminary staff review and action on any comments the developer shall submit a proposed subdivision plan for Planning and Zoning review and distribution to other effected entities. The developer shall submit one (1) full sized subdivision plan and fourteen (14) copies of the subdivision plan in 11”x17” format or larger. Details and specifications shall conform to the standards described in section 12-3-4 of this Chapter and the Idaho Code.~~

~~Each application shall be accompanied by a fee of an amount established by resolution of the council.~~

~~Any person who undertakes a subdivision shall submit to the city a preliminary subdivision plan.~~

~~Upon preliminary staff review and action on any comments the developer shall submit a proposed subdivision plan for Planning and Zoning review and distribution to other effected entities. The developer shall submit one (1) full sized subdivision plan and one subdivision plan in 11” x 17” format. Details and specifications shall conform to the standards described in section 12-3-4 of this Chapter and the Idaho Code.~~

~~Each application shall be accompanied by a fee of an amount established by resolution of the council.~~

Section 12-3-4: PROCEDURES: (A.) of Ordinance No. 495 of the City of Bonners Ferry shall be amended and read as follows:

12-3-4: PROCEDURES:

~~A. Proposed Subdivision Application Plan Standards: Every subdivision plan shall consist of one or more maps, the horizontal scale of which shall not be less than fifty feet to one inch (50':1") or more than one hundred feet to one inch (100':1"), together with written data are considered together, they shall fully and clearly disclose the following information and additional information request by the City due to the site and other special considerations:~~

~~A. Proposed Subdivision Application Plan Standards: Every subdivision plan shall consist of one or more legible maps, together with legible written data and will be considered together. Applicants shall fully and clearly disclose the following information and additional information requested by the City due to the site and other special considerations:~~

Section 12-5-3: APPLICATION: of Ordinance No. 495 of the City of Bonners Ferry shall be amended and read as follows:

12-5-3: APPLICATION:

An application for a minor subdivision must be submitted to the city with the following:

- A. Each application shall be accompanied by a fee if an amount is established by resolution of the council.
- B. Proof of ownership and consent from any lien holder granting authorization to subdivide the property;
- C. A list, prepared by a Title company licensed to do business in the state of Idaho, of the names and mailing addresses of all property owners whose property is adjacent to the property being proposed for development and others as required by the City. Such list shall be provided on self-adhesive labels in the number of copies necessary for the hearing(s) scheduled;
- D. Legal description and tax parcel number of the parcel being divided;

~~E. Seven (7) copies of the proposed plat on eleven inch by seventeen inch (11" x 17") paper, plus one (1) copy of the proposed minor subdivision drawn in ink on a reproducible material eighteen inches by twenty seven inches (18" x 27") in size, shall be prepared by a surveyor licensed in the state, and which shall be prepared in accordance with Title 50, Chapter 13 of the Idaho Code as it now exists or is subsequently amended;~~

~~E. One full sized copy of the proposed plat and one 11" x 17" copy of the proposed plat. Plus one (1) copy of the proposed minor subdivision drawn in ink on a reproducible Material eighteen inches by twenty seven inches (18" x 27") in size, shall be prepared by a surveyor licensed in the state, and which shall be prepared in accordance with Title 50, Chapter 13 of the Idaho Code as it now exists or is subsequently amended;~~

~~F. In addition any of the items in 12-3-4 may be required when appropriate.~~

Section 12-5-4: PROCEDURES: of Ordinance No. 495 of the City of Bonners Ferry shall be amended and read as follows:

12-5-4: PROCEDURES:

- A. Upon receipt of a completed minor subdivision application, city staff will review the Application to determine if it is complete and if it meets the criteria for a minor Subdivision, and shall schedule a minor subdivision review with the developer.
- B. The city will provide copies of submitted documents, as necessary, to outside agencies and jurisdictions, which, in the ~~opinion~~ judgment of staff, may be affected by the proposal. In addition the city will provide written notice to the owners of property adjacent property owners a plan of the minor subdivision, general information concerning the proposal, and the time frame for submitting written comments. The period of time for comment or response shall not be less than fourteen (14) days from the date of notice.
- C. The city staff shall then forward the minor subdivision review to the Planning and Zoning Commission for review and public hearing and then to City Council for approval.

D. A public hearing is not required unless such requirement is requested by the City Council
APPROVED by the Mayor and City Council of the City of Bonners Ferry this 16th day of May, 2006.
CITY OF BONNERS FERRY, IDAHO
By: /s/ Darrell Kerby, Mayor
Attest: /s/ Kris Larson, Clerk, City of Bonners Ferry

John Youngwirth said three people were interviewed for the Parks position and Selina Dittman was selected. Russ Docherty moved to approve the hire of a part-time employee, Selina Dittman, for the Parks Department. Leslie Falcon seconded the motion. The motion passed, all in favor.

Russ Docherty moved to approve the special use permit for Jeri Shepherd as recommended by Planning and Zoning with the special conditions as listed by the Planning and Zoning Committee. Dave Gray seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Russ Docherty moved to approve the special use permit for Candy Smith as recommended by Planning and Zoning with the special conditions as listed by the Planning and Zoning Committee. Leslie Falcon seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Mayor Kerby explained the voting process for the Association of Idaho Cities to the new council members. Russ Docherty moved to nominate Dave Gray for the voting delegate and for Leslie Falcon to be the alternate for the Association of Idaho Cities conference. John Langs seconded the motion. The motion passed, all in favor.

The special event permit was discussed for Jordan Productions for a circus on July 9, 2006. Dave Kramer has checked with the Fair Board and this group has been good to work with. Russ Docherty moved to approve the special event permit for a circus to be held on July 9. John Langs seconded the motion. The motion passed all in favor.

Dave Gray moved to authorize the Mayor to sign the Home Depot sales and use tax certificate. John Langs seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Russ Docherty moved to authorize the purchase of the fencing material for the golf course and for the Mayor to sign the contract with Quality Fencing and Construction, Inc. John Langs seconded the motion and it passed – John Langs “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Russ Docherty moved to go out for quotes for two pickups and two utility boxes. Leslie Falcon seconded the motion. The motion passed, all in favor.

A vacation carryover request was considered for Joel Minor due to him not being able to take 24 hours of vacation due to his workers comp injury. Dave Gray moved to authorize the vacation carryover. John Langs seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Leslie Falcon moved to approve the transfer of the beverage license for Last Chance Saloon from Eddie and Kirsten Madden to Eddie and Jennifer Madden. Russ Docherty seconded the motion. The motion passed, all in favor.

Russ Docherty moved to authorize the purchase of sand for the golf course. Dave Gray seconded the motion. The motion passed, all in favor.

Mayor Kerby reconvened the electric rate increase hearing. There being no comment from the public, John Langs moved to close the hearing. Leslie Falcon seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Grants for paving of the parking lots at Valley View and the truck for the water tank were recommended for approval through the CMAC grant process. Also the grant from the Idaho Department of Commerce for the water storage tank was approved. Stephen commented that Robin Ponsness should be commended as she wrote the applications for the CMAC grants.

Russ Docherty said there is funding available for monitoring Myrtle Creek through DEQ and EPA. This will be spoken about next week at a meeting.

Mayor Kerby commented that the regional health center received funding for the remodel of their building and also the City of Moyie received block grant funding for their water tank.

Dave Gray inquired about the special use permit application filed by Holly Beudet with the county. Council reviewed the response to the county written by the City Planning and Zoning Committee.

Dave Kramer said that it is predicted by Saturday for the Moyie River to be above flood stage. He said there is concern that flooding may occur with the runoff in addition to the predicted rain showers.

At 8:52 p.m. Leslie Falcon moved to go into executive session per Idaho Code 67-2345 for discussion of legal issues. John Langs seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”. At 9:28 p.m. Leslie Falcon moved to go out of executive session. Russ Docherty seconded the motion. The motion passed, all in favor. No action was taken.

There being no further business, the meeting adjourned at 9:29 p.m.

Darrell Kerby, Mayor

Attest:

Kris Larson, City Clerk