

Mayor Darrell Kerby called the special council meeting of May 19, 2006 to order at 12:02 p.m. Present for the meeting were Mayor Kerby, Council President Russ Docherty, Council Members Leslie Falcon and Dave Gray, City Clerk Kris Larson, City Administrator Stephen Boorman, Police Chief Dave Kramer, City Attorney Tim Wilson, and Jerry Howell.

The purpose of the special meeting was to review city litigation.

At 12:03 p.m. Russ Docherty moved to go into executive session per Idaho Code 67-2345 to discuss pending litigation. Leslie Falcon seconded the motion. The motion passed – Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”. At 12:19 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.

Russ Docherty moved to agree to the terms in the letter from Robert Moir’s Attorney to solve the Moir matter, case number CV04-241 City of Bonners Ferry vs. Moir. Leslie Falcon seconded the motion. The payment to Mr. Moir will be \$60,000 for real estate plus \$8,000 for moving expenses plus \$5625 for the Local Improvement District 2002-1 payoff. The motion passed – Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Mayor Kerby updated the group on the flood fighting efforts that are taking place on the Kootenai River. There is a levee problem on the north side of the river. Mayor Kerby has declared an emergency and the ratification by Council will be included on the May 23, 2006 council meeting agenda. Engineers from the Army Corps are on site in Bonners Ferry. Mayor Kerby read the emergency declaration to the group.

Stephen updated Council regarding the Myrtle Creek area and the Moyie Dam area concerning flooding and debris removal.

Mayor Kerby said a tributary of Myrtle Creek blew out a culvert in the road above the fire area earlier this week. The Forest Service is requesting that sand bags be provided for this problem and the sand bags are being filled at the city yard. Dave Kramer said the County has declared an emergency also for flooding.

Dave Gray inquired about the Kootenai River Inn. Dave Kramer said the high river levels cause the drains to percolate in the parking lot and sand bags have been made available to them. Dave said the river level is being watched closely.

Mike Klaus joined the meeting at 12:40 p.m.

Russ Docherty moved to go into executive session at 12:41 p.m. per Idaho Code 67-2345 to discuss pending litigation. Leslie Falcon seconded the motion. The motion passed – Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”. At 12:45 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.

Stephen informed Council that he and Mike Klaus have been working with Welch Comer on the visitor's center and the estimates are coming in quite high. He submitted paperwork for Council to review prior to the May 23, 2006 council meeting. Stephen said the City will do the oversight on the visitor's center project and we will pay the costs of the project and then submit to Idaho Transportation Department (ITD) for reimbursement. Mayor Kerby said he had requested updated figures on the visitor's center from Welch Comer and feels that these figures are accurate. This issue will be on the next meeting agenda. If the project is cancelled the City would be liable for \$154,000 for engineering and administration costs. Stephen said pavement markings, utilities, and all landscaping except irrigation and edging were removed from the project to get to the costs down that were submitted today.

Russ Docherty moved to adjourn the meeting at 12:58 p.m. Leslie Falcon seconded the motion. The motion passed, all in favor.

Darrell Kerby, Mayor

Attest:

Kris Larson, City Clerk