

Mayor Kerby called the regularly scheduled council meeting of October 2, 2007 to order at 7:00 p.m. Present for the meeting were Mayor Kerby, Council President Russ Docherty, Council Members John Langs, Mick Mellett, and Dave Gray, Clerk Kris Larson, City Administrator Stephen Boorman, Police Chief Dave Kramer, Fire Chief Larry Owsley, City Attorney Tim Wilson, and Economic Development Coordinator Mike Sloan. Also present were Dave Sims, Don Morice, Bill Michalk, Connie Wells, Steve and Deanna Galbraith, Jerry Higgs, Bob and Ina Pluid, Sally Dutson, Roy Day, Marcia Cossette, and Jay Cohn.

Bill Michalk gave a report and power point presentation on the Kootenai River and flood levels. He said he started working with the National Weather Service to reduce the flood level from 1764 feet in 1998. The elevation of 1758 is a point where the pumping systems and drainage systems cannot keep up with seepage. As a matter of politics the attempt to reduce the flood stage to 1762 occurred. The Libby Dam began operating in 1972. At that time the flood stage was 1770 feet. It was not based on damages but was a calculated value based on 100-year flood events. In 1994 due to endangered species act the Corps of Engineers did a study on the banks of the river. The flood stage was then established at 1765 feet. The next year 1764 was established as more appropriate. It is based on when the river significantly leaves its banks. There is the term zero damage also. At 1764 feet the majority of the valley is less than this. The Corps according to Bill does not consider agricultural lands for damages.

Bill said there are approximately 35,000 acres in the Kootenai Valley on the United States side and 32,000 acres are being tilled. On the Canadian side there are about 17,000 acres. He showed slides of the reclamation project that officially began in 1922. He said this information was sent to Coralinn Dam in Canada when it was being built.

Bill spoke about variable discharge at Libby Dam and storage capacity. He also spoke of biological opinions. The first biological opinion on sturgeon was issued in 1995 and has been altered and reissued several times in the past few years. He said the maximum flow of 1770 feet is in the 2000 biological opinion.

Bill said more water is being sent down the river now than we had pre Libby Dam. He showed slides of past flooding. He said there is no land in the valley except the islands and out croppings that are above 1770 feet. Variable Q relies on long-range forecasting. If the dikes were not in place there would be water over all of the roads in the valley. Bill said lowering the flood stage to 1762 feet buys a bit more time to prepare. The dikes are a local taxing district project owned by individual landowners within the drainage districts. He said the dikes in drainage district 1 protect the city. He spoke of the Pat McGrain study from 1997. Bill said when Libby spills water because it is full there is no more flood protection to us.

The Class of 1955 Representatives addressed Council regarding the Mary Welch memorial. They would like to donate a granite bench to either the visitor center or the Library Park. John Langs moved to accept the great donation of the granite bench at the visitor center location. Dave Gray seconded the motion. The motion passed, all in favor.

Roy Day spoke to Council regarding the water leaks at his home. He turned tort claims in to the city regarding the damage. Roy asked how long it takes to hear from the insurance company. Mayor Kerby said it can take a few weeks. Roy is waiting for a contractor to fix the damage outside his home but the contractor's equipment has been broken down.

Jerry Higgs said the city installed electronic read devices for the water meters and his device was not reading so the contracted meter reader came to his home to read the meters. He said the contractor said the read device is not accurate for reading because it was a low bid reader. He has been receiving estimated billings for the water usage until last month when he got a \$200 bill for the time that he had received estimates. Jerry complained to the front desk at city hall. He paid the bill this morning and the city verified the read was correct. He would like to see better service to the constituents because the contractor has told him there are problems. He said he called the city several times and it is unfair to ask a person to pay the entire summer water bill in one month.

Mick Mellett moved to go into executive session per Idaho Code 67-2345 for discussion of legal issues at 7:45 p.m. Russ Docherty seconded the motion and it passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

Mayor Kerby reconvened the council meeting at 7:50 p.m.

Deanna Galbraith spoke to council and said they are disputing the relocation of North River Drive as a trespass on their lot one. She said they also heard through a third party that the trees were to be cut and this is also a trespass likely leaving the destruction for them to cleanup a second time. They have had no response from the city and because they have no alternative they have sought legal council. Mayor Kerby thanked the Galbraith's. The Galbraith's left the meeting at 7:54 p.m.

Dave Kramer gave the police report. It has been a busy week with the tragic death of a youth last week. There have been a couple burglaries from open doors in vehicles. He said he attended the FBI Conference last week. He said Joesph Scholten will be returning to the city since he has graduated from Post where he did very well.

Mayor Kerby spoke about the mental hold issue. He said he asked the Deputy Administrator of Idaho Health and Welfare to work with law enforcement to get some of the issues resolved concerning the mental holds. Mayor suggested that he speak to the Idaho Police Chief's Association to help get this issue resolved. Dave thanked the Mayor for raising the question. Dave said the closest approved facility for mental holds is Coeur d'Alene and then it is Lewiston if Coeur d'Alene is full. Mayor Kerby said he is trying to get this fixed.

Dave said one of the goals is to get the drugs out of the schools and a drug dog was put in the high school today. He is hopeful to get feedback from some of the students. Jay Cohn commented on the exercise about a school shooter and thought it was a great training.

Larry gave the fire report. There have been no fire incidents since the last report. Open burning will begin October 15, 2007 and he is having information handed out to the public regarding burning. The fire prevention program starts October 14th and will continue through the month.

Stephen gave the administrator report. He said the leak projects are being worked on. Pierce Street water line is being tested and then Fifth Street will be worked on again. The annexation is being worked on and letters are being drafted. At the golf course there are several tee boxes that need work and the crews will work on them as time permits. The drainfield will be replaced this fall and the pond at the golf course is another issue. He has spoke with Mike Woodward to put the pond project together for the city. Mayor Kerby asked about golf revenues. They are above the budgeted amount for fiscal year 2007.

Russ Docherty 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 and approval of accounts payable and payroll.

Stephen told Council that planning and zoning will review the planning and zoning ordinance rewrite and also look at zoning for the proposed annexation property. Mayor Kerby would like to take extra effort to have the people being annexed to discuss their zoning with planning and zoning. He wants those people notified in an extra ordinary way so they are alerted to the process so they can participate.

Tim spoke to Council regarding the resort tax issue. The group discussed timelines for putting the issue on the ballot. It will not be ready for the November election but Council wants to work on it for the February election.

Council told staff to set a date for the annexation hearing.

Jerry Higgs spoke about the resort tax and an article that was in the paper last week from the manager at the Carriage House. He said if we could come up with an estimated amount of the tax that would be added on to a person's bill that may help make the public understand the issue better.

Mayor Kerby briefly spoke to council regarding memorials.

Jay Cohn spoke about the clock tower project. He said we have raised about \$14,000 for the project so far. Two names have been suggested for the tower. They are the "Firemen's Tower" or "Harold Sims Tower". He said the decision for the name should be a council decision. The clocks could be ordered and installed by Christmas with the hopes of raising another \$4,000-\$5,000 to help pay for them. These clock faces would be lit by floodlights and the cost is about \$9,000. The backlit clock faces cost about \$22,000. He asked what council would like to see – backlit or flood lighting? For backlit clocks we would have to raise about \$15,000 more. The group briefly discussed

funding. Mayor Kerby said the clock tower was a part of the downtown revitalization scheme. John Langs moved to name the tower the Harold Sims Clock Tower in honor of all he did for the community. Dave Gray seconded the motion and it passed, all in favor.

Mick said he would rather not place an order for the clocks before we have the funding. Dave Gray said he would like to see the project proceed. Dave Gray moved to go ahead with the flood lit clocks. Russ Docherty seconded the motion. Jay said we need about \$7,000 to complete the project. He said in six weeks the committee thinks that it will have enough donated funding to complete the project. The motion passed, all in favor. John Langs moved to order the clocks. Dave Gray seconded the motion and it passed – Mick Mellett “no”, John Langs “yes”, Russ Docherty “yes”, Dave Gray “yes”.

The conservation acquisition agreement with Bonneville Power Administration (BPA) was discussed. This agreement replaces the current agreement. The conservation money comes out of BPA. The city has to spend approximately \$30,000 for conservation efforts before 2011. John asked if the city has contacted the schools, hospital, and restorium regarding this conservation program. Stephen will look into this as he said the city has not been proactive. Mick Mellett moved to enter into the agreement with BPA regarding the conservation acquisition agreement. Russ Docherty seconded the motion and it passed, all in favor – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

John Langs moved to award the bid for unit four overhaul at the power plant to E.R. Balancing. Russ Docherty seconded the motion. Stephen said a lot of the bid is based on methods of repairing and he gave examples. He said there are quite a few unknowns with this project. The motion passed, all in favor – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

Dave Gray moved to award the bid for water project phase 1A to S&L Underground after we have received concurrence from DEQ and Rural Development. John Langs seconded the motion. Stephen said the bid came in under the bid estimate. The motion passed, all in favor – Russ Docherty “yes”, John Langs “yes”, Mick Mellett “yes”, Dave Gray “yes”.

The group reviewed the water project-funding summary.

Selkirk Loop advertising was discussed. In the past we have purchased the ad for the Selkirk Loop guide and last year the Chamber of Commerce paid half. Dave Gray moved to go ahead and purchase the ad with the Chamber paying half the cost. John seconded the motion and it passed – John Langs “yes”, Russ Docherty “yes”, Dave Gray “yes”, Mick Mellett “yes”.

Health insurance was discussed. Mayor Kerby said the foreman’s group chose to keep the same coverage with Blue Cross that we had in fiscal year 2007 with the same split to the employee as the city previously had. The fire department sometimes has difficulty paying their ten percent share if they have not met all of the training hours in a pay period. He asked council if they would like to look into other quotes. This year the

increase is projected to be 8.66percent. Mick Mellett moved to renew the health insurance with Blue Cross for fiscal year 2008 with the same cost share from the employees. Russ Docherty seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

Russ Docherty moved to authorize Mayor Kerby to sign pay request #9 for the water tank project. John Langs seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

The current flood level recommendation made by the council to the National Weather Service is 1762 feet. Dave Gray moved to change the flood level recommendation to 1764 feet to the National Weather Service rather than 1762 feet. Mick Mellett seconded the motion for discussion. Dave Kramer said there is a street that we close near the fairgrounds when the water level rises. Stephen said there is also a storm drain that we have trouble with in that area. At 1765 feet water comes out of the storm drain near General Feed and Grain. Mayor Kerby said Bob Graham has said seepage occurs at 1758 if the duration of the river stays for five to seven days. Dave said if the lower level is chosen and managed for then it gives a buffer. Council said the Corps said they would operate at 1764 feet and don't necessarily go by what elevation the National Weather Service says. Dave said the raising and lowering of the river causes the most damage through erosion. Mayor Kerby said the largest farm up north would rather have the level of 1764 because it would lessen the duration of the high water but they would support the city if they suffer damages at 1762. Mayor Kerby said the 2000 biological opinion of 1770 feet is no longer the current biological opinion. Mick said the Corps will come in and flood fight when we have human life or property damages. Jerry Higgs asked how the Commissioners felt about the flood level. Mayor Kerby said Jerry should ask the Commissioners. Mick said they are basically on record as wanting 1762. John said that at 1762 feet the Corps said the potential for catastrophic loss was increased and that is something that he is concerned about and thinks we should give the Corps the ability to decrease the catastrophic loss. Mick said no matter how council votes they will offend someone. The motion passed, all in favor – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

Stephen spoke about the ribbon cutting ceremony at the visitor center. The Kootenai River Inn and Riverside Auto are providing refreshments before the ceremony begins. The recommendation is to close the visitor center for the season after the ribbon cutting ceremony but keep the restrooms open as well as the meeting room. Mayor Kerby said the visitor center may be used for other type of community functions such as a traveling art display. He said there are cultural resources that travel around the country.

Mayor Kerby updated council briefly on the Myrtle Creek permit. He is working on it with the Forest Service.

At 9:22 p.m. Mick Mellett moved to go into executive session to discuss personnel and legal issues. Russ Docherty seconded the motion. The motion passed – John Langs

“yes”, Mick Mellett “yes”, Russ Docherty “yes”, Dave Gray “yes”. At 10:19 council came out of executive session.

John Langs moved to increase the salary of city administrator to \$85,000; increase Tammy Stemmene \$.69 per hour and Steve Neumeyer \$1.83 per hour; pay the officers of the fire department training and suppression stipends in addition to their officer stipend; and award a five percent wage and fringe increase along with the health insurance increase. Russ Docherty seconded the motion. Mick does not think the city can afford this. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “no”, Dave Gray “yes”.

The meeting adjourned at 10:22 p.m.

Darrell Kerby, Mayor

Attest:

Kris Larson, City Clerk