

Mayor Darrell Kerby called the regularly scheduled council meeting to order at 7:00 p.m. Present for the meeting were Mayor Kerby, Council Members Mick Mellett, Russ Docherty, Leslie Falcon, and Dave Gray, Clerk Kris Larson, Planning and Zoning Coordinator Gary Falcon, and Police Chief Dave Kramer. Also present were Nancy Mabile from Panhandle Area Council, John Langs, Roko Gorvichin, and Elizabeth Ciepiela from the Bonners Ferry Herald.

The first order of business was a hearing for the Community Development Block Grant. Nancy Mabile from Panhandle Area Council presented information. She said the hearing is a requirement of the Community Development Block Grant program and the funding is HUD funding. A chlorine contact chamber and a 500,000 gallon storage tank as well as distribution improvements are involved in the grant application. The grant funds will be for engineering and grant administration in the amount of \$391,600. The USDA Rural Development funds will pay for construction costs. The total cost of the project is \$2,216,000. The design cannot start until after January, 2006 according to Nancy. One criteria of the grant is that the population served is low to moderate income. Idaho Commerce and Labor considers the City an eligible applicant.

Tim Wilson joined the meeting at 7:07 p.m.

Mayor Kerby informed Nancy that a categorical exclusion was awarded to the city from Department of Environmental Quality.

Nancy said the project is a two year project with the tank construction first and then the distribution line portion the next year. Project completion is estimated to be July, 2007.

Mayor Kerby informed the group that a meeting was held with regulatory agencies and engineers to discuss the water tank construction. One of the main goals is to get away from pre-chlorinating and meet the new regulations regarding contact time. The proposal of a 500,000 gallon tank rather than a million gallon tank and building a tank to take care of the chlorine contact time were discussed at the meeting.

The hearing recessed at 7:13 p.m.

Dave Kramer gave the police report. Don Parlow is back from military training and Foster Mayo is back to work after his injuries suffered while working. He further stated that the Veteran's Day ceremony was a nice tribute to the community.

Leslie Falcon moved to approve the consent agenda. Russ Docherty seconded the motion. The motion passed, all in favor. The consent agenda contained the following: roll call; approval of November 15, 2005 accounts payable; approval of the Treasurer's report; approval of November 1, 2005 council meeting minutes; approval of November 4, 2005 and November 9, 2005 special council meeting minutes.

Attorney Tim Wilson gave Council an update on the area of impact. He said the City has taken in the areas discussed with the ordinance to be ready for the next Council meeting.

There is an appendix that will be attached to the ordinance to graphically show the area of impact as modified. Russ Docherty inquired who will sign the ordinance first. Tim said the City will act first and then it will go to the County for approval.

Attorney Tim Wilson addressed the group regarding the Kootenai Hills Estates, et al. Tim handed out maps to Council regarding the proposed subdivision and the areas that have been discussed for annexation. He stated if the Council approves the map and gives direction to follow, the descriptions will be drawn up and notice will be given for hearings. Mick Mellett moved to approve the provided mapping for areas of Kootenai Hills Estates Subdivision as well as adjacent property and properties discussed to be annexed by the City. Leslie Falcon seconded the motion. Mick Mellett disclosed that he owns property in the area proposed to be annexed. Mick rescinded his motion and Leslie Falcon made the same motion with Russ Docherty seconding the motion. The motion passed – Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”, Mick abstained. Mayor Kerby requested a legal opinion for the issue of Mick owning property within the annexation area.

The Community Development Block Grant hearing was reopened at 7:25 p.m. There being no further comment the hearing was closed at 7:25 p.m.

Mick Mellett moved to authorize the Mayor to sign the grant application paperwork and authorize Nancy Mabile to submit the grant application. Leslie Falcon seconded the motion. The motion passed – Mick Mellett “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Mick Mellett moved to enter into a contract with DeVore Electric for the power plant upgrade subject to the Attorney, City Administrator, and the Mayor’s approval. Leslie Falcon seconded the motion. The motion passed – Mick Mellett “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Russ Docherty moved to authorize the Mayor to sign the amendment to the Welch Comer Engineering Agreement for the water tank configuration. Mick Mellett seconded the motion for discussion. He asked if this should be signed before the January date. Mayor Kerby explained this as preliminary scoping necessary for the grant presentation. Nancy Mabile explained that as soon as the City receives the letter of invitation to submit an addendum from the Department of Commerce we can start counting what we pay toward the grant as long as the grant is awarded. The motion passed – Mick Mellett “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Ralph Lotspeisch and Julie Williams joined the meeting at 7:28 p.m.

The subdivision hearing opened at 7:30 p.m. Gary Falcon gave a presentation. He stated that the Planning and Zoning Committee recommended approval of the subdivision ordinance to come to Council at their October 6, 2005 meeting. Russ Docherty asked if there is anything in the ordinance that cannot be changed by Council. Gary responded that Council can change the ordinance. Leslie Falcon read a section of the ordinance

regarding mailing costs and mailing preparations. Gary said the applicant is now paying for mailing costs. Leslie feels that the mailing costs should be borne by the applicant. Gary said there are two different ways to handle the mailing costs. The fee schedule can be set by resolution. Mayor Kerby inquired if the subdivision ordinance should reference the fees as being set by resolution of the Council. This wording is in the ordinance. Mick Mellett said the purpose of the document is to have something to give to a developer for the parameters to be followed. He thinks the City streets need to be referenced in the ordinance. He also asked for a change on page three for the wording to be changed from will not to shall not. Mick also mentioned plumbing and surface wastewater disposal rather than subsurface sewage disposal on page four under double plumbing. Gary read a portion of the ordinance regarding storm sewers. Mick also had a question on page five and the division of land. Gary said there is no time frame. Mick also mentioned water supply. Gary said there is a review required to be done on subdivision applications and these issues will be looked at. Mick would like to see wider streets or else have sidewalks to allow for people walking and bicycle riding. He feels pedestrian ways are very important. Mick does not like the density issue. Leslie agreed. Mick also spoke about access points in a subdivision and feels there should be two accesses that are all weather. Leslie agreed. Russ Docherty inquired about hard surfacing streets and alleys being required by the subdivision ordinance. Gary said the road policy will dictate. Gary showed the group a flow chart that will be given to subdivision applicants. Minor changes can be made to the subdivision ordinance as the readings take place. The hearing closed at 8:00 p.m.

The building use policy for the City was reviewed. Leslie Falcon said the cost per day to heat the fire hall is \$18.36 and cleaning of the fire hall is \$40 per month. She posed the question if the building should only be used for non-profits and if a City employee must be present for meetings. Leslie said there is an actual cost to use the fire hall of \$58.36 and this includes no wear and tear on the equipment in the fire hall. Mayor Kerby commented on the difference between the fire hall use and the use of city hall. He said after hour use of city hall may require an employee for after hour use but not at the fire hall because it can be cordoned off. Tim Wilson inquired about the definition of non-profit. Mayor Kerby said the IRS definition has been used by the City for non-profits. Mick Mellett thinks all entities should be charged for fire hall use including the City. Mayor Kerby disagreed. He said to try to recoup all the cost is over kill but there should be assistance to the facility to help maintain it. His opinion of a public building is that it should be used as much as possible because that is its purpose. Leslie asked if the taxpayers should be responsible for upkeep on the building. Mick said his concern is a thermostat that is locked in the fire hall needs to be installed to keep a handle on the heating of the meeting room. The group continued to discuss the fire hall use. Mick said if City departments use the building they should pay the costs rather than the cost be the burden of the fire department. Mayor Kerby suggested a log of usage be kept and further said the City should not compete with businesses in the community. Leslie moved to leave the fire hall building use policy as is with the exception of a \$60 per day charge for the use of the building for non-profit organizations. Mick Mellett seconded the motion. Leslie further recommended a fee increase hearing to consider the increase in the fire hall use fee. Mick seconded the motion. Mick Mellett “yes”, Leslie Falcon “yes”, Russ

Docherty “no”, Dave Gray “no”. Mayor Kerby let the motion die. Russ Docherty moved that the foreman group review the building use policy. Mick seconded the motion with the addition that the fee be suggested and determined by the foreman group. The motion passed, all in favor.

Leslie Falcon moved to authorize Mayor Kerby to sign the Forest Service Grant pay request for Welch Comer. Russ Docherty seconded the motion. The motion passed – Mick Mellett “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Mick Mellett stated that the Council normally does not allow donations but they have paid for a phone line for the crisis line in the past. Russ Docherty moved to authorize the expenditure of \$500 for the Boundary County Youth Crisis and Domestic Violence Hotline. Dave Gray seconded the motion. The motion passed, all in favor.

Leslie Falcon moved to schedule the golf committee recommendations for increased fees for a fee increase hearing. Russ Docherty seconded the motion. The motion passed, all in favor.

The Golf Managers contract for 2006 was discussed. Mick Mellett moved to authorize the Mayor to sign the golf manager’s contract for 2006. Leslie Falcon seconded the motion. Ralph Lotspeisch asked that the profit and loss statement clause be looked at. He does not like the profit/loss of his personal business to be given to the City. Russ Docherty said this has been in the contract for many years and he would like to continue it. Mayor Kerby said there was once a thought of charging a percent of sales but this was not implemented. He further said this is in the contract so the City can see that the business is making a good profit at the course. He said the Council looks at the profit/loss to see if he is a good manager. Ralph said he has friends as golf professionals and this is understood to be private information. Russ suggested that this profit/loss statement be only at the viewing of the Clerk/Treasurer and the Council. Mayor Kerby suggested the issue be researched under the public records law as being kept private. Ralph would rather it not be public knowledge. Ralph also asked for a two year contract renewal. Council asked for legal advice from Attorney Wilson concerning a contract for more than one year. Russ would like to grant the request of Ralph for a two year contract if it is legal. Mayor Kerby said the City would look into the issues he brought forth tonight. The motion passed – Mick Mellett “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Mayor Kerby commended Ralph on his efforts at the golf course and thanked him.

Russ Docherty moved to approve the non-profit beer/wine license for the Festival of Trees with no fees charged. Dave Gray seconded the motion. The motion passed, all in favor.

Mick Mellett moved to have the first reading of the Subdivision Ordinance, Ordinance #495 in its entirety. Russ Docherty seconded the motion. The motion passed, all in favor. Attorney Tim Wilson read Ordinance 495.

Mick Mellett moved to make alterations to the subdivision ordinance as follows: 1) reference the city ordinance for access to city streets under streets and roadways, probably under page 13 wording; 2) page 3 section 12-1-7A to read shall not rather than will not; 3) will not to be changed to shall not throughout the ordinance because shall not is defined; 4) page 8D refers to the County for approval of names of subdivisions and streets and it be changed to be reviewed by the County so that duplications do not occur; 5) page 13 12-6-3F streets and roadways be reworded so that streets and pedestrian walkways may be required and strike the number of parcels and let this be reviewed by Staff, changing shall to may; 6) under B of section 12-6-3 where the ordinance reads private streets and roads should be discouraged except in planned unit developments, change should be discouraged to not allowed. Leslie Falcon seconded the changes. The group discussed planned unit developments and private gated communities. The motion passed, all in favor. Mayor Kerby instructed staff to make the changes for the next council meeting.

Mayor Kerby spoke about committee members that have agreed to serve another term. Dave Gray said Andy Howe has volunteered to serve on the Planning and Zoning Committee. Mayor Kerby thanked the group for the suggestions.

Mick Mellett moved to authorize the Mayor to sign the contract with Empire Concrete for coring the concrete at the Moyie Plant. Leslie Falcon seconded the motion. The motion passed – Mick Mellett “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Council discussed the day after Thanksgiving. Russ Docherty moved to give a holiday the day after Thanksgiving and follow the normal City policy. Dave Gray seconded the motion. Dave said he wanted his statement on the record that employees have requested this and he is supporting it. Mick Mellett “no”, Russ Docherty “yes”, Leslie Falcon “no”, Dave Gray “yes”. Mayor Kerby voted “yes” to break the tie.

At 9:42 p.m. Mick Mellett moved to go into executive session per Idaho Code 67-2345 for discussion of legal issues. Leslie Falcon seconded the motion. The motion passed – Mick Mellett “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”. At 10:15 p.m. Mick Mellett moved to go out of executive session. Dave Gray seconded the motion. The motion passed, all in favor. No action was taken.

Mayor Kerby said a workshop will need to be held to discuss the water tank and the visitor’s center.

The meeting adjourned at 10:18 p.m.

Darrell Kerby, Mayor

Attest:

Kris Larson, City Clerk