

Mayor David Sims called the Council meeting of October 16, 2018 to order at 7:00 pm. Present for the meeting were: Council President Rick Alonzo, Council Members Adam Arthur, Valerie Thompson and Ron Smith. Also present were: City Attorney Andrakay Pluid, Fire Chief Dave Winey, City Administrator Lisa Ailport and Clerk/Treasurer Christine McNair. Members of the public present were: Jimmy Dorhofer, Craig Kelson, Ed Ernst, Marty Martinez, John Brantley, Marciavee Cossette, Denise Crichton, Carolyn Testa, Barb LePoidevin and Dave Gray.

Dave Gray invited everyone to the Museum dinner on October 27, 2018.

Craig Kelson with the Boundary County Human Rights Task Force is hopeful the memorial for Grace Siler will be in place next week. There will be an unveiling ceremony on Saturday, November 3, 2018 at 2:30pm. There will be a meet and greet at the fairgrounds following the ceremony. Everyone is invited to both the ceremony and the meet and greet.

Fire Chief Dave Winey said since the last Council meeting there was a small fire in a basement on Cedar Street.

City Administrator Lisa Ailport gave her report. Several employees went to the PRIMA training in Coeur d' Alene today. Traffic Safety will meet October 17, 2018 at noon and Planning & Zoning will meet October 18, 2018 at 5:30pm. Lisa attended a training sponsored by LHTAC that discussed their upcoming applications. She will meet with JUB tomorrow to see if JUB can help with any of the grants for LHTAC. Lift Station number 5 has been completed, the hydro wall repairs have been completed, the sewer bridge project is almost complete, the pool demolition has been completed, the alleyway drainage issue behind City Hall will started next week, the downtown sidewalk electric boxes will be looked at and hopefully repaired before the end of the year. The tree limbing at the golf course will be postponed due to the challenges the slope creates. John Youngwirth is working with the County to install two drainage boxes on hole number four, the demolition of the deck has been completed, pump house needs to be looked at for future repairs. Lisa thanked the Street department for their work, cleaning the windows on City Hall and painted the loading dock. Some interior work will be done when the weather is more inclement. Lisa said she is looking into burning the vegetation along the dike, about 1400 linear feet instead of cutting it. Lisa said John Delaney has done an extraordinary job and she wanted to recognize him for his work. John Delaney and his staff stopped what they were doing to repair a major water line break in the alleyway between Main Street and First Street. The crew worked on the weekend and were able to limit the amount of time that customers were without water. There were two other issues one on Mohawk Street and Latah Street and a line break on Cody Street. Lisa said the last two will have to be looked at in the future. Adam Arthur asked if the breaks were because of the age of the pipes. Mayor Sims said the one on the Northside was due to welding on the steel pipes. Rick Alonzo asked if the break in the alley was the cause for the sink hole. Lisa said she does not know for sure, but does not feel they were not connected.

Valerie Thompson moved to approve the consent agenda. Adam Arthur seconded the motion. Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes, Adam Arthur – yes.

Mayor Sims thanked Barb LePoidevin for all of her work in the years past. Barb said she has made some additions for this year. One of the additions is adding lighting to alley side of Georgia Mae Plaza, so it will not be so dark on that end. Adam Arthur moved to approved Barb LePoidevin decorating the Georgia Mae Plaza and the list of volunteers. Rick seconded the motion. The motion passed with all in favor.

Mayor Sims moved item #18, the list of surplus auction items to item #6. Lisa is hoping to have the auction on November 2, 2018 with removal of the items by 5:00 pm on November 7, 2018. Adam Arthur asked about the two police pickups and why those were not on the list. Lisa said the new vehicles are not ready, so there will be another auction soon for those two items. Andrakay Pluid said the opinion from the Association of Idaho Cities (AIC) is that employees cannot bid on the auction items. Rick Alonzo moved to approve the list of items for the surplus auction by sealed bid and according to AIC no City employees can bid. Ron Smith seconded. The motion passes with all in favor.

Rick Alonzo said as has been done in years past, he wants to give the employees the day after Thanksgiving off and the day before Christmas off. Rick moved to give all City employees Friday, November 23, 2018 and Monday December 24, 2018, Christmas Eve off so they can have four day weekends. This is not considered a holiday, if the employee cannot take the days off due to the work schedule and conflicts, they can take another day off to compensate, if they do have to come into work, it is at regular pay with no overtime involved. Ron Smith seconded the motion. Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes, Adam Arthur – yes.

Adam Arthur moved to approve the catering permit for the Rusty Moose for October 27, 2018. Valerie Thompson seconded the motion. The motion passed with all in favor.

Mayor Sims asked how the bid for next year's flower baskets compares to this year's cost. Christine McNair said it is approximately \$100.00 more. Mayor Sims said we did ask for a bid from Moose Valley, but they did not want to bid. Valerie Thompson moved to approve the bid from Sugar Plum Floral for the 2019 flower baskets for \$4,349.25. Rick Alonzo seconded. Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes, Adam Arthur – yes.

Lisa Ailport said this is the fifth pay request from Panhandle Area Council for the amount of \$221,496. Rick Alonzo moved to authorize the Mayor to sign pay request #5 with Panhandle Area Council for the Sewer Force Main Bridge in the amount of \$221,496. Valerie Thompson seconded the motion. Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes, Adam Arthur – yes.

Andrakay Pluid said that Idaho Code prevents cities from having their own public drunkenness acts. This has been on the books for quite a while. A couple of the City officers have cited some people under this code and the judge was upset. Andrakay said it is best to just repeal the code. Ron Smith moved to have first reading of Ordinance 580 to repeal Bonners Ferry City Code 5-2-14 regarding public drunkenness by title only. Rick Alonzo seconded the motion. The motion passed with all in favor. Andrakay Pluid read the ordinance by title only: An ordinance of the City of Bonners Ferry, a municipal corporation of the State of

Idaho, repealing Bonners Ferry City Code Title Five, Chapter Two, Section 14; providing that this ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Ron Smith moved to suspend reading rules and adopt Ordinance 580 repealing Bonners Ferry City Code 5-2-14 regarding public drunkenness. Rick Alonzo seconded. Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes, Adam Arthur – yes.

Andrakay Pluid said this ordinance was brought up when the buyer of the old Taco Bell requested a waiver. The City has an ordinance that prohibits the sale of a six pack of beer or a bottle of wine within 300 feet of a school or church. The State code only restricts sales by the drink. So there cannot be a bar within 300 feet of a school or a church, but retail sales are not regulated. Andrakay does not feel it is necessary for the City to regulate farther than what the State regulates. The ordinance states that a waiver can be requested, but there are no parameters in the ordinance to determine whether the waiver should be approved or denied. Mayor Sims said the 300 feet is arbitrary. Andrakay recommends repealing the ordinance since it is not defensible.

Ed Ernst said his company did not bid on this property because of this ordinance. They did not know the ordinance was going to be repealed. By repealing the ordinance, it will increase the property value by \$100,000. Ed is requesting this item be tabled to give him four to six weeks to speak with his legal team. To make sure there are no appearance of evil, just like the auction items. Mayor Sims said the current buyer requested a waiver, which caused Andrakay to further look into the ordinance. Mayor Sims said this is not connected to any certain buyer, it is an ordinance that should not be on the books.

John Brantley said he is fine with the 300 feet rule. John does not think there is anything wrong with adding another layer on the State rules. John is urging Council to not repeal this ordinance.

Ron Smith asked how Andrakay feels after hearing the comments. Andrakay said she still feels the ordinance should be repealed. She does not feel that location is any more of a risk, with kids having access to alcohol than Safeway, Pizza Factory or Super 1. The middle school is a closed campus. Other people that were interested in purchasing this property were able to ask for a waiver.

Ed Ernst said waivers can be removed, this is not a waiver. Mayor Sims said the ordinance is not defensible, that is why it is being considered for repeal. Valerie Thompson said her concern with the ordinance is the wording “any other place of worship”. Mayor Sims said there are a couple of churches that use the Visitor’s Center, so does that mean that the businesses downtown cannot serve alcohol. Rick Alonzo said he researched the ordinance from 1996 and there was not any discussion or good reason for the ordinance. Rick asked Ed where he came up with the value of \$100,000. Ed said because he would buy it if this ordinance if repealed. Ed said it can be argued that the reason the previous business failed was due to not being able to sell alcohol. Mayor Sims said when the Taco Bell opened there were two other gas station/convenience stores that opened within a two year period.

Ron said he has a problem with being able to pick and choose who a waiver can be granted to. Adam asked if a waiver is revocable. Andrakay said she believes that once a waiver is granted it stays with the property and is not revocable. Adam thinks the ordinance is arbitrary and he is concerned that if it will really increase the property value by \$100,000. Andrakay said it is the Council's job to consider how the ordinance affects the City as a whole not a certain property. Rick has concerns about tabling this until Ed has had a chance to review it and do an end run to see if Ed can buy the property, it looks like Council is enabling Ed to buy the property. Ed said an argument could be made that the new owner of the property has a "sweetheart deal" with the City. Andrakay said she finds it offensive that Ed thinks the Council or City administration would make a decision or repeal an ordinance based on a relationship with a property owner, who bought the property before they requested a waiver, before the City knew anything about their intent to request a waive. The property owner could have put in a different business and never requested a waiver. The property owner did not request a repeal that was a decision that was made internally, by City administration. Ron asked Andrakay why she is against to leaving the waiver on. Andrakay said there have to be standards that would decide if a waiver could be approved or denied. Those standards do not exist in this ordinance. Rick said just the ordinance needs to be considered. If it is a bad ordinance then it needs to be repealed. The liquor store is closer than 300 feet to the Methodist Church.

Rick Alonzo moved to have the first reading of ordinance #581 to repeal Bonners Ferry City Code 3-2B-6 restricting the sale of beer and wine within 300 feet of any school, church or any other place of worship by title only. Valerie Thompson seconded the motion. The motion passed with all in favor. Andrakay Pluid read ordinance #581 by title only: An ordinance of the City of Bonners Ferry, a municipal corporation of the State of Idaho, repealing Bonners Ferry City Code Title Three, Chapter Two, Article B, Section 6; providing that this ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Rick Alonzo moved to suspend the reading rules and adopt ordinance #581 repealing Bonners Ferry City Code 3-2B-6 restricting the sale of beer and wine within 300 feet of any school, church or any other place of worship. Ron Smith seconded. Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes, Adam Arthur – yes.

Mayor Sims said Computer Arts Inc. has been the City's IT provider for a number of years. Rick asked if 300 hours is adequate for the City. Christine said it is. Adam asked if we are billed in one lump sum. Christine said we are billed monthly. Valerie Thompson moved to authorize the Mayor to sign the contract with Computer Arts Inc. for Master IT Services. Adam Arthur seconded the motion. Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes, Adam Arthur – yes.

Mayor Sims asked if the Fire Chief has any issues with the contract with the Kootenai Tribe of Idaho for fire protection services for the Kootenai River Inn. Chief Winey said he does not. Rick asked about a built-in an increase in the rate. Lisa said that will be something that is considered in the future. Ron Smith moved to authorize the Mayor to sign the contract with the Kootenai Tribe of Idaho for fire protection services and programs effective October 1, 2018 through September 30, 2019. Valerie Thompson seconded the motion. Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes, Adam Arthur – yes.

Mayor Sims said there has been a contract with Idaho Forest Group for eight years. The Cost of Service Analysis was using 2017 as the base year, which would lead to inaccurate rates. The rate study has been put off to use 2018 as the base year. The contract amount has been escalated. The contract is subject to a true-up at the end of the year based on actual costs. Idaho Forest Group would like to have this contract done before the end of the year. Larry Crowley, helps Idaho Forest Group with the rates at all of their mills, will be here in December, to look at the things that need repair at the dam. Valerie Thompson move to authorize the Mayor to sign the one year extension for electrical service agreement with Idaho Forest Group for October 1, 2018 through September 30, 2019. Adam Arthur seconded the motion. Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes, Adam Arthur – yes.

Lisa said the survey is needed to create the legal description for the 50 foot strip of land that will be dedicated to the City near the old Pape building. JRS Surveying has produced a professional service estimate for this project. The two parts of this project are the surveying and the topographical map. Mayor Sims said according to the agreement with the current property owners, the City will pay the fees. Mayor Sims asked how the cost for this project will be split. Lisa said it will be split between the enterprise funds (electric, water and sewer). Lisa said this will provide North-South connectivity for the neighborhoods on the West side of Highway 95. Lisa showed a map of the proposed route. Ed Ernst asked if this was done to help develop the Pape property. Adam said there are a lot of areas that are disconnected in the City. This is to connect a few of the neighborhoods that are not currently connected. Denise Crichton asked how soon the road will be developed. Lisa said it will be a bike/pedestrian path until the time it is developed to help relieve the congestion on the highway. Valerie Thompson moved to authorize the Mayor to sign a contract with JRS Surveying, to survey a new City street from Wilson Street to Solomon Street, for the completion of the task provided to the City on the proposal with the amount not to exceed \$3,200, without prior Council approval. Adam Arthur seconded the motion. Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes, Adam Arthur – yes.

Mayor Sims said we have used Anderson Bros. CPA for few years for the City's audit. Mayor Sims asked what the difference in cost between this year and last year. Christine said she did not look at that, but she believes it is close to last year's cost. Ron Smith moved to authorize the Mayor to sign the letter of engagement with Anderson Bros. CPA for fiscal year 2018 audit. Valerie Thompson seconded the motion. Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes, Adam Arthur – yes.

There being no further business the meeting adjourned at 8:32pm.