

**MINUTES  
CITY COUNCIL MEETING  
Bonners Ferry City Hall  
7232 Main Street  
267-3105  
November 19, 2019  
6:00 pm**

Mayor David Sims called the Council meeting of November 19, 2019 to order at 6:00 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, City Clerk/Treasurer Christine McNair, Police Chief Brian Zimmerman, City Administrator Lisa Ailport and Economic Development Coordinator Dennis Weed. Members of the public present were: Dave Gray, Marty Martinez, Lawrence Drake, Olivia Drake, Jerry Higgs, Marciavee Cossette, Denise Crichton, Mat Surprenant, Valerie Surprenant, Stephanie Franke, Seth Brown, Kevin Boldt, Renee Murphy, Ron Sukenik, Leanne Sukenik, Doug Ladely Sr., Philip McGuire, Faye Almond, George Almond, Dick Staples, Kristie Campbell, Ron Campbell, Steve Ussher, Laura Snyder, Bruce Merrifield, Eric Lederhos and Craig Wheatley.

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARINGS**

**1. Idaho Community Block Grant Application for Lift Station #5**

Mayor Sims said the City is not applying for the block grant at this time. Adam Arthur moved to table the Idaho Community Block Grant application for Lift Station #5. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

**2. File #AN04-19 De-annexation Request from Sukenik, Jordan, Gagnier and Anderson**

Mayor Sims read the procedures for the hearing. Mayor Sims opened the public hearing at 6:03 pm.

Clare Marley gave her presentation. July 16, 2019, the applicant and Council met informally regarding de-annexation of four parcels totaling approximately 35.7 acres. Idaho Code does not give specific process for de-annexation. These properties are at the very eastern edge of the City limits, between the railroad track and the Kootenai River. It was annexed in 1978. There are no water and sewer services or direct access for City police and fire services to these four parcels. No written public comment was received. The estimated yearly taxes are \$334.00. The estimated cost to get water and sewer to the parcels is \$20,000. Reasons to de-annex: services are not contiguous, challenges to provide water and sewer services. Item #4 of development agreement was revised to read: services to the property will be dependent upon availability when the request is made however the City has no obligation to provide either City water or sewer beyond the corporate City limits.

Ron Sukenik said he is one of the three owners of the property. He gave a brief history of the property. Applications to the County for their processes have been submitted and paid for. There maybe a request for electric services in a few years. Mayor Sims asked if the other applicants are present. Ron Sukenik said they are not.

Mayor Sims opened the public testimony at 6:17pm.

No public testimony was given.

Mayor Sims closed public hearing at 6:19 pm.

Valerie Thompson moved to approve the de-annexation of approximately 35.7 acres that are described in File AN04-19, subject to the conditions of approval based upon the findings and reasoned statement as written in the draft findings and statement on page 5 of the staff report and the de-annexation request is supported by the City of Bonners Ferry's comprehensive plan goals and practices. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

**3. City – Consider De-annexation Agreement with Sukenik, Jordan, Gagnier and Anderson File #AN04-19 (attachment) {action item}**

Clare Marley said the agreement has a legal description, illustration, changed to allow electric service, work with the County to be pre-zoned. Mayor Sims asked if Ron Sukenik is in agreement with the de-annexation agreement. Ron Sukenik said he is with the change to item #4. Ron Sukenik asked about the fees. Lisa said the publication costs will be billed. Clare said there is a two year sunset clause. Ron Sukenik asked if there are any more public hearings. Lisa said there are not. Rick Alonzo moved to approve the de-annexation agreement. Ron Smith seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

**4. File #AM04-19 Livestock Standards Amendment for Title 11 Livestock Standards Amendment**

Mayor Sims opened the public hearing at 6:24 pm.

Clare gave her presentation. She said this process started over a year ago, to consider if any changes were needed to the current ordinance. The new ordinance: revised the domestic livestock definition, adjusted livestock allowances, added community gardens, ties the housekeeping measures to the current nuisance laws, and prohibits the keeping of roosters and intact male livestock.

Prohibitions: male livestock are prohibited, number adjustment: 1 acre and addition animal unit requires an additional one acre. Current B zone 1/2 acre, no process for other animals approved at Council's discretion.

Opened the public testimony at 6:35 pm

Gerald Higgs presented proposed changes to the amendment. Proper terms were not used when the amendment was written. Proposed changes: Animal unit: animals birthed upon premises shall not be assigned as part of an animal unit until reaching the age of one (1) year. Domestic Livestock: Includes cattle; horses; sheep; goats; llamas; alpacas; and chickens, not raised for commercial use and subject to the specific standards of the zoning district where allowed. Part B: #2. Permitted livestock uses. The following are permitted uses: a. The keeping of neutered male livestock (steers, geldings, colts or wethers). b. The keeping of female livestock (cows, heifers, mares, ewes, does or hens). c. Livestock, including female chickens, shall be allowed on all properties one (1) acre or larger in accordance with the animal type and standards of one animal unit per one (1) acre as provided in the following subsection. Ron asked if the way it is proposed by staff is a problem. Lisa said if Council wants changes, it will have to go back to Planning and Zoning. Clare said professionals were consulted for definitions and terminology. Clare said domestic livestock can be used instead of livestock and poultry.

Laura Snider said B4 states buildings/housing shall not be located within 50 feet of the property lines, asked if the word enclosures can be added. Clare said adding the word enclosures will require it to go back to Planning and Zoning.

Phillip McGuire said he feels people should be allowed to have livestock and have independence in the community and the requirement should stay at 1/2 acre.

Mayor Sims asked how many B parcels are 1/2 acre or larger. Lisa said she is not sure, but can find out if Council wants.

Laura Snider likes the increase in the acreage size.

Jerry Higgs said he agrees with the increase in acreage size.

Closed public testimony at 6:56pm

Ron Smith asked about the changes. Mayor Sims said the animal unit, acreage size and enclosures will have to go back to Planning and Zoning. Valerie Thompson asked if people that are lawfully applying now will they be allowed to continue if the ordinance is changed tonight. Lisa said yes, if people are lawfully complying. Laura Snider asked if people are lawfully complying if the animal dies can they replace the animal. Lisa said they have one year to replace the animal. Ron asked about enforcement. Mayor Sims said enforcement procedures will not change. Clare said it will follow the current laws on the books. Mayor Sims said it is usually a combination of Lisa, Andrakay and Brian. Andrakay said it usually starts with a letter, then a site visit if necessary and it could lead to criminal nuisance charges.

Adam Arthur moved to approve File AM04-19 amending Bonners Ferry City Code, Title 11, regarding livestock standards and community gardens, finding that it is in accordance with the general and specific goals and standards of the City of Bonners Ferry comprehensive plan, as enumerated in the findings and reasoned statements below and based upon testimony received at this hearing, with changes to Part B # 2 livestock and poultry to domestic livestock. I further move adopt the following reasoned statement as written. The amendment is supported by the City of Bonners Ferry comprehensive plan. Ron Smith seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

5. City – Consider Approval of Ordinance #586 and the Publication Summary for Title 11 Livestock Standards Amendment and Have the First Reading by Title Only (attachment) {action item}

Rick Alonzo moved to approve Ordinance #586 and the publication summary for Title 11 Livestock Standards amendment and have the first reading by title only. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes. Andrakay read Ordinance #586 An ordinance of the City of Bonners Ferry, a municipal corporation of the State of Idaho amending Title 11 (zoning regulations) to: adjust livestock uses and standards in the Residential B zoning district; provide for a community garden definition and allow community gardens in all zones; and amend the domestic livestock definition; and provide severability; provide that this ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

6. City – Suspend the Reading Rules and Adopt Ordinance #586 {action item}

Ron Smith moved to suspend the reading rules and adopt Ordinance #586. Adam Arthur seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

Mayor Sims recessed at the meeting at 7:06 pm.

Mayor Sims reconvened the meeting at 7:15 pm.

## **PUBLIC COMMENTS**

Eric Lederhos with EL Automation said he delivered drawings to the City regarding the South Hill fiber project. Mike Klaus has not responded. Eric is wondering if he is suppose to work with some else. Mayor Sims said he will make sure Mike calls Eric tomorrow.

Phillip McGuire asked if a lot of people here have electric vehicles. Mayor Sims said the number of electric vehicles is growing and the State of Idaho wants to have a network of charging stations in Idaho.

Stephanie Franke said if the Council is interested in providing internet, then their request should have been approved by now, so they could be laying more fiber.

## **REPORTS**

City Administrator Lisa Ailport said the City was successful in receiving \$2.7 million from the federal land access program (FLAP) for the Riverside Street improvements. The City received notice from DEQ for electric vehicle charging station grant. The next step is to be approved by the trust. The City submitted for the first phase of the Transportation Alternative Program (TAP) and should have the results by December 13, 2019. The surplus auction was completed yesterday and all items sold.

Urban Renewal District had a meeting last week. Dennis said they are working on a new urban renewal district near Boundary Tractor.

## **CONSENT AGENDA – {action item}**

7. Call to Order/Roll Call
8. Approval of Bills and Payroll
9. Approval of the November 5, 2019 Council meeting minutes
10. Treasurer's Report

Rick Alonzo moved to approve the consent agenda. Valerie Thompson seconded the motion. The motion passed.

Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

## **OLD BUSINESS**

### **NEW BUSINESS**

11. City – Consider Contract with Whitebridge Consulting Inc. for IT Consulting (attachment) {action item}

Lisa Ailport said Kevin Boldt is the owner of Whitebridge Consulting Inc. provide an analysis for IT needs and the areas he will be addressing. Ron asked if we have anyone doing this now. Mayor Sims said this is a higher level look than Computer Arts is currently doing. Valerie Thompson moved to authorize the Mayor to sign the professional service agreement with Whitebridge Consulting and authorize the scope of service for the technology assessment for recommendation and the amount not exceed \$3,565.00. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

12. Electric/Water/Sewer – Consider Request from Doug Ladely Sr. for Waiver of Base Fees for Unoccupied Residences {action item}

Doug Ladely Sr. said he owns a trailer court, which has an empty space and receives a monthly bill even though no services have been used. He doesn't feel that is right. Lisa said the current policy (4C) states that a service is retired is has to be brought in under the extension policy. Retirement means the service is removed. Customers inside City limits can retire services without the same issue that customers outside the City limits. Mayor Sims said it may be an advantage for Doug to consider having one water meter for the whole park. Doug said he thought it was best to have individual meters. Rick said there should be some consideration for people that were on the system when it initially was not a City service. Valerie Thompson said you have to consider all rentals and it is not possible to do that for all rentals. Mayor Sims said if you stopped charging base rates when there is a vacancy with a rental or when people leave for the winter, then everyone else's base rates will have to be increased to make up for the lost revenue. Dick Staples asked when the City took over South Hill water did the City take over the service area. Mayor Sims said any agreements went away when the consolidation happened. Ron asked how long Doug has had the trailer park with water services. Doug said at least 20 years. Ron asked if someone is going to be gone for an extended period of time, can the services be suspended. Mayor Sims said the base rates continue, but there is an "unused service" for the water, that is approximately \$6.00 less. Valerie Thompson asked why we are considering a policy when we already have one. Ron said he doesn't see that there is anything that can be done. Bruce Merrifield asked if it is possible to have a standby rate for trailer parks. Mayor Sims said there is only one water meter for Bruce's trailer park. Adam said if someone moves out then the water usage will go down. Adam said this will be supplementing a for profit business. Valerie Thompson said her biggest concern is using tax payer revenue to supplement a business. The City can't be liable for a business expense. The base rate is required to maintain the water system. Doug said when it was South Hill Water and Sewer, if there wasn't a trailer then there weren't any charges. Mayor Sims said the City's costs remain the same to maintain the system, if there is a trailer there or not. Valerie Thompson said it the same with anyone that has a rental house. Craig Wheatley said this is a similar policy with Northern Lights and 3 Mile Water District. The charge is to have the service, the consumption charge is different. Rick said he has the same situation with his rental property, when it is vacant he still pays the base rates. Mayor Sims asked if anyone wanted to amend the policy. No motion was made.

13. City – Consider Approval of Ordinance #587 Amending Snow and Ice Removal and Have the First Reading by Title Only (attachment) {action item}

Andrakay said the prior snow and ice removal ordinance could not be enforced since the penalty was not legal. This ordinance is enforceable. Ron asked about the sidewalks we clear. Andrakay said the City will continue to clear the new sidewalk by the highway. Andrakay said this is mainly for the downtown area. Ron asked where we will put the snow that is removed from the sidewalks along Highway 95. Mayor Sims said that will be discussed with the adjacent property owners. Dave Gray said there was an issue last year downtown and feels this is important. Adam said it feels more like a commercial ordinance not a residential ordinance. Andrakay said there will be other ways to handle this before the penalty phase. Adam asked if the warning phase needs to be spelled out before the penalty phase. Ron asked if the City will still clear the sidewalks near Highway 95. Mayor Sims said it is based on availability of staff and equipment. Valerie Thompson moved to approve Ordinance #587 amending the snow and ice removal and have the first reading by title only. Rick Alonzo seconded the motion. The motion passed. Adam Arthur - yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes. Andrakay read Ordinance #587 by title only. An ordinance of the City of Bonners Ferry, a municipal corporation of the State of Idaho, repealing and replacing Bonners Ferry City Code Title Eight, Chapter Four pertaining to removal of snow and ice from sidewalks in the City of Bonners Ferry; providing for penalties; providing severability; providing that this ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

14. City – Suspend the Reading Rules and Adopt Ordinance # 587 {action item}

Adam Arthur moved to suspend the reading rules and adopt Ordinance #587. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

15. City – Consider November 5, 2019 Canvassed Election Results by Precinct (attachment) {action item}

Adam Arthur moved to approve the November 5, 2019 canvassed election results by precinct. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

Precinct	Mayor	Mayor	Council Member	Council Member
	James R. “Dick” Staples	David Sims	Rick Alonzo	Valerie Thompson
<b>BF-Kootenai</b>	<b>54</b>	<b>60</b>	<b>88</b>	<b>90</b>
<b>North BF</b>	<b>65</b>	<b>68</b>	<b>99</b>	<b>91</b>
<b>Valley View</b>	<b>60</b>	<b>42</b>	<b>73</b>	<b>69</b>
<b>Absentee</b>	<b>43</b>	<b>50</b>	<b>75</b>	<b>70</b>
<b>Total</b>	<b>222</b>	<b>220</b>	<b>335</b>	<b>320</b>

16. Electric – Consider Soliciting Requests for Proposals for Internet Service for Electric Customers (attachment) {action item}

Mayor Sims said the City received an unsolicited proposal to provide internet service to City electric customers. Lisa, Andrakay, Mike and Dennis worked on this requests for proposals (RFP). Lisa reviewed the RFP process. The request is to serve all electric customers. Lisa said this has been a discussion for the last 10 years. If confidential information is submitted, it will not be given to the public. The selection criteria is based on: pricing of services to customers, service level, technological advantages and revenue sharing with the City. Additional consideration will be the time table for implementation and the delivery system. All questions will be answered and sent to all submitters. The City has the right to withdraw the RFP at any time for any reason. Mayor Sims said if the City is interested in going forward with the RFP then interested companies will submit an RFP, staff will evaluate the RFP, then staff will present the most advantageous RFP to Council, then staff will negotiate a contract.

Adam asked if Council will see all the RFPs. Mayor Sims said they definitely would. Ron asked if the City will be partnering with a company to provide internet service. Mayor Sims said it is up to the company what is proposed in the RFPs submitted. Valerie Thompson said the Council has not discussed being carrier. The purpose of the RFP is to see what is offered and which offer is the best. Mayor Sims said the alternative was to bring forward the one proposal.

Eric Lederhos asked if the City is going to put funds out to help the company with the best RFP. Mayor Sims said that is not true. Eric said he does not understand why a company would want to submit a proposal, if the company is not going to get anything from the City.

Craig Wheatley said he thinks it is a good idea to bring more technology to the community, but it is not good for the City to endorse one company. Mayor Sims said the City is not talking about endorsing one company. Ron said he has not read the proposal and does not know what is in the proposal.

Valerie Surprenant said she feels the RFP will benefit one provider over the rest of the providers. Adam said the options are to consider one proposal or consider multiple proposals.

Ron asked if there is ample time to submit a proposal. Lisa said the deadline for the RFPs is based on the publication requirements as stated in Idaho Code. Ron said he is in favor of extending the deadline to give the companies more time. Rick asked EL if December 12, 2019 is a realistic date to submit a proposal. EL said no.

Mayor Sims asked Lisa to talk about the negotiation process. Dennis said the RFP is just conceptual ideas on what the company will do and how they will do it. Kevin Boldt said the RFP process is an exploratory process to find out what is available, to get the best service for the best value to as many people as possible.

Adam Arthur moved to solicit requests for proposals for internet service for electric customers. Rick Alonzo seconded the motion.

Dennis said it can take 4-6 months before this is done. This is conceptual only, not engineered drawings. Ron said he is concerned that someone already has a leg up. Valerie Thompson is concerned about the companies may not know what the concept is about. Dick said he does not feel this is enough time. Kevin Boldt said it is not unusual for companies to change the date if necessary. Adam asked if only one proposal is received, can the date be extended. Lisa said it may be a problem with the publication requirements. Rick thinks it will be alright to extend the due date. Adam Arthur amended his motion to change the due date to January 2, 2020 and change the question period to the same amount. Rick Alonzo amended his seconded. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

17. Street – Consider Authorizing a Take Home Vehicle for the Street Superintendent for the Winter (attachment) {action item}  
Lisa said the street superintendent moved. He is not able to view the snow conditions in the City limits. He wants to take a vehicle home to be able to check the weather conditions. He is willing to use his own vehicle if he is paid mileage. Mayor Sims said John does an excellent job deciding when to plow. Lisa said he will only take a vehicle home when inclement weather is predicted. Valerie Thompson said she believes John is responsible and won't misuse this. Seth Brown recommended using a camera with a measuring stick, so John doesn't have to drive in. Rick said there is a police officer on duty 24/7 that can call John if the snow is piling up. Valerie Thompson moved to authorize a take home vehicle for the Street Superintendent for the winter. Adam Arthur seconded the motion. The motion passed with all in favor.

#### **ADJOURNMENT**

The meeting adjourned at 9:03 pm.

#### **Information**

Estimated Filing Fees for Hydropower Water Rights

Public Education of Lead