

Welcome to tonight's City Council meeting!

The elected officials of the City of Bonners Ferry are appreciative of an involved constituency. Testimony from the public is encouraged concerning issues when addressed under the Public Hearing portion of the agenda. Any individual who wishes may address the council on any issue, whether on the agenda or not, during the Public Comments period. Normal business will preclude public participation during the business portion of the meeting with the discretion left to the Mayor and Council. Special accommodations to see, hear, or participate in the public meeting should be made at City Hall within two days of the public meeting.

Vision Statement

Bonnors Ferry, "The Friendliest City", strives to achieve balanced growth, builds on community strengths, respects natural resources, promotes excellence in Government, and values quality of life. We are an inclusive city that welcomes all people, regardless of race, religion, color, national origin, sex, age, disability, sexual orientation, or gender identity and encourages their participation in city government and city programs.

**AGENDA
CITY COUNCIL MEETING
Bonners Ferry City Hall
7232 Main Street
267-3105
March 3, 2020
6:00 pm**

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Each speaker will be allowed a maximum of five minutes, unless repeat testimony is requested by the Mayor/Council

REPORTS

Police/Fire/City Administrator/City Engineer/Economic Development Coordinator/Urban Renewal District/SPOT

CONSENT AGENDA – {action item}

1. Call to Order/Roll Call
2. Approval of Bills and Payroll
3. Approval of the February 18, 2020 Special Council meeting minutes, February 18, 2020 Council meeting minutes

OLD BUSINESS

4. Water/Sewer – Consider Refund Request from Riverside Auto (attachment) {action item}
5. City – Consider Authorizing the Mayor to Sign the Lease for the Farmers Market for the 2020 Season (attachment) {action item}

NEW BUSINESS

6. Electric – Consider Approval of Ordinance #590 and the Publication Summary for the Moyie Hydro Improvements Bond Election and Have the First Reading by Title Only (attachment) {action item}
7. City – Suspend the Reading Rules and Adopt Ordinance #590 {action item}
8. City – Consider Authorization to Purchase a Box Plow for the Utility Departments for Snow Removal (attachment) {action item}
9. City – Consider Draft Fee Waiver Policy (attachment) {action item}
10. Sewer – Consider Authorizing the Purchase of a Camera System (attachment) {action item}
11. City – Consider Authorizing the Mayor to Sign the Memorandum of Understanding with Idaho Transportation Department for Phase II of the Highway 95 Project (attachment) {action item}

ADJOURNMENT

INFORMATION

AIC Spring District Meeting: Tuesday, April 21, 2020 in Coeur d' Alene
AIC Annual Conference: Wednesday – Friday, June 10, 2020 – June 12, 2020

**MINUTES
SPECIAL CITY COUNCIL MEETING
Bonners Ferry City Hall
7232 Main Street
267-3105
February 18, 2020
5:00 pm**

Mayor Dick Staples called the Special Council meeting of February 18, 2020 to order at 5:00 pm. Present for the meeting were: Council President Rick Alonzo, Council Members Adam Arthur, Valerie Thompson and Ron Smith. Also present were: City Clerk/Treasurer Christine McNair, City Administrator Lisa Ailport and Economic Development Coordinator Dennis Weed. Urban Renewal Agency members present were: Merle Ansley, David Sims, Dave Walter, John Austin and Will Herrington by phone. No members of the public were present.

1. City – Educational Workshop Regarding the Urban Renewal Agency

John Austin gave a background of the Urban Renewal Agency (URA). The URA is designed to help an area that is defined as being economically disadvantaged and deteriorated. John explained how the tax increment works. The money (increment above the tax base) that happens in the Urban Renewal District (URD) goes to the URD instead of the taxing districts, with the exception of the school district. After the URD is closed then the money goes back to the taxing districts.

Ron asked if the developer is reimbursed for the infrastructure they develop. John said yes.

Mayor Staples asked if the money has to be used within the URD or can it be used elsewhere. John said it has to stay within the URD. The original district is very large. The URA has set aside \$75,000 for the match on the Federal Lands Access Project (FLAP) grant.

David Sims said there can only be 10% of the City's taxable value in an URD. The money has to be used in the district, but does not allow the purchase of rolling stock. There is the ability to offset costs to the City. The City is receiving \$20,000 of increment each year. David Sims said the laws have changed and the projects must now be listed in the plans.

Mayor Staples asked what the benefit is to paying the debt off early. John said there really isn't one. Merle said the rates are so low, it is not necessary.

John said to create a new URD, the total of all the districts must not exceed 10% of the total value of the City. Must prove the area is deteriorated. The City can de-annex part of the area, if the remaining part is still able to pay the debt. There is a one-time annexation allowed as well. Rick asked what the total percentage is now. John said in 2011 we were at 7%, with the increase from Super 1 there is now more of the increment available.

Ron asked if there is anything that can cause the City to be liable for the debt. John said no, because the taxes have to be paid.

Lisa asked if a URD can be created outside the City limits. John said only cities and counties can create URDs. The County's total value does not include the City's 10%. So far there hasn't been a county that formed an URA. The URA can borrow money without a vote of the citizens. The URA is a City agency and the City can take over control for a period of one year.

ADJOURNMENT

The meeting adjourned at 5:43pm

**MINUTES
CITY COUNCIL MEETING
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6:00 pm**

Mayor Dick Staples called the Council meeting of February 18, 2020 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 Clerk/Treasurer Christine McNair, City Administrator Lisa Ailport, City Engineer Mike Klaus, City Fire Chief Dave Winey, City Police Chief Brian Zimmerman and Economic Development Coordinator Dennis Weed. Members of the public present were: Dave Walter, John Austin, Merle Ansley, David Sims, Warren Campbell, Janice Stanford, Don Stanford, Norm Meindl, Earl Irving, Dawn Callahan, Bruce Merrifield, Denise Thompson, Anne Landers, Samuel Lovely, Marciavee Cossette, Marty Martinez, Denise Crichton, Kevin Boldt, Kevin Lederhos, Stephanie Franke, Valerie Surprenant, Mat Surprenant, Ron Kish and Will Herrington by phone.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

To Consider a New Urban Renewal Plan Created by the Urban Renewal Agency of the City of Bonners Ferry

Mayor Staples requested items #5 & #6 be moved to immediately following the public hearing. Rick Alonzo moved to move #5 & #6 to immediately following the public hearing. Ron Smith seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

Mayor Staples opened the public hearing at 6:04 pm and explained the procedures for the public hearing.

Lisa Ailport gave her presentation. In November 2018 Council approved the Urban Renewal Agency (URA) to consider a new Urban Renewal District (URD) known as the Bonners Ferry South Hill West Urban Renewal Plan (URP). The boundaries are south of Augusta Street, west of Highway 95 and north of Eisenhower Street. There are 32 acres total for the new district. The area was deemed deteriorated due to social and economic conditions. There are unsafe and hazardous pedestrian and traffic conditions. Inadequate public right of ways, building structures under development, substandard traffic movements, arrests or impairs the sound growth of a municipality, constitutes an economic or social liability in public health. Low to moderate income (LMI) is addressed. Bonners Ferry has become a viable area based on the creation of the URA and the establishment of the first URD. The projects for this plan are: A connector street from Wilson Street to Solomon Street estimated costs are just under \$800,000, a new lift station and improvements to lift station #4. The permitted uses for this area are: Commercial and Residential. The commercial area is along Highway 95 and Augusta Street with the residential uses behind the commercial area. Planning and Zoning (P&Z) reviewed the plan and unanimously recommended the plan's general conformity with the comprehensive plan (comp plan). Tax allocation length is not to exceed 20 years. Development in the area has to happen for the increment to come in. The estimated tax dollars over the 20 year period is \$15 million. Current value is \$583,086 not including the school district. The plan proposes an estimated 75 units to be developed in the 32 acres. Lisa recommended an amendment on page 9 striking the words "upgrade to the water and sewer line improvements". Page 16 under proposed development actions strike "Upgrade water facilities to allow for expansion and extend existing water lines to provide fire flow for the existing City". To fully implement the district an ordinance must be passed and sent to the County and the state tax commission.

Mayor Staples opened the public testimony portion of the public hearing at 6:18 pm.

Warren Campbell said many people have moved here to avoid the big city planning. He would like Council to be mindful of that.

Denise Thompson asked if the commercial front will continue on Highway 95 and Augusta Street. Lisa said it will. Denise asked if it will be increased. Lisa said no. Denise asked if there will be an increase for the residents in the URD. John Austin said the URD is tax neutral for all residents. There will not be an increase because of the URD. John said the assessed value does not make the taxes go up. Denise asked if the 75 units will be apartments or single family. John said it will be a mix, but mostly single family.

Kevin Lederhos asked, what happens if no one develops? John said the responsibility is on the developer. If the developer pays for improvements, but doesn't build any houses, the developer is out the money.

Anne Landers when is the development scheduled to start and finish. Lisa said there currently isn't a timeline. Andrakay said it is up to the developer.

Marty Martinez asked who has the responsibility for the Streets, Electric, Water and Sewer. Lisa said it will be the City's to own and operate. Marty how much will it cost. Lisa said approximately \$800,000 for the connector street and \$350,000 for lift station improvements. Ron said the developer will fund the improvements. Lisa said the URA will then decide how much to refund the developer.

Denise Thompson asked what the traffic flow will be like. Lisa said there will be a separate travel lane for pedestrians.

Mayor Staples closed at the public hearing at 6:35 pm.

5. City – Consider Approval of Ordinance #589 and the Publication Summary for a New Urban Renewal Plan and Have the First Reading by Title Only (attachment) {action item}

Valerie Thompson moved to approve Ordinance #589 and authorize the Mayor to sign the ordinance to adopt the urban renewal plan for the South Hill West Urban Renewal District with the changes on page 9 striking "with the water and sewer line improvements" and page 16 striking "upgrade water facilities to allow for expansion and extend existing water lines to provide fire flow for the existing City" 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 #589 by title only.

6. City – Suspend the Reading Rules and Adopt Ordinance #589 {action item}

Adam Arthur moved to suspend the reading rules and adopt Ordinance #589. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

PUBLIC COMMENTS

Kevin Lederhos asked who requested the modifications and authorized the changes to the MOU with Avista Edge. The previous MOU was a product of an executive session, wouldn't any subsequent MOUs require an executive session? What benefit does the City gain from this MOU? Kevin feels the City will not benefit at all from this MOU. By signing the MOU the City will have to give all other companies the same thing the City is giving to Avista Edge. This feasibility study gives nothing to the City. Kevin feels this is a bad idea and will set a precedence. By signing the MOU, he feels the City is saying it is willing to fund private enterprise with no defined benefit to the community.

Jerry Higgs said he wishes the Council would pay close attention to what the citizens of Bonners Ferry are saying. He said there have been comments from people that don't live within the City.

Valerie Surprenant said she was concerned that the City was going to go out for grants to help Avista Edge. Valerie Surprenant said in the revised MOU #4.3 is stricken, but #5 still refers to #4.3, she feels this should be cleared up. She feels there was confusion about what the study is for. The study is for proprietary equipment owned by Avista, so it appears this study assists Avista.

Mat Surprenant thanked Rick and Andrakay for providing information on a holiday. Mat said EL Internet agrees with what Kevin Lederhos stated. Mat said he attends the meetings and gives input because he is a City electric customer, so things the City does, affects him, even though he doesn't live in the City limits.

REPORTS

City Engineer Mike Klaus asked Lisa to give an update on the capital projects. The Water and Sewer departments are in good standing after the projected expenses. Rick said we have this money available now, due to the fees we collected in advance. Valerie Thompson said she appreciates staff putting this together.

CONSENT AGENDA – {action item}

1. Call to Order/Roll Call
2. Approval of Bills and Payroll
3. Approval of the February 4, 2020 Council meeting minutes
4. Treasurer's Report

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

OLD BUSINESS

NEW BUSINESS

5. City – Consider Approval of Ordinance #589 and the Publication Summary for a New Urban Renewal Plan and Have the First Reading by Title Only (attachment) {action item}

6. City – Suspend the Reading Rules and Adopt Ordinance #589 {action item} Adam Arthur moved to suspend the reading rules and adopt Ordinance #589. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes
7. City – Consider Authorizing the Mayor to Sign the Lease for the Farmers Market for the 2020 Season (attachment) {action item}

Katie Holeski said this is the 40th year for the Farmer's Market. The market brought in over \$87,000 in sales last year. The operating budget is not adequate to effectively operate and grow. License, insurance and advertising are the main costs for the market. The Farmers Market board is requested Council consider lowering or waiving the lease fee. Adam said we charge \$500 which cover the costs to the City. Mayor Staples asked the timeframe. Katie said April – October. Jordan asked what the costs are. Adam read a list of costs. Adam asked if we define the City's responsibility of the agreement. Andrakay said it was her understanding since this is a space use agreement, the City is obligated to help ensure the Farmers Market is able to use all of the space they have leased. Valerie Thompson said the City is in support of the Farmers Market, but the City has to cover the costs associated with the lease. Dawn Callahan asked if it is possible for the Farmers Market to use more spaces on special event days. Mayor Staples asked what the vendor fees are. Katie said the application fee is \$35.00 a year and a 5% commission fee per Saturday. Lisa said the three spaces by the Visitors Center will not be available during the summer when the electrical vehicle charging station is being installed. Rick said it makes sense for the Farmers Market to use the three spaces near Kootenai Street instead. Andrakay said the City will talk to the tenants that use those spaces. Katie asked how they have cars removed that are parked in the spaces on Saturday mornings. Adam asked that the Farmers Market and staff meet to go over the contract. Rick Alonzo moved to table this item until both parties have had a chance to review the contract. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

8. City – Consider Modification of Terms for the Memorandum of Understanding with Avista (attachment) {action item} Mayor Staples said he is the one that asked to have the memorandum of understanding (MOU) modified. Mayor Staples does not feel it is up to the City to support a feasibility study. Ron said Council voted to go out for RFPs, he had a problem that the City was going to partner with anyone. Ron will vote no until all providers have the opportunity to submit a proposal. Mayor Staples said that is the intent of the changes to the MOU. Adam said the City does not have provide electric, water and sewer, but we do. Electric, water and sewer are all utilities and according to the Governor's letter, internet is also considered a utility. Valerie Thompson said she did research into the providers in the area and there is only one provider that states they can provide 25 down. Any infrastructure that will increase broadband capability will benefit the citizens. Valerie Thompson moved to approve the revised memorandum of understanding with Avista in additions to striking the portion of #5 that refers to #4.3. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – no

9. City – Consider Authorization to Purchase Battery Backup Systems for the Servers (attachment) {action item} Lisa said the City recognized a need to allow the battery backup to shut down in a reasonable amount of time when there is a power outage. The current backup shuts down is 15 minutes and 30 minutes is required. Adam asked how long it will take to shut down with the proposed system. Kevin said a minimum of 30 minutes, one hour is best. Rick Alonzo moved to authorize the purchase of a battery backup system for the servers with the cost not to exceed \$4,000. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

10. City – Consider Creating an In-house IT Position (attachment) {action item} Lisa said we are significantly underserved in this area. To provide a level that we need, it is important to have someone in-house. A base rate of \$50,000 with benefits has been suggested, with the split being 50% electric, 20% water, 20% sewer and 10% general fund. Mayor Staples asked what the current IT contract is. Lisa said it is approximately \$25,000. Adam said last year our IT costs were \$37,000 and this year we will probably go over \$40,000. Lisa said we are currently in a reactive state and this change will hopefully allow us to be in a proactive state. Adam Arthur moved to create an in-house IT position with salary, benefits and job description as included in the memo. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

11. Water – Consider Authorizing Approval to Request Quote for the Dakota Street Well House Block Walls (attachment) {action item} Lisa said Mike is asking permission to bid the block walls for the Dakota Street well house. The foundation will be done in-house. Adam asked if this includes the roof. Lisa said she believes it does. Rick Alonzo moved approval to request a quote for the Dakota Street well house block walls. Adam Arthur seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

12. Water – Consider Authorizing the Mayor to Sign a Contract with Welch Comer for Design Services for the Dakota Street Water Main Project (attachment) {action item} Lisa said Mike wants to delegate this project to Welch Comer, since they have successfully completed projects similar to this. Valerie Thompson moved to authorize the mayor to sign a contract with Welch Comer for design services for the Dakota Street water main, not to exceed \$20,000. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

13. Sewer – Consider Authorizing the Mayor to Sign Task #2 with JUB Engineers for Engineering Services for Sewer Lagoon Leak Testing (attachment) {action item}

Mike provided a memo for this. Valerie Thompson moved authorize the Mayor to sign task order #2 with JUB Engineers for \$20,000 as provided for in the memo. Adam Arthur seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

14. Water/Sewer – Consider Authorizing Approval to Advertise to Solicit Bids for the Wilson/Solomon Street Utility Corridor Project (attachment) {action item}

Lisa said the City hired Century West to design the bid documents. We now have the bid documents and need to advertise for the project. The project must be completed by September 2020. Rick Alonzo moved to authorize approval to advertise to solicit bids for the Wilson/Solomon Street utility corridor project. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

15. City – Reappoint Golf and Traffic Safety Committee Members (attachment) {action item}

Rick said there have been issues with the roles and responsibilities of the golf committee. Rick would like all the committee members to have a copy of the code. Mayor Staples said all of the terms have been expired. Adam said the code states the terms are one and two year terms. Adam wants the golf course to thrive, but he is concerned about approving this. Adam also recommends having a high school student on the committee. Golf committee: Gerry Anne Howlett 12-31-2020, Brion Poston 12-31-2021, Steve Nelson 12-31-2020, Linda Hiatt 12-31-2021 and open seat 12-31-2020. Traffic safety committee: Open seat 12-31-2021, Dick Hollenbeck 12-31-2020, Silas Thompson 12-31-2021, Foster Mayo 12-31-20, Don Lindsay 12-31-20, John Marquette 12-31-2021 and Howard Kent 12-31-21. Valerie Thompson hopes the committee members bring the highest level of commitment and everyone is working together. Rick Alonzo moved to authorize the Mayor to reappoint the committee members with the revised term dates. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

ADJOURNMENT

The meeting adjourned at 8:08pm



RIVERSIDE AUTO CENTER

BONNERS FERRY, ID

February 28, 2020

To: City Council
From: Wendy Hawks, GM
Re: Sewer Charges
Account #68709-00

Thank you for your time on this matter.

As you know the Sewer Study was not completed for 2018. As a result of this non-compliance, it has cost Riverside in excess of over \$6000 in unnecessary sewer charges and a loss of water, literally going down the drain, of over 688,000 gallons.

Had the study been completed as usual, we would have caught the leak, and had it fixed prior to the next sewer study and saved us money and the City of Bonners Ferry hundreds of thousands of gallons of water.

The other issue is the unexplainable, inconsistent, monthly charges. After meeting with Christine, I was given a schedule of sewer study charges, cubic feet/gallons used and base rate for 2015 to 2020.

I was told the rate is an annual fee from May to the following April. In our case from 2016 to 2019, the rate was inconsistent with the base rate that was supposed to be charged. Due to this inconsistency, we were charged \$1209.25 too much, that is including \$747.18/month for what the study would have charged, if we wouldn't have immediately done the repairs, which we would have, if it was brought to our attention. (See chart #1)

I have created a chart of Base Rate charges that we should have been charged and what we actually were charged. (Chart #2)

With the sewer study and estimate of average increase for 5/17 to 5/18, the charges would have been approximately \$13025.16.
In reality we were charged \$19896.01.

That is \$6870.85 in excess for sewer charges alone, this does not include excessive charges for the water going down the drain.

I am seeking your assistance in the form of a credit to help us in this matter.

Thank you!

6437 BONNER ST. / P.O. BOX 883 BONNERS FERRY, ID 83805

PHONE: 208.267.3100 FAX: 208.267.7241

WWW.RIVERSIDEAUTO.COM

Chart #1

Charge with 2018 Sewer Study		per annual increase chart - No repairs						Total
	2014	5/15-4/16	5/16-4/17	5/17-4/18	5/18-4/19	5/19-4/20		
per Christine	87.36	\$168.26	\$182.41	242.56	\$747.15	\$129.49	\$18,686.76	
	X12	x12	x12	x12	x12	x12		
would be	\$1,048.32	\$2,019.12	\$2,188.92	\$2,910.72	\$8,965.80	\$1,553.88	\$18,686.76	
Paid	(1,048.32)	(2,143.88)	(2,303.20)	(3,140.25)	(3,533.80)	(7,726.56)	(19,896.01)	
						est fixed 2018	(1,209.25)	
Water Charges		\$139.71	\$198.47	\$360.26	\$309.11	\$201.94		

Chart #2

Annual premiums vs paid (incorrect monthly increases)		2015		2016		**Estimate increase	
	2014	5/15-4/16	5/16-4/17	5/17-4/18	5/18-4/19	5/19-4/20	
	Dec-14	168.26	182.41	\$242.56	**275.35	\$129.49	
	X12	x 12	x12	x12	x12	x12	
sb	\$1,048.32	\$2,019.12	\$2,188.92	\$2,910.72	\$3,304.20	\$1,553.88	\$13,025.16
	\$87.36	\$178.66	\$191.93	\$261.69	\$294.48	\$643.86	
Monthly av	\$1,048.32	\$2,143.88	\$2,303.20	\$3,140.25	\$3,533.80	\$7,726.56	\$19,896.01
	0.00	(124.76)	(114.28)	(229.53)	(229.60)	(6,172.68)	(6,870.85)

SPACE RENTAL AGREEMENT

AGREEMENT made between THE CITY OF BONNERS FERRY, a municipal corporation of the State of Idaho, herein "ENTITY," and BOUNDARY COUNTY FARMERS MARKET, herein "USER",

THE PARTIES AGREE AS FOLLOWS:

1. **USE OF PREMISES:** ENTITY hereby rents to USER the non-exclusive use of approximately 7,000 square feet of parking lot, Saturday mornings beginning April 25, 2020, and concluding October 3, 2020. The general area of use is as shown in Exhibit A, attached hereto.
2. **RENTAL FEE:** USER agrees to pay ENTITY rent for said premises payable upon execution of this Agreement in the amount of \$500 per season which includes \$100 for installation and removal of "Farmer's Market" banners. It shall be the responsibility of USER to request the installation and removal of banners from ENTITY. Upon receipt of request, ENTITY shall install or remove banners as soon as practicable.
3. **MEMBERSHIP IN CHAMBER OF COMMERCE AND TOURIST CENTER:** The parties to this Agreement recognize that the Farmers Market has the public benefit of attracting business to our community. As part of that community involvement the USER agrees to be a member of the Bonners Ferry Chamber of Commerce and the Bonners Ferry Tourist and Visitors Information Center.
4. **PURPOSE:** USER agrees to use the above Premises solely for the purpose of the sale of locally produced goods and for no other purpose.
5. **USE AND SECURITY:** USER acknowledges that this premise is designed for the public and shall not perform any activities or take any action which would endanger the public safety.
6. **HOUSEKEEPING:** USER agrees to keep the Premises clean and attractive at all times and return it to ENTITY in a good and clean condition. USER agrees not to alter the Premises or attach anything to the premises without first obtaining written approval of ENTITY. USER shall be responsible for garbage cans for the market.
7. **VENDORS:** The USER will be solely responsible for the conduct of all market vendors.
8. **UTILITIES:** The ENTITY grants to USER the use of the single electric outlet located on a light pole on the premises. The use of this outlet is for USER coordinated entertainment. Outlet shall not be utilized by market vendors.
9. **CONTACT:** All notices or compliance issues concerning this Lease shall be directed to the following individuals:

ENTITY:

Lisa Ailport
City Administrator
PO Box 149
Bonners Ferry, ID 83805
208-267-4379

USER:

Jordan Dyck
dyck.jordan@gmail.com

10. **INSURANCE:** USER agrees to obtain and keep in force during its acts under this Agreement a comprehensive general liability insurance policy in the minimum amount of \$1,000,000.00, which shall name and protect USER, all USER's employees, ENTITY, and its officers, agents and employees, from and against any and all claims, losses, actions, and judgments for damages or injury to persons or property arising out of or in connection with the USER's acts. USER shall provide proof of liability coverage as set forth above to ENTITY prior to commencing its performance as herein provided, and require insurer to notify ENTITY thirty (30) days prior to cancellation of said policy.
11. **INDEMNIFICATION:** USER agrees to indemnify, defend, and hold harmless ENTITY, and its officers, agents and employees, from and against any and all claims, losses, actions, or judgments for damages or injury to persons or property arising out of or in connection with the acts and/or any performances or activities of USER, USER's agents, employees, or representatives under this Agreement.

12. **USE:** USER agrees not to store, generate, use or bring upon the property hazardous waste as defined by applicable laws or otherwise use the property in a manner that will increase ENTITY's insurance rates for the property.

The USER agrees to that all vendor vehicles not integral to the product being sold will not be parked in the City Parking Lot or the Meeker Parking lot. Parking is available on Riverside Street, Arizona Street, and at the Fire Hall Parking Lot.

13. **TERMINATION:** This Agreement may be terminated immediately by ENTITY for breach of this Agreement by USER and either party may terminate this Agreement by 30 days written notice of termination to the other party.

14. **ENTIRE AGREEMENT:** This is the entire agreement of the parties and can only be modified or amended in writing by the parties.

15. **ATTORNEY FEES:** Reasonable attorney fees shall be awarded to the prevailing party in any action to enforce this Agreement or to declare forfeiture or termination.

16. **COMPLIANCE WITH LAWS:** USER agrees to comply with all federal, state, city, and local laws, rules and regulations.

DATED this ____ day of _____, 2020.

ENTITY:

CITY OF BONNERS FERRY

By:

James R. Staples, Mayor

ATTEST:

Christine McNair, Clerk

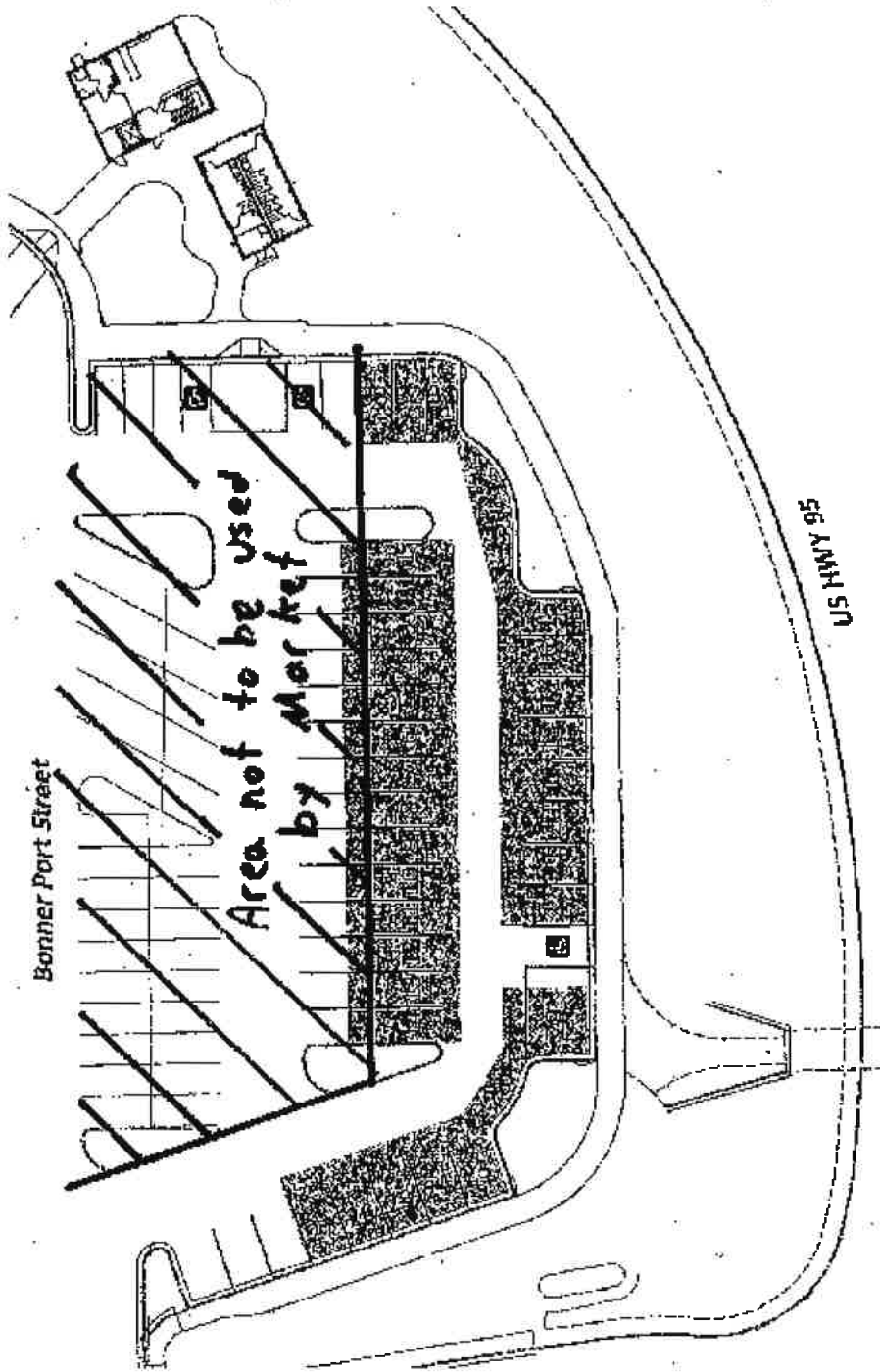
USER:

BOUNDARY COUNTY FARMERS
MARKET

By:



WITNESS:





CITY OF BONNERS FERRY

7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 Fax: 208-267-4375

TO: Mayor and City Council

FROM: Lisa Ailport, City Administrator *LMA*

DATE: February 27, 2020

RE: Ordinance 590 Hydroelectric Revenue Bond Election

Council will consider the Bond Election Ordinance that has been prepared by the City's Bond Legal Counsel with input from City Staff as well as our financial advisor, Michael Keith. After considering the current bond market regarding interest rates, bond term and borrowing costs, staff feels that the attached ordinance represents a reasonable estimate for the public's consideration at the May 19, 2020 election.

A summary of the bond ordinance includes borrowing \$4,145,000.00 on an estimated interest rate of 3.25% and paid back within a 20-year period. The total amount to be repaid over the life of the proposed hydroelectric revenue bond, including principle and interest, is estimated to be \$5,781,863.00

It is Staff's recommendation that Council adopt the ordinance and direct staff to submit the ordinance to the County for preparation of the May 19, 2020 election.

Fiscal Impact Statement: Council in September of 2019 raised electric rates across all electric rate classes to help cover a future debt service on a bond. The rate increase is anticipated to bring in roughly \$500,000.00 per year. The annual payment based on the estimated bond term and existing hydro debt would be roughly \$305,000.00 per year.

CITY OF BONNERS FERRY
Boundary County, Idaho

HYDROELECTRIC REVENUE BOND ELECTION

ORDINANCE NO. 590

AN ORDINANCE of the City of Bonners Ferry, Boundary County, Idaho, calling a special election to be held on May 19, 2020; and providing for the submission to the qualified electors of the City a proposition authorizing the issuance of hydroelectric revenue bonds in the aggregate principal amount of not to exceed \$4,145,000, for the purpose of acquiring, constructing and installing certain additions and betterments to the City's hydroelectric generating facility at an estimated cost of \$4,145,000; for public notice of said election; providing for the appointment of the County Clerk to conduct the election; providing for the effective date of this Ordinance; and providing for other matters properly relating thereto.

Adopted on March 3, 2020

Prepared by:

MCALOON LAW, PLLC
Spokane, Washington

CITY OF BONNERS FERRY
Boundary County, Idaho

ORDINANCE NO. 590

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¹ This Table of Contents and the cover page are not a part of the following ordinance and are included only for the convenience of the reader.

ORDINANCE NO. 590

AN ORDINANCE of the City of Bonners Ferry, Boundary County, Idaho, calling a special election to be held on May 19, 2020; and providing for the submission to the qualified electors of the City a proposition authorizing the issuance of hydroelectric revenue bonds in the aggregate principal amount of not to exceed \$4,145,000, for the purpose of acquiring, constructing and installing certain additions and betterments to the City's hydroelectric generating facility at an estimated cost of \$4,145,000; for public notice of said election; providing for the appointment of the County Clerk to conduct the election; providing for the effective date of this Ordinance; and providing for other matters properly relating thereto.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BONNERS FERRY, Boundary County, Idaho, as follows:

WHEREAS, the City of Bonners Ferry (the "City") is a duly incorporated and existing municipal corporation organized and operating under the laws of the State of Idaho; and

WHEREAS, it is hereby determined by the City Council of the City (the "Council") to be necessary and essential to the safety and welfare of the inhabitants of the City to acquire, construct and install certain additions and betterments to the City's hydroelectric generating facility (the "System") to serve the residents of the City and surrounding areas (hereinafter further defined as the "Project"); and

WHEREAS, in order to provide part of the funds to enable the City to acquire, install, and construct certain additions and betterments to the System, it is deemed necessary and advisable that the City issue and sell its hydroelectric revenue bonds in the aggregate principal amount of not to exceed \$4,145,000 (the "Bonds"); and

WHEREAS, the City is authorized to issue the Bonds pursuant to the provisions of the Revenue Bond Act of the State of Idaho, §§ 50-1027 to 50-1042, inclusive, Idaho Code, and the

Municipal Bond Law of the State of Idaho, codified as Chapter 2 of Title 57 of the Idaho Code, and specifically Idaho Code §§ 50-1030 and 50-1035; and

WHEREAS, pursuant to Idaho Code § 50-1035, the Bonds cannot be issued without the assent of a majority of the qualified electors of the City voting in an election called for such purpose; and

WHEREAS, the Council has determined to call and conduct a special election to authorize the Bonds;

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BONNERS FERRY, Boundary County, Idaho, as follows:

Section 1. THE PROJECT

A. It is deemed necessary and advisable that the City acquire, construct and install certain additions and betterments to the System to serve the residents of the City and surrounding areas. The Project shall consist of the following:

(1) Rehabilitation of the downstream surface of the Moyie Dam, including the east and west spillways and the dam face;

(2) Erosion control and mitigation;

(3) Hydro-demolition;

(4) Concrete doweling, concrete reinforcement, shotcrete, cast-in-place concrete; and

(5) Payment of consultant fees, engineering fees, development of a work plan for staging and access, administrative costs, accounting fees, legal fees and all other costs incidental thereto; together with the purchase of sites and easements therefor and all agreements, appurtenances and equipment necessary or useful with said Project, all pursuant to the plans of

the City therefor which are being prepared by the City Engineer, heretofore selected by the Council for such purpose and on file in the office of the City Clerk.

B. The estimated cost and expense of the engineering, design, acquisition, installation, and construction of the Project is approximately \$4,145,000, all of which may be paid out of the proceeds of the Bonds, including the cost of issuing and selling the Bonds as such expenses are set forth in the Municipal Bond Law over a term of not to exceed twenty (20) years. To the maximum extent available, the balance of the costs of the Project will be paid with other legally available funds, including grant funds and other funds of the City.

C. Subject to the following paragraph, the acquisition of the Project as described herein, is hereby ordered.

D. Subject to the approval of a majority of the qualified electors voting at the special election, the City shall issue the Bonds to pay part of the costs of the Project.

Section 2. SPECIAL ELECTION

A special election shall be held on Tuesday, May 19, 2020, for the purpose of submitting the proposition set forth in Section 5 hereof to the qualified electors of the City. The election shall be held in accordance with the laws of the State of Idaho.

Section 3. CONDUCT OF ELECTION BY COUNTY CLERK

Said election shall be conducted by the Boundary County Clerk, as specified in Idaho Code, Title 34, Chapter 14, and Title 50, Chapters 4 and 10.

Section 4. POLLING HOURS AND PLACE

(a) *Polling Hours.* The polls of said election shall open at the hour of 8:00 a.m. on May 19, 2020, and shall remain open continuously on said day until the hour of 8:00 p.m., at which time said polls shall be closed.

(b) *Polling Place.* The polling place within the City for the election shall be as follows:

Precinct No.	Precinct Name and Polling Location	Address
001	Bonnors Ferry/Kootenai Fairgrounds Exhibit Hall	6550 Kootenai Street Bonnors Ferry
006	North Bonnors Ferry Fairgrounds Exhibit Hall	6550 Kootenai Street Bonnors Ferry
007	Valley View Fairgrounds Exhibit Hall	6550 Kootenai Street Bonnors Ferry
--	Absentee County Courthouse	6452 Kootenai Street Bonnors Ferry

Section 5. BALLOT TITLE

The ballot title for the special election shall be in substantially the following form:

SHALL THE CITY OF BONNERS FERRY ISSUE AND SELL ITS HYDROELECTRIC REVENUE BONDS TO PAY PART OF THE COSTS OF ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN ADDITIONS AND BETTERMENTS TO THE HYDROELECTRIC GENERATING FACILITY OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,145,000? THE BONDS SHALL MATURE OVER A PERIOD OF NOT TO EXCEED TWENTY (20) YEARS, AND SHALL BE PAYABLE SOLELY FROM THE REVENUES OF THE HYDROELECTRIC GENERATING SYSTEM, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 590, ADOPTED ON MARCH 3, 2020.

The following information is required by Idaho Code § 34-439, as amended:

The Project to be financed, in part, by the sale of the proposed hydroelectric revenue bonds in the aggregate principal amount of not to exceed \$4,145,000, is the acquisition, construction and installation of certain additions and betterments to the City’s hydroelectric generating system, including the Moyie Dam. The date of the City’s special election is May 19, 2020. The total existing indebtedness, including interest accrued, of the City is \$322,934. The interest rate anticipated on the proposed hydroelectric revenue bonds, based upon current market rates, is 3.25% per annum. The total amount to be repaid over the life of the proposed hydroelectric revenue bonds, principal and interest, based on the anticipated interest rate, is estimated to be \$5,781,863, consisting of \$4,145,000 in principal and \$1,636,862 in interest.

INSTRUCTIONS TO VOTERS: To vote in favor of the HYDROELECTRIC REVENUE BONDS, the voter must make a cross [X] in the square opposite the words “IN FAVOR OF.” To vote against the HYDROELECTRIC REVENUE BONDS, the voter must make a cross [X]

in the square opposite the words "AGAINST." If you change your mind, tear, or make a mistake on this ballot, request a new ballot from an election worker.

IN FAVOR OF issuing hydroelectric revenue bonds in the aggregate principal amount of not to exceed \$4,145,000 for the purpose stated in Ordinance No. 590.....

AGAINST issuing hydroelectric revenue bonds in the aggregate principal amount of not to exceed \$4,145,000 for the purpose stated in Ordinance No. 590

Section 6. NOTICE OF SPECIAL BOND ELECTION

Pursuant to Idaho Code § 50-1035, the City Clerk is hereby authorized and directed to forward to the Boundary County Clerk the Notice of Special Bond Election in substantially the form attached hereto as Exhibit "A," prior to said election, for publication as follows:

A. Publication. Said Notice of Special Election shall be published in the official newspaper of the City.

B. Affidavits. Proof of publication shall be upon the affidavit of the publisher of the newspaper, and proof of posting notice shall be upon the affidavit of the person posting the same. Such affidavits shall be filed with the Council by those posting and publishing such Notice.

Section 7. APPROVAL; ISSUANCE OF BONDS

If, at said election, a majority of the qualified electors of the City voting therein vote in favor of the issuance of the Bonds for the purposes set forth herein and designated on the aforesaid ballot, fully registered hydroelectric revenue bonds of the City shall be authorized, issued, sold, and delivered. The Bonds shall mature over a period of not to exceed twenty (20) years, and shall bear interest payable annually or at such lesser intervals and at such rate or rates as may be prescribed by the ordinance or resolution authorizing the issuance of such obligations.

The net revenues of the System (gross revenues minus normal expenses of maintenance and operation) will be pledged for the payment of principal and interest, and redemption

premiums, if any, on the Bonds, on a parity with any outstanding hydroelectric revenue bonds of the City. The Bonds will be payable solely out of and derived from rates and charges for the use of and services rendered by, and all other income, earnings and revenue, of the System.

The Bonds shall be issued in the form and manner, and be registered, disposed of, and redeemed, in accordance with the provisions of the Revenue Bond Act of the State of Idaho, Sections 50-1027 to 50-1042, inclusive, Idaho Code, and the Municipal Bond Law of the State of Idaho, Chapter 2 of Title 57, Idaho Code.

Section 8. OFFICERS AUTHORIZED

The officers of the City are hereby authorized to take all action necessary to effectuate the provisions of this Ordinance.

Section 9. REIMBURSEMENT

This constitutes an official statement of intent of the City to reimburse itself from the proceeds of the Bonds for any expenses incurred prior to the actual issuance of the Bonds, in accordance with the applicable rules and regulations of the Internal Revenue Service and state law.

Section 10. RATIFICATION

All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the Council and the officers of the City directed toward the costs incurred by the City to construct and make improvements to the System and issuing the Bonds of the City therefor, are hereby ratified, approved, and confirmed.

Section 11. PUBLICATION

This Ordinance, or a summary hereof in compliance with Idaho Code § 50-901A, shall be published once in the official newspaper of the City, and shall take effect immediately upon its

passage, approval, and publication. A copy of the Summary of this Ordinance is attached hereto as Exhibit "B" and incorporated herein by this reference.

PASSED AND ADOPTED this 3rd day of March, 2020.

CITY OF BONNERS FERRY
Boundary County, Idaho

Mayor

ATTEST:

City Clerk

(S E A L)

* * * * *

I, the undersigned, the City Clerk of the City of Bonners Ferry, Boundary County, Idaho, hereby certify that the foregoing Ordinance is a full, true, and correct copy of an Ordinance duly adopted at a regular meeting of the City Council, held at the regular meeting place thereof on March 3, 2020, of which meeting all members of the City Council had due notice and at which a majority thereof was present; and that at the meeting the Ordinance was adopted by the following vote:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

I further certify that I have carefully compared the same with the original Ordinance on file and of record in my office; that the Ordinance is a full, true, and correct copy of the original Ordinance adopted at the meeting; and that the Ordinance has not been amended, modified, or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the City on this 3rd day of March, 2020.

City Clerk

(S E A L)

EXHIBIT A

CITY OF BONNERS FERRY
Boundary County, Idaho

NOTICE OF SPECIAL BOND ELECTION

NOTICE IS HEREBY GIVEN that pursuant to Ordinance No. 590 of the City of Bonners Ferry, Boundary County, Idaho, adopted on March 3, 2020, a Special Bond Election will be held in the City on

TUESDAY, MAY 19, 2020

between the hours of 8:00 A.M. and 8:00 P.M., for the purpose of voting upon a proposition authorizing the issuance of hydroelectric revenue bonds in an aggregate principal amount of not to exceed \$4,145,000 and for a term not to exceed twenty (20) years for the purpose of providing the funds to pay the costs of acquisition, construction and installation of certain additions and betterments to the City's hydroelectric generating system (the "Project"), pursuant to the provisions of the Ordinance.

The polling place is established by the Boundary County Clerk, and is designated as follows:

Precinct No.	Precinct Name and Polling Location	Address
001	Bonners Ferry/Kootenai Fairgrounds Exhibit Hall	6550 Kootenai Street Bonners Ferry
006	North Bonners Ferry Fairgrounds Exhibit Hall	6550 Kootenai Street Bonners Ferry
007	Valley View Fairgrounds Exhibit Hall	6550 Kootenai Street Bonners Ferry
--	Absentee County Courthouse	6452 Kootenai Street Bonners Ferry

The following information is required by Idaho Code § 34-439, as amended:

The Project to be financed, in part, by the sale of the proposed hydroelectric revenue bonds in the aggregate principal amount of not to exceed \$4,145,000, is the acquisition, construction and installation of certain additions and betterments to the City's hydroelectric generating system, including the Moyie Dam. The date of the City's special election is May 19, 2020. The total existing indebtedness, including interest accrued, of the City is \$322,934. The interest rate anticipated on the proposed hydroelectric revenue bonds, based upon current market rates, is 3.25% per annum. The total amount to be repaid over the life of the proposed hydroelectric revenue bonds, principal and interest, based on the anticipated interest rate, is estimated to be \$5,781,863, consisting of \$4,145,000 in principal and \$1,636,862 in interest.

Only those persons who at the time of the special election are registered, qualified electors shall be able to vote in the election. The Boundary County Clerk shall be the registrar for the special election and shall conduct voter registration pursuant to Idaho Code § 34-1402.

If, at the election, a majority of the qualified electors of the City vote in favor of the issuance of the bonds for the purposes set forth in Ordinance No. 590, the hydroelectric revenue bonds of the City will be issued for said purposes. The bonds will mature over a period of not to exceed twenty (20) years, and will bear interest at a rate or rates to be prescribed by the ordinance authorizing the issuance of the bonds. The principal of and interest on the bonds will be payable solely from the revenue derived from the rates and charges for the use of, and services rendered by the hydroelectric generating system of the City, as more particularly set forth in an ordinance or ordinances to be hereafter passed and adopted by the City Council.

DATED this 3rd day of March, 2020.

CITY OF BONNERS FERRY
Boundary County, Idaho

/s/

Mayor

ATTEST:

/s/

City Clerk

EXHIBIT B

SUMMARY OF ORDINANCE NO. 590

AN ORDINANCE of the City of Bonners Ferry, Boundary County, Idaho, calling a special election to be held on May 19, 2020; and providing for the submission to the qualified electors of the City a proposition authorizing the issuance of hydroelectric revenue bonds in the aggregate principal amount of not to exceed \$4,145,000, for the purpose of acquiring, constructing and installing certain additions and betterments to the City's hydroelectric generating system at an estimated cost of \$4,145,000; for public notice of said election; providing for the appointment of the County Clerk to conduct the election; providing for the effective date of this Ordinance; and providing for other matters properly relating thereto.

CITY OF BONNERS FERRY
Boundary County, Idaho

A summary of the principal provisions of Ordinance No. 590 of the City of Bonners Ferry, Boundary County, Idaho, adopted on March 3, 2020, is as follows:

Section 1. The Project. Deems it necessary and advisable that the City acquire, construct and install certain additions and betterments to the City's hydroelectric generating system, including the Moyie Dam, pay associated fees and contingencies, and pay consultant fees, administrative costs, legal fees and all other costs incidental thereto.

States that the estimated cost of the Project is approximately \$4,145,000. Any unpaid balance of the costs will be paid with other legally available funds, including grant funds from previously authorized hydroelectric revenue bonds and other funds of the City.

Provides that subject to the approval of a majority of the qualified electors voting at the special election, the City shall issue its hydroelectric revenue bonds in an aggregate principal amount of not to exceed \$4,145,000 to pay part or all of the costs of the Project.

Section 2. Special Election. Calls a special election to be held on Tuesday, May 19, 2020, for the purpose of submitting the proposition to the qualified electors of the City.

Section 3. Conduct of Election by County Clerk. States that the election shall be conducted as specified in Idaho Code, Title 34, Chapter 14; and the Revenue Bond Act of the State of Idaho, Chapter 4 and Sections 50-1027 to 50-1042.

Section 4. Polling Hours and Place. Sets forth the polling hours and place for the election to be held on May 19, 2020.

Section 5. Ballot Title. Sets forth the form and text of the ballot title.

Section 6. Notice of Special Bond Election. Provides for publication of the Notice of Special Election.

Section 7. Approval; Issuance of Bonds. Authorizes the issuance and sale of hydroelectric revenue bonds if a majority of the qualified electors vote in favor of the issuance of the bonds for the Project and pledges revenue of the System for repayment.

Section 8. Officers Authorized. Authorizes the officers of the City to take all action necessary to effectuate the provisions of the Ordinance.

Section 9. Reimbursement. City's statement of intent to reimburse expenses related to the Project as permitted by state and federal law.

Section 10. Ratification. Ratifies all action taken not inconsistent with the provisions of the Ordinance.

Section 11. Publication. Orders publication of this Summary in compliance with Idaho Code § 50-901A.

The full text of Ordinance No. 590 is available at the City Clerk's Office and will be provided to any citizen upon personal request during normal office hours.

DATED this 3rd day of March, 2020.

CITY OF BONNERS FERRY
Boundary County, Idaho

/s/ _____
Mayor

ATTEST:

/s/ _____
City Clerk

CERTIFICATION OF BOND COUNSEL

I, the undersigned Bond Counsel for the City of Bonners Ferry, Boundary County, Idaho, hereby certify that I have read the attached summary of Ordinance No. 590 of the City of Bonners Ferry and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

DATED this 3rd day of March, 2020.

MCALOON LAW, PLLC

Laura D. McAloon
Bond Counsel

OFFICIAL BALLOT

CITY OF BONNERS FERRY
Boundary County, Idaho

May 19, 2020

INSTRUCTIONS TO VOTERS: To vote in favor of the HYDROELECTRIC REVENUE BONDS, the voter must make a cross [X] in the square opposite the words "IN FAVOR OF." To vote against the HYDROELECTRIC REVENUE BONDS, the voter must make a cross [X] in the square opposite the words "AGAINST." If you change your mind, tear, or make a mistake on this ballot, request a new ballot from an election worker.

PROPOSITION NO. 1

CITY OF BONNERS FERRY, IDAHO
HYDROELECTRIC REVENUE BONDS - \$4,145,000

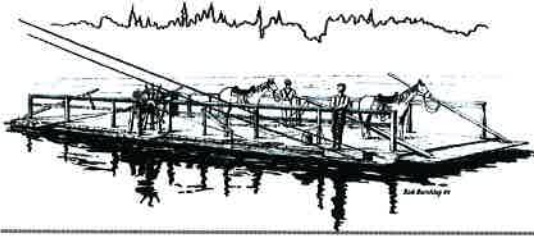
SHALL THE CITY OF BONNERS FERRY ISSUE AND SELL ITS HYDROELECTRIC REVENUE BONDS TO PAY PART OF THE COSTS OF ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN ADDITIONS AND BETTERMENTS TO THE HYDROELECTRIC GENERATING SYSTEM OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,145,000? THE BONDS SHALL MATURE OVER A PERIOD OF NOT TO EXCEED TWENTY (20) YEARS, AND SHALL BE PAYABLE SOLELY FROM THE REVENUES OF THE HYDROELECTRIC GENERATING SYSTEM, ALL AS MORE FULLY PROVIDED IN ORDINANCE NO. 590, ADOPTED ON MARCH 3, 2020.

IN FAVOR OF issuing hydroelectric revenue bonds in the aggregate principal amount of not to exceed \$4,145,000 for the purpose stated in Ordinance No. 590

AGAINST issuing hydroelectric revenue bonds in the aggregate principal amount of not to exceed \$4,145,000 for the purpose stated in Ordinance No. 590.....

The following information is required by Idaho Code § 34-439, as amended:

The Project to be financed, in part, by the sale of the proposed hydroelectric revenue bonds in the aggregate principal amount of not to exceed \$4,145,000, is the acquisition, construction and installation of certain additions and betterments to the City's hydroelectric generating system, including the Moyie Dam. The date of the City's special election is May 19, 2020. The total existing indebtedness, including interest accrued, of the City is \$322,934. The interest rate anticipated on the proposed hydroelectric revenue bonds, based upon current market rates, is 3.25% per annum. The total amount to be repaid over the life of the proposed hydroelectric revenue bonds, principal and interest, based on the anticipated interest rate, is estimated to be \$5,781,863, consisting of \$4,145,000 in principal and \$1,636,862 in interest.



CITY OF BONNERS FERRY

7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 Fax: 208-267-4375

TO: Mayor and City Council

FROM: Lisa Ailport, City Administrator *LMA*

DATE: February 27, 2020

RE: **Box Plow Request**

The Electric, Water and Wastewater Departments would like to request to purchase the attached box snow plow to be used at the utility yard. The pusher would be used to plow out the Electric paved areas that support or store the city electric pole area, transformers and stored inventory areas as well as the mechanic shop.

Additionally, the water and wastewater department could use the equipment to plow out snow from around their buildings as well.

The box plow is advertised at Boundary Tractor for \$4,800.00 and comes with the implement as well as the plow attachment.

Fiscal Impact Statement: If supported by Council to purchase the implement, the majority of the purchase, 90%, would come from the Electric enterprise fund. The remaining 10% would be covered by an even split with the Water & Wastewater Departments.

Please let me know if you have any questions.

Pusher+ Don't push your luck with inferior attachments

OWN THE BEST PUSHER AVAILABLE

Bolt-On Mounts for JD Classic, JD Global, EURO, Skid Steer, Westendorf, Miller, Koyker, JRB500, JRB600, Q-fit, Volvo, CAT IT, CAT Fusion, ACS, Bucket Edge Mounts and more.

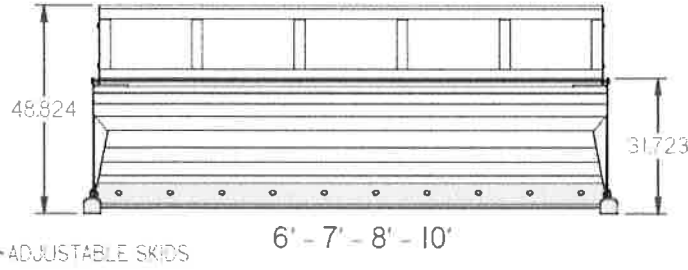
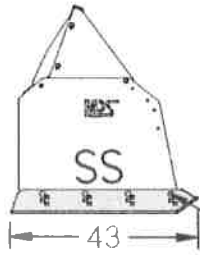
Skid Steer 6' - 7' - 8' - 10'
Tractor 8' - 10' - 12' - 14'
Wheel Loader 10' - 12' - 14' - 16'

3-point mounts available for tractors without loaders. Back-drag option now available for skid steer models.

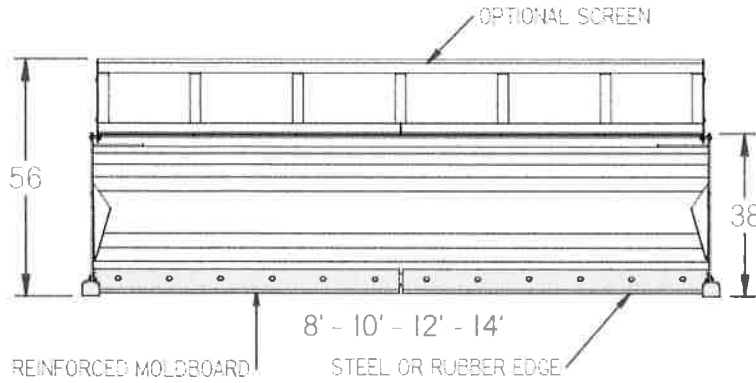
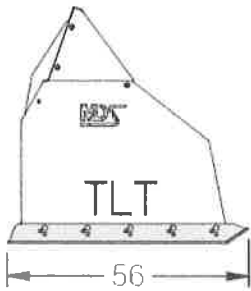




Pusher+

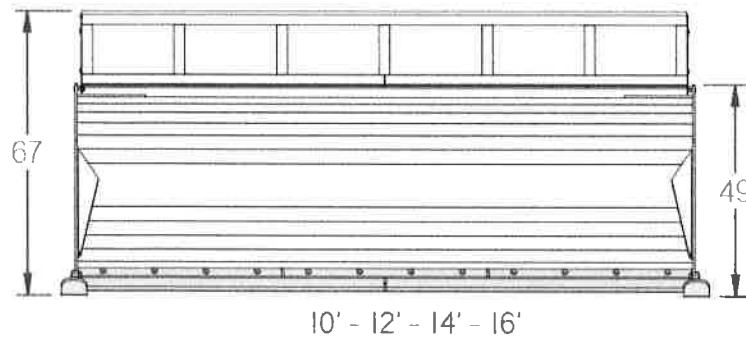
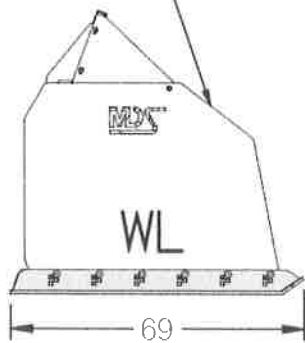


SKID STEER
(BACK DRAG
OPTION AVAILABLE)



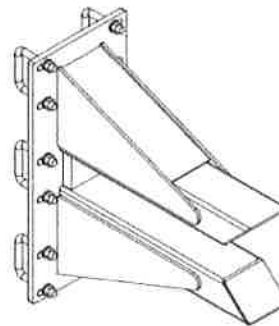
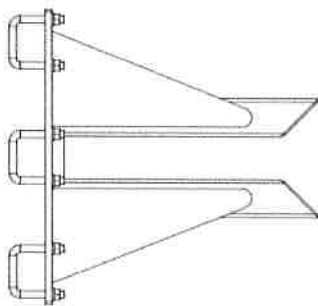
TRACTOR
LOADER/
TELEHANDLER

GRADE 50 SHELL



WHEEL
LOADER

No quick-tach...No problem. MDS offers a Universal Bucket Edge (Lip) Mount Kit for the TLT Series and WL Series Pushers. Chain Binder kits also available.





CITY OF BONNERS FERRY

7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 Fax: 208-267-4375

TO: Mayor and City Council

FROM: Lisa Ailport, City Administrator *LMA*

DATE: February 27, 2020

RE: **Fee Waiver Policy**

Attached is the draft fee waiver policy for consideration by the City Council. This request was made of staff after the February 4th City Council meeting.

Fiscal Impact Statement: There is no direct impact to the City finances if this policy is passed by the City Council.

Please let me know if you have any questions.

POLICY AND PROCEDURES MANUAL

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**SECTION V.
CITY CONTROL AND ACCOUNTING POLICIES**

SECTION F

FEE WAIVERS

1. It is the policy of the City that fees, where required by the City, for applications, services and special events will not be waived unless a policy change by the Council is approved.

DRAFT



MEMO

CITY OF BONNERS FERRY
CITY ENGINEER

Date: February 28, 2020
To: City Council
From: Mike Klaus, City Engineer
Subject: Sewer Department - Pipeline Camera

For 2020 the sewer department has budgeted \$100,000 for sewer line replacement and slip lining. In order to perform slip lining, sewer pipe lines need to be viewed and recorded with a camera prior to the pipe line work. This reconnaissance is critical in determining exactly where the problems are, and determining how best to fix those problems. The City's current camera is old, and not capable of traveling through many of our sewer mains.

For the reasons above, the sewer department has been researching camera systems for a few months and has requested approval to purchase a new one. The camera fits into the budget within the slip lining item for this year and I anticipate its useful life to be 10 to 15 years. Considering the amount of sewer work the City has this year, and for several years into the future, I believe this would be a good investment.

The attached quote for the camera is \$31,066.49. On behalf of the Sewer Department, I request that the Council approve the purchase of the pipe line camera for \$31,066.49.

Please let me know if you have any questions.

Thank you,

Mike



Estimate

911 N. Thierman Rd.
Spokane Valley, WA. 99212

Date	Estimate #
1/17/2020	6701

Name / Address
Bonnors Ferry, City of PO Box 149 Bonnors Ferry, ID 83805

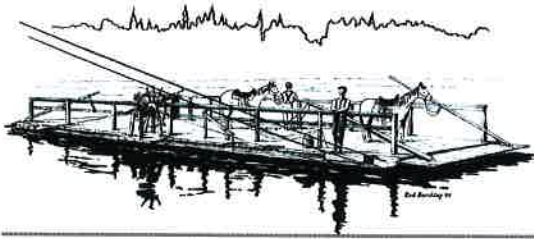
Rep
MJB

Item	Description	Qty	Rate	Total
Misc Sales - Str...	TRANSTAR TRANSTAR PIPELINE TRANSPORTER With the following configuration: * Transporter Transtar * Elevator Yes * Transport Acc 1/4 Spacer Kit * Transport Acc Accessory Kit With Elevator * Transport Acc Floor Mounting Bracket * Transport Acc Pole Lift * Mega Trak None * Camera Trakstar * Camera Connection Type 4 Pin * Camera Acc None	1	17,701.33	17,701.33
Misc Sales - Str...	TRAKSTAR TRAKSTAR CAMERA With the following configuration: * Camera Trakstar * Camera Connection Type 4 Pin * Camera Acc None <i>f Pig Tail</i>	1	13,155.16	13,155.16
			<i>\$105.00</i>	<i>210.00</i>

Subtotal	\$30,856.49
Sales Tax (6.0%)	\$0.00
Total	\$30,856.49

Phone #
509-922-1300

210.00
31,066.49



CITY OF BONNERS FERRY

7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 Fax: 208-267-4375

TO: Mayor and City Council

FROM: Lisa Ailport, City Administrator *LMA*

DATE: February 27, 2020

RE: ITD- Memorandum for Hwy 95 Maintenance for Phase II

The attached MOU with the Idaho Transportation Department includes the entire portion of Highway from the Kootenai River Bridge (Riverside intersection) to Labrosse Hill Road. The agreement layouts what roles ITD and the City will have in the future maintenance of the sidewalks, grassy buffer strips, as well as the highway lighting along the corridor. The Agreement will supersede the previous agreement signed in 2017 and has with it some minor modification on correction for grammar. However, the major modification to this MOU would be the mile marker post. The original mile marker listed the agreement started at Mile Post 506.5- 507.565 and the new Mile Post is 505.0-507.565. This correlates to Labrosse Hill Road to the south end of the Kootenai River Bridge.

It is the recommendation of staff that the MOU be approved and Council authorizes the Mayor to sign it.

Signing the document is a critical step for ITD to get Phase II out to bid for construction in 2022.

Fiscal Impact Statement: Highway 95 is part of the original urban renewal district (URD) and as planned in the district the city can make requests for a yearly rebate of \$20,000.00 to help cover the cost of maintenance and policing. We have made this request last year and staff anticipates making the yearly request to the urban renewal agency for consideration at the March 10, 2020 URA meeting.



MEMORANDUM OF UNDERSTANDING
Between
THE IDAHO TRANSPORTATION DEPARTMENT
And
THE CITY OF BONNERS FERRY

PURPOSE

The Idaho Transportation Department (ITD) and the City of Bonners Ferry (the City) desire to provide for the maintenance of state highway routes within the City, to arrange for the particular maintenance functions to be performed by the City and those to be performed by the State, and to specify the terms and conditions under which such work will be performed.

AUTHORITY

Authority for this Memorandum of Understanding is established by Sections 40-310(5), 40-317(4), and 67-2326 through 67-2333 of the Idaho Code.

RESPONSIBILITIES AND PROCEDURES

This Memorandum of Agreement supersedes previous Cooperative Maintenance Agreements which cover the same route description described in Section 13. In consideration of the mutual covenants and promises herein contained, it is agreed that the District will perform such maintenance work as is specifically delegated to it and ITD will perform those particular functions of maintenance delegated to it on the state highway routes or portions thereof as hereinafter described under Sections 10 and 14 or as said sections may be subsequently modified with the written consent of the parties hereto acting by and through their authorized representatives.

1. MAINTENANCE DEFINED

Maintenance is defined as follows:

- a. The preservation and keeping of right-of-way and each type of roadway, structure, and facility in the safe and usable condition to which it has been improved or constructed, but does not include reconstruction or other improvement.
- b. Provisions as necessary for the safety and convenience of traffic and the upkeep of traffic control devices.
- c. General utility services such as roadside planting and vegetation control.
- d. Special or emergency maintenance or repair necessitated by accidents or by storms or other weather conditions, slides, settlements, or other unusual or unexpected damage to a roadway, structure or facility so long as such special emergency maintenance or repair does not necessitate reconstruction.
- e. Upkeep of illumination fixtures on the streets, roads, highways, and bridges, which are required for the safety of persons using the said streets, roads, highways, and bridges.

2. DEGREE OF MAINTENANCE

The degree and type of maintenance for each highway or portion thereof shall mean doing the work and furnishing the materials and equipment to maintain the highway facility herein described in a manner as near as practicable to the standard in which they were originally constructed and subsequently improved. Provided however, nothing herein shall be construed to require reconstruction of any highway.

3. HIGHWAY

Highway, as used herein, includes the entire right-of-way which is secured or reserved for use in the construction and maintenance of the traveled way and roadsides as hereinafter described.

4. ROADWAY

Roadway means the area between the inside face of curbs or the area between the flow lines of paved gutters; otherwise, the entire width within the highway which is improved for vehicular use including improved shoulders and side slopes, if they exist.

5. IMPROVED ROADSIDES

Improved roadside is the area between the roadway, as defined under Section 4, and the right-of-way boundary lines, including curb and sidewalk.

Curb relates to a timber, concrete, asphalt, or masonry structure separating or otherwise delineating the roadway from the remainder of the highway and shall include paved gutters. Medians that separate the roadways for traffic in opposite directions are considered a part of the improved roadsides. Sidewalk applies to the paved or otherwise improved surface area between the face of curb or edge of roadway and right-of-way boundary, including paved entrances or driveways.

6. UNIMPROVED ROADSIDES

Unimproved roadsides relate to the area between the roadway and right-of-way boundary wherein curbs and sidewalks do not exist.

7. BRIDGES

Bridges are structures that span more than 20 feet measured between abutments along the centerline of the street and multiple span structures where the individual spans are in excess of 10 feet measured from center-to-center of supports along the centerline of the street. All other cross-drainage structures shall be classified as culverts.

8. TRAFFIC CONTROL DEVICES

Traffic control devices include all signs, pavement markings, and highway illumination placed on or adjacent to the street or highway for the regulations, guidance, warning and aid of pedestrian and traffic movement thereon. Traffic signals will be treated under a separate agreement.

9. FRONTAGE ROADS

Frontage roads are roads constructed on either side of the highway to provide authorized road access to adjacent properties in lieu of access directly from the highway.

10. ROUTINE MAINTENANCE

Routine maintenance to be performed on the roadway or roadsides shall include patching, spot sealing, crack sealing, snow plowing, snow removal, sanding, care of drainage, upkeep and repair of bridges, culverts, curbs, benches and sidewalks, street sweeping and cleaning, repair of damage and cleaning up after storms and traffic accidents, control of roadside vegetation, care of landscaped areas, planters, trees or other ornamental plantings, and upkeep and operation of traffic control devices, all in the manner as hereinafter specified.

a. Roadway

- (1) Surface Repair: The patching of holes, depressed areas, spot sealing, undersealing, etc.
- (2) Crack Sealing: The cleaning, filling and sealing of cracks in pavement with sealing compounds.
- (3) Sweeping and Cleaning: The removal of dirt or litter normally coming onto the roadway from

action of traffic or from natural causes, such as flood and storm debris.

- (4) **Snow Removal:** The removal of snow from the roadway by plowing, sweeping, and hauling and shall include applying sand and/or salt when required. The hauling away of snow need only apply on those highway sections where snow storage is limited or at such times when accumulations become greater than storage area capacity.
- (5) **Utilities:** Including manholes, boxes or other appurtenances shall be maintained by their owners.
- (6) **Storm Sewers:** Shall be kept clean and free from debris; traps and sumps cleaned as required after each storm.
- (7) **Culverts:** Shall be kept clean and free from debris; inlets and outlets shall be kept free of debris and growing grass or brush.

b. Bridges

Shall be inspected in accordance with the national inspection standards of *U.S. Code, Section 116(d), Title 23*, as administered by the State. Bridges designed to the American Association of State Highway and Transportation **Officials** (AASHTO) H-20 or better standards must be inspected on a frequency not to exceed two years. Bridges that are posted for restricted weight limits and/or designed to AASHTO HS-15 or less will be inspected on an annual basis. Inspections are to be accomplished by a qualified inspector. The State's District Engineer shall be immediately notified of major defects. See current edition of *AASHTO Manual for Maintenance Inspection of Bridges* for inspector's qualifications, inspection reporting procedures, and structural analysis for load capacity of bridges.

c. Improved Roadsides

- (1) **Curbs:** Shall be kept in repair by cleaning, patching, lifting, and aligning.
- (2) **Sidewalks:** Shall be kept in repair.
- (3) **Lawn or Grass Areas:** Shall be kept mowed, watered, edges trimmed, and the watering operations shall not flood or sprinkle on the roadway. No plants, trees, or bushes will be allowed in the grass buffer area within the highway right-of-way.
- (4) **Trees and Plantings:** Shall be kept trimmed with dead material removed and hazardous limbs pruned. This agreement shall not be construed as restricting, prohibiting or otherwise relieving the City of the responsibility for inspection and upkeep of trees in a manner that will insure maximum safety to both vehicular and pedestrian traffic or to restrict or relieve the City from following the same policy and procedure generally followed by it with respect to streets of the City in the matter of requiring sidewalk repairs and control of vegetation to be made by or at the expense of abutting owners who are under legal obligation to perform such work.
- (5) **Benches and Planters:** Shall be kept in repair by cleaning, patching, aligning, and painting.

d. Unimproved Roadsides

- (1) **Ditchings:** Foreslopes, backslopes, and ditches shall be bladed and ditched regularly as required to keep as near as possible to the original typical cross section.
- (2) **Cleaning:** Foreslopes and backslopes shall be mowed as required. Trees and shrubs shall be kept trimmed, dead material removed and hazardous limbs pruned, and waterways shall be kept free of debris.

e. Traffic Control Devices

Traffic control devices installed and maintained on the urban extensions of the State Highway System shall be in conformance with the recommendations and specifications of the current *Manual on Uniform Traffic Control Devices for Streets and Highways* as approved by AASHTO and as adopted by the Idaho Transportation Department. The maintenance to be performed on these items shall consist of furnishing

all necessary labor, material, services, and equipment to install, replace, operate, and/or repair in accordance with this agreement.

All traffic control devices installed inside the full control of access limits of the Highway System shall be the responsibility of the State.

- (1) Route Guide Signing: This includes all official designation guide signs at junctions of the urban extensions of the State Highway System, all entering community signs and all U.S. or State Highway System route markers necessary to properly identify and keep the motorist sure of the routes.
- (2) Other Guide Signs: This includes all other guide signs of an informational nature identifying streets, parks, landmarks, and items of geographical or cultural interest that the community desires to sign.
- (3) Warning Signs: These will include all signs used to indicate conditions that are actually or potentially hazardous to users of the highway or street.
- (4) Speed Signs: These will include all regulatory signs to indicate speed limits that have been designated in accordance with statutory provisions.
- (5) Other Regulatory Signs: These will include all regulatory signs, other than the speed sign and lane control sign which are used to indicate the required method of traffic movement or use of the public highway or street.
- (6) Highway Lighting: This includes all fixed illumination of the roadway or sidewalks for purposes of providing better visibility of persons, vehicles or roadway features. All highway lighting shall be installed and maintained in accordance with current policies of the State. Maintenance shall include all upkeep of supports, interconnecting service, electrical energy costs, cleaning, lamp renewal, and associated labor and material costs required to maintain the lighting system in continuous nighttime operation.
- (7) Lane-Line Markings: These will include those lines dividing the roadway between traffic moving in opposite directions, lane-lines separating two or more lanes of traffic moving in the same direction, painted channelization, pavement edge markings, and no passing barrier lines where required.
- (8) Other Pavement Markings: These include all stop lines, crosswalk lines, parking space limits and word and symbol marking set into or applied upon the pavement surface or curbing or objects within or adjacent to the roadway for the purpose of regulating or warning traffic.

11. ENCROACHMENT PERMITS

If the State delegates authority to issue encroachment permits to the City, the authority shall pertain to all parts of the highway or street throughout the particular length indicated under Section 13 of this agreement. Authority to issue encroachment permits shall not be assigned to the City unless they have adequate ordinances governing the encroachments together with an administrative organization and procedure capable of enforcing the ordinances.

Permits shall be issued on a form provided by the State and the City will furnish a copy of each permit to the State. The City agrees to follow current the State's current policies regarding encroachments unless the City, by ordinance or other regulation, imposes more restrictive regulations as stated below. Prior approval of the State shall be secured before any permit is issued for the original installation of any utility line, driveway or other permanent encroachment within the highway right-of-way.

If the City, by ordinance or other regulation, imposes more restrictive regulations and requirements regarding signs, marquee and/or driveways than above set forth or as provided in current State policies, nothing in these

provisions shall be construed to prevent the City from enforcing such restrictive regulations in the granting or refusing of permits with respect to any State Highway. Where authority to issue encroachment permits is retained by the State, all local ordinances which are more restrictive than State policy will be observed. When authority to issue Encroachment permits is retained by the State, approval of the City will be secured prior to the issuance of a permit. State permit forms will be used and a copy will be forwarded to the City for its record.

The City or State shall comply with its usual policy with respect to collecting costs and fees from permittees for encroachment work on streets or highways.

No signs, billboards or structures other than those authorized and installed by the State or the City as necessary for the regulating, warning, and guiding of traffic shall be permitted within or to overhang the right-of-way of any State Highway, except in accordance with these provisions:

- a. Signs or marquees extending over the sidewalk and right-of-way may be installed on a permitted basis in business districts only, subject to the following restrictions:
 - No sign or marquee shall be permitted to project over the roadway nor to extend beyond a vertical line located 18 inches outside the inside face of curb.
 - Signs extending over the sidewalk area shall have no part thereof less than 12 feet above sidewalk or ground level. Marquees extending over the sidewalk area shall have no part thereof less than eight feet above sidewalk or ground level.
- b. Displays or signs overhanging the right-of-way may be authorized on a permit basis only outside of business districts when the display is placed flat against and supported by the building and providing it does not extend more than 12 inches into the right-of-way.
- c. All signs and marquees shall conform to the city building and/or sign code, except compliance with minimum clearance requirements as herein specified is required.

Signs and marquees shall at all times be maintained in a good appearing and structurally safe condition. Any existing sign or marquee suspended or projected over any portion of State Highway right-of-way, which constitutes a hazard, shall be immediately repaired or removed.

- d. Signs or displays will not be permitted which resemble, hide, or because of their color, interfere with the effectiveness of traffic signals and other traffic control devices. Illuminated signs or displays containing red, yellow, or green lights will not be permitted to overhang the right-of-way.
- e. Temporary municipal decorations may be installed and suspended over the State Highway on a permit basis only. They shall not be permitted in locations that interfere with the visibility and effectiveness of traffic control devices.

It is understood that none of the provisions listed above (a. to e. inclusive) will be in conflict the Beautification of Highways Act of 1966, *Idaho Code, Section 40, Chapter 28*.

- f. Use of state highway right-of-way for benches, planters, and trees is subject to the following conditions:
 - Benches, planters, and trees must be at least 18 inches from the face of the curb. When benches, planters, and trees are placed on sidewalks, there must be a four-foot open space for pedestrians and bicyclists measured at a right angle from the edge of the sidewalk, or as an alternative, spacing that meets city-approved standards.
 - Benches, planters, and trees should not obstruct crosswalks or wheelchair ramps, or force pedestrians into the street by their placement.
 - Benches, planters, and trees should not be placed so as to impede the sight distance of vehicles using the highway.

- Benches, planters, and trees shall not bear markings or signs that resemble official traffic signs.
- If the City permits benches, planters, and trees on state highway right-of-way, it agrees to indemnify, defend regardless of outcome, and hold harmless, ITD from all accidents or occurrences resulting in damage to property, injury, or loss of life related to bench placement on highway right-of-way within the City.

12. TRANSPORTATION PERMITS

Transportation permits will be required on State Highways for all vehicles and their loads that exceed legal limitations. If authority to issue transportation permits is delegated to the City, such authority shall pertain only to travel that originates and terminates within the City corporate limits.

13. ROUTE DESCRIPTION

<u>Route No.</u>	<u>Milepost</u>	<u>Length Miles</u>	<u>Description of Routing</u>
US-95	505.00-507.565	2.565	South Main Street City of Bonners Ferry
*City Streets Within State Right-of-way limits	Various	Various	Labrosse Hill St., Pine Island Rd., Kennedy St., McCall St., Bauman St., Walker Ln., Eisenhower St., Tamarack Ln., Augusta St., Fry St., Alderson Ln., Lincoln St., Cody St., Denver St., El Paso St., Harrison St., Van Buren St., Jackson St., Monroe St., Madison St., Ash St., Kootenai St., Riverside St/Main St., (Arizona St. under)

*This includes portions of City streets that intersect US-95 or drainage facilities associated with them that will be constructed as part of this project.

14. DELEGATION OF MAINTENANCE

The maintenance work to be performed by the City or State shall conform to the provisions hereof and shall include those operations as hereinafter indicated.

MAINTENANCE FUNCTION	AGENCY TO PERFORM WORK	
ROADWAY	US 95 (S. Main St.)	*City Streets & Alleys Within State Right-of-Way Limits
1. Surface Repair	State _____	City _____
2. Crack Sealing	State _____	City _____
3. Sweeping and Cleaning	State _____	City _____
4. Snow Removal	State _____	City _____
5. Utilities	City/Utility Companies _____	City/Utility Companies _____
6. Culverts	State _____	City _____
7. Storm Sewers	State/City (Section 10.a.(6)) ** _____	City(Section 10.a.(6)) ** _____
BRIDGES		
1. Main Structure	State _____	N/A _____
2. Pedestrian Walks	City _____	City _____
IMPROVED ROADSIDES		
1. Curbs	State _____	City _____
2. Sidewalk	City _____	City _____
3. Lawn or Grass Areas	City (Section 10.c.(3)) * _____	City (Section 10.c.(3)) * _____
4. Trees and Planting	N/A _____	City _____

MAINTENANCE FUNCTION

AGENCY TO PERFORM WORK

		*City Streets & Alleys Within State Right-of-Way Limits
ROADWAY	US 95 (S. Main St.)	
5. Medians	State	N/A
6. Benches and Planters	N/A	City
UNIMPROVED ROADSIDES		
1. Ditching	State	City
2. Cleaning	State	City
3. Weed Eradication	State	City
TRAFFIC CONTROL DEVICES		
1. Route Guide Signs	State	City
2. Other Guide Signs	State	City
3. Warning Signs	State	City
4. Rectangular Rapid Flashing Beacon (RRFB)	State/City (Section 17)	N/A
5. Speed Signs	State	City
6. Other Regulatory Signs	State	City
7. Highway Lighting/Illumination	City	City
8. Lane-Line Markings	State	City
9. Other Pavement Markings		
Parking Space Limits	N/A	City
Crosswalks	City (Section 16)	City
Stop Bars	City (Section 16)	City
School Crossing	City (Section 16)	City
Railroad Crossing	N/A	N/A
Lane Control	State	City
ISSUE PERMITS ENCROACHMENTS	State	City
ISSUE PERMITS TRANSPORTATION	State	City

*The State will install the sprinklers system in the grass buffer area, and the City must maintain the system and supply the water for the system.

**Storm Sewers that are on private property and City right-of-way will be maintained by the City. Any additional peak load to the storm water system due to development will only be allowed with ITD and City approval.

15. DELEGATION OF COSTS

All agencies shall bear all costs of maintenance obligations assigned to them under this agreement.

16. PAVEMENT MARKINGS

State will supply paint, glass beads, and traffic control to assist the City in painting the special pavement markings on US-95. The City must give a minimum of two weeks' notice to the Bonners Ferry Maintenance Forman before scheduled work begins.

17. RECTANGULAR RAPID FLASHING BEACON (RRFB)

The State will supply and install three (3) RRFBs, one south of Madison St. at M.P. 506.85, the second one at Alderson Ln. M.P. 506.26, and the third one just north of Eisenhower at M.P. 505.827. A fourth RRFB currently exists at Augusta St., M.P. 506.00. The City will supply power and maintenance for all four (4) locations.

18. SUBSEQUENT IMPROVEMENTS

When a highway section or portion thereof is improved to urban standards, i.e., with curbs, sidewalks, etc., the delegation of maintenance shall automatically change to conform to the provisions as provided for similar sections under this agreement.

FINANCING

ITD and the City shall bear all costs of maintenance obligations assigned to them under this Memorandum of Understanding.

LIMITATIONS

Nothing in this Memorandum of Understanding between ITD and the City shall be construed as limiting or expanding the statutory or regulatory responsibilities of any involved individual in performing functions granted to them by law; or as requiring either entity to expend any sum in excess of its respective appropriation. Each and every provision of this Memorandum is subject to the laws and regulations of the state of Idaho and of the United States.

Nothing in this Memorandum of Understanding shall be construed as expanding the liability of either party. In the event of a liability claim, each party shall defend their own interests. Neither party shall be required to provide indemnification of the other party.

EFFECTIVE DATE

This Memorandum of Understanding shall become effective upon signature of the Director of ITD or delegate and the signing authority of the City of Bonners Ferry, whichever is most recent, and shall remain in full force and effect until amended or terminated.

METHOD OF TERMINATION

This Memorandum of Understanding shall remain in force unless formally terminated by either party after thirty (30) days written notice to other party.

AMENDMENTS

Amendments to this Memorandum shall become effective upon mutual agreement and written approval by the Director of ITD or delegate and the signing authority of the City of Bonners Ferry.

SIGNATURES

IDAHO TRANSPORTATION DEPARTMENT

By _____
D1 District Engineer

Date _____

THE CITY OF BONNERS FERRY

By _____
Mayor's Signature

Date _____



BICYCLE/PEDESTRIAN FACILITIES

The Idaho Transportation Department is committed to achieving a safe, effective, and balanced multimodal transportation system that includes accommodations for bicyclists, pedestrians, and pedestrians with disabilities, along with motorized transportation modes. This commitment includes developing the transportation infrastructure to improve conditions for bicycling and walking by integrating provisions for bicycles and pedestrians into new construction and reconstruction highway projects through design features appropriate for the context and function of the transportation facility. The design and construction of facilities shall anticipate likely future demand for bicycling and pedestrian facilities, and not preclude the provision of future improvements.

Definitions

A **“bike/bicycle lane”** is a portion of a roadway that has been designated with signing and pavement markings for the preferential or exclusive use of bicyclists.

A **“shared use path”** is a multiuse facility for use by pedestrians and/or bicyclists that is physically separated from motorized vehicular traffic by an open space or barrier, and is within either the highway right-of-way or an independent right-of-way.

A **“sidewalk”** is that portion of a roadway that is intended for pedestrian use, and lies between the curb lines or the lateral lines of the travel way and the adjacent property lines.

An **“Accommodation”** is any facility, design feature, operational change, or maintenance activity that improves the environment in which bicyclists and pedestrians travel.

Facilities

Due consideration shall be given to bicycle and pedestrian needs in the design of new transportation facilities. The following items shall be considered when determining the possible inclusion of bicycle or pedestrian facilities within a project.

- The project’s scope
- Relevant planning documents, such as a corridor plan, local transportation plan, local pedestrian/bicycle policy, or facilities plan
- Limitations due to historic structures, environmental constraints, or other unique project features
- Context-sensitive issues, such as school crossings, transit stops, etc.
- Americans with Disabilities Act (ADA) requirements
- Discussions with local governments regarding any special circumstances, such as high-use recreation traffic generators outside of a city limit (schools, churches, business parks, etc.).

The above list does not represent all possible guidance to be considered when making a determination.

When it has been determined that a bicycle or pedestrian facility should be included within the project, accommodations generally include:

- Inside city limits - consideration of sidewalks and widened outside travel lanes or bicycle lanes.
- Outside city limits - the use of roadway shoulders.

All consideration given to bicycle and pedestrian facilities shall be documented in the project's Concept Report.

Project Costs

When the Concept Report requires the construction of bicycle and/or pedestrian facilities for projects on the State highway system, all costs associated with the construction shall be distributed in accordance with Administrative Policy A-19-01, FINANCING CONSTRUCTION OF STATE HIGHWAYS IN CITIES. Off-system and local bicycle and/or pedestrian facilities shall be the responsibility of the local entity, unless otherwise specified in a state/local agreement executed prior to construction.

Maintenance

The Department is responsible for costs associated with the maintenance of bicycle lanes on the State highway system, unless otherwise specified in a state/local maintenance agreement.

Routine maintenance of sidewalks and separated pathways located on highway right-of-way shall be the responsibility of the appropriate local agency through an agreement completed prior to construction. At its discretion, the local agency may accomplish certain maintenance activities through organized groups or entities that it authorizes. However, the maintenance responsibility remains with the local government agency.

Projects Proposed by Others

Due to the localized nature of non-motorized trips, the Department encourages local units of government to participate in planning and developing infrastructure that will support walking and bicycling.

The Department supports local governments by considering requests to make highway right-of-way available for non-motorized facilities. Future highway expansion or interference with the operational characteristics of the highway may preclude ITD from approving such requests.

Prior to giving approval for a facility, the Department may require the requesting agency to provide detailed analysis of the proposed facility's impacts to the highway in order to determine the acceptability of the facility.

When appropriate, the Department shall negotiate the use of state highway right-of-way only with local governments or other public agencies, not with private groups or organizations. This is to insure that project development, funding, and maintenance issues can be coordinated by an agency that can make a long-term written agreement with ITD. Private groups or organizations may participate as part of the planning process, but only local governments shall be responsible for the facility's planning, construction, and maintenance.

Signed _____

Date: August 05, 2009

L. Scott Stokes, P.E.
Acting Director

This Policy is based on:

- Title 23, USC Section 135
- SAFETEA-LU Section 6001
- Section 504 of the Rehabilitation Act of 1983, as amended, 29 USC 792
- Title II, Americans with Disability Act
- Board Policy B-09-08, BICYCLE/PEDESTRIAN FACILITIES
- Board Policy B-13-03, ENVIRONMENTAL STEWARDSHIP

Department-wide supervision and coordination assigned to:

- Division of Public Transportation Administrator

Direction for activity and results assigned to:

- Bicycle/Pedestrian Coordinator

Direction for standards assigned to:

- Geometrics Engineer

Department procedures contained in:

- This policy
- Statewide Bicycle Plan
- ITD Design Manual

Former date of A-09-08:

7/1/93 (Formerly numbered A-09-08, which replaced A-09-04, TRAVELWAYS FOR NON-MOTORIZED TRANSPORTATION)

Cross-reference to related Administrative policies:

- A-05-16, MAINTENANCE OF STATE HIGHWAYS
- A-11-01, TRANSPORTATION IMPROVEMENT PROGRAM
- A-19-01, FINANCING CONSTRUCTION OF STATE HIGHWAYS IN CITIES