

**MINUTES  
CITY COUNCIL MEETING  
Bonners Ferry City Hall  
7232 Main Street  
267-3105  
June 1, 2021  
6:00 pm**

Mayor Dick Staples called the Council meeting of June 1, 2021 to order at 6:00 pm. Present for the meeting were: Council Members Adam Arthur, Valerie Thompson, Rick Alonzo and Ron Smith. Also, present were: City Attorney Andrakay Pluid, City Administrator Lisa Ailport, City Engineer Mike Klaus, Payroll Clerk Deby Garcia and Economic Development Coordinator Dennis Weed. Members of the public present were: Marciavee Cossette, Jerry Higgs, Dave Gray, Fay Almond, David Clark, Eric Lederhos, James Black, Robert Sanborn

**Join video Zoom meeting:** <https://zoom.us/j/17672764>

**Meeting ID: 176727634**

**Join by phone: 253-215-8782**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

Jerry Higgs spoke regarding the Memorial Day parade.

Dave Gray spoke regarding the Museum.

**REPORTS**

City Administrator Lisa Ailport said the first parklet permit was issued to Under the Sun.

**CONSENT AGENDA – {action item}**

1. Call to Order/Roll Call
  2. Approval of Bills and Payroll
  3. Approval of the May 18, 2021 Council meeting minutes
  4. Authorize the Mayor to sign the contract with Deaton Tree Service for tree trimming near electric lines
- Valerie Thompson moved to approve the consent agenda. Adam Arthur seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

**OLD BUSINESS**

**NEW BUSINESS**

5. **Electric** – Consider authorizing permission to seek requests for proposals for Moyie electrical upgrades for GPRs (attachment) {action item}  
Mike said the Generator Protection Relays (GPR) at the Moyie Hydro need to be replaced. This is the first step in that process. Mayor Staples asked if the GPRs only last 10-15 years. Mike said the life spans vary. Rick said the current GPRs are not being supported and we can't get parts for them. Adam asked why this is being done now, instead of the next budget year. Mike said the actual work will not happen until 2022. Lisa said Unit #2 has already gone offline, but we were able to get that up and running. Valerie asked if it is possible to wait to replace the other GPRs. Mike said it is possible to stage the other GPRs. Adam Arthur moved to authorize permission to seek Requests for Proposals for the Moyie electric upgrades for GPRs with the ability to modify the statement of qualifications. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes
6. **Sewer** – Discuss authorizing upgrading controls at Lift Station #2 (attachment) {action item}  
Mike said the controls are approximately 20 – 30 feet below grade. Mike the upgrade will help with safety and amperage control. Valerie asked if this was on the improvement plan. Mike said he didn't realize this was a safety con  
Valerie Thompson moved to authorize installing two VFD panels for Lift Station #2 with the cost of \$12,000. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

7. **Planning** – Consider file V03-21 from James Black regarding front and side yard variance – deliberation and decision only (attachment) {action item}

Lisa gave a presentation of File #V03-21. The Planning and Zoning Commission held a public hearing May 20, 2021 and unanimously recommended to approve with conditions and adopted the findings and conditions as written in the staff report. Adam asked if all the lots have a 6-foot interior side yard setback. Lisa said they are all 10-foot. Ron asked if this file is approved, does that create a hardship to any of the neighbors. Lisa said none of the neighbors commented.

Valerie Thompson moved to approve File #V03-21, for variances to allow a 10-foot corner lot setback, where 20 feet is required, and a 6-foot interior side yard setback, where 10 feet is required, to allow for the construction of a single-family dwelling, finding that it is in accord with the standards of Section 11-7-1 of Bonners Ferry City Code, as enumerated in the findings as presented in the staff report and based upon testimony received at the Commission hearing. I further move to adopt the conditions of approval as written.

Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

8. **Planning** – Hearing to consider appeal request from Robert Sanborn regarding Administrative Decision regarding a property split (attachment) {action item}

Mayor Staples opened the hearing at 6:36 pm. Mayor Staples said he has a conflict of interest and left the meeting. Lisa explained the procedures for the hearing. Robert Sanborn read the letter he emailed to Lisa Ailport on May 17, 2021 regarding the appeal to the property split review File #AR05-21. Lisa said when the plat was annexed, lots, notes, easements and other restrictions were annexed as well. It is the opinion of staff that the lot that Mr. Sanborn purchased be replatted to remove the restriction of “not a building lot”. Mr. Sanborn disagrees and sought an appeal. Council must decide if staff’s decision stands or needs to be overturned. Lisa said Idaho Code 50-1315, saying the City accepted this plat as is, when it was annexed. Adam asked what property is being split. Andrakay nothing is being split. It is the split that was already done. Ron asked when it was split. Lisa said 1978. Valerie said it was not a building lot at the time of annexation, in 2001 and at the time of sale. Valerie said according to the code the plat is valid. Ron said the property owner can have this replatted and be able to build on it. Lisa said that is staff’s opinion that was made on May 5, 2021 did provide for that. Ron said no matter what ruling is made tonight the property owner still has that option to have it replatted. Valerie said Council’s decision tonight is should he require or pursue a plat amendment according to the law. Lisa said staff sees the “not a building lot” as a more restrictive plat note than current City requires, thus requiring the replatting/vacation processes as provided in Idaho Code 50-1306A as a reasonable and necessary process to remove the restriction. Valerie feels it will require a plat amendment because of the way the law is written and because of what is already on the plat map. Ron asked if Council has the ability to okay it the way it is. Lisa said under the appeal process Council can override staff’s decision. Valerie said it is Council’s responsibility to follow the law and provide the option. Rick asked for the attorney’s opinion. Andrakay said three adjoining property owners bought their land with this plat notation on there and if Mr. Sanborn goes through the replat process, those property owners will be notified and able to provide comment to the Council, whereas in this procedure they were not given notice and not allowed to speak to Council. All of the property owners due process rights are important. Andrakay said if the Council doesn’t follow the laws in Idaho Code, then there could be a due process issue. Ron asked why this hearing even happening. Andrakay said our code provides for it.

Mr. Sanborn gave a rebuttal. He said Mr. Marx mentioned lot restrictions in the covenants and CCRs. This lot is not mentioned anywhere. It is not known who wrote the words “not a building lot”. Mr. Sanborn feels Jim Marx would have mentioned this somewhere else, if he wrote it.

Ron asked no matter how Council votes tonight the applicant will have to replat. Andrakay said that is staff’s interpretation of how the law reads.

Rick Alonzo closed the hearing at 7:13 pm.

Valerie Thompson moved to require the landowner, Mr. Sanborn, to obtain approval for the amended plat, in compliance with the standards and procedures of the City of Bonners Ferry and the State of Idaho planning requirements and approve an amendment to the platted lot regarding Idaho Code 50-1315 and 50-1306A Adam Arthur seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – no

## **ADJOURNMENT**

The meeting adjourned at 7:17 pm.