

## **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 a city that welcomes all people.

**AGENDA  
CITY COUNCIL MEETING  
Bonnors Ferry City Hall  
7232 Main Street  
267-3105  
May 3, 2022  
6:00 pm**

**Join video Zoom meeting:** <https://us02web.zoom.us/j/176727634>

**Meeting ID: 176727634**

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

### **PLEDGE OF ALLEGIANCE**

### **PUBLIC COMMENTS**

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

### **REPORTS**

Police/Fire/City Administrator/City Engineer/Urban Renewal District/SPOT/Golf

### **CONSENT AGENDA – {action item}**

1. Call to Order/Roll Call
2. Approval of Bills and Payroll
3. Approval of the April 19, 2022 Council meeting minutes, April 19, 2022 Special Council meeting minutes

### **OLD BUSINESS**

### **NEW BUSINESS**

4. **Golf** – Consider the request from David and Diane Powers for a refund for a couples golf season pass {action item}
5. **City** – Discuss the status of the Myrtle Creek Game Preserve (attachment) {action item}
6. **Sewer** – Consider authorizing the Mayor to sign the contract with Chapman Excavating for the Alderson Lane Sewer Main Extension Project {action item}
7. **Street** – Consider authorizing staff to seek competitive bids for a new loader (attachment) {action item}
8. **City** – Consider the surplus list and authorize the publication of the surplus auction (attachment) {action item}
9. **Planning and Zoning** – Have the first reading by title only of Ordinance #603 for amendments to Title 11 and approve the publication summary (attachment) {action item}
10. **Planning and Zoning** – Suspend the reading rules and adopt Ordinance #603
11. **Planning and Zoning** – Consider Resolution 2022-003 adopting parklet design standards (attachment) {action item}

### **ADJOURNMENT**

**INFORMATION** – Draft Minutes – Planning and Zoning



# MEMO

CITY OF BONNERS FERRY  
OFFICE OF THE CITY ADMINISTRATOR

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**TO:** Mayor and City Council  
**FROM:** Lisa Ailport, City Administrator *LMA*  
**DATE:** April 28, 2022  
**RE:** Admin Update

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The following update is provided to the Mayor and Council for review and consideration.

#### NFIP-COMMUNITY ASSISTANCES VISIT

The city has been notified by the Idaho Department of Water Resources, that we are subject to a review of compliance with the federal program known as the National Flood Insurance Program (NFIP). The Community Assistance Visit or CAV, is completed by the Idaho Department of Water Resources who administrates the program on behalf of FEMA. We expect to have the review sometime in May of this year.

The review includes a comprehensive review of all building permits and development permits located in the special flood hazard area since 1986, a review of the city's ordinance and administrative policies relating to development in the floodplain, a tour of the city's special flood hazard areas and a final report noting significant compliance or insufficient compliance. Failure to be in full compliance will result in a report that provides remedies to bring the city back into compliance before assessing any penalties. Penalties could include removal from the program.

This is an important program to be compliant in because it allows many homeowners to purchase subsidized flood insurance for their property and/or structures. Many lending institutions require flood hazard insurances from property owners who have home mortgages where their builds are located in a special flood hazard zone.

#### CITY POOL

David Hatch, the city pool manager begin his season with us. He is now working on getting the pool prepared for lifeguard training that is planned to occur sometime in mid May. We are currently advertising for guard positions and looking to open the pool in June 11. Swim lessons start on June 13<sup>th</sup>.

## COMPREHENSIVE PLAN EFFORT

The city's comprehensive plan advisory committee is meeting on May 4<sup>th</sup> at city hall to meet with the consultant on the plan progress. On the agenda is to cover the existing conditions report, make plans to attend both the farmers market and host a public outreach as well as discuss the community vision and scenarios. The public is welcomed to attend the meeting that evening. Currently the comprehensive plan is on track and budget with an anticipated delivery date of January of next year.

This concludes my report.

**MINUTES  
CITY COUNCIL MEETING  
Bonners Ferry City Hall  
7232 Main Street  
267-3105  
April 19, 2022  
6:00 pm**

Mayor Dick Staples called the Council meeting of April 19, 2022, to order at 6:00 pm. Present for the meeting were: Council Members Brion Poston, Valerie Thompson, Rick Alonzo, Ron Smith. Also, present were: City Administrator Lisa Ailport, City Clerk/Treasurer Christine McNair, City Attorney Andrakay Pluid and Police Chief Brian Zimmerman. Members of the public present were: Marciavee Cossette, Jerry Higgs, Emily Bosant, Denise Crichton, David Clark and Fay Almond.

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**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING**

Fee hearing for new or increased fees

Mayor Staples opened the public hearing at 6:01 pm

Lisa gave a brief description of the new or increased fees.

There were no public comments.

Mayor Staples closed the public hearing at 6:07pm.

**PUBLIC COMMENTS**

Jerry Higgs spoke regarding drainage in the Marx subdivision.

**REPORTS**

SPOT Ron Smith said the executive director has resigned and they will be looking for a new one.

**CONSENT AGENDA – {action item}**

1. Call to Order/Roll Call
2. Approval of Bills and Payroll
3. Approval of the April 5, 2022 Council meeting minutes
4. Treasurer's Report

Valerie Thompson moved approve the consent agenda. Brion Poston seconded the motion. The motion passed. Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes, Brion Poston – yes

**OLD BUSINESS**

**NEW BUSINESS**

5. **City** – Consider adopting Resolution 2022-002 for new or increased fees (attachment) {action item}

Lisa said the new fees cannot take effect until a resolution has been adopted. Ron Smith moved to adopt Resolution 2022-002 A resolution of the Mayor and Council of the City of Bonners Ferry, Idaho adopting a revised fee schedule for services provided and regularly charged by the City as specified by City Code and providing that this resolution be effective upon its passage and approval by Council. Rick Alonzo seconded the motion. The motion passed. Valerie Thompson – yes, Rick Alonzo – yes, Brion Poston – yes, Ron Smith – yes

6. **City** – Discuss the Traffic Safety Committee {action item}

Mayor Staples said we have four open seats, so currently do not have a quorum. Rick asked for Brian Zimmerman's opinions. Brian said the committee took the recommendations from the Police and Street Departments, so Brian feels it will be fine to just take the recommendations from the Police and Street Departments instead of the Traffic Safety Committee. Valerie feels it is a good idea to keep the committee for the Bike and Pedestrian plan work. Lisa said the Traffic Safety Committee wasn't involved in the Bike and Pedestrian Plan exercise. The committee has been used in deciding where a stop sign goes. Valerie asked if the committee could be used in decision for LHTAC grants. Lisa said absolutely. Ron feels the committee will take the lead from the Police and Street Departments. Lisa said when you have a Planning and Zoning Committee that deals with the impacts of commercial and industrial developments in the City Codes, bringing in another layer of review from the transportation side tends to get a little muddy on how the feedback is to be

presented to a builder or developer as it affects transportation systems. Valerie asked if the committee convolutes the process. Lisa feels it definitely slows it down but she doesn't want to discourage public involvement. Valerie Thompson moved to table this for a future meeting to consider disbanding the committee. Rick Alonzo seconded the motion. The motion passed. Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes, Brion Poston – yes

7. **City** – Consider the revised Extension Policy (attachment) {action item}

Christine said there were only two areas that were changed regarding the electric transformers. Ron asked if we only provide water and sewer services inside the City limits. Lisa said yes. Rick Alonzo moved to adopt the revised Extension Policy. Ron Smith seconded the motion. The motion passed. Brion Poston – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes

8. **Electric** – Consider the revised Billing Policy (attachment) {action item}

Christine said there were numerous changes to this policy due to formatting issues and for clarification. Rick said basically we send a bill and people pay. Christine said correct. Valerie Thompson moved to accept the revisions to the Billing and Collections Policy IV-B. Rick Alonzo seconded the motion. The motion passed. Rick Alonzo – yes, Valerie Thompson – yes, Brion Poston – yes, Ron Smith – yes

9. **City** – Consider the revised Personnel Policy (attachment) {action item}

Christine said a few changes listed in the memo. Ron asked if every employee will receive a copy of this policy. Christine said they will. Rick Alonzo moved to adopt the revised Personnel Policy. Ron Smith seconded the motion. The motion passed. Valerie Thompson – yes, Ron Smith – yes, Brion Poston – yes, Rick Alonzo – yes

**ADJOURNMENT**

The meeting adjourned at 6:35pm.

**INFORMATION** – Draft Minutes – Golf Committee

**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
**Bonnors Ferry City Hall**  
**7232 Main Street**  
**267-3105**  
**April 19, 2022**  
**4:00 pm**

Mayor Dick Staples called the Council meeting of April 19, 2022, to order at 4:00 pm. Present for the meeting were: Council Members Brion Poston, Valerie Thompson, Rick Alonzo, Ron Smith. Also, present were: City Administrator Lisa Ailport, City Clerk/Treasurer Christine McNair, City Fire Chief Dave Winey, City Mechanic Jimmy Dorhofer, Street Superintendent Scooter Drake and Police Chief Brian Zimmerman. No members of the public were present.

**Join video Zoom meeting:** <https://us02web.zoom.us/j/176727634>

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

1. **City** – Consider adopting Resolution 2022-001 designating the use of American Rescue Plan Act Funds (attachment) {action item}

Lisa gave a brief PowerPoint presentation. Three prong test: 1. funding created long-term investments with limited long-term liability and would not grow government, 2. The use of dollars should seek to reduce the overall impact to the taxpayer and citizens in the City of Bonnors Ferry, 3. That the use of funds should look to reduce the overall impact on the general fund where possible. Valerie asked what a repeater is. Brian Zimmerman said the portable radios talk to the repeater, the repeater talks to the patrol vehicle radio, which then talks to dispatch. Currently the portable radios are not strong enough to communicate in most buildings. Brion Poston asked if there is 911 money available to pay for that. Brian Zimmerman said the 911 money is distributed by the sheriff. Brion Poston asked about the rifles for the police department. Brian Zimmerman said all of the rifles are different and antiquated. The \$13,000 is for seven rifles and shotguns, so everything will be the same. Brion Poston asked what will happen to the old rifles and shotguns. Brian Zimmerman said they will be sold to Woody's Gun and Pawn. Brion Poston asked about the price of the Fire Chief vehicle. Jimmy said that price is for a new vehicle. The price of used vehicles isn't much less than a new one right now. Valerie said it makes sense to wait unless there is an immediate need for a different vehicle for the Fire Chief. Jimmy said the current vehicle does have some issues. Ron asked if this is approved, then the items in the resolution are locked in and won't have to come before Council again. Lisa said yes. Brion Poston asked if the ARPA funds are in a separate account and will be easily tracked. Christine said yes. Ron Smith moved to adopt Resolution 2022-001 a resolution to state the intended uses and allotment of local fiscal recovery funds through the American Rescue Plan Act; and to state how those funds are accountable to the Bonnors Ferry citizens and taxpayers. Rick Alonzo seconded the motion. The motion passed. Brion Poston – yes, Ron Smith – yes, Rick Alonzo – yes, Valerie Thompson – yes

Council took a 10-minute break at 4:29pm.

2. **City** – Budget workshop for fiscal year 2023 {action item}

Lisa gave power point presentation for the General Fund budget workshop. Mayor Staples asked if the numbers were through the end of March. Lisa said yes. Lisa recommends increasing the contingency by 3% and prioritize savings. Mayor Staples asked if the development in the City will increase our tax base. Lisa said we are allowed to take up to 8%. Lisa said the general fund department heads will work on getting their proposed budgets together for the next meeting. Lisa said any input from Council will definitely help staff present a more accurate budget.

## **ADJOURNMENT**

The meeting adjourned at 5:31 pm

May 3, 2022

City of Bonners Ferry, Idaho

Idaho Department of Environmental Quality

Idaho Department of Fish & Game

RE: RESTORING FISH & WILDLIFE MANAGEMENT TO THE MYRTLE CREEK GAME PRESERVE

Public Officials,

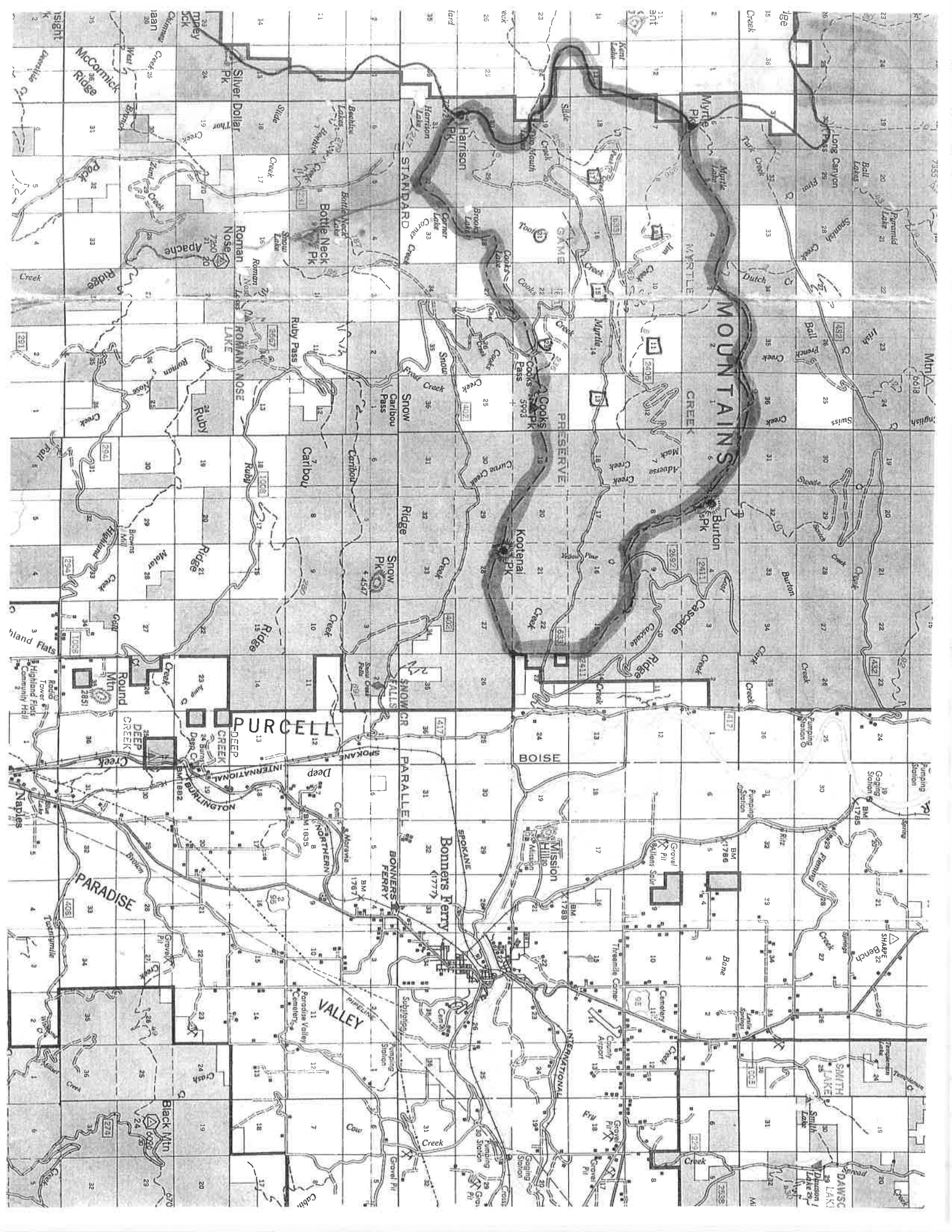
We as a group of concerned citizens, wildlife organizations, and sportsmen would like to propose the restoration of fish and wildlife management to the Myrtle Creek drainage in Boundary County. This restoration would allow the regulated fishing, hunting, and trapping of fish and wildlife species as important management tools to help preserve, protect, and perpetuate the wildlife resources of this drainage and the surrounding areas. This proposal would reverse the provisions in Idaho Statute Section 36-1902 of Idaho Code, where upon Myrtle Creek was added in 1905.

We submit and support this proposal for the following reasons --- 1) The initial philosophy in the early 1900's of having small isolated preserves to help restore wildlife and fish populations is an antiquated approach to the long- term ecosystem management of wildlife resources. 2) There is little to no scientific data supporting the thought process that allowing active management including hunting, fishing, and trapping negatively effects water quality in municipal or community watersheds. 3) The current increasing presence of diseases in ungulates in Idaho to the immediate areas to the east and south such as EHD (Bluetongue) and Chronic Wasting Disease, dictate the close management of these species which could include harvesting as a proactive management tool. Having an "island drainage" where wildlife management is not allowed could prove very detrimental to controlling these diseases should they become present in the wildlife species in and adjacent to the Myrtle Creek drainage. 4) Predator populations of bears, lions, and wolves have increased dramatically in recent years and need to be managed in a proven professional ecosystem approach, not by individual isolated watersheds.

Thank you for listening to and considering our comments to once again return active wildlife management to the Myrtle Creek watershed.

Chuck Roady

Dave Anderson







# Idaho Statutes

TITLE 36  
FISH AND GAME  
CHAPTER 19

WILDLIFE PRESERVES

36-1905. MYRTLE CREEK PRESERVE. There is hereby created within the boundaries of Boundary County, within the state of Idaho, a wildlife preserve to be known as Myrtle Creek preserve, the boundaries of which are as follows: beginning at the southwest corner of section 23, township 62 north, range 1 west of the Boise meridian; thence north along the west line of section 23 to the summit of the ridge between Myrtle Creek and Cascade Creek, thence northwesterly along this ridge to Burton Peak, then westerly along the summit of the ridge between Myrtle Creek and Ball Creek to Myrtle Peak, then southerly around the head of Myrtle Creek following the summit of the ridge between Myrtle Creek and Two Mouth Creek, to Harrison Peak, then following the summit of the ridge between Myrtle Creek and Snow Creek in an easterly direction to a point approximately 1 mile east of Kootenai Point where this ridge intersects the east line of section 28, township 62 north, range 1 west of the Boise meridian; thence in a northeasterly direction to the point of beginning.

Fishing restricted. In addition to the provisions of section 36-1902, Idaho Code, it shall be unlawful for any person at any time to fish within the boundaries of the aforesaid Myrtle Creek preserve. Provided that the Idaho fish and game commission may, after receiving concurrent written approval from the Idaho department of environmental quality and the Bonners Ferry city council, open certain waters and lands lying within the Myrtle Creek preserve to hunting, fishing or trapping during prescribed seasons. Provided further that any fish eradication treatment of waters in the Myrtle Creek preserve by the Idaho department of fish and game shall be undertaken only with the concurrent written permission of the Idaho department of environmental quality and the Bonners Ferry city council and under the direct supervision of the Idaho department of environmental quality.

History:

[36-1905, added 1976, ch. 95, sec. 2, p. 375; am. 2001, ch. 103, sec. 11, p. 263.]

How current is this law?

**Search the Idaho Statutes and Constitution**

January 31, 2022

City Council of Bonners Ferry, Idaho  
Boundary County Board of Commissioners  
Idaho Department of Environmental Quality  
Idaho Department of Fish & Game

RE: MYRTLE CREEK GAME PRESERVE

Public Officials,

The Kootenai Valley Sportsmen's Association representing sportsmen from the Kootenai Valley of north Idaho would like to go on record for supporting the restoration of fish and wildlife management in the Myrtle Creek drainage in Boundary County. This restoration would include the public harvesting of fish and wildlife species as important management tools to help preserve, protect, and perpetuate the wildlife resources of this drainage and the surrounding areas of the Kootenai River Valley.

We support this proposal for the following reasons --- 1) The initial philosophy in the early 1900's of having isolated preserves to protect wildlife and fish is an antiquated approach to the long-term management of wildlife resources. 2) There is little to no scientific data supporting the thought process that hunting and fishing negatively impacts water quality in municipal and/or community watersheds. 3) The current presence of diseases in ungulates in the immediate area such as EHD, Bluetongue, and Chronic Wasting Disease, dictate the close management and monitoring of these species which could include harvesting as a proven management tool. Having an "island drainage" where wildlife management is not allowed could prove very detrimental should any of these diseases become present in the wildlife species in the Myrtle Creek drainage. 4) Predator populations of bears, lions, and wolves as well as other wildlife numbers have increased dramatically in recent years and need to be managed in an ecosystem approach, not by individual watersheds.

Thank you for listening to and considering our comments of support to once again return active wildlife management along with fishing and hunting to the Myrtle Creek watershed.

  
DRAFT  
KOOTENAI VALLEY SPORTSMEN ASSOC.  
KEVIN K. DYE, President

Foundation for Wildlife Management

F4WM

January 13, 2022

To: City of Bonners Ferry  
Idaho Department of Environmental Quality  
Idaho Department of Fish and Wildlife

Subject: Myrtle Creek Game Preserve

Public Officials:

At our December board of directors meeting 2021, Mr. Chuck Roady briefed our nine-member board of directors on his proposal to broaden the use of the above referenced game preserve.

Our organization representing over 5,000 members, many of which reside in Boundary and Bonner counties, would like to place this letter in the record supporting the restoration of fish and wildlife management in the Myrtle Creek drainage. This proposal includes sportsmen harvesting fish and wildlife as an important management tool for the preservation of the wildlife resources of the preserve and surrounding area.

We support the proposal for the following reasons:

- (1) The initial philosophy in the early 1900's of isolating preservers to protect wildlife is an antiquated approach to the long-term management of the resource.
- (2) There is little scientific evidence to support the theory that restricting hunting and fishing negatively effects water quality in community watersheds.
- (3) The current potential of diseases in ungulates such as EHD, Bluetongue and Chronic Wasting Disease require the close management of these species which should include sportsman harvest.
- (4) Predator populations of bears, lions and wolves have increased dramatically in recent years and need to be managed using and ecosystem approach, not by isolating watersheds.

Thanks for your serious consideration of this proposal to expand the use of the Myrtle Creek Preserve. Please contact me at (208) 661-8366 with additional questions or concerns.



Robert Roman  
President



# MEMO

CITY OF BONNERS FERRY  
OFFICE OF THE CITY ADMINISTRATOR

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**TO:** Mayor and City Council  
**FROM:** Lisa Ailport, City Administrator  
**DATE:** April 27, 2022  
**RE:** Authorization to Competitively bid New Street Loader

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Staff is seeking authorization to seek bids to purchase a new wheeled loader to replace the 1983 loader which has exceeded its useful life. With this purchase, the city council has already authorized the expenditure of up to \$100,000.00 to go towards a down payment towards the machine. The remaining portion, if any, would need to be leased financed by the city council through an appropriation lease. The bid seeks to receive enough information regarding this lease option so that staff can inform council about moving forward with the purchasing with lease finance.

If approved, staff will proceed with advertising the loader and will bring back to council the lowest bid, including lease option for consideration and future budgeting.

## FISCAL IMPACT STATEMENT

Council authorized \$100,000.00 of the expenditure using ARPA funds (see previous resolution). The remaining portion, if any, staff is recommending be financed using the appropriation lease financing option afforded to cities by the state. This will require a yearly appropriation of the debt service in the budget and failure to budget the payment results in the return of the equipment. Because this is budgeted each year, it does not require that the debt be approved by the voters and it also allows future councils the opportunity to return the equipment and no longer pay the lease payment.

Staff anticipates that the lease option would be for 4-5 years and would be in the amount of \$100,000-150,000 dollars for a total cost of around \$200,000-\$250,000.00.

## RECOMMENDATION:

Staff recommends council authorize the formal bid and publication for the future purchase of a wheeled loader for the city streets department.



## NOTICE OF SOLICITATION City of Bonners Ferry

### BID SUMMARY:

<b>DEPARTMENT TYPE</b>	<b>STREETS/PARKS WHEELED LOADER</b>
<b>SEALED BID</b>	<b>YES</b>
<b>DATE RECEIVED BY:</b>	<b>6/1/2022</b>
<b>TIME RECEIVED BY:</b>	<b>1:00 PM</b>
<b>BID OPENING:</b>	<b>TBD</b>

### NEW WHEELED LOADER

The City of Bonners Ferry is seeking bids from qualified vendors to procure one (1) new wheeled loader for our Streets and Parks department. The anticipated delivery time frame would be on or around September 1, 2022, or as council approves or authorizes.

#### Specifications

The city is requesting sealed competitive bids on a new wheeled loader that either meets or exceeds the base standards as listed below. Idaho procurement laws require that the city purchase the machine at the lowest price offered, provided it meets the minimum specs. All standards listed below are meant to be minimum standards, the city will consider specs that exceed the minimum, **provided the overall price is the lowest**. All parts not specifically listed or mentioned in the specifications must be manufactured standard, making a complete, fully functional machine.

### MINIMUM SPECIFICATION

#### Engine Model and Equipment Specs

- Power Tech PVS 6068 or a C7.1 ACERT
- Engine output equivalent to or above 190 Horsepower
- Hydraulic coupler JRB 416 Pattern
- Powershift transmission
- Locking front differential type
- Ride Control system
- Fully enclosed Cab with Back up alarms, with interior and exterior mirrors, with premier options
- Security lock kit for fuel, oil and cab
- Windshield wipers- Front and Rear
- Mirrors- Front and rear

- Warning lights
- Riding Control, if available
- 140 AMP Alternator
- Premier seat

**Implements**

- 3.5 Cubic Yard Bucket

**Warranty**

- 5-Year warranty on parts and labor

**Financing**

- 5-year financing option with down payment option and/or option to pay off early without penalty.

**Shipping/Delivery**

- Cost shall include delivery of the unit to 6362 Washington Street, Bonners Ferry, Idaho 83805.

**Preferred Options**

The city may elect at its discretion the preferred option when considering the full total amount. If not chosen the city would not include in its motion to approve the preferred option.

- Traction control

**2022 LOADER BID SHEET**

Bid Sheet must be submitted to the city on or before the noted date *and time* for this bid. All bids shall be provided in a sealed envelope with the following written on the outside of the envelope:

***Sealed Bid for Wheeled Loader - City of Bonners Ferry***

<b>Item</b>	<b>Minimum Specifications</b>	<b>Bid Amount</b>
<b>Wheeled Loader</b>	With specifics as noted above (please provide specs with bid sheet).	
<b>Implements</b>	3.5 Cubic Yard Bucket	
<b>Warranty</b>	5-Year warranty on parts and labor – Please include warranty information for comparison	
<b>Shipping/Delivery</b>	Shipping to noted address above	
<b>Financing</b>	5-year financing availability- must include all interest and payment information.	
	<b>Subtotal</b>	
<b>Preferred Option</b>	Traction Control- or as noted on page 1	
	<b>Subtotal</b>	
	<b>Grand Total with preferred option</b>	
	<b>Grand Total without preferred option</b>	

This is a lump sum price and per unit prices includes all permit fees, sales and consumer use taxes, etc. required by law or regulation.

Signed \_\_\_\_\_

Name and Title \_\_\_\_\_

Date \_\_\_\_\_

Company Name \_\_\_\_\_

Company Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_

Email: \_\_\_\_\_



# MEMO

CITY OF BONNERS FERRY  
OFFICE OF THE CITY ADMINISTRATOR

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**TO:** Mayor and City Council  
**FROM:** Lisa Ailport, City Administrator  
**DATE:** April 27, 2022  
**RE:** City Surplus Property- declaration and disposal of property.

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The attached list is a summary of the items in which the staff would like to surplus at a future surplus date, pending publication in accordance with Idaho Code. The suggested minimum bid amounts provided based on staff's best guess as to what the existing value is left in the item. However, if the highest bid accepted below the minimum amount would authorization by the Mayor prior to acceptance.

I would recommend that Council declare the attached itemized list as surplus property and authorize staff to dispose of such items in accordance with the procedures set forth within Idaho Code.

Please let me know if you have any questions.



**2022 City of Bonners Ferry Surplus Sealed Bid Auction Items- Bids Due by XXXX, XX, XXXX by 3:00 PM**

ITEM	Department	Year/Make	Model/Description	VIN/Model #/More Infor	Condition / Notes	Milage	Min Bid
1	Police	2000	Ford Explorer	1FMDU84P6YZC67707	No Starter Key	Unknown	\$ 200.00
2	STREETS	1980	F600 Gas Tymco Sweeper	1FDNN60H08VJ01747		40,073	\$ 2,500.00
3	STREETS	1989	F8000 DIESEL THERMOLAY	1FDXR82A3KVA61465		191,030	\$ 4,000.00
4	STREETS		PALLET OF YARD TRACTOR MOUNTS				\$ 5.00
5	STREETS		JACK	10 TON			\$ 10.00
6	STREETS		AIR BUMPER JACK				\$ 10.00
7	STREETS		SNOW PLOW LIGHTS				\$ 10.00
8	STREETS		SINK				\$ 5.00
9	STREETS		PLow WITH MOUNT				\$ 50.00
10	STREETS	1986 JOHN DEERE	855D TRACTOR	M00855D366227	With Snowblower & Broom		\$ 3,000.00
11	STREETS		BEAVER TAIL FOR DUMP TRUCK				\$ 20.00
12	STREETS		PALLET OF GRADER BITS				\$ 50.00
13	STREETS		ELECTRIC AUTO CRANE				\$ 15.00
14	STREETS		TRUCK TARPS				\$ 25.00
15	STREETS		PICKUP BROOM				\$ 30.00
16	STREETS		STAINLESS STEEL TANK	91" X 38.5" X 12"			\$ 10.00
17	STREETS		STAINLESS STEEL TANK	25"X 53.5" X 29"			\$ 10.00
18	STREETS		FIBERGLASS TANK	48" X 24" X 18"			\$ 10.00
19	STREETS		TRUCK MOUNT CHIP SPREADER				\$ 25.00
20	STREETS		SWENSON SPREADER- BIG SANDER	SERIAL #74016			\$ 1,000.00
21	STREETS		DE-ICER TANK				\$ 100.00
22	STREETS		PARKING LOT CRACK SEALER				\$ 250.00
23	STREETS		SIDEWINDER TIRES	10 5 80 18 NHS 14 PLY			\$ 100.00
24	STREETS		PALLET OF HYD CYLINDERS				\$ 5.00
25	STREETS		SODIUM LIGHTS				\$ 10.00
27	STREETS		PALLET OF OLD MISC PARTS		STARTERS, HYD PUMPS, GENERATORS, ALTERNATORS		\$ 50.00
28	STREETS		CURB AND GUTTER FORMS				\$ 200.00
29	STREETS		SHOP VAC				\$ 10.00
30	STREETS		LAWN CHIEF				\$ 5.00
31	STREETS		PULL BEHIND LEAF RAKE				\$ 5.00
32	Streets		CHIPPER-SHREDDER VACUUM	TROY BUILT			\$ 150.00
33	Streets		DROP SPREADER	4-FOOT PULL BEHIND			\$ 25.00
34	police	2008	Ford Crown Vic	2FAHP71V38X132416	Needs Battery/No Rear Seat	134153	\$ 750.00
35	STREETS	Circa 1960's	Ingram Pnumatic Roller	9/2800 495966-P122		1821hr ?	\$ 2,500.00
36	STREETS	Unknown	Wisconsin	4cyl engine			\$ 100.00
37	meter	2010	Ford Escape	1FMCU9DG3AKC79619	Trans issues	116398	\$ 1,500.00
38	Streets	1964	Sicard snowblower	BB-BMG-13/ W6193	new engine 2yrs		\$ 10,000.00
39	Water		Pallet electric	pump motor parts			\$ 50.00
40	Electric		3 PH disconnect				\$ 10.00
41	Sewer		Honda Generator	4010	not running		\$ 25.00
42	Police	2011	Chev Tahoe	1GNSK2E088R245089	Trans issues	143742	\$ 2,500.00
43	Streets	2000	GMC 2500	1GTHK34R9YR137663	Electric issues	90764	\$ 1,500.00

2022 City of Bonners Ferry Surplus Sealed Bid Auction Items- Bids Due by XXXX, XX, XXXX by 3:00 PM

ITEM	Department	Year/Make	Model/Description	VIN/Model #/More Infor	Condition / Notes	Milage	Min Bid
44	water		pallet		jackhammer tooling		\$ 50.00
45	water	1989	transmission	15X53A14D10001	RTX12609B	???	\$ 250.00
46	Golf	2014	John Deere 7500	1TC7500XKDF060202	excessive blowby	1982	\$ 6,500.00
47	Police	Various	Mountain Bikes		Used	N/A	\$ 1.00
48	Electric		15-ton block/Pulley		new with tags		\$ 1,000.00



## CITY OF BONNERS FERRY

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

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### STAFF REPORT FOR APPEAL PROCEDURES & PARKLETS, TITLE 11, ZONING REGULATIONS BONNERS FERRY CITY COUNCIL, MAY 3, 2022 AMENDMENT FILE #AM016-22

**Prepared by:** Clare Marley, AICP  
City Contract Planner, Ruen-Yeager & Associates, Inc.

**Project Description:** The City of Bonners Ferry has initiated an amendment to its zoning regulations to: clarify the procedures for appeals of administrative decisions and special use permit final decision appeals and to provide an opportunity to create public open spaces through downtown curbside seating platforms known as parklets and to set design standards, a permitting process, time limits, and locations for placement of parklets.

**Publication Date:** March 24, 2022, for April 21, 2022, P&Z hearing

**Other Notifications:** Media, taxing districts, school district and airport manager, March 30, 2022

**Hearing Dates:** Planning and Zoning: April 21, 2022  
City Council: May 3, 2022 meeting

**Hearing Packet:** Draft ordinance, legal notice, draft parklet standards resolution, ordinance summary

**Planning & Zoning Commission Recommendation:** P&Z recommended to City Council approval as written, on a unanimous vote

**City Council Action:** Section 11-6-5, Bonners Ferry City Code, allows but does not require City Council to conduct a public hearing to consider a zoning code text amendment. The Council may ask for additional information regarding the proposal or choose to consider the amendment at a regular meeting. Idaho Code allows the Council to read the ordinance on 3 different days, two by title only and one in full; or dispense with the rules and consider an ordinance on a reading by title only. (IC§50-902)

## **PROJECT BACKGROUND/SUMMARY**

The City of Bonners Ferry proposes to amend its zoning regulations to clarify and correct the procedures for appeals of administrative decisions and to establish the use of “parklets” or curbside seating platforms in the Downtown zoning district.

The amendment to the appeal procedures would correct Section 11-15-5 of Bonners Ferry City Code (BFCC) that erroneously assigns consideration of appeals of administrative decisions to the Planning and Zoning Commission rather than the City Council. This code section is strictly related to land use administrative decisions, which may include: zoning permit issuances; determinations of the legalities of land divisions; notices of violations; determinations of non-conformity, and other such permits and actions related to the land use codes. The current code authorizes anyone “aggrieved” by the Planning and Zoning Commission decisions may appeal to the City Council, but then later assigns the task of considering the appeal back to the Commission. The P&Z makes no final decisions; only City Council does. This section of code is meant to address administrative staff land use decisions made by a planner or city administrator. The draft ordinance also corrects an error in Section 11-5-10, which erroneously points to the administrative appeal process for final Council decisions on special use permit, rather than to state law. To correct the procedures and more fully explain the process, the ordinance proposes to:

- Point to the provisions of Idaho Code’s Local Land Use Planning Act for recourse from final decisions of the City Council for special use permits;
- Replace the existing administrative procedures with a new Section 11-15-5, which provides for:
  - A 15-day deadline for filing an appeal after the written administrative decision is rendered;
  - The scheduling of the appeal before the City Council;
  - Council options to reverse, modify, or affirm the administrative decision;
  - Allowance for appellant, staff, and interested parties to address Council;
  - Provisions for a written notice of final decision and further recourse per Idaho Code.

An amendment to make permanent the downtown parklet options is included with this ordinance. The City initiated the parklet pilot program in 2021. The draft ordinance would define parklet and allow this curbside seating option in the Downtown zoning district on selected streets. The ordinance proposes to:

- Amend the uses table to allow the parklet use in the Downtown district on authorized streets;
- Set standards for the design and placement of parklets;
- Allow the city administrator or designee to issue the parklet permit after review by affected agencies and departments;
- Establish permit application requirements, including the filing of general liability insurance;
- Require that applicants follow permit regulations or permit could be invalidated;
- Allow flexibility on dates of parklet setup and removal;

- Set other design and installation standards by Council resolution to allow quicker adjustments.

### **PUBLIC COMMENTS**

No written public comments had been submitted to the record at the time of the Planning and Zoning Commission public hearing of April 21<sup>st</sup>. Three members of the public testified at the P&Z public hearing regarding parklets: Kendall and Kyle Cady of Under the Sun, and Tim West. The Cadys advised of the positive support they have received for the first downtown parklet at their business, and urged approval of the amendment. They noted that their parklet allows for seating even after hours, so that people can gather there. Tim West voiced concern for the loss of parking downtown, especially on busy days when the Farmers' Market is ongoing. He stated that he is not opposed to the idea of parklets, however. He said drivers of larger vehicles found it difficult to maneuver into parking spaces at the parklet. He liked the idea of after-hours access to the parklets.

### **COMPREHENSIVE PLAN ANALYSIS**

By state law, adoption or amendment of the zoning code requires confirmation that the ordinance is in accord with the policies set forth in the adopted comprehensive plan. The comprehensive plan contains a number of policy statements, not all of which directly affect the proposed amendment. Below is a summary of each section, and portions that may relate to the proposed parklet and appeal procedures ordinance:

**Section 1** of the adopted comprehensive plan addresses the need to adopt regulations that are consistent with community goals and objectives. This section includes a principal to provide "ample supply" for open space in the form of squares, parks, and greens." *Parklets could contribute to the open, public spaces.*

**Section 2** covers property rights, and policies to recognize private property ownership as a basic right and to administer ordinances to allow reasonable use of private lands consistent with public health, safety, and general welfare. *The procedures amendment clearly identifies the path for appeals of administrative decisions and rights to seek relief for land use decisions through the court system.*

**Section 3** deals with population and growth. The goal of this section is to maintain a moderate, stable rate of long-range population growth with orderly and well-planned development. *This section does not directly speak to the parklet or appeals procedures.*

**Section 4** reviews the school facility and transportation needs. Funding and planning for school facility needs and safe bike and pedestrian routes are included in this section's goals. *This section does not directly speak to the parklet or appeals procedures.*

**Section 5** on economic development recognizes the community's source of income relies on natural resources and retail trade. Policies consider the promotion of tourism, clean industry, and expansion and growth of existing businesses. Goal 1, Policy 2, encourages the city to "zone areas that have potential for business development in such a manner that they can be used for commercial and industrial development while maintaining adjoining land use interests." *This section also sets a goal to define types of activities and uses allowed in the industrial zone. The parklet option could promote tourism, while standards will protect adjoining businesses' rights of access.*

**Section 6** of the comprehensive plan established three land use types: Residential, Commercial, and Industrial. The plan reminds the city to factor into its land use decisions the availability of public services. Buffering between uses that generate noise, odor, dust, light, etc., and incompatible uses are to be provided. Land use decisions must consider the availability of services and should consider the preservation and enhancement of natural resources. Protection and enhancement of general public safety, health, and welfare are factors in guiding land use decisions. The city should evaluate the community-wide impact of significant development on the need for public facilities and services, circulation, identified city resources, and housing impacts. Approval of new development should occur only after sufficient planning for rights-of-

way, improvements, and access have been evaluated to accommodate increased traffic. *The parklets are temporary commercial additions limited to specific Downtown streets.*

**Section 7** addresses natural resources and encourages the protection of natural beauty and environment of the area and the need for buffers and mitigation to protect from noise, odor, or pollution. Plans for proposed subdivisions and other large sites should include provisions to protect natural drainage systems and incorporate drainage facilities, as necessary. Standards should be developed for buffering between noise- and odor-generating uses and adjacent uses. Proposed development should be evaluated for potential environmental impacts. Conservation of natural amenities should be required. *This section does not directly speak to the parklet or appeals procedures.*

**Section 8** includes potential rail, river, and hillside hazards and emergency services. Land development should not occur in hazardous areas unless adverse impacts can be mitigated. *The parklets are proposed for the Downtown area, not within known hazardous area.*

**Section 9** reviews available water, sewer, power, fire, solid waste and health services. *The proposed curbside platforms are not permanent structures and do require review for affects to city services prior to permit issuance.*

**Section 10** is relative to transportation, needs, and policies. This section calls for development of an efficient transportation system. The city should discourage private streets that serve developments, particularly residential areas, except where warranted by site limitations or where the private roads could negatively affect the transportation flow. *Proposed standards for parklet placement are to address drainage, traffic safety, fire hazards, solid waste, and other utility and service details as part of the permitting process. Placement is limited to portions of the Downtown core.*

**Section 11** covers small and larger scale recreational needs, and includes concepts to create small, pocket parks, green space, and encouraging a “community wide park environment,” while promoting a “sense of community ownership.” Section 11 encourages the inclusion of planning efforts for private and regional recreational resources. Dedication of rights-of-way, easements, or facilities for bike and pedestrian paths are encouraged, as are land dedication for parks. *The proposed Downtown parklets represent public gathering spots and retail spaces.*

**Section 12**, Special Areas or Sites acknowledges the wildlife refuge, Selkirk Loop and natural lands. Goals and policies of this section are noted as similar to the Recreation section. *This section does not specifically address the appeals or parklet amendment.*

**Section 13**, regarding Housing, covers clean, safe housing, access, and services. Residential uses are to be buffered from non-residential uses. Zoning should be updated to provide responsible, well-planned development. The developer bears the costs of public service extensions. Developers are encouraged to maximize the variety of attractive settings, such as a variety of housing prices, amenities, and natural settings. *This section does not specifically address procedural appeals or commercial parklets.*

**Section 14**, Community Design, refers to the Hudson strategic plan.

**Section 15** is an implementation section on ordinance updates and urges the community to review and update its standards and policies on an ongoing basis, based on changing conditions and new issues.

## **STAFF ANALYSIS**

All zoning codes must be in accord with the adopted comprehensive plan. Consideration of the various sections of the comprehensive plan is provided above. Adoption of clear, proper procedures for written decisions, appeal processes and the rights of recourse for applicants meets the property rights component of the plan. The establishment of the Downtown curbside parklets meets various goals for economic incentives, public spaces, adequate assessments of the effects of development on city services and utilities, and considerations for safe transportation.

**AUTHORITY/PROCEDURES**

**Idaho Code §67-6511.** Zoning Ordinance. Establishes procedures and requirement to be in accord with comprehensive plan. Requires notice and process in accord with Idaho Code §67-6509.

**Idaho Code §67-6509** establishes the procedures for adoption and amendment of the plan. At least 15 days prior to the public hearing, the city must give notice of the proposed amendment to the official newspaper of record, media, political subdivisions within the city jurisdiction, school districts, and the manager of the public airport. The Planning and Zoning Commission shall make a recommendation to the City Council on the proposed amendment. The City Council may conduct at least one public hearing, in addition to the Commission decision, after it receives the recommendation from the Planning and Zoning Commission. If the City Council makes any material change in the recommendation or options contained in the Commission recommendation, further notice and a public hearing must be conducted by the Council.

**Idaho Code §67-6518.** Standards. Cities have authority to adopt standards for public and private development.

**Bonnors Ferry City Code Chapter 6,** Amendment of the Act. Process, and rights of city to initiate amendment.

**PUBLIC NOTICE**

Notice was published in the official newspaper of record on March 24, 2022, (28 days prior to the public hearing). Notice was also mailed to the media, taxing districts, school district, and airport managers on March 30, 2022. Legal noticing requirements have been met.

**MOTIONS BY THE GOVERNING BODY:**

Motion to Approve: I move to approve this File #AM016-22, amending Bonnors Ferry City Code, Title 11, to establish appeal procedures and provide an opportunity for downtown parklets, finding that it is in accord with the general and specific goals and standards of the City of Bonnors Ferry comprehensive plan, as enumerated in the findings and reasoned statements in the staff report as written [or as amended].

Motion to Continue: I move to continue this File #AM016-22 to [date, time, and place] in order to {state reason: receive additional testimony, request additional information, allow for further deliberation, etc.}

Motion to Deny: I move to deny this file #AM016-22, amending Bonnors Ferry City Code, Title 11, to establish appeal procedures and provide an opportunity for downtown parklets, finding that it is not in accord with the general and specific goals and standards of the City of Bonnors Ferry comprehensive plan, as enumerated in the findings and reasoned statements in the staff report as written [or as amended].

**REASONED STATEMENTS**

- 1. The amendment **IS** supported by the City of Bonnors Ferry Comprehensive Plan.

- |                      |   |
|----------------------|---|
| Community Design     | Special Areas and Sites                   |
| Natural Resource     | Recreation                                |
| Population           | Housing                                   |
| Economic Development | Land Use                                  |
| Hazardous Areas      | Public Services, Facilities and Utilities |
| Transportation       | Implementation                            |
| Property Rights      | School Facilities & Transportation        |

## Findings:

1. The Planning and Zoning Commission conducted a duly noticed public hearing in accord with Idaho Code §67-6509 to consider the proposed appeal procedures and parklet permitting and standards. The Commission unanimously recommended to City Council approval of the ordinance as drafted.
2. Idaho Code §67-6518, "Standards," gives authority to Idaho cities to adopt standards for public and private development.
3. The proposed ordinance addresses the following Bonners Ferry Comprehensive Plan policies and goals:
  - a. Section 1, planning principles encompass various goals regarding housing, transportation, etc., and include creating opportunities for open space, parks, and greens.
  - b. Section 2 covers property rights, and policies to recognize private property ownership as a basic right and to administer ordinances to allow reasonable use of private lands consistent with public health, safety, and general welfare.
  - c. Section 3 deals with population and growth. The goal of this section is to maintain a moderate, stable rate of long-range population growth with orderly and well-planned development.
  - d. Section 4 reviews the school facility and transportation needs. Funding and planning for school facility needs and safe bike and pedestrian routes are included in this section's goals.
  - e. Section 5 on economic development recognizes the community's source of income relies on natural resources and retail trade. Policies consider the promotion of tourism, clean industry, and expansion and growth of existing businesses. Goal 1, Policy 2, encourages the city to "zone areas that have potential for business development in such a manner that they can be used for commercial and industrial development while maintaining adjoining land use interests." This section also sets a goal to define types of activities and uses allowed in the industrial zone.
  - f. Section 6 of the comprehensive plan established three land use types: Residential, Commercial, and Industrial. The plan reminds the city to factor into its land use decisions the availability of public services. Protection and enhancement of general public safety, health, and welfare are factors in guiding land use decisions.
  - g. Section 7 addresses natural resources and encourages the protection of natural beauty and environment of the area and the need for buffers and mitigation to protect from noise, odor, or pollution.
  - h. Section 8 includes potential rail, river, and hillside hazards and emergency services. Land development should not occur in hazardous areas unless adverse impacts can be mitigated.
  - i. Section 9 reviews available water, sewer, power, fire, solid waste and health services.
  - j. Section 10 is relative to transportation, needs, and policies. This section calls for development of an efficient transportation system.
  - k. Section 11 covers small and larger scale recreational needs, and includes concepts to create small, pocket parks, green space, and encouraging a "community wide park environment," while promoting a "sense of community ownership."
  - l. Section 12, Special Areas or Sites acknowledges the wildlife refuge, Selkirk Loop and natural lands. Goals and policies of this section are noted as similar to the Recreation section.
  - m. Section 13, regarding Housing, covers clean, safe housing, access, and services.
  - n. Section 14, Community Design, refers to the Hudson strategic plan.



- o. Section 15 is an implementation section on ordinance updates and urges the community to review and update its standards and policies on an ongoing basis, based on changing conditions and new issues.

**ORDINANCE NO. 603**

**AMENDMENT TO TITLE 11, BONNERS FERRY CITY CODE**

**ZONING REGULATIONS, CHAPTERS 5, 12, 15, APPENDIX A & APPENDIX B**

SHORT TITLE: PARKLETS AND APPEAL PROCEDURES

AN ORDINANCE OF THE CITY OF BONNERS FERRY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING BONNERS FERRY CITY CODE, TITLE 11 (ZONING REGULATIONS), CHAPTERS 5, 12, 15, APPENDIX A AND APPENDIX B TO: DEFINE PARKLETS, ADD DESIGN STANDARDS, ELIGIBILITY, PERMIT PROCEDURES, AND ENFORCEMENT FOR PARKLETS; TO CORRECT THE SPECIAL USE PERMIT FINAL DECISION RECOURSE; TO REPEAL THE APPEALS AND MEDIATION SECTION OF CURRENT CODE AND REPLACE WITH A NEW APPEALS AND MEDIATION SECTION SETTING FORTH PROCEDURES, DEADLINES, FEES, AND RECOURSE FOR APPEALS OF ADMINISTRATIVE DECISIONS; PROVIDING THAT MEDIATION MAY TAKE PLACE IN ACCORD WITH THE PROVISIONS OF IDAHO CODE; AND TO PROVIDE SEVERABILITY AND TO PROVIDE THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

**WHEREAS**, the Constitution of the State of Idaho, Article XII, Section 2, the Local Land Use Planning Act, Title 67, Chapter 65, and the Idaho Municipal Corporations Title 50, Chapters 3 and 9 provide authority for the City of Bonners Ferry, Idaho to adopt ordinances establishing land use standards; and,

**WHEREAS**, Idaho Code §67-6518 authorizes the City to adopt standards for building design, yards, blocks, lots, and other public and private developments; and

**WHEREAS**, the City of Bonners Ferry desires to add an option for downtown curbside public platforms known as parklets and to correct the process for administrative appeals of land use decisions and the recourse for final special use permit decisions; and

**WHEREAS**, the Planning and Zoning Commission on April 21, 2022, held a duly noticed public hearing in accordance with the Local Land Use Planning Act, Title 67, Chapter 65, Idaho Code and recommended to the City Council approval of the Parklets and Appeals Procedures Ordinance, File #AM16-22; and

**WHEREAS**, the Bonners Ferry City Council considered the ordinance on its first reading May 3, 2022, and dispensed with the rules for reading the ordinance in full.

**NOW THEREFORE**, be it ordained by the Mayor and the Council of the City of Bonners Ferry, Idaho, as follows:

**SECTION 1:**

**PART A:**

There is hereby added to Title 11, Chapter 12, of Bonners Ferry City Code a new Section 7, Parklets, which shall read as follows:

11-12-7: PARKLETS:

- A. Purpose: To create options to expand the public open spaces and boost economic activities in the Downtown district by allowing the conversion of some curbside parking spaces into raised platforms for seating, retail area, art displays, bike racks, plantings, and other amenities known as parklets, to be located on specified city streets.
- B. Eligibility: Parklets are permitted in the zoning district(s) specified in Appendix B, Table of Uses, and on specific streets identified by resolution of the City Council. Properties eligible for parklet space shall be:
1. Located adjacent to and on the same side of the street as the parking space to be used for the parklet;
  2. Located within twenty-five feet (25') of the parklet parking space;
  3. Associated with an active business located along the street side or ground floor.
- C. Permits: Prior to installation of a parklet, a temporary right-of-way permit shall be obtained by the applicant, using the forms provided by the city and accompanied by applicable fees, as set by resolution of the council. The city administrator or designee may issue the permit after a review of the request by affected agencies and/or departments, and upon a finding that the application is in accord with the standards of this section. The permit is only valid for the authorized time specified in the permit. The permit shall be renewed annually through the permit process.
- D. Permit Requirements: The applicant shall provide:
1. A completed city application form, signed by the applicant and/or property owner;
  2. A site plan showing the diagrammatic plans for the parklet, consistent with the design standards adopted by the city.
  3. A signed indemnification form, holding the city, its employees, and agents harmless from all costs, damages, or actions.
  4. A general liability insurance policy with the City of Bonners Ferry listed as an additional insured, in an amount not less than one million dollars (\$1 million);
  5. An acknowledgment that the applicant shall bear all costs for parklet installation and required design elements.
- E. Design Standards: Parklets shall be designed, installed, and maintained to meet the following, to the satisfaction of the city:

1. All parklets shall meet the required design and installation standards as specified in this section and as adopted by city council resolution.
2. The use of corner parking spaces shall be avoided.
3. Permitted parklets shall be installed no earlier than April 1<sup>st</sup> and removed by October 1<sup>st</sup>, unless otherwise adjusted by the city due to weather conditions or other reasons.
4. The parklets shall not impair or block underground utility accesses, fire hydrants, electrical transformer vaults, traffic lanes, or city drainage systems.
5. Parklets shall not inhibit or limit access to existing handicap parking spaces.
6. Parklets shall not inhibit the free flow of pedestrians nor encumber neighboring sidewalks.

F. Enforcement: The city may require the parklet to be removed and invalidate the permit if the applicant fails to maintain the parklet in accord with the design requirements and permit conditions.

**PART B:**

Title 11, Appendix A, Definitions, is hereby amended to provide a new definition, “parklet,” which shall read as follows:

**APPENDIX A DEFINITIONS**

PARKLET: A public seating platform that conforms to specific standards as outlined within city code, which converts curbside parking spaces into community spaces. Also known as street seats or curbside seating, a parklet is the product of a partnership between the city and local businesses.

**PART C:**

Title 11, Appendix B, Table of Uses is hereby amended to add Parklet to the Commercial Use section as a permitted use in the Downtown District, to read as follows:

	Zoning Districts						
	AA	A	B	C	I	M	D
Commercial use:							
<u>Parklet (Where specifically permitted by Council resolution)</u>							P

**PART D:**

Title 11, Chapter 5, Section 11-5-10 of Bonners Ferry City Code is hereby amended to read as follows:

**11-5-10: APPLICANT NOTIFICATION; ~~APPEAL~~ APPEAL RECOURSE:**

Within fifteen (15) working days after a decision has been rendered, the clerk shall provide the applicant with written notice of the action or the request. ~~For appeal provisions see section 11-15-5~~

of this title. The city council decision shall be final, and any recourse shall be as provided in Idaho Code, Title 67, Chapter 65.

**PART E:**

Title 11, Chapter 15, Section 11-15-5 of Bonners Ferry City Code is hereby repealed in its entirety, and a new Section 11-15-5 is hereby adopted to read as follows:

11-15-5: APPEALS/MEDIATION:

~~A. Appeals And Review: Any person aggrieved by a ruling of the commission, respecting the interpretation of this act or any officer, department, board or bureau of the city concerning the interpretation of this act may take an appeal to the council in the following manner:~~

~~—1. Such appellant shall, within fifteen (15) days after either staff or commission makes the decision, file a written notice with the city clerk, together with a filing fee as hereinafter required. The city clerk shall forthwith transmit to the council all papers constituting the record upon which this action was taken.~~

~~—2. The council, upon receipt of any notice of appeal, shall fix a reasonable time for the hearing of the appeal, but not less than fifteen (15) days nor more than thirty (30) days after receipt of such notice of appeal and give written notice of such hearing to the appellant, the commission or to any other department of the city which might be affected by the appeal.~~

~~—3. The commission shall hear and decide the appeal within a reasonable time but in no event more than forty five (45) days after its final adjournment of the hearing. At the hearing, parties in interest may appear in person or by agent or attorney and testify and offer evidence and material relevant to the issue.~~

~~—4. The council may reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination as, in its opinion, ought to have been made on the premises.~~

~~B. Mediation: Mediation of planning and zoning issues may be provided in accordance with Idaho Code 67-6510.~~

11-15-5: ADMINISTRATIVE APPEALS/MEDIATION:

A. Any final, written administrative decision made pursuant to this title shall be considered final unless appealed by an affected person to city council, pursuant to the following procedures:

1. A written appeal, containing the grounds for such an appeal and any supporting documents, shall be filed with the city clerk, along with applicable fees, within fifteen (15) days of the issuance of the final, written administrative decision. Failure to file the appeal in a timely manner with proper fees shall cause an automatic dismissal of the claim.

2. Upon receipt of the properly filed appeal, the city shall schedule the matter for consideration by the city council at a regular or special meeting within thirty (30) days, allowing sufficient time for proper meeting notice. Copies of the appeal shall be provided to the council and city staff affected by the appeal.

3. The city council shall consider the appeal and provide an opportunity for the appellant, appellant's representative, affected staff, and interested parties to present relevant information regarding the matter.

4. The city council may reverse, modify, or affirm, in whole or in part, the administrative decision, or may table the matter to another meeting to allow time for additional information or further deliberations. The final decision shall not grant a special privilege or provide an exception to the regulations of this title.

5. The city shall notify the appellant in writing of the council's decision.

6. The council's decision is final, and any further recourse shall be as provided by Idaho Code, Title 67, Chapter 65.

B. Mediation: Mediation of planning and zoning issues may be provided in accordance with Idaho Code 67-6510.

**SECTION 2: PROVISIONS SEVERABLE:** The provisions of this Ordinance are hereby declared to be severable and if any provision of this Ordinance or application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

**SECTION 3: EFFECTIVE DATE:** This ordinance shall be effective upon its passage and publication in the manner provided by law.

APPROVED by the Mayor and City Council of the City of Bonners Ferry, Idaho this 17<sup>th</sup> day of May,  
2022.

This ordinance passed under suspension of rules and duly enacted as an ordinance of the City of Bonners Ferry, Idaho on this 17<sup>th</sup> day of May, 2022, upon the following roll call vote:

ROLL CALL:

Council President Alonzo \_\_\_\_\_  
Council Member Brion Poston \_\_\_\_\_  
Council Member Thompson \_\_\_\_\_  
Council Member Smith \_\_\_\_\_

CITY OF BONNERS FERRY, IDAHO

BY: \_\_\_\_\_  
Mayor James R. "Dick" Staples

Attest:

\_\_\_\_\_  
Christine McNair, Clerk, City of Bonners Ferry, Idaho

APPROVAL OF ORDINANCE SUMMARY

Publication of this ordinance by summary in the official newspaper is hereby approved by the Bonners Ferry City Council on this 17<sup>th</sup> day of May, 2022, upon the following vote:

Council President Alonzo \_\_\_\_\_  
Council Member Brion Poston \_\_\_\_\_  
Council Member Thompson \_\_\_\_\_  
Council Member Smith \_\_\_\_\_

CITY OF BONNERS FERRY, IDAHO

BY: \_\_\_\_\_  
Mayor James R. "Dick" Staples

Attest:

\_\_\_\_\_  
Christine McNair, Clerk, City of Bonners Ferry, Idaho

**SUMMARY FOR PUBLICATION OF  
CITY OF BONNERS FERRY, IDAHO ORDINANCE NO. 603**

Pursuant to Idaho Code Section 50-901A, the City of Bonners Ferry, Idaho hereby gives notice of the adoption of City of Bonners Ferry Ordinance No. 603, adopted on May 3, 2022.

The full title of the ordinance is:

AN ORDINANCE OF THE CITY OF BONNERS FERRY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING BONNERS FERRY CITY CODE, TITLE 11 (ZONING REGULATIONS), CHAPTERS 5, 12, 15, APPENDIX A AND APPENDIX B TO: DEFINE PARKLETS, ADD DESIGN STANDARDS, ELIGIBILITY, PERMIT PROCEDURES, AND ENFORCEMENT FOR PARKLETS; TO CORRECT THE SPECIAL USE PERMIT FINAL DECISION RECOURSE; TO REPEAL THE APPEALS AND MEDIATION SECTION OF CURRENT CODE AND REPLACE WITH A NEW APPEALS AND MEDIATION SECTION SETTING FORTH PROCEDURES, DEADLINES, FEES, AND RECOURSE FOR APPEALS OF ADMINISTRATIVE DECISIONS; PROVIDING THAT MEDIATION MAY TAKE PLACE IN ACCORD WITH THE PROVISIONS OF IDAHO CODE; AND TO PROVIDE SEVERABILITY AND TO PROVIDE THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

The ordinance amends zoning regulations to provide options for curbside seating platforms known as parklets in the Downtown district on certain streets and establishes eligibility, design and safety standards, and a permitting process. The ordinance also amends the special use permit applicant notification section to correctly reference Idaho Code rather than the city administrative appeal section for the appeal of final city council decisions and adopts a revised administrative appeals section to clarify the procedures and rights of applicants and staff to be heard by city council.

The full text of Ordinance No. 603 is available at Bonners Ferry City Hall, 7232 Main Street, Bonners Ferry, Idaho 83805, during regular business hours.

City of Bonners Ferry, Idaho

ATTEST:

\_\_\_\_\_  
Mayor James R. "Dick" Staples

\_\_\_\_\_  
Christine McNair, City Clerk

City Attorney Statement Pursuant to Idaho Code Section 50-901A(3)

I, Andrakay Fluid, duly appointed City Attorney for the City of Bonners Ferry, Idaho, certify that the above summary is true and complete and provides adequate notice to the public.

\_\_\_\_\_  
Dated: \_\_\_\_\_



**RESOLUTION #2022-003**

**RESOLUTION ADOPTING PARKLET DESIGN STANDARDS**

**CITY OF BONNERS FERRY, IDAHO**

WHEREAS, following a duly noticed public hearing, the City Council of Bonners Ferry adopted an amendment to its zoning regulations to allow for seasonal placement of curbside parklets in designated areas within the Downtown District; and

WHEREAS, the City Council desires to establish minimum standards for the design, placement, safety, and maintenance of parklets; and

WHEREAS, the City Council has determined appropriate locations within the Downtown District where parklets are eligible for placement.

IT BE AND IS HEREBY resolved by the Mayor and City Council that the following “Parklet Design Standards” are hereby adopted as the minimum standards for parklet placement and use within the City of Bonners Ferry.

APPROVED by the Bonners Ferry City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

City of Bonners Ferry

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James R. Staples, Mayor

ATTEST:

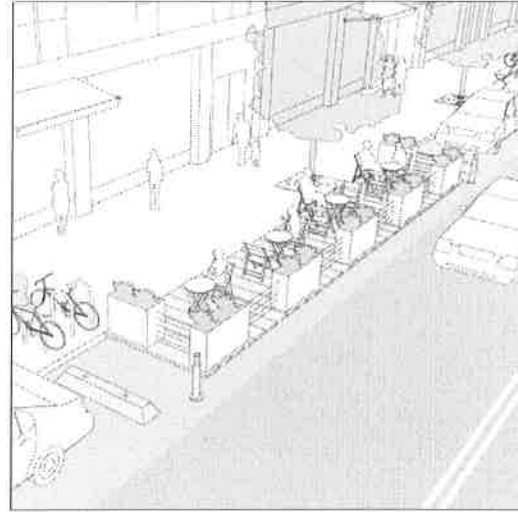
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Christine McNair, City Clerk

## PARKLET DESIGN STANDARDS

Parklets are defined as “Public seating platforms that conform to specific standards as outlined within city code and as adopted by resolution, which convert curbside parking spaces into community spaces. Also known as street seats or curbside seating, parklets are the product of a partnership between the city and local businesses.”

A parklet repurposes part of the street into a public space for people. They are intended as aesthetic enhancements to the streetscape, providing an economical solution to the increased need for public open space. Parklets provide amenities like seating, planting, bike parking, and art. While parklets can be funded and maintained by neighboring businesses, residents, and community organizations, they should be publicly accessible and open to all.



Following a trial season in downtown Bonners Ferry, the City Council adopted an ordinance establishing the continued use of parklets within specified areas of the Downtown District. The ordinance authorizes the City Council to establish parklet standards and specify the streets where parklets may be permitted within the Downtown District. The following parklet standards are adopted by resolution of the Bonners Ferry City Council:

### Parklet standards:

1. Parklets are only permitted with the issuance of a temporary right-of-way permit for parklets on the following streets with the Downtown District, specifically along Main, Bonner, and Kootenai Streets.
2. To ensure visibility to moving traffic and parking cars, parklets must be buffered using a wheel stop at a desired distance of 4 feet from the parklet. This buffer may also serve as a space for adjacent property owners to accommodate curbside trash collection.
3. Parklets shall have vertical elements that make them visible to traffic, such as flexible posts or bollards.



4. Parklets shall be a minimum width of 6 feet (or the width of the parking lane), with the conversion of one or more parallel parking spaces or 3 to 4 angled parking spaces, but may vary according to the site, context, and desired character of the installation.
5. The design of a parklet shall not inhibit the adequate drainage of stormwater runoff. Small channels between the base and the platform facilitate drainage.

6. Parklets shall have a flush transition at the sidewalk and curb to permit easy access and avoid tripping hazards (see adjacent photo).



7. Parklets should be heavy enough to make theft impossible or unlikely. Site selection should consider security measures, such as cameras for full-time surveillance.
8. Parklets should use a slip-resistant surface to minimize hazards and should be accessible to wheelchair users. Generally, the parklet materials should be made of all-weather materials.
9. Parklet floor load-bearing weight standards should be a minimum 100 pounds per square foot.
10. An overhead sidewalk clearance of not less than eight feet (8') shall be maintained along the travel path, parklet entry, and any accessible areas of the parklet.
11. Parklets should include an open guardrail to define the space. Railings should be at least 3 feet in height but not more than 4 feet in height and be capable of withstanding at least 200 pounds of horizontal force.
12. Design and placement of the parklet shall not adversely affect availability of downtown parking.
13. Parklets shall use Figure 1 for the minimum layout requirements or guidance.

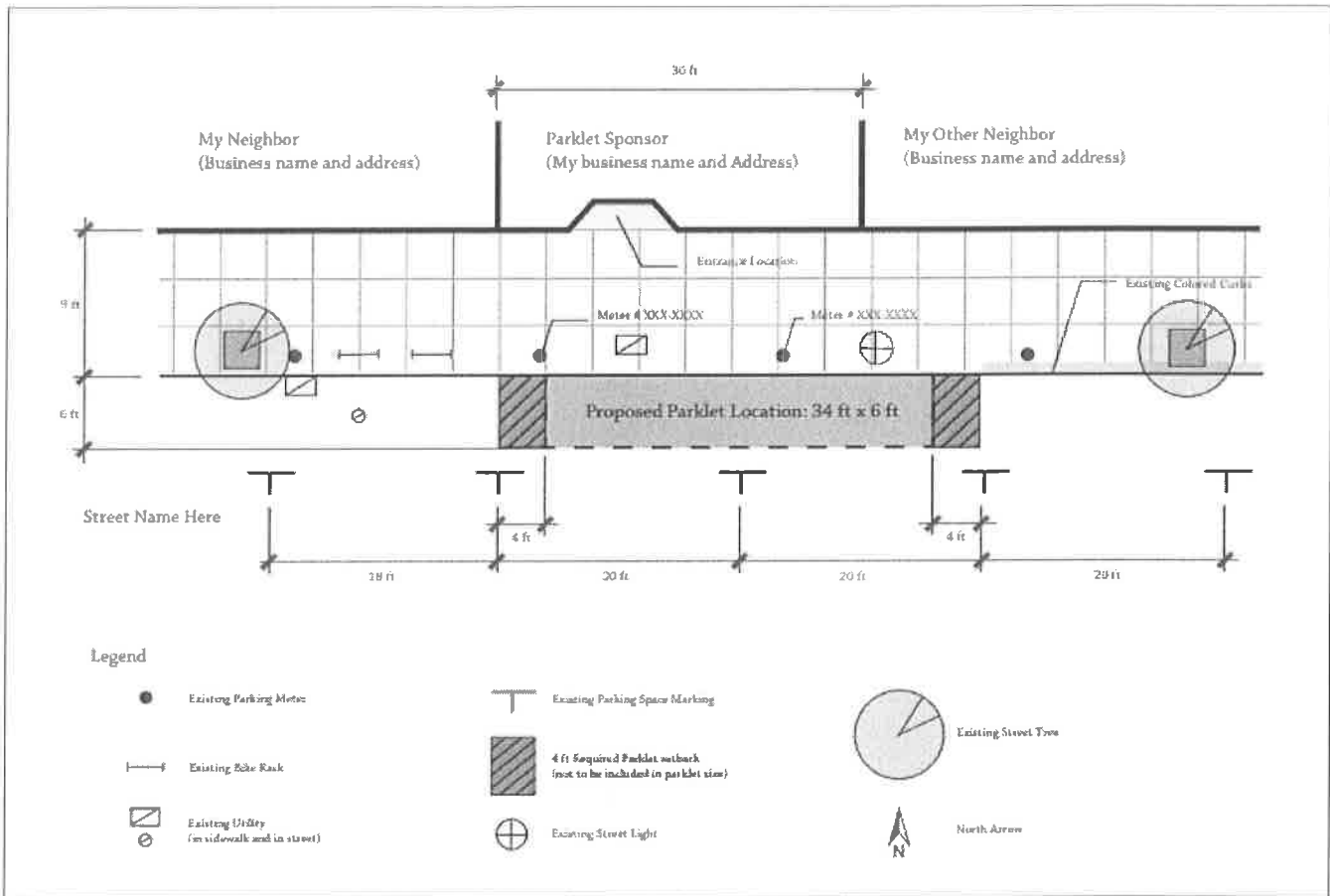


Figure 1: General parklet layout

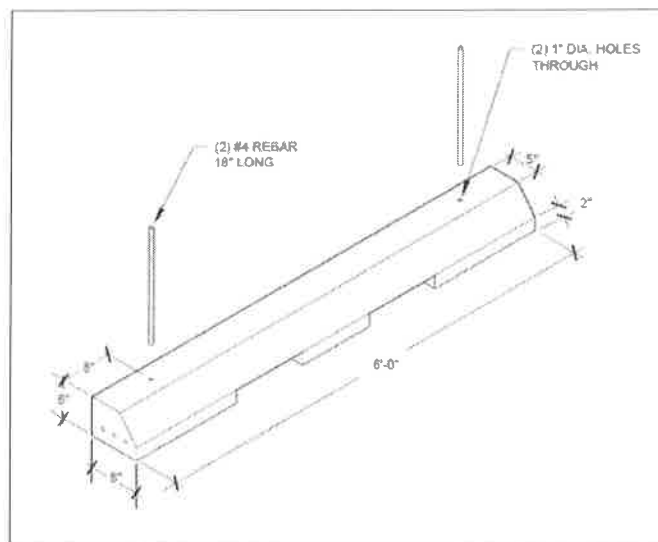


Figure 2: Wheel stop