

**MINUTES
CITY COUNCIL MEETING
February 7, 2023
6:00 pm**

Mayor Dick Staples called the Council meeting of February 7, 2023, to order at 6:00 pm. Present for the meeting were: Council Members Brion Poston, Valerie Thompson and Rick Alonzo and Ron Smith. Also present were: City Attorney Andrakay Pluid, City Engineer Mike Klaus and City Administrator Lisa Ailport. Members of the public present included: Gerry Higgs, Hailey Morgan, Rick Pendleton, Suzanne Daniels, Brian Daniels, David Sims, Adam Isaac, Emily Bonsant, David Clark, Lorretta Hunsaker and Drew Hiatt.

PLEDGE OF ALLEGIANCE The Mayor opened the meeting with the Pledge of Allegiance.

PUBLIC COMMENTS

Gerry Higgs- Mr. Higgs had three issues he wished to speak about. The first being, business that appears to be operating without a conditional use permit in a zone that currently does not allow the type of use. The business is a kids art studio on Fresno street. Mr. Higgs brought up the fact that the studio when operating had enough traffic at the house that it made Fresno Street effectively a one-way street, limiting first responders from being able to travel down the street or adjacent alleys.

Next Mr. Higgs spoke about the flagpole leaning to the east/ southeast, noting the lanyard has broken off. In addition, the 13 smaller flags look unserviceable and are not worthy of being displayed. He suggested that the County or the City should get together and decide who should manage those flags because the veterans who do manage them are transient in nature and come and go.

Lastly, Mr. Higgs commented about a red tag placed on a disabled man's garbage can, noting that Fredrickson's is no longer servicing properties within alleys for garbage service. Furthermore, if the occupant can not bring their garbage can to the street, they will be assessed an additional \$10.00 a month. Higgs went on further to say that since the garbage pickup is a mandatory service, for which Fredrickson's is under contract with the city for, they must comply by the Americans with Disability Act (ADA) and can not charge an additional fee to pick up his cans. He then cited that the lack of maintenance for the alleyways was due to the Street Department and encroachments by the adjacent landowners to where the right-of-way has been impinged of adequate access. Higgs continued, since the alleyways had not been maintained and allowed landowners to encroach and vegetation to crowd the access, Fredrickson's cannot gain access to the properties for garbage service. He requested that the city talk with Fredrickson's immediately.

Hailey Morgan- brought up concerns about Fredrickson's leaving them a hand-written note regarding how they will no longer be picking up their garbage cans in front of their home and now they must move the cans to the corner of Denver and Madison Street, which is a block and a half from her home. After talking with Fredrickson's she could not resolve the issue and after talking with the city she about having the fee removed from her utility bill, she was directed to come to Council to discuss the issue. She mentioned that she wasn't sure what her elderly neighbors were doing because of this issue, but she was told by Fredrickson's that because she lived down an alleyway, they would not be continuing garbage service to her home. Fredrickson's claims that because of lack of maintenance along Jefferson Street they cannot continue service to her home. Hailey responded that she lived on a street, not an alleyway, but Fredrickson's was unwilling to make any adjustments or compromise for them and with the city unwilling to remove the fee she felt that she was at a loss as to what to do.

Councilman Poston asked what her address was. Hailey responded 6537 Jefferson street.

Councilman Smith asked about if they have always received garbage at this location and Hailey responded, that they have had their garbage picked as long as they have lived there.

Hailey responded that prior to January 3, 2023 they had their garbage picked up at their driveway, regularly.

Councilman Smith asked why did their service change? Hailey responded that she assumed it was because of the lack of maintenance and because they [Fredrickson's] slid on the road due to icy conditions.

Councilman Smith responded that if it was June, would they come pick up the garbage? Hailey responded that she believes they would, but because of the lack of maintenance and icy conditions and lack of sanding on their road that they [Fredrickson's] would not continue service.

Councilman Poston believes that Fredrickson's should have come talk with the city about their issues rather than make the property owner have to change the place where Fredrickson's wants to pick up their garbage.

Hailey continued that she would be happy to work our a comprise with Fredrickson's to continue receiving service for her property, but she doesn't know how to initiate that request because Fredrickson's is unwilling to provide compromise.

Brian Daniels- lives on the corner of 6525 Madison Street, had concerns about jake break along Highway 95. Suggested signage along the 95 saying "No Jake Break." Brian claimed while he understands that the community was built on the backs of loggers and logging trucks are a part of that industry, he feels that they are over using their Jake-Breaks, even when they are not needed. The trucks using their Jake-Breaks are louder and more irritating than the train, which also causes their house to shake. Brian continued that he drove truck and understands the importance of a Jake-Break in circumstances which warrant their use, but the use on the south hill does not meet that same standard. He suggested placing a sign on the south hill stating "No use of Jake-Breaks allowed inside city limits," might be worth deterring folks from using them. Brian stated that long haulers who are traveling through the city don't use their Jake-Breaks, it seems to only be the log truck drivers, cattle trucks and the car haulers seem to be the only ones who use their Jake-Breaks.

Lorretta Hunsaker- Lorretta started by thanking the council and staff for the work they do. She then brought up the city shortfall, and asked questions about how the city will be addressing this long term. She commented that while she isn't a city resident, her curiosity had led to her ask what the long-term plan was going to be. She asked if the city had a strategic plan in place or was willing to consider one, so that the city wouldn't turn to city rate increases or property tax increases. Lorretta commented that she is very surprised about how much apathy there is in the community, and she is hearing amongst the people she talks to that while Local Option Tax might be a great solution, but they question if the city will keep raising their rates. Lorretta commented that with the 5% going back into the respective enterprise funds, that the council consider giving a rebate back to the customers who receive those services or holding utility rates back then what is planned in order for customers to receive a break from rate hikes. More or less, Ms. Hunsaker is wondering if council will consider giving some of that 5% back in some form or fashion or seeing if the council is willing to do something in-house to address how the money can be allocated towards the customers.

Lorretta commented that in her working experience as a state agency that problems like this arose and while difficult to tackle, they ended up having to cut employees. While she doesn't want to see that happen to city employees, what she offered for consideration was supporting the local option tax, but still consider cutting some services, although she felt that this was a drastic option. Lorretta compared this to how the school district had to cut services and as a result ended up with the 4-day school week. Lastly, she offered that while she understood that the citizenship pays for benefits for the all the employees, with the cost of benefits increasing some 12% just in the last year, that the city should consider passing along some of that cost to the employee. She continued that when she worked for the state, they never picked up the full benefits for the employee.

Councilman Ron Smith jumped in and provided to Lorretta that the employees to participate in their benefit plan, noting that while he didn't know the exact amount he asked staff to respond. Administrator Airport responded that the employees contributed 10% for medical and 10% for their dependents.

Ms. Hunsaker commented that when working for the State, the State paid the majority of the cost of the employee, but if the employee wanted to add their family, they picked up the cost of that. She finished by challenging the council to look at the problem personally, addressing Mayor Staples by asking him what he would

do if this problem was with his business. Lastly, she reminded council that this challenge was their responsibility to solve and that she looks forward to seeing the progress.

REPORTS

City Administrator Lisa Ailport presented to the council that she included via email to the council, the current legislative bills and routing slips that are making their way around the capitol with the legislative session that is currently underway. She encouraged the council members to read the bills and if there were questions, or need to follow up, she would be glad to do so.

Additionally, she informed the public and council that the wire holding up the big flag at memorial park recently broke and we were looking into having Cushman come up with their crane to rewire the pole sometime this early spring. She also made a comment that staff will need to look to see if the pole is leaning as suggested by Mr. Higgs.

Lastly, Administrator Ailport informed the council that she has been working on some handouts regarding the general fund. She made mention that those forms will be located on the city website as soon as possible.

Ron asked where we were on our current year budget shortfall and Lisa responded that our request to LHTAC for funds to cover our asphalt and chip sealing program could result in an additional \$100,000 dollars towards our shortfall. The City did receive approval by the county commissioners of \$80,000.00 to go towards the pool opening for the season. Additionally, she mentioned that they Mayor and her had been working together to get the split to happen of the property off Eileen road, but we had not made much progress in this area because it requires a land split application be approved through the county. The hope is that the LHTAC funding and the sale of the Eileen Road property will make up the difference in our shortfall for this fiscal year.

Councilman Smith asked when was the time that we needed to have this funding by. Ailport responded that if the question was whether we are in a place where we are spending the money we don't have, the answer to that is probably, but our reserves is what will keep us from falling into the red.

City Engineer Mike Klaus- Engineer Klaus supplied council with a photo showing the runner of the Unit 1 generator, showing a crack in the inside of the turbine where the shaft goes. With this new information, Engineer Klaus wanted to make sure council was aware that this could be an expensive cost change to the Unit 1 generator because the piece that is shown has to be casted offsite before the generator is brought back and installed.

Councilman Poston asked if Mike has seen this type of issue before when going through the generators. Mike responded that he has not seen this type of issue before but that his experience is pretty limited because he hasn't gone through many rebuilds of the generators.

Engineer Klaus then turned the conversation over the Adam Isaac to address any additional information and Adam provided that the stainless steel runner was installed new in 2012 when the generator went through an overhaul last. Adam continued that the purpose of these types of overhauls is to catch items like this before they cause catastrophic failure of the generator.

Engineer Klaus followed with the costliest part of this discovery will likely be the generator down time because we will lose the opportunity to make power during the optimum time of year. It could take several months to make this piece of equipment.

Urban Renewal District- Administrator Ailport noted that the URA will have their next meeting next Monday, February 13, 2023 at 5:45pm, wherein the 2022 audit will be presented. After the meeting, she expects that the board will approve the Administrator to send their annual report letter, in compliance with Idaho Code 50-2006(c), to the council for their review. A public meeting will be set at a future date to take comment from the public on the audit and financial position.

EDC- David Sims, noted that the EDC monthly advisory luncheons will start up this month with the next meeting tentatively set for February 27, 2023, at the Kootenai River Inn. Lisa will be speaking at the meeting about the Local Option Tax.

Next Mr. Sims talked about the border crossing, noting that the delegation is still working on that, but as of right now there is no change.

Next, Mr. Sims commented on the USDA value-added producer grants are opening up soon. Mr. Sims has a representative from the USDA that will be up on February 23 to have two meetings that day. The first meeting is for people who are interested in the value-added producer grants. The meeting is meant for small producers who are selling their products locally or adding value to their product who can utilize the program and help get funding for their business. The other meeting will address the grant program that is about energy efficiency program for farms. It will pay for alternative energy or energy upgrades and may overlap with the city's energy efficiency program. Funding in the program for this year will cover up to 40% of the cost of making the energy efficiency and will cover solar and HVAC system upgrades. Sims encouraged council members to send anyone interested to him.

Mayor Staples asked how construction was going on in the NIC building, David responded that it is mostly done. The remaining work includes some work in the kitchen and putting in two windows.

Councilman Alonzo asked about whether there was anything going on at the old Pape property, because he saw a dozer over there moving dirt around. David thought the work was associated with some fill dirt that needed placing to level the ground. He expects that there will be some construction happening on the property sometime this summer.

Councilman Smith commented on the building type of building that was scheduled to be built on the property. He asked David if they are keeping the same type of building on the site or if that had changed. Sims responded that he expected the same building that was initially considered to be constructed eventually on the site. Airport responded that we had issued a foundation permit for the building in question.

CONSENT AGENDA – {action item}

1. Call to Order/Roll Call
2. Approval of Bills and Payroll
3. Approval of minutes from the January 17, 2023
4. Consider approval of 2023 contract with Innovate to provide GIS Services

Val Thompson made a motion to approve the consent agenda. The motion was seconded.

Result:	Approve
Moved by:	Val Thompson
Seconded by	Brion Poston
Voted Yes	Brion Poston, Val Thompson, Rick Alonzo, Ron Smith
Voted No	
Absent	

NEW BUSINESS

5. **Planning-** Consider recommendation for approval from Planning and Zoning commission on files: AM18-22 & ZC03-22 - WILLIAM BAKER is requesting approval for the amendment of the Bonners Ferry Future Land Use Map (comp plan map) and zoning map from Residential/Residential B to Commercial for a 0.325-acre parcel addressed at 6659 Augusta and located north of Boundary Tractor and northwest of U.S. Highway 95/Main Street in Section 34, Township 62 North, Range 1 East, B.M. (Parcel #RPB0420001018DA). The Commercial District allows a mixture of housing, retail, service, and office uses.

This file will be held in Deliberations only, no additional applicant or public testimony will be taken (attachment) {action item}.

Ailport summarized the request as a recommendation from the Planning and Zoning noting the file was brought forward in deliberations only mode and if the council felt that a hearing was necessary staff would have to notice for a hearing at a future date. However, if council felt that the forwarded record was sufficient, that council could take a final decision on the matter tonight. Draft motions, as presented in the staff report, are there for the motioning council member to use when making their motion.

Ailport noted that there was a public response in writing to the file and after speaking with the person who made the comment, they felt that if their comments were brought forward to the Council in the record, they would not need another public hearing before the council.

Councilman Alonzo made a motion to approve files AM18-22 & ZC03-22 amending the Comprehensive Plan map designation from Residential to Commercial and the zoning map from Residential B to Commercial for a 0.33-acre parcel, finding that it is in accord with the general and specifics goals and standards of the City of Bonners Ferry comprehensive plan, as enumerated in the findings and reasoned statements below and evidence received. I further move to adopt the following reasoned statement in the affirmative and direct staff to prepare an ordinance and resolution enacting the amendments for City Council consideration.

REASONED STATEMENTS

1. The amendment IS supported by the City of Bonners Ferry Comprehensive Plan.

Draft Findings:

1. The site is ±0.33 acres, zoned Residential B.
2. The Bonners Ferry's adopted Comprehensive Plan Future Land Use Map designates this site as Residential. The applicants are seeking a designation of Commercial.
3. The Residential Comp Plan designation is intended to support zoning districts allowing a range of housing types and densities. The Residential designation also allows for certain public uses such as parks, fire and police facilities and K-12 schools. The Commercial designation is intended to support zoning districts that allow commercial uses. The Commercial designation also allows for single and multi-family dwellings, public utility structures, and certain public uses such as parks, fire and police facilities and schools.
4. The site is located east of Augusta Street and northwest of U.S. Highway 95.
5. The property adjoins Boundary Tractor to the south.
6. The applicant proposes to expand the Boundary Tractor yard into the subject site.
7. Residential development and zoning adjoins the site to the north and east.
8. The area west of the site is zoned Commercial.
9. City water and sewer department indicated it had no issues or concerns with the zone change.
10. The site is served by city water, sewer, and electricity.
11. Public notice has been provided to landowners within 300 feet of the property, taxing districts, media, school district, and newspaper in accord with the noticing requirements of the Idaho Local Land Use Planning Act.
12. The Bonners Ferry Planning and Zoning Commission recommended to City Council approval of the requests following its January 19, 2023, public hearing.

The motion was seconded Councilman Smith.

Result:	Approve
Moved by:	Rick Alonzo
Seconded by	Ron Smith
Voted Yes	Brion Poston, Val Thompson, Rick Alonzo, Ron Smith
Voted No	
Absent	

6. **Planning-** Consider Development Agreement with Boundary Community Hospital for file ZC02-21 Conditional Zone Change.

Lisa summarized the file, noting that the agreement was a condition of approval of the zoning change and after working with the applicant's attorney we have an agreement that the applicant's and staff agree to. The applicant has already signed the agreement and the memo included in the packet provides a draft motion for council's benefit. If council would like more information from the applicant, they may delay the decision and direct staff as to what additional information is needed.

Councilman Ron Smith asked about where the property was located. Ailport responded that the property is the vacant land across from the bed and breakfast, that currently has a couple signs for the Bed and Breakfast. She then reminded council about the previously approved conditional zone change required the development agreement and that is what is before the council tonight. If approved and executed, then staff will bring forward the ordinance for amending the official zoning map.

Mayor asked if Andrakay had seen the development agreement and if she was ok with it. She responded that she had, and she was ok with it.

Councilwoman Thompson made a motion to approve the development agreement between the City of Bonners Ferry and the applicants, FJC, LLC and Boundary Community Hospital for the conditional zone change property generally located adjacent to 6497 Comanche Street and subject to file ZC02-21, and authorize the mayor to sign the document on behalf of the City of Bonners Ferry.

The motion was seconded.

Result:	Approve
Moved by:	Val Thompson
Seconded by	Ron Smith
Voted Yes	Brion Poston, Val Thompson, Rick Alonzo, Ron Smith
Voted No	
Absent	

7. **Planning-** Consider combined workshop date with Planning and Zoning and the Advisory Committee of February 16, 2023, to consider draft Comprehensive Plan (attachment) {action item}.

City Administrator, Lisa Ailport summarized the need to meet with the Planning and Zoning Commission and the Advisory Committee to discuss the progress that has been made on the city's comprehensive plan. The purpose of the meeting, she continued, is to keep the council apprised of the work that has been done and to answer questions relating to the suggested changes before the plan is before them for final adoption.

Ron made a motion to set the special council meeting on February 16, 2023 at 5:30pm, to hear the draft comprehensive plan that both the committees have been working on for the past year.

The motion was seconded.

Result:	Approve
Moved by:	Ron Smith
Seconded by	Val Thompson
Voted Yes	Brion Poston, Val Thompson, Rick Alonzo, Ron Smith

Voted No	
Absent	

8. **Electric**– Spillway - Consider approval of final pay application to S&L Underground (attachment) {action item}.

Mike summarize that the project has been completed since October of 2022. This request is the final pay application to S&L Underground as the city withheld 5% of the total project costs until the project was completed and accepted by the city. The action tonight would be to release that remaining 5% to SNL underground at the recommendation of the City Engineer.

Rick asked if the concrete met better than the requirements that we had set. Mike responded that it varied based on core samples that were taken. There were some that met or exceed the 450psi requirement and then there some lower strength which he felt had an acceptable reason for.

Councilman Alonzo made a motion to approve the final payment, #10 for \$91,626.00 to SNL underground for the spillway project.

The motion was seconded.

Result:	Approve
Moved by:	Rick Alonzo
Seconded by	Ron Smith
Voted Yes	Brion Poston, Val Thompson, Rick Alonzo, Ron Smith
Voted No	
Absent	

9. **Electric**- Consider approval of pay request #1 to Riverside Inc for Unit 1 Rehabilitation (attachment) {action item}.

Mike commented that the pay application was in line with the work completed and recommended approval by the council.

Brion made a motion to approve the pay application to Riverside in the amount of 95,893.00 Unit 1 overhaul.

The motion was seconded

Result:	Approve
Moved by:	Brion Poston
Seconded by	Val Thompson
Voted Yes	Brion Poston, Val Thompson, Rick Alonzo, Ron Smith
Voted No	
Absent	

10. **Electric**- Consider approval of BPA agreement Revision #3 Exhibit E Metering (attachment) {action item}.

Mike summarized that as part of our contract with BPA, Exhibit E is focused on how metering is done for the substation. The contract is basically a part of the BPA housekeeping.

Councilman Smith made a motion to approve the BPA agreement Revision #3 Exhibit E Metering and authorize the Mayor to sign the document.

The motion was seconded.

Result:	Approve
Moved by:	Ron Smith
Seconded by	Val Thompson
Voted Yes	Brion Poston, Val Thompson, Rick Alonzo, Ron Smith
Voted No	
Absent	

11. **Utilities-** Consider purchasing mobile collection unit for meter reads (attachment) {action item}.

Mike introduced the need for the mobile unit given the state of our existing mobile collector unit and lack of technical support and service. The city currently has two mobile collection units, one is fast and the backup one is quite slow. These mobile units are around 12 months out for delivery, so it is apparent that we need to get this ordered so it can be delivered to the city within the next year.

Councilman Smith asked if this unit would be used by the city’s meter reader. Mike replied that it would, and any other staff member who is assisting with reads for the month.

Councilman Poston asked about the sensitivity of the reader to location of meters. Mike replied that it can depend on how the strength of the radio wave is coming from the meter would determine how close one has to get to the meter.

Councilwoman Thompson asked about ongoing costs associated with the purchase of the unit. Mike responded that there are additional reoccurring costs and those were identified in the cost estimate form. According to Councilman Alonzo, it appears to be \$1,430 per year.

Councilman Poston asked if the reoccurring costs included technical support that we could use on the unit. Mike replied that it does include that cost.

Mrs. Ailport made a comment that the funds that are used to purchase this equipment come from the enterprise accounts, and that no funds will come out of the General Fund accounts. Mike also added that payment of the unit could come from all the utilities, because even sewer, which relies on water for the sewer study will need accurate reads of the meters.

Mayor Staples asked if ITRON was the only business out there to supply this equipment. Mike responded that to work with our meter system, this unit was the only one that would work with our system.

Brion Poston made a motion to purchase the mobile collection unit for meter reads, in the amount of \$25,730.65. The motion was seconded.

Result:	Approve
Moved by:	Brion Poston
Seconded by	Val Thompson
Voted Yes	Brion Poston, Val Thompson, Rick Alonzo, Ron Smith
Voted No	
Absent	

12. **City-** Consider contract with Leonard Schulte, CPA for as-needed city accounting needs (attachment) {action item}.

Administrator Lisa Ailport introduced the topic, noting that the contract with Leonard Schulte for the work on getting the books audit ready would cover the work already completed and future work for getting the books ready for 2022. In addition, staff is also seeking his assistance with helping to perform reconciliations of our accounts, and any other accounting as-needed, as-directed services on behalf of the city.

Val made a motion to authorize the Mayor to sign the attached contract with Leonard Schulte, CPA for as-directed, as-needed accounting contractual services with the CPA accountant rate of \$140.00 per hour and the staff assistant rate of \$50.00 per hour. The motion was seconded.

Result:	Approve
Moved by:	Val Thompson
Seconded by	Brion Poston
Voted Yes	Brion Poston, Val Thompson, Rick Alonzo, Ron Smith
Voted No	
Absent	

13. **City-** Consider workshop dates for local option tax (attachment) {action item}.

City Administrator Lisa Ailport summarized the Local Option Tax noting that the parameters of the ballot and future ordinance need direction from council. Those include the imposition, duration and purpose of the tax. A future special council meeting will need to be set to discuss these options amongst the council and public.

Ailport suggested having a workshop much like the budget workshops are held and then after the parameters are developed, then having a community workshop to discuss the consensus should be considered.

Val Thompson made a motion to hold a special council meeting on February 14, 2023, at 5:00pm to consider the Local Option Tax workshop. The motion was seconded.

Result:	Approve
Moved by:	Val Thompson
Seconded by	Rick Alonzo
Voted Yes	Brion Poston, Val Thompson, Rick Alonzo, Ron Smith
Voted No	
Absent	

14. **Executive Session-** pursuant to Idaho Code 74-206, subsection 1(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general and subsection (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

15. Councilman Rick Alonzo made a motion to pursuant to Idaho Code 74-206, subsection 1(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy

in an elective office or deliberations about staffing needs in general and subsection (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

The motion was seconded. Council went into executive session at 7:11 pm.

Result:	Approve
Moved by:	Rick Alonzo
Seconded by	Val Thompson
Voted Yes	Brion Poston, Val Thompson, Rick Alonzo, Ron Smith
Voted No	
Absent	

At 8:36, the council exited executive session and the Mayor noted that no decisions were made.

ADJOURNMENT