

**MINUTES
CITY COUNCIL MEETING
May 16, 2023**

Present for the meeting were: Council Members Valerie Thompson, Ron Smith, Rick Alonzo and Brion Poston.

Also present were City Administrator Lisa Ailport, City Engineer Mike Klaus, Police Chief Brian Zimmerman, Clerk Treasurer Deby Garcia and City Attorney Andrakay Pluid.

Members of the public included: Marciavee Cossett, Jerry Higgs, David Sims, Ben Robertson, Denise Crichton, Emily Bonsant, David Clark, Fay Almond

PLEDGE OF ALLEGIANCE

Mayor Dick Staples called the Council meeting of May 16, 2023, to order at 6:00 pm. He began the meeting with the pledge of allegiance.

PUBLIC COMMENTS

Jerry Higgs commented that it was eventful the previous night with the lightning and that he had 5 trees with exfoliated bark. He wanted everyone to know that insurance won't pay for tree removal unless it is involved with a structure.

Jerry Higgs said that he hopes the local option vote and the library vote is well attended.

REPORTS

Police- No Report

Fire- No Report

City Administrator Lisa Ailport- Lisa wanted council to know that the fire pickup that was ordered a year ago was finally shipped and that it was being paid for by ARPA money.

City Engineer Mike Klaus-No Report

Urban Renewal District- No Report

SPOT- No Report

Golf-No Report

EDC, David Sims- David shared that he was talking with Commissioner Robertson about a block grant to replace the restrooms at the fairgrounds.

Ben Robertson shared that they could not pay the amount that was estimated. The city is qualified to apply for the block grant, but the county could not. There are income requirements to apply for the grant and the city qualifies.

Nancy stated the county cannot qualify but the city can. Nancy must check with the Idaho Dept. of Commerce. It's an unusual circumstance for a county park to be surrounded by city property. Parks projects are due in September and sewer projects are due in November.

It was explained that the last bid came in at \$645,000.00 for just the bathrooms. It was \$820,000 for both the bathrooms and concession stand. The Idaho Department of Commerce grant could be up to \$225,000.00.

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Lisa suggested council add this to the agenda for a future meeting.

CONSENT AGENDA – {action item}

1. Call to Order/Roll Call
2. Approval of Bills and Payroll
3. Approval of Alcohol Beverage License for R Entertainment LLC [attachment]

NEW BUSINESS

4. **ECONOMIC DEVELOPMENT- {action Item} [attachment]-** Consider support letter for Idaho Rural Economic Development Professionals Grant Program.

City Administrator Lisa Ailport shared that there was a draft letter included in the council packets from the previous year’s grant ready for the council’s signature should they approve it,

Davis Sims shared that the city pays \$12,000.00, the county pays \$12,000.00 and Moyie Springs pays \$3,000.00 and the Kootenai Tribe pays \$3000.00. The EDC position has been funded for 22 years. The bulk of the funding comes from the Idaho Department of Commerce. Originally the Idaho Department of Commerce contribution was \$45,000.00 and it’s gone down to \$30,000.00.

The budget for the coming year will be the same as last year.

Ron Smith made a motion to sign a support letter for the Idaho Rural Economic Development Professionals Grant Program.

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

5. **CITY {action Item} [attachment]-** Declaration of sale of ±13.5-acre property off Eileen Road noting that the property is underutilized or not used for public purpose and authorize Clerk to publish public hearing for June 6, 2023, in compliance with Idaho Code §50-1402.

Mayor Staples called for discussion.

City Administrator Lisa Ailport shared that the entirety of the property is 13.5 acres located at the north end of the property, west of the railroad right away and east of Eileen Road. This 13.5 acres is part of a larger 280-acre tract.

The county did approve the simple subdivision for the city to convey the land. The city must file a record of the survey, which JRS is doing on our behalf at no cost to the city. In order to prepare the property for sale, the city must first declare the property as underutilized or not used for public purposes. Should the council make that declaration, the Idaho Code states that there must be a public hearing to allow the public a chance to respond to the declaration. Once the public hearing has occurred, the council can then set the date for the auction to occur.

Following the declaration, the council can set a minimum bid for the property. The declaration has no fiscal impact on the city budget but instead sets the stage for the city to sell the property at auction at a future date.

Councilman Brion Poston moved to adopt the declaration of sale of ±13.5-acre property off Eileen Road noting that the property is underutilized or not used for public purpose and authorize Clerk to publish public hearing for June 6, 2023, in compliance with Idaho Code §50-1402.

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	

6.CITY {action Item} [attachment] - Consider minimum bid of ±13.5-acre property off Eileen Road.

City Administrator Lisa Ailport stated that in addition to making the above statement, the council may choose to set a minimum bid. Lisa provided some budgetary numbers and professional opinions from within the real estate market as well as some market comparable listings.

Lisa explained that according to sales data, the baseline amount for 10-acres looks to be around \$250,000.00. If the city were to list the minimum bid at \$250,000.00, that would match the market values of comparable properties. If the minimum bid is not reached, the city can reset the auction and lower the minimum bid, remove the bid price or take any bid that was received below the minimum bid, if it is determined to be in the best interest of the city.

The council may choose to hire professional guidance on setting a minimum bid or contract with a local real estate firm to produce a Broker Price Opinion or Comparative Market Analysis.

Councilman Brion Poston asked if this \$250,000.00 would be enough to make up the shortfall? Lisa explained that with the General Fund Transfer of \$381,000.00, Interest on Electric of \$52,000.00, Interest on Investments of \$3,000.00 and Return on Investments of \$31,235.00 minus \$80,000.00 for the pool and \$50,000.00 for the maintenance grant due on October 1, the minimum bid of \$250,000.00 would leave us with a remaining balance of \$87,235.00.

Councilwoman Val Thompson made a motion to set a minimum bid for the sale of the ±13.5-acre property off Eileen Road of \$250,000.00 to match comparable values of properties in the area.

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

7.SEWER {action Item} [attachment] Consider approval of PAC contract for grant writing services for community block grant for Lift Station #5.

City Engineer Mike Klaus spoke about the city's partnership with PAC and that it has been very fruitful. Mike and Mayor Staples have talked to Nancy as well as Welch Comer about the design for Lift Station 5. The first step would be to put this contract together.

Nancy from PAC spoke that it has been 32 years she's been working with the city. Her funding rate is 92%. Over the last 20 years, it's been 100%. The deadline for the grant is in November. By this time next year, the city will know if it is awarded.

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Mike added that if we receive the grant, there are some engineering things that need to happen so it would be necessary to get a preliminary engineering report with Welch Comer. Even if the city does not receive grant money, these next steps need to move forward. The total cost of the project will be between 1.5 and 2 million dollars.

The terms of the contract are that the City of Bonners Ferry would agree to pay Panhandle Area Council in the amount of \$7,000 for grant writing services for a community block grant for Lift Station #5.

Ron Smith made a motion to approve grant writing services with PAC for a community block grant for Lift Station #5 in the amount of \$7000.00.

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

8.SEWER {action Item} [attachment] – Consider approval of contract with Welch Comer for LS#5 Preliminary Engineering Report.

City Engineer Mike explained that Welch Comer has provided a contract and proposal for completing a Preliminary Engineering Report (PER) and grant coordination for the lift station #5 replacement. Welch Comer has provided the attached master agreement and task order for the work. He recommends that the Council approve the attached master agreement, and task order for the completion of the lift station #5 Preliminary Engineering Report for \$25,300.

Councilwoman Val Thompson made a motion that council approves the master agreement and task order for the completion of lift station #5 Preliminary Engineering Report for \$25,300.00

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

9.WATER AND SEWER [Discussion only]- Staff presentation of Ordinance 608- Amending or repealing Title 10, Chapters 1-4.

City Administrator, Lisa Ailport shared that over the course of the past two years, the staff has been working with Title 10 in the utility chapter. Title 10 dates to 1959 and has language that hasn't been updated since that time. As we navigated through this, we started with Ordinance 603 which is the sewer ordinance.

This year they have taken on all except chapter 5 that has to do with gas. In the 1050's gas was seen as a utility, but it has stayed in the private sector. Tonight's overhaul is to Title 10 Chapters 1, 2, 4 and amendments to Chapter 3.

We have been working with the billing staff and implemented a lot of the billing policies because of the need to address the lack of law. Ordinance we look at flow and entire and how to deal with code. When reviewing an Ordinance, it's important to look at the flow.

Title 10, Chapter 1 provides common standards for construction of all utility services. This is where we brought in our billing services that affect all utilities. It's where we dealt with how our clerks office and customers are to navigate issues with billing. It also provides for enforcement, penalties and appeals/mediation. Lastly, it adopts by reference those standards specific to the utility. The staff will work on these and bring them forward for adoption by resolution. Chapter 1 also contains common word definitions and defines what property belongs to the city.

Title 10, Chapter 2 is specific to water and moves the water shortage policy to its own chapter. Major changes include the cross-connection prohibition and backflow prevention and testing requirements. It also includes requirements on how to maintain, move, use or install fire hydrants.

Title 10, Chapter 3 is specific to sewer and establishes EDU assignment, provides equation for establishing sewer rates, and address water leaks and assignment of rates. It also determines how to address grievances.

Title 10, Chapter 4 addresses water shortfall that was previously addressed in Chapter 2. It didn't flow efficiently and was best placed in its own chapter. The reorganization allows for the shortage to gain more attention and understanding.

Title 10, Chapter 5 addresses gas and is unchanged. We will circle back to that later.

Lisa asked if there were any questions considering Ordinance 608. Val Thompson asked what the average customer would notice in the changes. Lisa shared that the average customer would not notice any changes but that it normalizes procedures for everyone.

Lisa shared that staff have spent a lot of time putting together a more inclusive ordinance. Under Idaho Code, it requires that council to do three readings of an ordinance before it is adopted. The council can and has in the past suspended rules and moved forward with adoption. Staff suggests doing all three readings or at least two to provide the public with more time to read and understand the ordinance. It has not been amended to suspend the rules so at this point we will go to the reading.

Val Thompson acknowledged the amount of work that went into this project.

10.WATER AND SEWER {action Item} [attachment]- Consider ordinance 608 for first reading, by Title only.

Rick Alonzo made a motion to consider Ordinance 608 for first reading by Title only.

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

City Administrator, Lisa Ailport proceeded to deliver the first reading of the ordinance.

TITLE 10: UTILITIES SERVICES

AN ORDINANCE OF THE CITY OF BONNERS FERRY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO REPEALING AND REPLACING TITLE TEN, CHAPTERS ONE (1), TWO (2), AND FOUR (4) IN THEIR ENTIRETY, AMENDING CHAPTER THREE (3) TO INCLUDE A NEW SUBSECTION CALLED "ANNUAL SEWER STUDY," AND STRIKING THOSE SECTIONS THAT ARE REDUNDANT IN CHAPTER ONE (1);

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PROVIDING SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO THE LAW.

After the reading was complete the Mayor noted that there was no more business of the city and promptly adjourned the meeting

ADJOURNMENT