

The regularly scheduled Council meeting of September 18, 2007 was called to order at 7:00 p.m. by Mayor Darrell Kerby. Present for the meeting were Mayor Kerby, Council President Russ Docherty, Council Members Mick Mellett, John Langs, and Dave Gray, Deputy Clerk Tamara Stemmene, City Administrator Stephen Boorman, Fire Chief Larry Owsley, Police Chief Dave Kramer, and Economic Developer Mike Sloan. Also present were Denise Woodbury, Gini Woodward, Tina Wilson, Jay Cohn, Connie Wells, Dave Sims, Mike Huggins, Marcia Cossette, and Pat Parker and Kelly Hubener from Sewell and Associates.

Mayor Kerby recessed the regular council meeting and opened the Boundary County Historical Society, Inc. petition to vacate a portion of Riverside Avenue hearing. Denise Woodbury, Attorney for the Boundary County Historical Society, spoke to the council about the legal description of the property where in one place it states that the Riverside Street is an avenue and asked it to be amended to say street. There was no opposition to the petition. Gini Woodward spoke in favor of the petition, stating that it will discontinue a liability for the city. There being no further public comment Russell Docherty moved to close the public hearing at 7:05 p.m. Mick Mellett seconded the motion and it passed, all in favor.

Mayor Kerby reopened the regular council meeting at 7:06 p.m.

Tina Wilson invited the Council to the fall meeting of North Idaho Chamber of Commerce. It will be held October 11 at noon and will end Friday October 12 with a dinner. They will be touring places around Boundary County such as the Hatchery, Visitors Center, Elk Mountain Farms and others.

Fire Chief Larry Owsley gave the fire report. The firemen had two incidents since he last reported. One was a house on Truman Street. They will follow up that with the police. The second incident was Thursday night under north of bridge. Larry also stated that Fireman Ken Maring's last day will be October 13. He wants to thank Ken for his services.

Police Chief Dave Kramer gave the police report. He said that Ken Maring was a big help in the fire investigation. Police found a few open doors on businesses. Dave wants to recommend upgrading cameras and putting off speed trailer for this year. This would be with a traffic safety grant. Dave Gray moved to upgrade cameras in place of speed trailer for the year. John Langs seconded the motion and it passed, all in favor. Dave also stated that Officer Scholten will be graduating from Post Academy next Friday. The fire hydrant for the Visitor Center was delivered to the Woodward's for painting.

City Administrator Stephen Boorman gave an update on the projects throughout the city. The tank project leaks and is hopefully being wrapped up. The Pierce Street project was more than anticipated. The vacuum truck arrived and the crew expressed their appreciation to the council. The unit four rebuild bid for the power plant will end this Friday.

Mick Mellett moved to approve the consent agenda in its entirety, with the exception of number 5 (approval for Rick Alonzo to attend Forensic Processing), to be discussed in executive session. Russ Docherty seconded the motion. The motion passed, all in favor. The consent agenda contained the following: roll call; approval of August 21 and September 4, 2007 council meeting minutes; September 18, 2007 accounts payable; approval of the Treasurer's Report; approval for

department heads to attend a public purchasing session in Coeur d'Alene on October 17, 2007.

Stephen Boorman stated that there will be a planning and zoning hearing on October 4, 2007.

No questions on the annexation.

The council discussed the resort tax. Economic Developer Mike Sloan gave his report on what he found out about it. He said he had contacted the state, but they would not give out the information because we only have three establishments in the city. However, Mike came up with some figures at a three percent tax. It would be about \$15,000.00 to the city with the three establishments we have now. Tina Wilson stated that she keeps track of taxes in bed and breakfast establishments and would get with Mike to give him totals. John Langs moved to direct staff to prepare documents for voters to vote on a three percent, based on occupancy, resort tax. Mick Mellett seconded the motion. The motion passed, John Langs "yes", Mick Mellett "yes", Russ Docherty "yes", Dave Gray "yes". The city will have to get legal advice from Attorney Tim Wilson of when it can go out to the voters.

Mick Mellett moved to grant the Boundary County Historical Society the petition to vacate a portion of Riverside Street, with the amended clarification of a portion of the legal description from avenue to street. John Langs seconded the motion. The motion passed, John Langs "yes", Mick Mellett "yes", Russ Docherty "yes", Dave Gray "yes".

Dave Gray moved to have the first reading of Ordinance 507, to vacate a portion of Riverside Street. Mick Mellett seconded the motion and it passed, all in favor. Dave Gray read Ordinance 507 in its entirety.

Russ Docherty moved to have Ordinance 507 read by title only twice. John Langs seconded the motion and it passed. Dave Gray read Ordinance 507 twice by title only.

Mick Mellett moved to adopt Ordinance 507, with clarification of legal description to match correctly. Russ Docherty seconded the motion. The motion passed, John Langs "yes", Mick Mellett "yes", Russ Docherty "yes", Dave Gray "yes". Ordinance 507 reads as follows:

**ORDINANCE NO. 507**

**VACATION OF RIVERSIDE STREET**

AN ORDINANCE VACATING TO THE BOUNDARY COUNTY HISTORICAL SOCIETY, INC., ALL OF THAT PORTION OF RIVERSIDE STREET DESCRIBED HEREIN.

WHEREAS, the Boundary County Historical Society, Inc. has petitioned the City of Bonners Ferry for vacation of that portion of Riverside Street, described herein, for the purpose of development near the Visitors' Center and for the good of the public; and

WHEREAS, vacation of Riverside Street to the Boundary County Historical Society, Inc. complies with Idaho Code Section 50-311 which requires that the street vacated revert back to the original land of which it was a part;

BE IT ORDAINED by the Mayor and Council of the City of Bonners Ferry, Idaho as follows:

The City of Bonners Ferry hereby vacates to the Boundary County Historical Society, Inc., all of that portion of Riverside Street within the following described tract, according to the Plat of Bonnerport filed in Book No. 1A of Plats on Page 5, records of Boundary County, Idaho, described as:

Beginning at the southwest corner of that certain parcel described in Boundary County Records as Instrument No. 1472 on Page 143 of book No. 10 of Deeds on the east line of Main Street; thence east along the south line of said parcel, 22.7 feet to its east corner and the True Point of Beginning; thence continuing east to a point 55 feet east of the east line of Main Street as measured along said parcel's south line extended; thence southeasterly on a line, 16 feet to a point 5 feet north of the northeast corner of that certain parcel described in Village of Bonners Ferry Street Vacation Ordinance No. 84, recorded on Page 184

of Book 2, Miscellaneous Records, said point being on the curb face of an eight foot wide sidewalk; thence along the curb face of said 8 foot sidewalk on a southeasterly curve to the right having a radius of 146 feet, 58 feet to a point on the east line of Lots 7, 6, 5, and 4 extended north in Block 3, Bonnerport; thence south along said north extended line, 59.7 feet to the northeast corner of Lot No. 4; thence northwesterly along said southwesterly line of Riverside Street on boundary line of Lots 4, 3 and 2 in said Block 3, Bonnerport, to the True Point of Beginning.

LESS: That portion of Riverside Street previously vacated by said Village of Bonners Ferry Street Vacation Ordinance No. 84, recorded on Page 184 of Book No. 2, Miscellaneous Records.

RESERVING easement rights for operation, maintenance, repair, replacement, and access to all existing public (1) infrastructure, (2) utilities, and (3) improvements.

APPROVED by the Mayor and City Council of the City of Bonners Ferry this 18th day of September, 2007.

CITY OF BONNERS FERRY, IDAHO

BY: /s/ Darrell Kerby, Mayor ATTEST: /s/ Tamera Stemmene, Deputy City Clerk

Jay Cohn gave the update on the clock tower. He said it was a multiple phase project, with phase one being complete. Phase one was the painting of the tower. Phase two will be North Idaho Ironworks making the steel ledges. This should be done in October. The funding is going well. They are about half way there and will end the fund raising November 30, 2007. John Langs moved to go ahead with the necessary construction on the clock tower. Dave Gray seconded the motion. It passed, all in favor. The Council thanked Jay for his efforts and hard work.

The Mayor welcomed Sewell and Associates representatives Pat Parker and Kelly Hubener to the meeting. He stated that the Council had asked them here to discuss the concerns of how a problem with the people is handled. Pat spoke on Sewell's behalf and said they have not fined anyone in Bonners Ferry yet. People just do not like to hear the word "no" when Sewell has to tell them that they cannot do something because of the codes. In conclusion if any council members hear concerns from the public they are to contact Stephen Boorman and he will get together with Sewell. The Council thanked Pat and Kelly for coming up. It is good to hear both sides of the story.

Dave Gray moved to authorize the Mayor to sign the contract with E.L. Automation for computer services. Mick Mellett seconded the motion. The motion passed, John Langs "yes", Mick Mellett "yes", Russ Docherty "yes", Dave Gray "yes".

John Langs moved to authorize the Mayor to sign contract with GM Two Way Communications. Dave Gray seconded the motion. The motion passed, John Langs "yes", Mick Mellett "yes", Russ Docherty "yes", Dave Gray "yes".

Mick Mellett moved to approve the hire of the new lineman, Daniel Williams at starting pay of \$28.20 per hour. Russ Docherty seconded the motion and it passed, all in favor.

John Langs moved to approve advertising for bid the rebuilding of unit four at the power plant. Dave Gray seconded the motion and it passed, all in favor.

John Langs moved to authorize the Mayor to sign block grant pay request #14 for the water tank project. Dave Gray seconded the motion. The motion passed - John Langs "yes", Mick Mellett "yes", Russ Docherty "yes", Dave Gray "yes".

Dave Gray moved to authorize the Mayor to sign the Water Project Phase 1A Right of Way certification paperwork for USDA Rural Development. Russ Docherty seconded the motion. The motion passed - John Langs "yes", Mick Mellett "yes", Russ Docherty "yes", Dave Gray "yes".

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“yes”.

Mick Mellett moved to authorize the Mayor to sign the final pay request for S & L Underground for the Jackson Street waterline project. Russ Docherty seconded the motion. The motion passed - John Langs ”yes”, Mick Mellett “yes”, Russ Docherty “yes”, Dave Gray “yes”.

The Mayor encouraged the Council to attend the AIC Legislative Committee Meeting on October 12, 2007. Stephen Boorman and Mick Mellett stated they were going.

Mick Mellett moved to adopt the amendment of the billing policy for multi-family dwellings. Russ Docherty seconded the motion. The motion passed - John Langs ”yes”, Mick Mellett “yes”, Russ Docherty “yes”, Dave Gray “yes”.

The Council discussed the river flooding stages and wants to meet with John Livingston next Monday or Tuesday. Stephen Boorman will make contact with him and set up a meeting.

The visitor center ribbon cutting ceremony will be held October 6, 2007 at 10:00 a.m. John Langs suggested that Jean Diel would be a good person to put this together. The rest of the council agreed.

At 9:40 p.m. Mick Mellett moved to go into executive session per Idaho Code 67-2345 to discuss personnel issues. Russ Docherty seconded the motion. The motion passed - John Langs “yes”, Mick Mellett “yes”, Russ Docherty “yes”, Dave Gray “yes”. At 10:02 the Council came out of executive session.

John Langs moved to grant approval for Rick Alonzo to attend the Forensic Class in Tumwater, Washington from October 15-19, 2007. Dave Gray seconded the motion and it passed, all in favor.

At 10:05 p.m. Mick Mellett moved to adjourn the council meeting. Dave Gray seconded the motion and it passed, all in favor.

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Darrell Kerby, Mayor

Attest:

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Tamera Stemmene, Deputy City Clerk