

Mayor David Sims called the regularly scheduled council meeting of March 7, 2017 to order at 7:00 p.m. Present for the meeting were Mayor Sims, Council President Rick Alonzo, Council Members Ron Smith, Ken Toline, and Adam Arthur, Clerk Kris Larson, City Administrator Mike Klaus, City Attorney Andrakay Pluid, Planner Lisa Ailport, Police Chief Vic Watson, Fire Chief Pat Warkentin, and Mechanic Jimmy Dorhofer. Also present were Marty Martinez, Owen Plato, Jessica Tingley, Dave Gray, Bob Graham, Dave and Marianne Duarte, and Marcia Cossette.

Bob Graham said he submitted his resignation to the County Commissioners last week as Incident Commander. He said it should have also included the City of Bonners Ferry as he was incident commander through the Boundary County Emergency Operations Plan. He will still be available to the City and County as an advisor and will be more than glad to help whoever is in command. Mayor Sims thanked Bob for his service and said we will miss his service. Dave Gray thanked Bob Graham for his service also. Ken Toline would like to see a resolution go forward commending him for his years of service.

Dave Duarte said they would like to take part in item number six. He said they had advised Council of their situation two months ago but have not heard anything back yet. They are here tonight hoping to find a way to help them with the situation. When they began their development they were not excluded from city connections for water, and that was eight or nine years ago. They were told they could get city water services for their development. After 2010 they were excluded from hooking up to the City water system. They have invested quite a bit in their development, and now it does not seem that water will be available to them. Dave is hoping they could be grandfathered and resolve this situation. A private water system is doable but there is a large cost of \$50,000 to \$60,000. If they had known this previously they would have done things differently. The surveying done by JRS assumed city water connections. JRS was not aware of the policy change either, and Dave and Marianne were not notified of the policy change.

Police Chief Vic Watson gave the police report for the period of February 21, 2017 through today. There were two misdemeanor warrant arrests and two felony arrests, one driving without privileges, two vehicle non-injury accidents, one investigate suspicious, five minor in possession charges, one no contact order violation, one protective custody/mental hold, one DUI, one intimidating a witness, one felony possession of a controlled substance, one assault arrest, one intoxicated pedestrian, one unattended death, and one stolen handgun. The Uniform Crime Statistics Report for 2016 was given to Council. The percentage of crimes against persons jumped 46 percent over 2015. Arrests jumped from 145 arrests in 2015 to 170 arrests in 2016. Crimes against property were down, and crimes against society stayed close to the same as last year. The clearance rate is at 82 percent. It is how the police department reports the solvability of crimes and arrests. The clearance rate is high for the City of Bonners Ferry Police Department. It is in the upper five percent of the State of Idaho. There will be extra patrols on the highways as they will be doing emphasis patrols. Vic said he will hold off on the hiring of a new officer until the general fund budget issues are resolved.

Fire Chief Pat Warkentin said there have been three call outs in the past three weeks. There was a gas odor that was a propane leak, an EMS assist on Chippewa, a gas odor at the Safeway employee room and it turned out to be several propane tanks in the cage that were not shut down causing the fumes. The St. Ann's Church prosecution is ongoing and many firemen will be in Coeur d'Alene for this.

Mayor David Sims thanked Mike for his efforts at the Dam as well as all the crews. He said in all the years we have had the Dam, this event has never taken place.

Mike Klaus showed a power point presentation for the Moyie Dam including old photographs of when the Dam was being built and the Moyie Valley before the Dam. The Dam is keyed into solid rock so it is very stable. The Dam was built in segments in the late 1940's. The penstock is a large tube, or seven foot diameter cave that goes down to the power house. Water is diverted from the Dam to the lower elevation power houses where enough pressure and flow is available to produce electricity through a turbine. There were pictures of the concrete pouring of the Dam. A wooden bridge was built for construction about 30- 40 feet above the current dam. This construction bridge was quite a feat. A hole in the dam, or bypass tube, was used to divert water while the Dam was being built. There is a drain tube about 80 feet from the top of the Dam walkway installed as a safety feature to let the silt out and possibly let water go through if the water is too high for the spillway. This was also used when the Dam was being constructed to let water go through. Screening is in the rails on the sidewalls on the dam to strain out material so it does not get into the turbines.

About seven weeks ago the Dam had to be shut down because there was not enough water to operate all the turbines. There was a large amount of ice on and behind the screening system creating a vacuum and negative pressure causing the screening system to fail and collapse. The ice level was three feet above the spillway. By the time the ice was broken through it was twelve feet thick. Quite a bit of silt and debris was sent over the Dam. After the penstock tube was dewatered there was quite a bit of silt and snow, and the crews cleaned it out. They used oxygen monitoring equipment to make sure they were safe. Mayor Sims said the crew spent hours in the penstock cleaning out sticks and rocks, a very tough job. Mike said the tunnel is about 700 feet long. C.E. Kramer Contracting broke through the ice with a big wrecking ball. Then the six screens were removed and five new ones were built by Jimmy Dorhofer and Adam Isaac that will be installed. Mike said the electric crew has spent a lot of time at the Dam getting the problem resolved. Each screen weighs about 2,000 pounds and are more structurally sound than the old ones. Mike is hopeful by the end of the week to have the penstock opened up and get one unit online and then shut down the system again for another inspection. Mike said silt had to be removed to make it safe for the divers to get in and do their work. He is hopeful that we will be able to dredge to get the silt removed this summer. Mike said the dredging will cost hundreds of thousands of dollars. The last time dredging was done was in 2003 but it was not extensive enough.

Bob Graham left the meeting.

Mayor Sims said the Urban Renewal Agency met tonight and presented their annual report that will be in the next council packet.

Rick Alonzo moved to approve the consent agenda. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Ken Toline “yes”, Adam Arthur “yes”. The consent agenda contained the following: roll call; approval of accounts payable and payroll; approval of the February 16, 2017 special council meeting minutes and February 21, 2017 regular council meeting minutes.

The Farmers Market space rental agreement was discussed. The one presented tonight is basically the same as last years’ agreement. Ron Smith moved to authorize the Mayor to sign the Farmer’s Market agreement for 2017. Ken Toline seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Ken Toline “yes”, Adam Arthur “yes”.

Mayor Sims said the utility extension policy is important and quite intertwined as it involves the capacity of the system but also the comp plan. Mike Klaus said growth is limited by sewer capacity as well as water capacity in extending utilities. A power point presentation was given. Mike said the city water service boundaries mostly follow city limit boundaries except for the area out to the golf course. He said when the City took over the North Water and Sewer District and South Hill Water and Sewer District our service boundaries extended outside city limits. There was a slide that showed the parcels on the Northside that are vacant and do not have water service at this time. Mike explained that an equivalent dwelling unit (edu) would be equivalent to what a household would be. Businesses have different parameters used in figuring their edus for a commercial use. Most development in this area, on a conservative basis, would be based on an edu for an acre and a half. There were several slides showing the water service area. Mike said the latest water master plan says we can provide 2,071 edus. In June, 2015 we were at 2,000 edus. We have added another 15 edus since 2015. He said we only have about 55 edus remaining in the water system. With limited edus left, he asked where we want to use them. He said we may want to shrink back the water system. We will need to move forward to augment our current water supply as we are close to the end of our capacity. Lisa said we are seeing building permits that need water. The sewer system master plan’s remaining edus are not as clear as the water. Mayor Sims said sewer depends on whether we can remain in compliance with our permit requirements. Mike said the guys do a great job at treating and filtering the water so the water quantity is pretty well defined. Unfortunately, with the lagoon system there are some issues keeping it from operating at an optimum level. Mayor Sims said the lagoons are designed for flows of 450,000 gallons per day and we are at about 250,000 gallons per day but we still need to meet our permit levels. If we were at 450,000 gallons per day Mayor Sims is fairly certain that we would not meet the permit levels. Mike said we have to be judicious about how we sell water.

Lisa Ailport said the facility extension policy was brought up several months ago and staff did a review. It was adopted in 2005 and revised in 2011 specifically addressing extension of water and sewer services in addition to electric by contract with Northern Lights. The facility extension policy also has a service area map included. She went over the extension policy in a power point presentation. Requirements of the facility extension policy as listed in Section B2c

are as follows: 1) property owner provides written consent to annexation and it is recorded at the Court House; 2) the residence being served can be provided pressures meeting DEQ's pressure requirement; 3) the service is inside the service area shown in the Appendix A map; 4) the service is not in the service area of another utility; 5) the installation of additional main line is not required. Section B2d provides for consideration of servicing subdivisions outside city limits at the discretion of City Council provided however, that the developer enters into a contract with the City that at a minimum addresses all of the following requirements: 1) it meets the intent and all conditions of Section B2b; 2) the subdivision meets the standards of a subdivision inside of City of Bonners Ferry municipal boundaries (City subdivision standards are required to be met); 3) the developer pays all costs for installation and system improvements required to serve the development without impact to existing City customers.

Dave Gray said water and sewer capacity is a big problem.

Adam Arthur asked what it would look like to decrease the service area. Andrakay said the people that are already being served will continue to be served but it would be potential connections that would be reduced. Mayor Sims said we need to look at our source of supply and filtration system. He said Mike is working on an addendum to the water master plan and that will include third filter bay. The well we are considering will act as a replacement for Myrtle Creek. Ron asked if we are saying not serving outside city limits. Mike does not think we have the capacity for this. Ron asked if an area is annexed into the city if we would serve them. Mike said yes, because this would be considered when annexation is being looked at. Mayor Sims said this has to be considered on a case by case basis. Mike said the big question is whether we can serve utilities and city services to the annexed property. We have one annexation request at this time for a property contiguous to the City's north boundary.

Mayor Sims said capitalization fees must be set on current users according to a Supreme Court case. Mike said a building project in the old mill site could eat up our available capacity. He said this is a good time to discuss this and build the capacity to serve in the future. Mike recommended not expanding the current footprint of the service area and maybe bring it back some. Mayor Sims said if we shrink the service area south of town we should have a conversation with the property owners.

Marianne Duarte said their situation may arise again. They were never notified of a policy change, and the development they were moving forward with counted on the services. Mayor Sims said the County did not advise the City there was a development being planned in the area of city impact (ACI). He said he is surprised they did not correspond with the City on the lot sizes, and this would have come to light at that time. Lisa said since we did not get the notification from the County there have been expenditures by the developers, and the City may not be able to serve. Lisa said the last area of impact agreement was in 2006 under Ordinance 499 but was not sure of the date of the previous one. She said any land division in the ACI requires notification to the City and this did not happen. She said in the easement with the Duarte's it is clear that three hookups were given along with \$400. The waterline went through in 2005 according to Mike, and there were several connections to the raw water line coming from Myrtle Creek. Duarte's provided the easement for this waterline as it was a requirement

from DEQ to provide all customers treated water. Mayor Sims said the facility extension policy says if you want water you have to meet our subdivision standards. This is not based on our planning and zoning laws being in effect outside city limits, it is a matter of agreement for receiving services. Lisa said the ACI agreement under Section #2 says the County will allow for a review and recommendations by City Council for land division applications based on standards set forth under Title 67 and Title 50 Idaho Code. Council should have the right to suggest terms and conditions pertinent to the permit being considered. Lisa said it is her opinion that the laws in effect at the time of execution of a deed for land division would be what should be looked to. The Commissioners appear to have granted continuation of a vested right to a preliminary request. She said the land divisions had not occurred yet according to a January parcel map from the County. There are two parcels adding up to a little over 34 acres, not 15 lots as proposed, so the land division has not yet occurred. Dave Duarte said that was correct. Dave said JRS provided them with a copy of a letter from Mike Weland in 2010 that said the land division was approved for recording. Duarte's submitted the land division application in May, 2010, and that would have been the time for the County to contact the City regarding this issue. Ken Toline asked about pounds of pressure. He asked if we went past our service area if we will have to do something to increase water pressure. Mike said it is a case by case basis and difficult to answer without particulars.

Mike said we did advertise for well drilling quotes for the Falcon property. We received two quotes and the lowest was from Universal Drilling. Mike recommends contracting with Universal. Universal Drilling has a public works license and a performance bond will be required. Adam Arthur moved to award the contract to Universal Drilling for \$16,800 for drilling a well on the Falcon property. Ken Toline seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Ken Toline “yes”, Adam Arthur “yes”.

Mike recommended moving forward with the mutual assistance agreement with Bonneville Power Administration. Rick Alonzo moved to authorize the Mayor to sign the Mutual Assistance Agreement executed by USA Department of Energy acting by and through Bonneville Power Administration. Ron Smith seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Ken Toline “yes”, Adam Arthur “yes”.

Mayor Sims said Dennis Weed has made a request to waive holiday pay. Previously, he had asked that vacation, sick leave, and personal leave be waived. Dennis anticipates that the amount of comp time he accrues will offset the holiday time he is off work. Rick Alonzo moved to waive vacation, sick leave, personal leave, and holiday pay but accrue comp time for Economic Development Coordinator Dennis Weed. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Ken Toline “yes”, Adam Arthur “yes”.

Mayor Sims recommended appointing Dave Winey as Fire Chief. He asked Pat Warkentin to give a brief background on Dave Winey and what he has done on the department. Pat said Dave has been on the fire department several times and has been involved in different business enterprises over the years. David is a Lieutenant on the Fire Department and is currently the fire investigator and lead investigator for the Sheriff's Office Fire Investigation Task Force. Pat said Dave is a natural at investigations and that is not an easy task. The City is fortunate to have him.

Dave has accumulated service of 20-25 years and is respected by the fire department membership. Pat thinks he will do a good job. Not everyone is willing to take on the responsibility and liability of Fire Chief. Pat approves of the Mayor's recommendation. Ron Smith moved to approve the Mayor's recommendation of Dave Winey for Fire Chief. Rick Alonzo seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Ken Toline “yes”, Adam Arthur “yes”.

Mayor Sims said there are a number of businesses complaining about merchants or their employees parking more than two hours on the streets. He said we do not have an ordinance currently that supports the two hour parking limit, and the question is if we want to enforce this. He said we either need to change our ordinance or adopt a policy that supports limiting the time so it is enforceable. Police Chief Vic Watson said parking limits are not a very common complaint, maybe once a year. Mayor Sims said he has received a lot of complaints in the last two months. Mayor Sims has asked Mike Klaus to send a letter to the businesses in town telling them about the two hour limit to see if that will work. He said we may want to consider if we want enforcement in the future. Adam said another complaint is the amount of time in our parking lots. Rick said when someone complained in the past the police would give a warning and that usually took care of the problem. He said he did cite someone once but the ticket was probably no good since we do not have an ordinance or policy. Dave Gray commented that there are mad people out there regarding this issue.

Dave Duarte asked about the well on the Falcon property and why we are going 400 feet deep. Mike said we need to know the strata and the deeper the well, the better the filtration system. He said for the price we can get a good analysis of what is there. Sampling will be done at least five different places to test for contaminants. He said we need to know the water bearing strata.

There being no further business, the meeting adjourned at 8:43 p.m.

David Sims, Mayor

Attest:

Kris Larson, City Clerk