

## 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

Bonners 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 an inclusive city that welcomes all people, regardless of race, religion, color, national origin, sex, age, disability, sexual orientation, or gender identity and encourages their participation in city government and city programs.

**AGENDA**  
**CITY COUNCIL MEETING**  
**Bonners Ferry City Hall**  
**7232 Main Street**  
**267-3105**  
**November 19, 2019**  
**6:00 pm**

### PLEDGE OF ALLEGIANCE

### PUBLIC HEARINGS

1. Idaho Community Block Grant Application for Lift Station #5
2. File #AN04-19 De-annexation Request from Sukenik, Jordan, Gagnier and Anderson
3. City – Consider De-annexation Agreement with Sukenik, Jordan, Gagnier and Anderson File #AN04-19 (attachment) {action item}
4. File #AM04-19 Livestock Standards Amendment for Title 11
5. City – Consider Approval of Ordinance #586 and the Publication Summary for Title 11 Livestock Standards Amendment and Have the First Reading by Title Only (attachment) {action item}
6. City – Suspend the Reading Rules and Adopt Ordinance #586 {action item}

### PUBLIC COMMENTS

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

### REPORTS

Police/Fire/City Administrator/City Engineer/Economic Development Coordinator/Urban Renewal District/SPOT

### CONSENT AGENDA – {action item}

7. Call to Order/Roll Call
8. Approval of Bills and Payroll
9. Approval of the November 5, 2019 Council meeting minutes
10. Treasurer's Report

### OLD BUSINESS

### NEW BUSINESS

11. City – Consider Contract with Whitebridge Consulting Inc. for IT Consulting (attachment) {action item}
12. Electric/Water/Sewer – Consider Request from Doug Ladely Sr. for Waiver of Base Fees for Unoccupied Residences {action item}
13. City – Consider Approval of Ordinance #587 Amending Snow and Ice Removal and Have the First Reading by Title Only (attachment) {action item}
14. City – Suspend the Reading Rules and Adopt Ordinance # 587 {action item}
15. City – Consider November 5, 2019 Canvassed Election Results by Precinct (attachment) {action item}
16. Electric – Consider Soliciting Requests for Proposals for Internet Service for Electric Customers (attachment) {action item}
17. Street – Consider Authorizing a Take Home Vehicle for the Street Superintendent for the Winter (attachment) {action item}

### ADJOURNMENT

#### Information

Estimated Filing Fees for Hydropower Water Rights  
Public Education of Lead



# CITY OF BONNERS FERRY

7232 Main Street  
P.O. Box 149  
Bonners Ferry, Idaho 83805  
Phone: 208-267-3105 Fax: 208-267-4375

AN04-19  
RECEIVED

## PETITION FOR DE-ANNEXATION

AUG 02 2019

### PETITIONER/OWNER(S):

Landowner's name: RONALD AND LEANN SUKENIK

CITY OF BONNERS FERRY

Mailing address: 6571 CHIPPEWA DR.

City: BONNERS FERRY

State: IDAHO

Zip code: 83805

Telephone: 208-290-4401

Fax:

E-mail: RZUKES@YAHOO.COM

Landowner's name: NAOMI E JORDAN (REVOCABLE TRUST)

Mailing address: 404 BROOK LN

City: NAPLES

State: IDAHO

Zip code: 83847

Telephone: 208-946-0489

Fax:

E-mail: NAOMIJORDAN61@YAHOO.COM

Landowner's name: MARK P. GAGNIER AND MARLA R. ANDERSON (GAGNIER-ANDERSON LIVING TRUST)

Mailing address: 17295 RAMSEY RD

City: RATHDRUM

State: IDAHO

Zip code: 83858

Telephone: 208-699-0199

Fax:

E-mail: ROYALGULL1@YAHOO.COM

### Petition for De-Annexation

Whereas, RON AND LEANN SUKENIK, NAOMI E. JORDAN, AND MARK GAGNIER AND MARLA ANDERSON, are the owners of certain parcels of real property situated within the boundaries of the tract described herein as Exhibit "A", attached and incorporated herein by reference, petition that the described property (Exhibit "A") be de-annexed from the City of Bonners Ferry, Boundary County, Idaho according to the provisions set forth in Section 50-222 and other sections of the Idaho Code;

Whereas: The undersigned do understand and agree that such de-annexation must meet the terms and conditions set forth in Category A, Idaho Code 50-222, and other sections for De-Annexations by Cities;

Whereas: The tract of land described in Exhibit "A" hereto currently adjoins the present boundaries of the City of Bonners Ferry, and being entirely situated within Boundary County, Idaho.

Signature Notary Page

Dated this 28th day of June, 2019.

[Signature]  
Property Owner

LeAnn Subenik  
Property Owner

\*\*\*\*Please use additional pages if additional landowners are required to sign

STATE OF IDAHO)

) ss.

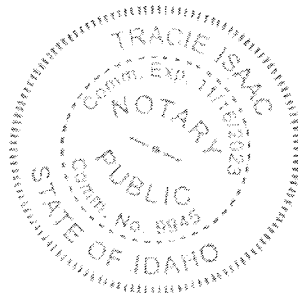
County of Boundary

On this 28 day of June, 2019, before me, a Notary Public, in and for said County and State, personally appeared:

Ron and LeAnn Subenik, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Tracie Isaac  
Notary Public for Idaho  
Residing at: Bonnors Ferry  
My commission expires: 11-16-2023



STATE OF IDAHO)

) ss.

County of \_\_\_\_\_)

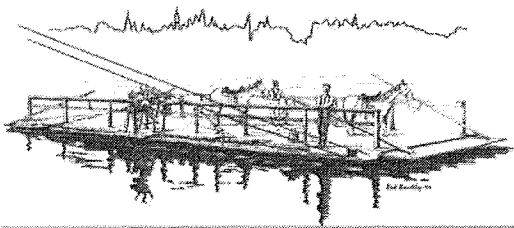
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, in and for said County and State, personally appeared:

\_\_\_\_\_, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at: \_\_\_\_\_  
My commission expires \_\_\_\_\_

Exhibit A- Legal Description(s)



# CITY OF BONNERS FERRY

7232 Main Street  
P.O. Box 149  
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Phone: 208-267-3105 Fax: 208-267-4375

AN04-19  
RECEIVED

## DE-ANNEXATION APPLICATION CHECK LIST

AUG 02 2019

1. Schedule preliminary meeting with the Administrator to review de-annexation ~~proposal~~ CITY OF BONNERS FERRY
2. Complete the attached application for De-Annexation, which should be signed and notarized.
3. Provide the following along with the completed application:
  - a. **Legal description of the property to be de-annexed:** A legal description of the parcel or parcels to be de-annexed, tied at least to one section corner, with the metes and bounds description stamped by a land surveyor licensed in the State of Idaho.
  - b. **Exhibit:** An exhibit illustrating the legal description for mapping purposes.
  - c. **Map & Pictures:** It is requested that the application accompany photos and/or pictures of the area proposed to be de-annexed.
4. Application Fees: Fees for De-Annexation Application (Check most current fee resolution)

**Please read and complete the application carefully. Failure to provide all required information could result in a delay in processing your application.**

### Applicant Information

Applicant's Name: RON AND LEANN SUKENIK  
 Address: 6571 CHIPPEWA DR. BONNERS FERRY IDAHO, 83805  
 Phone: (H) \_\_\_\_\_ (C) 208-290-4401  
 E-mail: RZUKES@YAHOO.COM

Holder of Legal Title: S/A  
 Address: \_\_\_\_\_  
 Phone: (H) \_\_\_\_\_ (C) \_\_\_\_\_  
 E-mail: \_\_\_\_\_

### Representative Information

Business Name: \_\_\_\_\_  
 Surveyor: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: (H) \_\_\_\_\_ (C) \_\_\_\_\_  
 E-mail: \_\_\_\_\_

**Project Information**

Legal Description of Site: Lot(s) \_\_\_\_\_ Block # \_\_\_\_\_ Addition \_\_\_\_\_  
(or) TAX 23, 24, 25, 26  
Section 26 Township 62 N Range 1 E

Size of Parcel: 20 Acres

Proposed Land Use: RESIDENTIAL AND RURAL USES CONSISTENT WITH THE AREA

What land uses border the site? Describe lot sizes, structures and uses:

North: KOOTENAI RIVER  
South: RAIL ROAD TRANSPORTATION, FODGE MILL, TREE FARM, RESIDENTIAL B  
East: COUNTY RESIDENTIAL  
West: CITY RESIDENTIAL

What Zones, within city limits border the site?

North NONE South IND. & RES.B East COUNTY West RESIDENTIAL

**Effects of Proposed De-Annexation**

1. Is the proposed de-annexation area within the City's adopted Area of City Impact?  
YES
  
2. Does the proposed de-annexation represent a logical extension of County boundaries?  
YES, IT RESTORES IT TO A MORE SUITABLE USE IN THE COUNTY AREA.
  
3. How will the proposed de-annexation be compatible with adjoining land uses?  
CONSITENT WITH USES IN RURAL SETTINGS AND COUNTY ZONING.
  
4. What extensions of water or sewer lines, roads or other public or private services would be necessary if the DE-Annexation Change is approved?  
NONE

Signature Notary Page

Whereas, RONALD AND LEANN SUKENIK, are the owners of certain parcels of real property situated within the boundaries of the tract described herein as Exhibit "A", attached and incorporated herein by reference, petition that the described property (Exhibit "A") be de-annexed into the City of Bonners Ferry, Boundary County, Idaho according to the provisions set forth in Section 50-222 and other sections of the Idaho Code;

Whereas: The undersigned do understand and agree that such de-annexation must meet the terms and conditions set forth in Category A, Idaho Code 50-222, and other sections for De-Annexations by Cities;

Whereas: The tract of land described in Exhibit "A" hereto currently adjoins the present boundaries of the City of Bonners Ferry, and being entirely situated within Boundary County, Idaho.

Dated this 28th day of June, 2019.

[Signature]
Property Owner

[Signature]
Property Owner

\*\*\*\*Please use additional pages if additional landowners are required to sign

STATE OF IDAHO)
) ss.

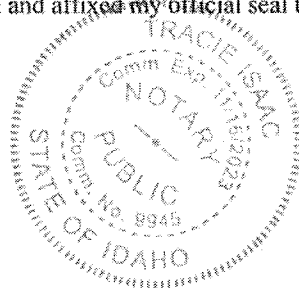
County of Boundary

On this 28 day of June, 2019, before me, a Notary Public, in and for said County and State, personally appeared:

Ron and LeAnn Sukenik, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for Idaho
Residing at: Bonners Ferry
My commission expires: 11-16-2023



STATE OF IDAHO)
) ss.

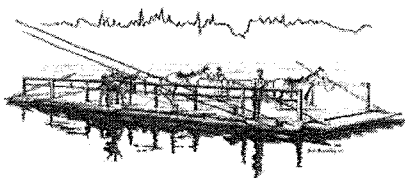
County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, in and for said County and State, personally appeared:

\_\_\_\_\_, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at: \_\_\_\_\_
My commission expires \_\_\_\_\_



**CITY OF BONNERS FERRY**

7232 Main Street  
P.O. Box 149  
Bonners Ferry, Idaho 83805  
Phone: 208-267-3105 Fax: 208-267-4375

AN0419

RECEIVED

AUG 02 2019

CITY OF BONNERS FERRY

**PETITION FOR DE-ANNEXATION**

**PETITIONER/OWNER(S):**

Landowner's name: RONALD AND LEANN SUKENIK		
Mailing address: 6571 CHIPPEWA DR.		
City: BONNERS FERRY	State: IDAHO	Zip code: 83805
Telephone: 208-290-4401	Fax:	
E-mail: RZUKES@YAHOO.COM		

Landowner's name: NAOMI E JORDAN (REVOCABLE TRUST)		
Mailing address: 404 BROOK LN		
City: NAPLES	State: IDAHO	Zip code: 83847
Telephone: 208-946-0489	Fax:	
E-mail: NAOMIJORDAN61@YAHOO.COM		

Landowner's name: MARK P. GAGNIER AND MARLA R. ANDERSON (GAGNIER-ANDERSON LIVING TRUST)		
Mailing address: 17295 RAMSEY RD		
City: RATHDRUM	State: IDAHO	Zip code: 83858
Telephone: 208-699-0199	Fax:	
E-mail: ROYALGULL1@YAHOO.COM		

**Petition for De-Annexation**

Whereas, RON AND LEANN SUKENIK, NAOMI E. JORDAN, AND MARK GAGNIER AND MARLA ANDERSON, are the owners of certain parcels of real property situated within the boundaries of the tract described herein as Exhibit "A", attached and incorporated herein by reference, petition that the described property (Exhibit "A") be de-annexed from the City of Bonners Ferry, Boundary County, Idaho according to the provisions set forth in Section 50-222 and other sections of the Idaho Code;

Whereas: The undersigned do understand and agree that such de-annexation must meet the terms and conditions set forth in Category A, Idaho Code 50-222, and other sections for De-Annexations by Cities;

Whereas: The tract of land described in Exhibit "A" hereto currently adjoins the present boundaries of the City of Bonners Ferry, and being entirely situated within Boundary County, Idaho.

Signature Notary Page

Dated this 25 day of June, 2019.

Naomi Jordan  
Property Owner  
Property Owner

\*\*\*\*Please use additional pages if additional landowners are required to sign

STATE OF IDAHO)

) ss.

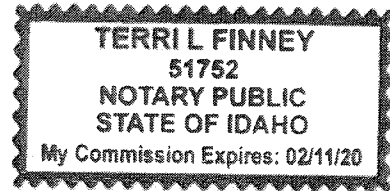
County of Bernier

On this 24 day of June, 2019, before me, a Notary Public, in and for said County and State, personally appeared:

Naomi Jordan, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Terril Finney  
Notary Public for Idaho  
Residing at: Sandpoint  
My commission expires: 2/11/2020



STATE OF IDAHO)

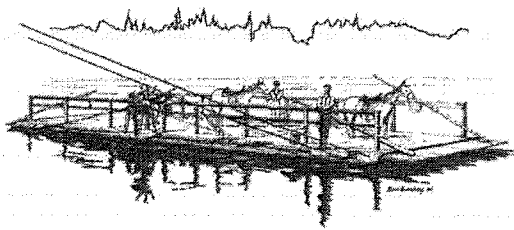
) ss.

County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, in and for said County and State, personally appeared:

\_\_\_\_\_, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she





# CITY OF BONNERS FERRY

7232 Main Street  
P.O. Box 149  
Bonners Ferry, Idaho 83805  
Phone: 208-267-3105 Fax: 208-267-4375

AN04-15  
RECEIVED

AUG 02 2019

## DE-ANNEXATION APPLICATION CHECK LIST

1. Schedule preliminary meeting with the Administrator to review de-annexation proposal.
2. Complete the attached application for De-Annexation, which should be signed and notarized.
3. Provide the following along with the completed application:
  - a. **Legal description of the property to be de-annexed:** A legal description of the parcel or parcels to be de-annexed, tied at least to one section corner, with the metes and bounds description stamped by a land surveyor licensed in the State of Idaho.
  - b. **Exhibit:** An exhibit illustrating the legal description for mapping purposes.
  - c. **Map & Pictures:** It is requested that the application accompany photos and/or pictures of the area proposed to be de-annexed.
4. Application Fees: Fees for De-Annexation Application (Check most current fee resolution)

**Please read and complete the application carefully. Failure to provide all required information could result in a delay in processing your application.**

### Applicant Information

Applicant's Name: NAOMI E. JORDAN

Address: 404 BROOK LN., NAPLES, IDAHO, 83847

Phone: (H) \_\_\_\_\_ (C) 208-946-0489

E-mail: naomijordan61@yahoo.com

Holder of Legal Title: S/A

Address: \_\_\_\_\_

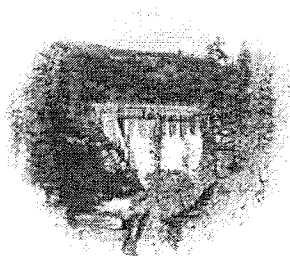
Phone: (H) \_\_\_\_\_ (C) \_\_\_\_\_

E-mail: \_\_\_\_\_

### Representative Information

Business Name: \_\_\_\_\_

Surveyor: \_\_\_\_\_



Moye Dam Constructed 1948

Address: \_\_\_\_\_

Phone: (H) \_\_\_\_\_ (C) \_\_\_\_\_

E-mail: \_\_\_\_\_

**Project Information**

Legal Description of Site: Lot(s) \_\_\_\_\_ Block # \_\_\_\_\_ Addition \_\_\_\_\_

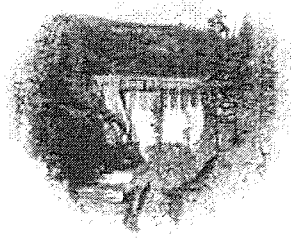
(or) TAX 22 \_\_\_\_\_

Section 26 Township 62 N Range 1 E

Size of Parcel: 5 Acres

Proposed Land Use: RESIDENTIAL AND RURAL USES CONSISTENT WITH THE AREA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Mayle Dam Constructed 1968

What land uses border the site? Describe lot sizes, structures and uses:

North: KOOTENAI RIVER

South RAIL ROAD TRANSPORTATION, FODGE MILL, TREE FARM, RESIDENTIAL B

East: COUNTY RESIDENTIAL

West: CITY RESIDENTIAL

What Zones, within city limits border the site?

North NONE South IND. & RES.B East COUNTY West RESIDENTIAL

**Effects of Proposed De-Annexation**

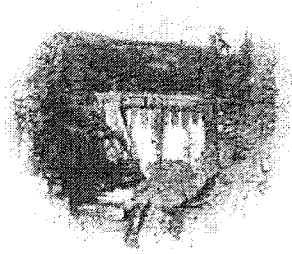
1. Is the proposed de-annexation area within the City's adopted Area of City Impact?

YES

2. Does the proposed de-annexation represent a logical extension of County boundaries?

YES, IT RESTORES IT TO A MORE SUITABLE USE IN THE COUNTY AREA.

3. How will the proposed de-annexation be compatible with adjoining land \_\_\_\_\_



Moyie Dam Constructed 1948

uses?

\_\_\_\_\_

CONSISTENT WITH USES IN RURAL SETTINGS AND COUNTY ZONING.

\_\_\_\_\_

4. What extensions of water or sewer lines, roads or other public or private services would be necessary if the DE-Annexation Change is approved?

\_\_\_\_\_

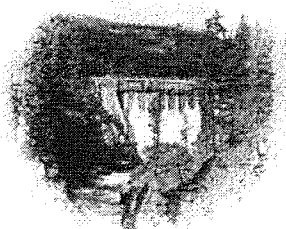
NONE

\_\_\_\_\_

**Signature Notary Page**

Whereas, NAOMI JORDAN, are the owners of certain parcels of real property situated within the boundaries of the tract described herein as Exhibit "A", attached and incorporated herein by reference, petition that the described property (Exhibit "A") be de-annexed into the City of Bonners Ferry, Boundary County, Idaho according to the provisions set forth in Section 50-222 and other sections of the Idaho Code;

Whereas: The undersigned do understand and agree that such de-annexation must meet the terms and conditions set forth in Category A, Idaho Code 50-222, and other sections for De-Annexations by Cities;



Moyie Dam Constructed 1968

Whereas: The tract of land described in Exhibit "A" hereto currently adjoins the present boundaries of the City of Bonners Ferry, and being entirely situated within Boundary County, Idaho.

Dated this 25 day of June, 2019.

Naomi Jordan  
Property Owner

\_\_\_\_\_  
Property Owner

\*\*\*\*Please use additional pages if additional landowners are required to sign

STATE OF IDAHO)

) ss.

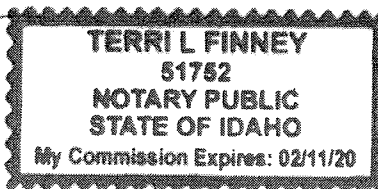
County of Bonner

On this 24 day of June, 2019, before me, a Notary Public, in and for said County and State, personally appeared:

Naomi Jordan, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

TERRI L. FINNEY  
Notary Public for Idaho  
Residing at: Sandpoint  
My commission expires: 2/11/2020



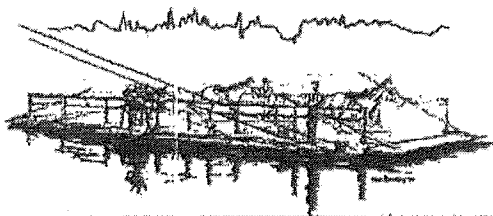
STATE OF IDAHO)

) ss.

County of \_\_\_\_\_)

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\_\_\_\_\_, known or identified to me to be the individual whose name is



# CITY OF BONNERS FERRY

7232 Main Street  
P.O. Box 149  
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Phone: 208-267-3105 Fax: 208-267-4375

AN04-19  
RECEIVED

AUG 02 2019

## DE-ANNEXATION APPLICATION CHECK LIST

CITY OF BONNERS FERRY

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2. Complete the attached application for De-Annexation, which should be signed and notarized.
3. Provide the following along with the completed application:
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Please read and complete the application carefully. Failure to provide all required information could result in a delay in processing your application.

### Applicant Information

Applicant's Name: MARK GAGNIER AND MARLA ANDERSON  
 Address: 17295 RAMSEY RD. RATHDRUM, IDAHO, 83858  
 Phone: (H) \_\_\_\_\_ (C) 208-699-0199  
 E-mail: ROYALGULLI@YAHOO.COM

Holder of Legal Title: S/A  
 Address: \_\_\_\_\_  
 Phone: (H) \_\_\_\_\_ (C) \_\_\_\_\_  
 E-mail: \_\_\_\_\_

### Representative Information

Business Name: \_\_\_\_\_  
 Surveyor: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: (H) \_\_\_\_\_ (C) \_\_\_\_\_  
 E-mail: \_\_\_\_\_

**CITY OF BONNERS FERRY  
PETITION FOR DE-ANNEXATION**

**PETITIONER/OWNER(S):**

Landowner's name: RONALD AND LEANN SUKENIK		
Mailing address: 6571 CHIPPEWA DR.		
City: BONNERS FERRY	State: IDAHO	Zip code: 83805
Telephone: 208-290-4401	Fax:	
E-mail: RZUKES@YAHOO.COM		

Landowner's name: NAOMI E JORDAN (REVOCABLE TRUST)		
Mailing address: 404 BROOK LN		
City: NAPLES	State: IDAHO	Zip code: 83847
Telephone: 208-946-0489	Fax:	
E-mail: NAOMIJORDAN61@YAHOO.COM		

Landowner's name: MARK P. GAGNIER AND MARLA R. ANDERSON (GAGNIER-ANDERSON LIVING TRUST)		
Mailing address: 17295 RAMSEY RD		
City: RATHJURUM	State: IDAHO	Zip code: 83858
Telephone: 208-699-0199	Fax:	
E-mail: ROYALGULL1@YAHOO.COM		

**Petition for De-Annexation**

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Whereas: The undersigned do understand and agree that such de-annexation must meet the terms and conditions set forth in Category A, Idaho Code 50-222, and other sections for De-Annexations by Cities;

Whereas: The tract of land described in Exhibit "A" hereto currently adjoins the present boundaries of the City of Bonners Ferry, and being entirely situated within Boundary County, Idaho.

**Signature Notary Page**

Project Information

Legal Description of Site: Lot(s) \_\_\_\_\_ Block # \_\_\_\_\_ Addition \_\_\_\_\_

(or) TAX 20, 21

Section 25 Township 62 N Range 1 E

Size of Parcel: 20 Acres

Proposed Land Use: RESIDENTIAL AND RURAL USES CONSISTENT WITH THE AREA

What land uses border the site? Describe lot sizes, structures and uses:

North: KOO'ENAI RIVER

South: RAIL ROAD TRANSPORTATION, FODGE MILL, TREE FARM, RESIDENTIAL B

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West: CITY RESIDENTIAL

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North NONE South IND. & RES.B East COUNTY West RESIDENTIAL

Effects of Proposed De-Annexation

1. Is the proposed de-annexation area within the City's adopted Area of City Impact?

YES

2. Does the proposed de-annexation represent a logical extension of County boundaries?

YES, IT RESTORES IT TO A MORE SUITABLE USE IN THE COUNTY AREA.

3. How will the proposed de-annexation be compatible with adjoining land uses?

CONSISTENT WITH USES IN RURAL SETTINGS AND COUNTY ZONING.

4. What extensions of water or sewer lines, roads or other public or private services would be necessary if the DE-Annexation Change is approved?

NONE



Dated this 16 day of July, 2017.

Maud Sagraves  
Property Owner

Maud Anderson  
Property Owner

\*\*\*Please use additional pages if additional lenders are required to sign  
STATE OF IDAHO)

) ss.

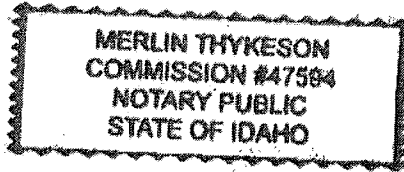
County of Kootenai

On this 16 day of July, 2017, before me, a Notary Public, in and for said County and State,  
personally appeared:

Mark Gagnier & Mark Anderson, known or identified to me to be the individual whose name is  
subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate  
first above written.

Merlin Thykeson  
Notary Public for Idaho  
Residing at: Kootenai Co.  
My commission expires: 7-17-2028



STATE OF IDAHO)

) ss.

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, in and for said County and State,  
personally appeared:

\_\_\_\_\_, known or identified to me to be the individual whose name is  
subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate  
first above written.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at: \_\_\_\_\_  
My commission expires \_\_\_\_\_

Exhibit A - Legal Description(s)

Boundary County Assessor

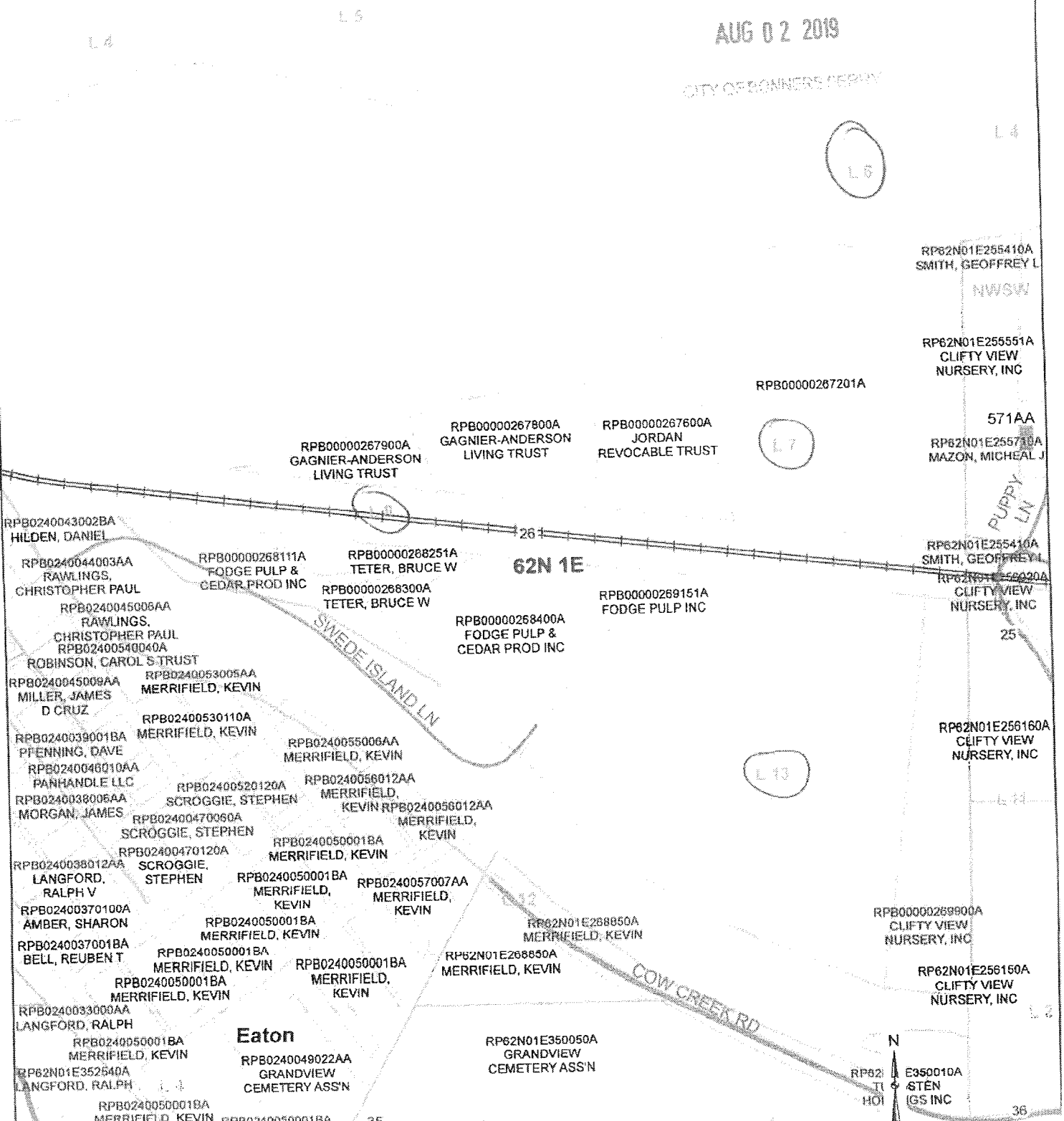
LARGE C

RP62N01E260760A  
DAY, RUSSELL

AN 04-19  
RECEIVED

AUG 02 2019

CITY OF BONNERS DEP'Y



This map is provided for informational purposes only. The parcel map DOES NOT REPRESENT A PROFESSIONAL SURVEY and is intended only as a geographic representation. Every effort has been made to ensure accuracy and completeness. The County will in no way be held responsible for any errors, omissions, or interpretation.

0 220 440 880 Feet  
MICHAEL D  
File Name: 1\_Parcel\_map\_10.3.1\_GISLink400\_S  
Date Printed: 5/30/2019 by Odrake  
RP00460GL3002AP  
KJOS KEVIN

FESSNER, ALLEN J

Kent's Acres

RP62N01E260700A  
DAN RUSSELL

28

RPR00000267800A  
GAGNER-ANDERSON  
LIVING TRUST

62N1E

RPR00000267201A  
SUKENIK, RONALD

25

RPR00000255501A  
CLIFF VIEW  
MURRAY INC

RPR00000255501B  
SWAMP  
GEORGE

SWEDEN ISLAND

RPR00000268500A  
ROYAL PINE  
CLEAR PRODUCTIONS

RP62N01E260850A  
MERRIFIELD, KEVIN

35

RP62N01E350850A  
GRANDVIEW  
CEMETERY ASS'N

COY CREEK

36

KENT'S  
GURCH

RP62N01E360000A  
PARK BL

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS,  
USDA, USGS, AeroGRID, IGN, and the GIS User Community

AUG 02 2019 AN 04-19



**RUEN-YEAGER & ASSOCIATES, INC.**  
ENGINEERS ♦ PLANNERS ♦ SURVEYORS

## MEMO

To: File #AN04-19 Record  
From: Clare Marley, AICP, Contract Planner  
Date: October 29, 2019

Re: **Application to De-Annex, Sukenik, et al**

---

The City of Bonners Ferry sent a request for comment to 10 local agencies regarding an application by three property owners to de-annex about 35.7 acres of land on the eastern edge of the city limits. A meeting to consider comments was conducted September 4, 2019 at Bonners Ferry City Hall.

Invited agencies were: City of Bonners Ferry Street Department; Fire Department; Utility Department; City Administrator; City Electric; Police Department; Traffic Safety Committee, City GIS, Boundary County Planning; and Boundary County Assessor.

The City received no written comment. City Engineer Mike Klaus and City Administrator Lisa Ailport, AICP, attended the agency review meeting. The following comments were provided:

- The site is not served by city water or sewer services.
- The road to the property is not currently plowed by the city.
- Water is provided to the Fodge mill site, south of this property. However, bringing water services to these waterfront properties would involve boring under the railroad tracks for about 100 feet at a cost of about \$200 a foot and would require railroad approval.
- Sewer to the mill site and waterfront would be difficult and expensive, because the area is separated by a slough.
- The cost to bring services, the likelihood of development and the tax revenue loss if de-annexed should be evaluated. (See revenue summary below.)
- The majority of the site is within the floodplain; portions are within the floodway.
- Costs of administration and emergency services response times are greater because access to the area is indirect, through county roads.
- Boundary County action to provide a comprehensive plan map designation and zoning for these properties should be obtained prior to final de-annexation ordinance adoption by the City. A condition of de-annexation to address county pre-zoning should be included in an agreement between the city and applicants.

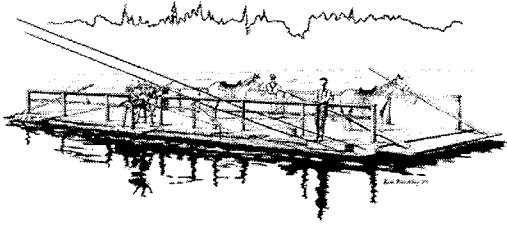
Assessor Dave Ryals provided the following tax revenue information via written comment dated October 17, 2019:

The 2019 values are set, but not the tax rates (the following are 2018 values and taxes.)

<u>Parcel #</u>	<u>2018 value</u>	<u>total tax</u>	<u>city tax portion</u>
RPB00000267201	42960	630.54	205.67
RPB00000267600	19160	281.20	91.73
RPB00000267800	3990	58.54	19.10
RPB00000267900	3690	54.16	17.67

The 2019 values remain the same except for parcel RPB00000267201. That value increases from \$42960 to \$57690 for 2019.

(Total city tax portion is \$334.17.)



## CITY OF BONNERS FERRY

7232 Main Street  
P.O. Box 149  
Bonners Ferry, Idaho 83805  
Phone: 208-267-3105 Fax: 208-267-4375

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### **STAFF REPORT FOR SUKENIK, ET AL DE-ANNEXATION REQUEST – BONNERS FERRY CITY COUNCIL FILE #AN04-19**

**Prepared by:** Clare Marley, AICP  
Contract City Planner

**Project Description:** Three landowners are requesting de-annexation of about  $\pm 35.7$  acres of land from the incorporated city limits of Bonners Ferry.

**Location:** The subject land is located west of the intersection of Waterfront and Puppy Lanes on the eastern edge of the City of Bonners Ferry, south of the Kootenai River and north of the BNSF railroad tracks.

**Parcel Size:** Approximately 35.7 acres, per application (Assessor records show about 32 acres total).

**Applicants/  
Property Owners:** Ronald and Leann Sukenik; Naomi E. Jordan Revocable Trust; Mark P. Gagnier and Marla R. Anderson Gagnier-Anderson Living Trust.

**Applicant's  
Representative:** Steve Binall, PLS, Project Surveyor

**Application Filed:** August 2, 2019

**Notice Provided:** Mailed: October 31, 2019  
Site Posted: November 4, 2019  
Notice to Political Subdivisions: October 31, 2019  
Newspaper publication: October 31, 2019

**Hearing Date:** City Council: November 19, 2019

**Packet Information:** De-annexation application, site plan  
Agency meeting summary, dated October 28, 2019  
Draft de-annexation agreement  
Minutes of July 16, 2019 Council meeting



**APPLICABLE STATE AND CITY CODES/PROCEDURES**

**Idaho Code §50-225, Exclusion of Territory**, grants cities the authority to alter their boundaries and enact ordinances for that purpose. De-annexation does not excuse any indebtedness to the city. Immediately after the passage, approval and publication of the de-annexation ordinance, a copy thereof duly certified by the clerk of said city shall be filed in compliance with the provisions of section 63-215, Idaho Code. Thereafter, the boundaries of said city shall be as set forth in said ordinance.

**I. PROPERTY INFORMATION:**

1. Site acreage: About 35.7 acres
2. Access: The properties are accessed by a private road, leading from Waterfront Lane.
3. Services: None.
4. Surrounding uses and zones:

<b>Compass</b>	<b>Comp Plan Designation</b>	<b>Current Zoning</b>	<b>Uses/Densities</b>
Site	Industrial	Industrial	Vacant
North	Kootenai River	N/A	N/A
South	Industrial	Industrial	BNSF Railroad tracks; Fodge Mill site; Tree farm
East	County Residential	County Residential	Residential homesite
West	Residential	Residential A	Residential subdivision lots/homesites

**II. PROJECT OVERVIEW/SUMMARY**

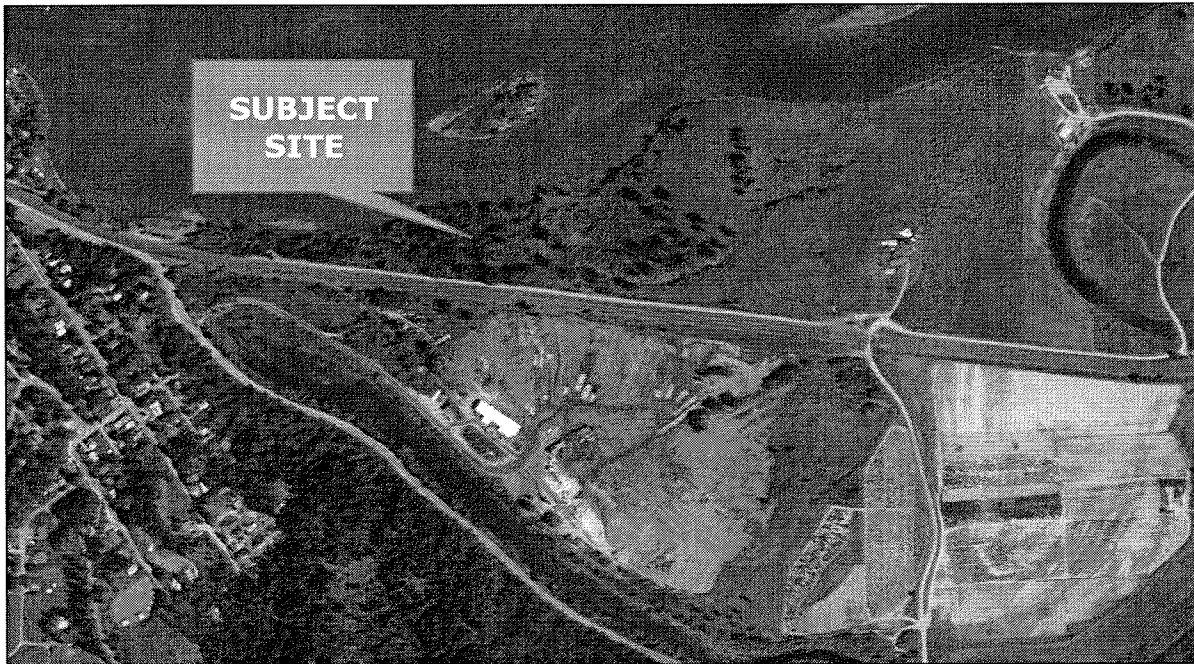
Bonnors Ferry annexed the subject property into the city in 1978. The land is comprised of the following ownership/acreage, shown in the assessor records as a total of ±32 acres:

- RPB00000267201A, owned by Sukenik, 19.86 acres;
- RPB00000267600A, owned by Jordan Revocable Trust, 5.08 acres;
- RPB00000267800A, owned by Gagnier-Anderson Living Trust, 5.07 acres;
- RPB00000267900A, owned by Gagnier-Anderson Living Trust, 1.99 acres.

The property is isolated from city services and transportation. The city does not serve water or sewer to the site and is unlikely to extend services due to the topographic constraints and infrastructure locations, according to city staff. There are no city roads that directly connect to the property. To reach the property, vehicles must travel more than 1 mile over Boundary County’s Cow Creek Road and Waterfront Lane to a private access. The land is within the 100-year floodplain and partially within the hazardous floodway.

Prior to the de-annexation application, landowner Ron Sukenik reviewed with city staff his plans for future residential development of the site in an area located outside the floodplain. Residential development is not supported by the current city Industrial zoning and comp plan designation. After reviewing options, including a city comp plan amendment and zoning map, staff suggested de-annexation of the property may be a better course due to the lack of city services and lack of direct connections to the

city transportation system. Mr. Sukenik met with the City Council on July 16, 2019, to determine whether the City was interested in the de-annexation proposal. The Council agreed to consider formal action on the proposal through an application process but cautioned that its action that night did not mean de-annexation would be approved in the future. A public hearing and adoption of a de-annexation ordinance would be required if the City desires to de-annex the properties.



*Aerial of vicinity*

These properties are zoned Industrial on the Bonners Ferry official zoning map and are designated Industrial on the City's Future Land Use Map (comp plan map). The zoning code prohibits all forms of family dwelling units in the Industrial zone (Appendix B, Table of Uses.) The county zoning map shows Residential zoning to the immediate east of the subject site. The county has designated the area to the east of the site as "Residential" on its comprehensive plan map.

Idaho Code §50-225 provides the authority for the de-annexation/exclusion request and confirms the City's power to de-annex and to act unilaterally without any criteria or restrictions. However, state law provides no procedures for the de-annexation process. After reviewing the proposal with city legal counsel, the planning staff has prepared and advertised this application using the same measures as zone changes or comprehensive plan map amendments. Advertisement in the newspaper of record at least 15 days prior to the hearing/action, notice to landowners within 300 feet of the property, and posting of the site have been completed, along with general notice to taxing districts and the media.

### **III. AGENCY COMMENTS**

Affected agencies were invited to meet September 4, 2019 at Bonners Ferry City Hall to review the proposed de-annexation. Staff also followed up with the Boundary County Assessor to determine the tax implications of de-annexation. Attached to this



report is a memo summarizing the agency comments. The comments addressed:

- Lack of city water and sewer services;
- Lack of road maintenance by the city;
- Costs to bring water services to the site (\$200 foot X 100 feet minimum plus costs to obtain railroad permission to bore under the tracks);
- Greater administrative and emergency service costs to cover the site due to lack of direct access;
- A need to obtain county pre-zoning and comprehensive plan map designation before de-annexation;
- Loss of annual city tax revenue of about \$334 (2018 values and rate).

#### **IV. PUBLIC COMMENTS**

No public comments had been submitted to the record at the time of this staff report.

#### **V. ANALYSIS**

The de-annexation process is the reverse of the annexation process. For annexations, cities have to determine that the benefits of incorporating more land into the City outweighs or balances with costs of serving new areas. They must also establish proper zoning and comp plan map designations for land to be annexed. There are no such requirements for de-annexation. However, the city should confirm the action is fiscally and logistically sound. One way of looking at the proposal is to evaluate the area in light of today's comprehensive plan goals and objectives. Would this land be annexed under today's standards if landowners were seeking to be included in the city limits? Facts that make annexation unlikely are: lack of access to services; isolation from city transportation systems; costs to bring services to the city and the continued costs to maintain. These factors likely outweigh the \$334 in annual city tax revenue currently realized for the site (2018 values).

Comprehensive plan goals and objectives to consider include:

- Section 1.2.7 – New Growth: The adopted City policy requires “new growth” to pay its own way, without causing additional financial burdens on its citizens or reducing the quality of current services.
- Land Use: Land use decisions must address availability of utility services. Goal 4: Safe domestic water supply should be available to all city residents, with users being responsible for the extension and system improvements. General rate payers should not bear the obligation to provide service to new users in areas not currently served by the City water system. Goal 7: Policies and dealings with individual development requests should reflect the “long-term” well-being of the utility capacity and budget availability of the City. Goal 8: Encourages development of land within the City prior to annexation of undeveloped fringe areas. Lands developed on the fringe for eventual annexation should meet City development standards from the outset. Land use policies state that land considered for annexation be contiguous, services are available, fiscal impacts are evaluated, any “deficits” in service provisions or substantial costs be factored into any approval, and annexation agreements be used to mitigate.
- Transportation: Coordinate the transportation system with neighboring jurisdictions

If the City moves forward with the de-annexation process, it should not adopt an ordinance de-annexing the property without confirming the applicants have obtained zoning and comp plan amendments from Boundary County. Otherwise, these lands

will be returned to the county unzoned. A de-annexation agreement has been developed that requires this "pre-zoning," and provides a two-year time frame to complete the County process. The draft agreement has been reviewed by legal counsel and is attached to this report. The applicants have advised that the county process for "pre-zoning" the land has been initiated.

#### **DRAFT MOTIONS BY CITY COUNCIL:**

Motion to Approve: I move to approve the de-annexation of approximately 35.7 acres that are described in File #AN04-19, subject to the conditions of approval, based upon the following findings and reasoned statement (as written or as amended.)

Motion to Continue: I move to continue File #AN04-19 to (date/time/place) to (state reason for continuance).

Motion to Deny: I move to deny the de-annexation of approximately 35.7 acres that are the subject of File #AN04-19, based upon the following findings and reasoned statement (as written or as amended.)

#### **VI. REASONED DECISION**

Reasoned Statement: The de-annexation request **IS/IS NOT** supported by the City of Bonners Ferry comprehensive plan goals and policies, based upon the following findings.

##### Draft Findings:

1. The subject property is contiguous to Boundary County unincorporated lands to the immediate east of the site.
2. The properties are bounded by the BNSF railroad tracks to the south and the Kootenai River to the north.
3. The land is within the floodplain and partially within the hazardous floodway.
4. The land is zoned Industrial and designated Industrial on the Bonners Ferry Future Land Use Map.
5. Residential development of the site is desired. City zoning does not support residential development.
6. Boundary County has designated the land immediately to the east as Residential on its comprehensive plan map and has zoned the lands Residential.
7. There are no water or sewer services to the site. Costs to bring services could be expensive and difficult because a slough and railroad tracks separate the site from city utilities.
8. The site is vacant.
9. There is no direct access to the properties from city-owned and maintained streets. Access is via county roads and private access.
10. Annual revenue from the subject properties is about \$334, based on 2018 values and tax rates.
11. Proper notice of the proposed de-annexation has been given in accord with the Idaho Local Land Use Planning Act requirements for zone changes and comprehensive plan map amendments, and a public hearing has been conducted to consider the request.

**VII. CONDITIONS OF APPROVAL**

1. The de-annexation shall be complete upon adoption of an ordinance by the City Council.
2. Prior to adoption of an ordinance de-annexing the property, the City and applicants shall enter into a de-annexation agreement, which shall at a minimum address the following:
  - i. The pre-approval from Boundary County for amendments to its comprehensive plan future land use map and zoning map, to be effective upon de-annexation.
  - ii. Certain costs associated with legal notifications for de-annexation public hearing.
3. The terms of the annexation agreement shall be completed prior to the adoption of the de-annexation ordinance.
4. Upon de-annexation, the City will amend the official zoning map to reflect the exclusion of the subject land from the incorporated city limits.

**CITY OF BONNERS FERRY, IDAHO  
DE-ANNEXATION AGREEMENT  
SUKENIK, JORDAN TRUST, GAGNIER-ANDERSON TRUST  
(File #AN04-19)**

THIS AGREEMENT is made effective this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between the *City of Bonners Ferry*, 7232 Main Street, Bonners Ferry, Idaho 83805, a municipal corporation organized pursuant to the laws of the State of Idaho, hereinafter termed the “City,” and, **Ronald and Leann Sukenik; Naomi E. Jordan (Revocable Trust) and Mark P. Gagnier and Marla R. Anderson (Gagnier-Anderson Living Trust)**, hereinafter termed the “Owners.”

WHEREAS, the Owners own tracts of land within Bonners Ferry city limits, which the Owners have requested the City de-annexed from the incorporated city limits. Said property for which de-annexation is requested is more particularly described in the attached Exhibit A and illustrated in attached Exhibit B and made a part of this agreement.

WHEREAS, the Mayor and City Council of the City of Bonners Ferry have determined it to be in the best interests of the City to de-annex the lands described above (hereinafter termed “Described Lands”), subject to the Owners performing the conditions hereafter set forth;

WHEREAS, the City and the Owner with the execution of this document agrees to the terms and conditions as set forth therein;

NOW THEREFORE, IN CONSIDERATION of the covenants and conditions set forth herein, the parties agree as follows:

**1. Purpose:**

The owners enter into this Agreement to obtain de-annexation of the Described Lands, while the City seeks to ensure the de-annexation process is carried out in an orderly fashion in cooperation with Boundary County. The Owners acknowledge that city has no duty to de-annex the Described Lands and that the promises of Owners constitutes an inducement for City to do so. The term “Owners” is deemed to include any successor in interest in the Described Lands.

**2. Prerequisites & Conditions:**

Upon proper execution and recordation of this Agreement, and upon performance of the prerequisite steps called for herein, the City will, to the extent lawfully permitted, adopt and thereafter publish an ordinance de-annexing Described Lands. Prior to recordation of the annexation:

**2A.** The Owners shall pay any and all fees associated with the de-annexation process, outlined in paragraph 5.1 herein.

**2B.** The Owners shall submit applications to Boundary County and receive conditional approval upon de-annexation for the amendment of the county’s Future Land Use Map (Comprehensive Plan Map) and official zoning map for the

Described Lands. Proof of completion of this condition shall be provided to the City by the Owners.

2C. The terms of this agreement shall be null and void two (2) years after the execution of this document by the City unless the conditions have been met and a de-annexation ordinance has been recorded.

3. ***De-annexation***

Upon completion of the above prerequisites, the City shall record the de-annexation ordinance and shall adopt a zoning map amendment excluding the lands as described herein.

4. ***Utilities:***

The Described Lands will not be afforded any new city utility services. The City shall have no obligation to provide additional services beyond the corporate city limits.

5. ***Consideration:***

Owner agrees to provide specific consideration to the City in the amounts and at the times specified herein. The sums specified are deemed by the parties to be a reasonable fee for City costs to process the de-annexation request.

5.1 Prior to recording the de-annexation agreement for the Described Lands, the Owners thereof shall pay the appropriate costs associated with processing the de-annexation, agreement and zoning map amendment. The City has determined the reasonable fee to accommodate these.

**Fee Structure: Notification / Mailings      \$Actual Cost**

6. ***Severability:***

Should any provision of this Agreement be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and be interpreted to effectuate the purposes of the entire Agreement to the greatest extent possible.

7. ***Merger and Amendment:***

All promises and prior negotiations of the parties merge into this Agreement. The parties agree that this Agreement shall only be amended in writing and signed by both parties. The parties agree that this Agreement shall not be amended by a change in law. The parties agree that Agreement is not intended to replace any other requirement of City Code and that its execution shall not constitute a waiver of requirements established by City ordinance or other applicable provisions of law.

8. ***Enforcement - Attorney's Fees:***

Should either party require the services of legal counsel to enforce compliance with the terms of this Agreement, the prevailing party shall be entitled to its reasonable attorney's fees and related costs of enforcement.

IN WITNESS WHEREOF, the City of Bonners Ferry has caused this Agreement to be approved by the City Council, executed by its Mayor and City Clerk, and the Owner(s) has executed this Agreement to be effective the day and year first above written.

CITY OF BONNERS FERRY

By: \_\_\_\_\_  
*David Sims, Mayor*

Attest: \_\_\_\_\_  
*Christine McNair, City Clerk*

OWNERS:

By: \_\_\_\_\_  
*Owner*

DRAFT