

Mayor David Anderson called the special council meeting of March 11, 2013 to order at 5:50 p.m. at City Hall. Present for the meeting were Mayor Anderson, Council Members Rick Alonzo, Connie Wells, and Tom Mayo, Clerk Kris Larson, City Administrator Stephen Boorman, City Attorney Will Herrington, Economic Development Coordinator David Sims, and Police Chief Steve Benkula. Also present were Moyie City Mayor Doug Evans, Moyie City Council Members Terry Johnson, Chad Farrens, Steve Economu, and Bart Klaus, Moyie City Clerk Sandy Tompkins, Moyie Maintenance Man John Nelson, Boundary County Commissioner Chairman Dan Dinning and County Commissioner LeAlan Pinkerton, Ken Baker from Boundary Volunteer Ambulance, Melba Onstott, Peach Baker, and Aaron Durham. Bonners Ferry Councilman Mike Klaus was gone on personal business.

The purpose of the special council meeting was to discuss issues with the City of Moyie Springs, Boundary County, and the City of Bonners Ferry.

Mayor Anderson asked if Boundary County would be interested in helping out with the fireworks celebration for insurance purposes. Dan Dinning said they have not made a decision but have been approached.

Attorney Will Herrington gave a presentation on the area of impact. Area of impact statute is Idaho Code 67-6526. He said in Bonners Ferry the area of impact agreement was drawn up after the case that decided what city powers could be within an area of impact. He said Bonners Ferry area of impact agreement reflects legally what can be in an area of impact. Particularly adjacent to cities, cities should have control over some of the decisions made for land development in the area of impact. The city and county should negotiate an area of impact and whether the subdivision ordinance for the county or city will apply, or whether some other jointly agreed upon set of ordinances apply in the area of impact for the city. There was an Ada County case called the Blaha Case that essentially set the rules for areas of impact and Will gave a recap of this case. He said essentially it is the county's operation and can give consideration to the city's subdivision ordinance but, because of the Blaha Case the county would have to adopt the city's subdivision ordinance if they wanted it to apply. The current agreement for area of city impact shows that the county ordinances apply. The reason for the importance of the city area of impact agreements is that they should look at lands likely to be annexed; the geographic location of areas adjacent to the city, the city's trade areas, and other factors that logically say the city should have influence in this area.

Laura Roady, Jerry Higgs, Nancy Maggi, Bob Spalding, Doug Ladely, Sr., Ruth Sutton, Dale Simpson, and Gary Leonard joined the meeting at 6:00 p.m. Mr. and Mrs. Carl Dahlberg joined the meeting at 6:03 p.m.

The current city area of impact agreement was adopted in 2006 and is set up to be reviewed within ten years. The Idaho Code requires cities to look at these agreements every ten years but they can be reviewed with either party wanting to review with notice of 60 days to the other

party. Will said it is not a pleasant process to renegotiate these agreements when each side has a different set of interests. He encourages those involved not to get involved in it unless there is a critical issue requiring involvement. The primary issue for cities is two-fold. Cities need an area of impact ordinance as far as annexation is concerned and cities should have a voice for land use actions that could have a negative impact on the city. The Bonners Ferry/Boundary County agreement says the officials have a 30 day period for supporting or opposing the land use actions in the area of impact. The benefit is that it gives cities voices in the land uses and also annexation in the area of impact. Blaha vs. Ada County says a county has authority outside a city's boundaries. Dan Dinning commented that the county has sent a letter to the city.

Gary Leonard said he is distributing letters to generate funding for the fireworks celebration. He is hopeful to raise \$6,000 but if there is a shortfall he cannot make up the difference. Gary wants to hold the parade at 5:00 p.m. with food vendors to start at 6:00 p.m. and they are looking for entertainment ideas prior to the fireworks event. Doug Evans said Troy does a three on three basketball tournament for kids. Mayor Anderson told Gary that we all appreciate his efforts. Gary said he wants to find an organization to take over the fireworks celebration so he is not solely responsible. Jerry Higgs suggested that Gary speak to the Legion.

Mayor Anderson said the City of Bonners Ferry has a dispatch agreement with Boundary County where we pay for dispatch services each year. He said we pay less than the price for one dispatcher but the issue is that city residents are also county residents paying taxes for this service. He said there are other entities that do not pay for dispatch services and the city would like to see the other entities pay if we are paying for these services. Rick Alonzo said we save the county quite a substantial amount of money by having our police department because if we did not have a police department the Sheriff would have to respond. Rick also thinks that some of the new taxing districts should be paying for dispatch services. Dan Dinning said the original agreement with the city said the city would pay for one dispatcher plus their benefits. He said right now the cost would be \$40,000 to \$50,000 and the agreement is just under \$30,000. Dan said the city has chosen to take advantage of the county's dispatch service. Mayor Anderson asked if there are any federal agencies being dispatched out of the county. LeAlan Pinkerton said the Forest Service pays but he does not think there are other federal agencies that pay. Rick said this is for the campground checks. LeAlan thinks Fish and Game are dispatched by the county and branches of the State are dispatched by the county. Tom Mayo said it seems that city residents are viewed differently than county residents and county residents pay \$160 per year for the Justice Fund. City residents pay this same amount as they are county residents also, and then city residents are taxed another \$140 for dispatch services for the police department, and they have already paid for dispatch services. Dan Dinning said the county also provides the court system for the city and the city gets all the funding. Dan said he does not know a way to go about this that is fair. He said the city has chosen to have a police department and questioned whether the citizens of Boundary County that do not live in the city should provide a free service to the city because the city has chosen an additional level of service. Connie said the dispatchers

work 24 hours per day so the service should be provided. Tom said the city residents are county residents. Rick said the city police provide quite a bit of service to the citizens of Boundary County because they provide 24 hour police coverage to back up the county. Dan said this goes both ways. LeAlan said there are many issues where the city is a benefactor where the county is the bearer and spoke of the court system. He said there are many moving parts. He said until the renegotiation comes up that we are operating under the contract in place but it may be time to look at the issues.

Personal property tax was discussed. Mayor Anderson said there is a proposal by Idaho Association of Counties to eliminate the first \$100,000 of personal property tax per business. Mayor Anderson spoke to the Legislature about the City of Moyie Springs having difficulty with a local option tax as well as the City of Bonners Ferry. Dan Dinning said the school districts and the counties have worked on the last bill being submitted to the Legislature. Idaho Association of Commerce and Industry wanted a full repeal. Dan said some counties are losing up to 48 percent of tax by this proposal. He said the definitions will change through this process. Dan said operating properties will be changed to real property so this will not be looked at again. Stephen said the operating properties have a real impact to the fire departments throughout the State.

Mayor Anderson asked what the status of the county landfill was. Dan said we are up to 13 ton per day but are looking at another 25 years of operation. He said the amount of tonnage going out for recyclables is remarkable. Tom Mayo asked if Claine keeps track of the recyclables being brought in by the City.

The City of Moyie's sewer system was discussed. Doug Evans said the City of Moyie is still waiting to hear from the mill to see if a drain field can be built on their property. The City of Moyie is still in limbo and is not sure what route they will be going. There are 70 customers and the cost is estimated to be 1.2 million dollars for treatment of 100 households. John Nelson said a plan is needed in order to go forward.

Stephen Boorman spoke regarding the Columbia River Treaty between the United States and Canada and portions of this treaty expire in 2024 but other parts go on forever. The flood storage and power agreement between the U.S. and Canada expire in 2024 and a ten year notice is required for renegotiating. He said there are many parties that have interest in renegotiating this treaty particularly the environmental groups as they were not there when the treaty was first negotiated. The farmers could be looking at higher flows in the river. Dan Dinning said we have talked about being engaged and when we get a notice to be sure we are at the table. Tom Mayo said it is important for all parties to be there when there is a meeting. Stephen said he hears about issues through BPA and Army Corps of Engineers. There is a potential to amend the treaty because this would be passed by the United States House and Senate. After 2024 there will be a charge for water storage and much of this money goes into the Canadian general fund rather than to BC Hydro.

Speed limits were discussed. Mayor Anderson said the city would like to see the speed limit on Highway 95 from the golf course to the top of the north hill be 45 miles per hour. Stephen said Damon Allen will be doing a speed study this summer. He is hopeful that the speed limit at Three Mile will show that it could be reduced. Dan Dinning is not sure how the speed studies work. Stephen said most accidents are caused by cars going slow or fast either below the 15 percentile or above the 85 percentile. Long term safety of the speed limit is maximized at setting the speed limit at the 85 percentile. He said it takes a lot of mitigating to get a speed limit changed. Dan does not want a tragic accident dictate the change in speed limits. Doug Evans said the City of Moyie submitted many letters last year and did not get a response. The group discussed speed limits in our area and not wanting any more bad accidents. Dan Dinning said there is not enough money to do the McArthur project as it is estimated to cost 14 million dollars.

Mayor Anderson said the Senate approved to let trucks be 129,000 pounds on some routes in north Idaho. Many mayors wrote letters to our Legislators. He said southern Idaho does not understand break up. He is concerned about the two hills coming into Bonners Ferry and he is fearful about the extra 30,000 pounds on the trucks. Dan thinks the House will be considering the heavier weights later in the week. Dan said the roads need to have a greater distance for turning and corners. Dan got information today that said each jurisdiction will have say for their area. John Nelson said the Moyie Bridge has limits and trucks are supposed to pull permits if they are overweight to cross the bridge. Stopping capacity is a big concern as well. Dan commented that our local truckers will be affected. LeAlan commented on the slick roads and the southern roads are better suited to the heavier trucks. Senator Keough voted against the bill. The bill is for increased weight and length according to Dan. John Nelson said a truck over 90 feet does not fit on the scales at Moyie. Nancy Maggi commented that Crown used to weigh the truck and then the pup. The intersection at Moyie would be a problem and Rick Alonzo commented that the bypass in town would also be a problem. The group discussed the trees near the Moyie Bridge that are causing site distance problems.

Dan Dinning said tomorrow evening at 6:00 p.m. at the Extension Office there will be a meeting with the new Ambulance Board.

Dan Dinning asked how to improve communications between the entities other than these meetings that happen every few months. Mayor Anderson suggested sending the clerks out to lunch every so often. Dan said we are coming up to the time of year for high water. Tom Mayo asked if the county has a suggestion. Dan did not. Mayor Anderson would like to see another joint meeting in May or early June and invite the Corps of Engineers to come speak. Stephen said we have 108 percent snow pack this year and the rains are a big concern. David Sims suggested that the Corps needs to look at the level of the reservoir and start letting water out now if they think there will be a problem. Dan Dinning spoke of the correlation between snow pack and sturgeon. He said the sturgeon flows are based on the amount of snow pack and the releases from the dam compensate for this. The U.S. has good equipment to determine the snow pack but

the Canadians do not have the instrumentation. Dan Dinning said the gentleman who presented the All Hazard Mitigation Plan has become quite knowledgeable about the levies and responsibilities. He said local districts do not have the taxing authority to take care of the levies and have been promised some things that did not happen when the dikes were taken over.

Boundary County will have the next joint meeting.

Mayor Anderson adjourned the meeting at 7:12 p.m.

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David K. Anderson, Mayor

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Kris Larson, City Clerk