

Mayor Anderson called the regularly scheduled meeting of December 18, 2012 to order at 7:07 p.m. Present for the meeting were Mayor Anderson, Council President Mike Klaus, Council Members Rick Alonzo, Connie Wells, and Tom Mayo, Clerk Kris Larson, Deputy Clerk Jean Diel, City Administrator Stephen Boorman, Assistant City Administrator Andrakay Pluid, Police Chief Steve Benkula, Fire Chief Pat Warkentin, and City Attorney Will Herrington. Also present were Phil Lowman, Louis and Nancy Maggi, Mike Sloan, Ruth Sutton, Dale Simpson, Bob Spalding, Tremain Albright, Carolyn Testa, Robert Karlac, Rich Beck, Doug Ladely, Sr., Jessica Tingley, Adam Arthur, Dave Gray, Aaron Durham, Cody and Sheryl Pulis, Eileen Marcotte, Laura Roady, and Al Brown. Alison Henslee and John Cummings arrived late.

Mayor Anderson opened the public hearing on the comprehensive plan amendments and land use map at 7:08 p.m. He gave the hearing procedures.

Stephen Boorman gave the staff report for the comprehensive plan amendment and land use map. He said the Planning and Zoning (P&Z) Committee recommended adoption of the amendments to the comp plan. Will Herrington said that the P&Z recommended changes in the agricultural section that are in the draft in front of council. Stephen said the changes were made from farm crops such as alfalfa to just farm crops and farming related businesses rather than just grain elevators and feed stores. P&Z wanted to keep this section general so it could include all agricultural businesses.

Clerk Kris Larson read Ruth Sutton's comments into the record. Ruth was in opposition to the proposal.

There was no other public comment so the Mayor closed the hearing.

Mayor Anderson recessed the meeting for ten minutes.

At 7:20 p.m. the Mayor reconvened the meeting.

Police Chief Steve Benkula said the burglaries have subsided on the South Hill and some of the items have been recovered but there is still work to do. There have been 20 reports taken over the past two weeks. There have been five warrant arrests, one DUI, one runaway, two petty thefts, one lude and lascivious, one driving without privileges, and one disorderly.

Fire Chief Pat Warkentin said the fire department has been quiet but there has been training.

Stephen said there has been a fair bit of snow plowing and the street department cleared downtown but by the time the businesses opened there was a lot more snow downtown due to the snowstorm. There is vibration on Unit 3 at the power plant and it will be run at limited capacity until it is repaired, probably next fall. He also said there have been some electrical problems that are being chased out.

Mike Klaus moved to approve the consent agenda. Connie Wells seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”. The consent agenda contained the following: roll call; approval of accounts payable and payroll; approval of the December 4, 2012 council meeting minutes and approval of the December 11, 2012 special council meeting minutes.

Mike Klaus moved to approve Resolution 2012-12-01 Adopting a Comprehensive Plan and Map Amendment. Connie Wells seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “no”, Connie Wells “yes”, Tom Mayo “yes”. Resolution 2012-12-01 reads as follows:

**BONNERS FERRY RESOLUTION NO. 2012-12-01
RESOLUTION ADOPTING A COMPREHENSIVE PLAN AND MAP AMENDMENT**

WHEREAS, Idaho’s Local Planning Act, Idaho Code Title 67, Chapter 65, requires Idaho cities to carry out planning duties necessary for the development and amending of a Comprehensive Plan Future Land Use Map and Comprehensive Plan Text; and

WHEREAS, the City of Bonners Ferry has prepared an Amendment to the Comprehensive Plan text and the Future Land Use Map to meet minimal Idaho Code requirements; and

WHEREAS, public hearings have been held within the City in compliance with provisions of the Local Planning Act and the Planning and Zoning Commission has provided a recommendation concerning the proposed amendment to the Comprehensive Plan text and Future Land Use Map.

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

1. That the Bonners Ferry City Council hereby adopts the attached Amended Comprehensive Plan text and Future Land Use Map. The Comprehensive Plan changes adopted by this Resolution shall supersede any conflicting provisions in the previous Bonners Ferry Comprehensive Plan text and Future Land Use Map.
2. One copy of the Bonners Ferry Comprehensive Plan map and text amendment shall be maintained on file in the office of the City Clerk. Individual copies may be purchased for the cost of production from the City Clerk. Supporting data for the text of the Comprehensive Plan will be available electronically and may be accessed through the internet or obtained from the City in an electronic format.
3. Bonners Ferry staff is hereby authorized to post on the City’s website for the convenience of the public an electronic version of the text of the Comprehensive Plan bearing the date of adoption and to provide links to the supporting data. The electronic version posted on the website is not intended to be relied upon as the official version of the Plan. The official Bonners Ferry Comprehensive plan will be the copy on file with the City Clerk, which bears the date of adoption set forth below.

This Resolution is **ADOPTED** and made **EFFECTIVE** this 18th day of December, 2012.

City of Bonners Ferry, Idaho
/s/David Anderson, Mayor

Attest: /s/Kris Larson, City Clerk

7.1 Agriculture

Agriculture is a major industry in Boundary County. Within the municipal boundaries, there is a limited amount of property that is used to raise farm crops. There are grain elevators and feed stores located in Bonners Ferry, along with other farming related businesses.

The City of Bonners Ferry recognizes the right to farm as a natural right, as per Idaho code Title 22 Chapter 45.

9.45 National Interest Electric Transmission Corridors

The City of Bonners Ferry has not been notified by the Public Utilities Commission that a federally designated national interest electric transmission corridor exists or is being planned within Bonners Ferry.

15.3 Comprehensive Plan Map

The Comprehensive Plan Map provides direction for how land is expected to be used within the City of Bonners Ferry. The boundaries delineating types of uses are not finite but outline a general area for designated activities. Boundary lines for types of use are generally within three hundred feet (300) feet of delineating the proposed area. This generality shall be taken into consideration when determining future zoning and land use decisions in areas adjacent to any boundary, as set forth on the maps. The Map includes three basic categories of land use, which are described briefly below:

Residential. The Residential designation is intended to support zoning districts allowing a range of housing types and densities. The Residential designation also allows for certain public uses such as parks, fire and police facilities and K-12 schools.

Commercial. The Commercial designation is intended to support zoning districts that allow commercial uses. The Commercial designation also allows for single and multi-family dwellings, public utility structures, and certain public uses such as parks, fire and police facilities and schools.

Industrial. The Industrial designation is intended to support industrial, manufacturing, warehousing and wholesale business establishments. The Industrial designation also allows for certain public uses such as parks and fire and police facilities.

Plan District–Zoning District Conversion Table. Table 15.3-1 below indicates which zoning districts shall be allowed within each designation. When annexation of land occurs, zoning will be assigned that is consistent with existing land use and the land use of adjacent areas.

Table 15.3-1 Plan Designation - Zoning District Conversion

Plan Designation	Zoning District Permitted

Residential	Residential AA Residential A Residential B
Commercial	Commercial Medical
Industrial	Industrial

Mike Klaus spoke regarding annexation. He thanked the public for their comments on the proposed annexation and said he read all of them and listened to the hearing speakers on December 11, 2012. He said Loretta Hunsaker mentioned that the city did not build consensus during the process and he apologized about not doing that. He also commented on Rich Beck's letter in the paper and said his comments were right on and he appreciated that. He said if council could do this process over again consensus would be worked on. He said when attorneys get involved it is hard to say much because the process is started and it eliminates the mediation process. Also it is hard to express your opinions until there is a public hearing. He said not wanting to give up independence and rights is understood, and this was expressed in Maggi's letter. There was a map of the annexation area displayed overhead for the group to view. He said, in his opinion, it is not in the best interest of the city to annex the majority of the annexation area and showed area 1 out near the State shop and LaBrosse Hill Road. He said annexation is in the best interest of the 2600 residents in the City of Bonners Ferry. He said City Council is responsible for taking care of the people in the city limits and spoke to the comments made by Fonda Jovick at the annexation hearing. He went over the reasons for the change in his opinion. He believes that water and sewer capacity should be reserved for city limits residents and not be for those outside the city limits. He said he suggests that those in area 1 form their own water and sewer facility. He said the city has water and sewer capacity to serve them but wants to reserve city water and sewer for those who want to have city services and are in the city limits. He said this scenario would give them more independence and freedom from the city. Mike gave an example of a new business coming to town that needs water and sewer services and the city not having the capacity to serve them because we are serving customers outside city limits that do not want our services. He has spoken to an engineer doing our sewer study for upgrades that are needed outside the city limits in the annexation area. Mike showed a map of the four sewer lift stations serving the area of the proposed annexation area. Mike said the lift stations were installed in approximately 1972 and all four of the lift stations are at the end of their life cycle. He questioned what it is going to cost and what is needed to upgrade the lift stations. He said 30 percent of lift station five's capacity serves the area south of town and about half of the capacity of lift station six also serves that area. He gave preliminary numbers of the cost of those upgrades. The upgrade on lift station number five is over \$1 million. He said 30 percent of this would be \$378,000. The estimated cost of lift station six is \$500,000 and the portion for those south of town would be \$250,000, lift station 7 is \$500,000, and lift station 8 is \$500,000 for a

total of \$1.628 million. Mike estimates the raw estimate to be \$1.21 million for the upgrades needed to the lift stations for outside the city limits customers. He also said the waste water treatment lagoons, transmission, and pump stations will need upgraded. When we go out for bonding to rebuild the lift stations there will be a burden to the customers. He said if we have approximately 150 customers outside the city limits there is a potential for the costs to be borne by those outside the city limits. He said it may be in the best interest of the city residents and those outside the city limits for those outside the city limits to have their own systems.

Mike said what he heard at the public hearing was that the Paradise Valley Fire District (PVFD) can respond to a fire in the annexation area in three minutes and they too are against the annexation. He said this means that we don't need the mutual aid agreement with PVFD and this could be eliminated in early 2013 because right now, it is not mutual.

Mike also viewed parcels 2, 3, 4, and 5 of the proposed annexation area and said it does not make sense for the county to serve this area. He said these driveways join city streets that are maintained by the city, and it makes sense for police and fire from the city to serve these areas. He said basically what city council has heard is that people outside the city limits do not really care for the city, do not want to be in it, and do not want our services. He will be glad to assist those outside city limits, in any way he can, to maintain their independence and freedom by helping them eliminate their dependence on city services that are currently provided.

Rick Alonzo said he was not on council when the annexation process started a little over a year ago and he did not have anything to do with the initial vote. He has been against annexation since the start. His main reason is that we live in America and it is a free country to live where you want and the people that live outside city limits do so because they have a lifestyle conducive to a rural setting where you can have farm animals and shoot guns if it is safe to do so. He also said if those outside city limits want to be in the city limits, they should request it like the Marx Subdivision residents did. He also spoke of mutual aid agreements for police and fire. He said this is the city responding when requested and does not have anything to do with annexation. Rick said we do not patrol county residences like we do city residences. He said there is black and white and there are shades of gray. He said just because the law says we can do this does not mean we should do this.

Connie said she has listened to all the comments and respects the opinions but she thinks it is in the best interest of our community as a whole to go forward with annexation and all to be a part of the city.

Tom Mayo agreed with Connie's comments and said council got into this because they were representing the city residents and thought it was in their best interest. There has been a lot of stress with this and he still supports the issue and does not want to deny those in the annexation area the opportunity to vote him out of office next year.

Rick Alonzo commented that at the public hearing there was no one speaking in favor of annexation, as all the comments were in opposition.

Mayor Anderson stated his opinion. He appreciated the opinions of those in the annexation area, and said that the open public meeting is not an easy place for some of those to be. He said Attorney Jovick wants to hear one justifiable reason why the City of Bonners Ferry wants to annex this area. He said south is the direction the city is headed. In October, 1978 he came across the long bridge in Sandpoint and gave the history as he recalled it, and he was surprised that the rich had not found the area with the ski mountain and the lake. Dave said his ultimate destination was Bonners Ferry and at the time questioned why there were no homes on the rim properties. It is obvious that the city is going to grow to the south. He gave examples of Twin Falls and Shoshone, Idaho and the growth experienced there due to people working in Sun Valley and Hailey where it is too expensive for service workers to live. People are going to come here and build homes here because it is affordable. He said the bulk of the reason for the annexation is just this.

Mayor Anderson spoke of higher traffic counts the past ten years in the south compared to those in the east and west and north. He thinks the city should be proactive out in that area with drainage, traffic, zoning, and upgrading services needed. Rural lifestyle was defined by the Mayor to be letting your dog out and not worrying that he would kill the neighbor's cat. He said you cannot shoot ducks off the back step without hitting plate glass or a neighbor or children, because the area being considered is urbanized. He said Dallas Lane is a subdivision and the two trailer courts are examples of urban sprawl, all the more reason for the city to get involved in that area.

Mayor Anderson said the question has been asked what people are getting for their money. With the exception of improved city street maintenance the annexation area is already getting what the city has to offer. He said in these dealings he does not represent the annexation area, and a better question might be, why should we be serving you? To a degree the outside city limits customers are paying their fair share for water and sewer, but the problem is that in a cost of service study the true indicator is city residents are holding the bill on a \$2 million bond to upgrade the water system, and those outside the city limits are not. He said the city does have the risk of the water bond, and those outside city limits do not.

Mayor Anderson said eventually there will probably be a district-wide fire and ambulance service department for the entire county. He said if a home in the annexation area is saved from fire it will be done by the City of Bonners Ferry. He spoke of life or death and police actions and said the county does a pretty good job with our police force as a backup. Mayor Anderson is not sure annexation is passing the fairness test when he sees the area that needs to be zoned and roads to be improved and services and infrastructure that need to be upgraded. Ideologically, he thinks the city should be there. He wants to direct more traffic to the southern end of the town because we already have traffic jams. Realistically, he does not think we can do it because we

are stretched now with manpower and dollars. He knows that the growth area is south of town but does not think the city is in the position to make the roads better and fix the drainage.

The Mayor's opinion is that absolutely no one should have city water and sewer outside the city limits. He said the sewer is going to be a huge boon dagggle for bonding for sewer improvements and annexation would help. He thinks outside city limit customers are getting a better deal for water and sewer than he is. Mayor Anderson said it was mentioned by several people in the annexation area about paying more for water and sewer, but this was not ever a money grab, it was for growth. He constantly fights the battle with the Forest Service for our water and spoke of the fights he endears on behalf of the City of Bonners Ferry for our customers, and he does not want to fight these fights for those outside city limits. He is fine if the annexation does go forward but he is also fine if it does not because he is questioning fairness. Picking up the outside city limits customers is not fair to the status quo. Mayor Anderson said he thinks we went about this the wrong way and should have come before the people in the annexation area first and explained this better. He said we more than welcome the annexation folks to set up their own water and sewer systems, but the cost is prohibitive. The regulations are getting tighter and tighter with OSHA and energy exploration and the environmental side. The inevitability will be a chemical sewer plant, and that cost is huge. He wants to pursue an equalization of the burden for our utilities.

Mayor Anderson said he has rethought his feelings on annexation, and he has given it the percentage test. He must feel totally confident that there is an 85 percent solid strike for him. He is feeling only about 60 percent. He empathizes with those people in the PVFD whose taxes have changed at no fault of their own. He empathizes with the people of Bonners Ferry who are sharing their fire and police departments with others that do not share in the cost. He said if you buy a property within a half mile of the city limits and expect it to remain rural for 40 years you are delusional. He has not consulted with Mike in any way shape or form, but he would be in favor of Mike's proposal for those areas he suggested that use our streets solely and are surrounded by city limits. He says the status quo will not go on as it has, because all those using city services will share the burden of the needed repairs. Mayor Anderson said all rates will be going up because we have very little reserve and spoke of the hearings that will be coming. He said part of the reason the city gets in trouble is because we know the facts and don't get the word out.

Connie Wells moved to adopt the 2012 annexation plan. Tom Mayo seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “no”, Connie Wells “yes”, Tom Mayo “yes”.

Connie Wells moved to adopt the 2012 findings and conclusions and read them into the record. They are as follows:

1. Adoption of the Current Annexation Plan. The prior annexation plan was approved by the court; the current Plan is an improved and extended version. This plan adequately provides for integration of the properties being annexed and demonstrates minimal impact on public services.

2. That other government entities are not seriously adversely affected by this property being annexed into the City.
3. That the annexation of this property is a logical extension of the City boundary.
4. That the annexation is consistent with public purposes and necessary for the orderly development of the City because:
 - a. The properties in the annexation area have developed in an urban configuration, with lots averaging less than an acre in size;
 - b. The properties in the annexation area benefit from the City's services and amenities;
 - c. The City will benefit from having some controls over adjacent land uses;
 - d. Leaving this area outside the City could limit future growth of the City.
5. Existing municipal infrastructure and services would benefit and not be adversely affected by annexation of this property.
6. That the City currently provides electrical, sewage and water services to the area, its residents have been free to use city parks, streets and other amenities, and due to this property's adjacency, the City is in a position to extend and provide all remaining City services immediately.
7. That maintenance of streets, parks, alleys and utilities would continue to be adequately funded by the City with tax revenues and utility rates;
8. Utilities can be extended, improved or enhanced without reducing the level of service to existing city residents.
9. That the Planning and Zoning Commission has recommended approval of the zones proposed and the Plan designations in the Annexation Plan; the designations in the annexation plan are appropriate.
10. The proposed zones are compatible with adjacent city zones and existing land uses.
11. That, consistent with Idaho Code, the consent of landowners is implied because they have received utility services from the City prior to 2008.
12. Residents of the South Hill Water and Sewer District, which the annexation area was part of, voted in favor of merging with the City water and sewer systems in 2005 by a vote of 36 to 15. There was no contractual agreement discussing or limiting future annexation as part of this merger.
13. That the fiscal impact analysis is adequately addressed in the Annexation Plan.
14. That the Annexation is harmonious with and in accordance with specific goals and policies of applicable components of the City's Comprehensive Plan.
15. That the Annexation would promote the public health, safety and welfare.
16. The area does not have any significant topographical or soil constraints nor have any potential natural hazards.
17. That the annexation is not an unconstitutional taking.
18. Notice and Hearing procedures have been followed and provided according to Idaho Code in that notices of the Initial Annexation were mailed and published more than 28 days in advance of the initial hearing and notices of the subsequent hearing were mailed and published more than 15 days prior to that hearing.

Based on the foregoing findings and in accordance with Idaho Code requirements, the following specific findings and conclusions must be adopted:

- (A) The land to be annexed meets the applicable requirements of this Idaho Code 50-222 and does not fall within the exceptions or conditional exceptions contained in that section;
- (B) The annexation would be consistent with the public purposes addressed in the Annexation Plan based on the foregoing findings and because the City is better able to provide public services to this area than other government entities;
- (C) The annexation is reasonably necessary for the orderly development of the city because of the manner in which this area has developed and the manner in which the areas adjacent to it may develop. Tom Mayo seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “no”, Connie Wells “yes”, Tom Mayo “yes”.

Connie Wells moved to consider adoption of the annexation ordinance. Tom Mayo seconded the motion. The motion failed – Mike Klaus “no”, Rick Alonzo “no”, Connie Wells “yes”, Tom “yes”, Mayor “no”.

Rick Alonzo moved to approve the beverage licenses as listed in the packet for 2013. Mike Klaus seconded the motion. The motion passed, all in favor. (Clerk's note: the licenses were for the following: Akins Harvest Foods, Bonners Ferry Conoco, Cenex Zip Trip, Eagles, Kootenai Brewing Company, Kootenai River Inn, Lane 9, The Legion, Mario's Restaurant, Mugsy's, Papa Byrd's, Pizza Factory, Safeway, Inc., South Hill Mini Mart, Super 1, The Pearl Theater, and Under the Sun).

Tom moved to approve the catering permit for the Eagles for the City Christmas party at Chic N Chop on December 21, 2012. Connie Wells seconded the motion. The motion passed, all in favor.

Police Chief Steve Benkula said there are a number of bicycles that have been brought in over a period of time and they need some repairs. Jay Wages has offered to do the repairs for the bikes so we can donate them. Rick Alonzo moved to approve that Jay Wages and JB's Tire fix the abandoned bicycles for donation to needy children. Mike Klaus seconded motion and it passed, all in favor.

Stephen explained the need to purchase a runner and case rings for Unit 3 at the power plant due to vibration issues. Mike Klaus moved to approve the purchase of a runner and case rings for Unit 3. Connie Wells seconded the motion. The motion passed – Mike Klaus “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Tom Mayo “yes”.

Mayor Anderson would like to move the first meeting in January to Wednesday, January 2nd. Rick Alonzo moved to set the first meeting in January for Wednesday, January 2, 2013. Mike Klaus seconded the motion. The motion passed, all in favor.

There being no further business the meeting adjourned at 8:19 p.m.

David K. Anderson, Mayor

Attest:

Kris Larson, City Clerk