

Mayor Darrell Kerby called the special meeting of March 28, 2006 to order at 2:07 p.m. at the Boundary County Extension Office. Present for the meeting were Mayor Kerby, Council President Russ Docherty, Council Members John Langs, Leslie Falcon, and Dave Gray, Clerk Kris Larson, City Administrator Stephen Boorman, Street Superintendent John Youngwirth, and Planning and Zoning Coordinator Gary Falcon. Also present were Boundary County Commissioner Chairman Ron Smith, Boundary County Commissioner Dan Dinning, Boundary County Commissioner Secretary Michelle Rohrwasser, Boundary County Planning and Zoning Coordinator Mike Weland, Roko Govorchin, Judith Holly Beaudet, Bruce and Karen Martins, Bob Delgrosso, and Elizabeth Ciepiela from the Bonners Ferry Herald. Laura Snider and Ruth Hoglan joined the meeting late.

The purpose of the special meeting was to hold a joint hearing with Boundary County to discuss the area of impact.

Mayor Kerby called the area of impact hearing to order and turned it over to Boundary County Commissioner Chairman Ron Smith. Ron Smith explained the hearing procedures to the group. Dave Gray moved to adopt the same hearing procedures the county was using for the city to follow for this hearing. Leslie Falcon seconded the motion and it passed, all in favor.

Ron informed the group that a hearing had been held in May, 2005 with the city but one of the areas outlined in the area of impact did not receive consensus between the city and the county and that is the reason for the hearing today as the city requested the county to reconsider. Ron said the county is also proposing to add property to the area of impact in Area B. He also said that written requests were received last week from two property owners to omit their properties from Area A. The requests were from Harry and Marjorie Gwinn and Cassandra and Patrick Phillips.

Ron opened the hearing to public testimony in opposition. Judith Holly Beaudet living at 6231 Alder Street spoke to the group. She requested a two year environmental impact study on water run off and the effects storm water run off is having on the Kootenai River. She also asked that Ordinance 499 of the City of Bonners Ferry be moot and that the environmental study be done on all the proposed area in the area of impact. Mayor Kerby informed Ms. Beaudet that the hearing today was not for annexation. Ms. Beaudet said that annexation was on the City Council agenda twice at the last meeting. Mayor Kerby told her the annexation items were the for Taft property. Stephen Boorman commented that the potential buyers of the property were Cynthia Slane and Tim Rhinevault. Ms. Beaudet said she was concerned about the City of Bonners Ferry rushing this through and not taking into account the landowners' opinions. She spoke of "unjust enrichment" and said she would like to see clearly written grants concerning imminent domain and adverse condemnation.

Dan Dinning explained the hearing was for a discussion between the City of Bonners Ferry and Boundary County concerning the area of impact and explained that county laws would prevail. Mayor Kerby commented that many of the items being spoken to by

Ms. Beaudet would be brought up at future annexation discussions and that they are being considered by City Council to protect the citizens but today's hearing is not the proper venue. He further explained that the city has legal standing to challenge actions in court for actions taken in the area of impact. Mayor Kerby said Ms. Beaudet's comments today would be more appropriate for the annexation hearing. Ron Smith read a section from Ordinance 499 and questioned the city's duty to sign off on subdivision proposed in the area of impact. Ms. Beaudet spoke of thermal updrafts of the Taft property, violent weather, and drainage without curb and gutter.

Karen Martins spoke and said she supports the wishes of Gwinn's and Phillip's and asked that their properties be removed from the area of impact.

Ms. Beaudet spoke about cat licenses in the City of Bonners Ferry and Russ Docherty told her there was not cat license ordinance in the Bonners Ferry.

Laura Snider, an Alder Street resident, asked if there were plans to open up the old Paradise Valley road. Ron Smith said there were no plans by the county. Mayor Kerby said the Rhinevault property may require roads and they are working with engineers but right now the city has no plans and the city will not condemn property on behalf of private landowners. Ms. Beaudet asked that action be taken on the old Paradise Valley road. Ron said no action can be taken at this point. Dan clarified that Ms. Beaudet was against condemnation. She agreed.

At 2:43 p.m. Ron Smith closed the public hearing for public comment and opened it for official's comments.

Leslie Falcon moved to close the area of impact hearing. John Langs seconded the motion and it passed, all in favor.

Russ Docherty inquired about the two properties requesting to be left out of the area of impact. Dan Dinning commented that the two parcels are not on the peripheral of the area of impact.

Adjustment to Area B of the area of impact would be to run the line on the section line and include a portion of the Dave Walter property and a portion of the Copeland property. Mayor Kerby commented that the residents in Area B have previously received raw water from the Myrtle Creek transmission line but that is now illegal so the city has run a new waterline with treated water provided by the city to these residences. He expressed concern about a resident in District 1 that does not want treated water. Stephen Boorman thought the issue was not a problem. Mayor Kerby turned the meeting over to Council President Russ Docherty at 2:52 p.m. The group continued to discuss the area of impact.

At 3:00 p.m. Mayor Kerby returned to the meeting.

Leslie Falcon moved to approve the amended Area B as shown on the area of impact map including the boundary to be on the section line running north to the river; approve Area C; and approve Area A as originally proposed today. Russ Docherty seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Leslie Falcon “yes”, Dave Gray “yes”.

Leslie Falcon moved to have the first reading of Ordinance 499 in its entirety. John Langs seconded the motion. The motion passed, all in favor. Clerk Larson read Ordinance 499. Leslie requested that the second and third readings be done at the City Council meeting on April 4, 2006 so that the County Legal Department has time to review the ordinance. Dave Gray seconded the motion. The motion passed, all in favor.

Ron Smith closed the public hearing for the county.

There being no further action by the City Council, Mayor Kerby adjourned the meeting at 3:07 p.m.

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Darrell Kerby, Mayor

Attest:

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Kris Larson, City Clerk