

Council President Mick Mellett called the special council meeting to order at 1:30 p.m. on May 23, 2005 at the Boundary County Extension Office. Present for the meeting were Council President Mick Mellett, Council Members Russ Docherty and Leslie Falcon, City Clerk Kris Larson, City Administrator Stephen Boorman, Planning and Zoning Coordinator Gary Falcon, and Economic Development Coordinator Robin Ponsness. Also present were Boundary County Commissioners Ron Smith, Dan Dinning, and Walt Kirby, Boundary County Deputy Clerk Michelle Wallace, County Planning and Zoning Coordinator Rae Jean Adams, and County Clerk Glenda Poston. Lucy Dukes from the Bonners Ferry Herald and Road and Bridge Superintendent Jeff Gutshall joined the meeting after it was in progress.

The purpose of the special meeting was to participate in the area of impact hearing for Boundary County at the Boundary County Extension Office.

Stephen Boorman gave an opening statement for the City of Bonners Ferry. He said this area of impact proposal is the second proposal submitted and it contains three areas that have potential for urban development that would compliment the City. If the area of impact were extended to these areas it would give the City the right to comment on subdivisions being proposed in these areas. He also said that City utilities serve all these areas.

Mick Mellett commented that the area of impact would allow the City to go to hearings and testify and give comment as an affected party.

Ron Smith commented on roads and how we need to look into the future.

Gary Falcon said the City has no jurisdiction in the area of impact.

Dan Dinning inquired about the location of the proposed areas of impact and asked if the City provided water to residents above the south, north, or city tanks. He asked if it would be prudent to use an elevation factor. Dan said previously residents above Paradise Valley road were opposed to the extension of the area of impact.

Gary said sometimes residents want other services such as fire protection not just utilities.

Russ Docherty asked if negotiations would be had after the hearing closed. Commissioners said there would be no public comment.

Dan Dinning said he had no problem with proposed area "B" and there was no opposition at the hearings he attended. He said in area "C" there was one resident who was opposed. He thought area "A" may be reaching a bit far but doesn't know how to define it better. Walt Kirby said he was not opposed to the area of impact plan. Ron Smith said he had no opposition to area "B". He suggested that the top area in proposed area "A" go to the County and the land below the hill go to the City. He said he thought there were landowners opposed to area "C". Dan commented that Craig Hubbard was opposed. Russ Docherty said the area of impact really doesn't mean anything. Dan said the

concern of the property owners is that since they are on City utilities they would have no vote on annexation.

Mick Mellett commented that if the area of impact is approved that the City would be at the table to make comments and use the area of impact as a planning tool. Mick said the proposed areas of impact have potential to affect the City's future development and he sees no reason to alter the proposed boundaries. Russ Docherty commented that when the Marx Addition was annexed it only increased the City's revenue by about \$8,000 to \$10,000. Leslie Falcon commented that the last two annexations done by the City were done at the request of the residents. She said because there has not been planning that growth is becoming a problem and there won't be a place for business growth. Walt Kirby said the City has been faced with the same growth problems as the County due to lack of planning.

Mick Mellett said the area of impact is a planning tool and today's discussion is requesting a voice when issues come up. He said cities used to have a mile around their boundaries but now they don't have that option so the extended area of impact is needed.

Ron Smith said area "B" has no resident complaints. Dan Dinning proposed by motion to adopt area "B" into the area of impact. Walt Kirby seconded the motion and it passed, all in favor. Dan asked if the City was in agreement. Mick said the Council will vote but since it is the City's proposal there is no reason to think they would not be. Russ Docherty moved to accept area "B" into the area of impact. Leslie Falcon seconded the motion. Area "B" is in Township 62 North, Range 1 East, Section 33 more particularly described as the northeast quarter less the area within the existing city limits of Bonners Ferry as of May, 2005 and the southeast quarter less the area within the existing city limits as of May, 2005. The motion passed – all in favor.

The meeting recessed at 2:20 p.m. so Gary Falcon could research property ownership. The meeting reconvened at 2:32 p.m. The group discussed the area "A" boundary.

Dan Dinning moved to accept amended area "A" (Paradise area) of the City's current area of impact in Township 61 North, Range 1 East, Section 3 more particularly described as the southeast quarter of the northwest quarter and the northeast quarter less the southeast quarter and the area in Township 62 North, Range 1 East, Section 34 more particularly described as the southwest quarter of the southeast quarter and a portion in the northwest quarter of the southeast quarter from the north line of the southwest quarter of the southeast quarter to the existing city limits as of May, 2005. Walt Kirby seconded the motion and it passed, all in favor. Leslie Falcon moved to accept area "A" with the exceptions listed in reference to the GIS map. Russ Docherty seconded the motion and it passed – Russ Docherty "yes", Leslie Falcon "yes", Mick Mellett "abstained".

The group discussed area "C". Walt Kirby does not think it should be zoned industrial because it would be going right through town. Leslie Falcon said this cross sections a large city are and would like some say if something were to develop in area "C" and wants a voice in future actions. Mick Mellett said it is flat developable land adjacent to

the City and if it is developed the City should have say so in what happens. Ron Smith said the only reason the City want this in the area of impact is so they can annex the property. Walt Kirby asked about the flood plain and drainage districts. Dan Dinning said he thinks all the valley floor is in the flood plain. Gary said the dike protects this area so FEMA allows residential buildings in it. Ron said he does not have a problem with area "C" being in the area of impact but the fear of annexation is there. Mick said he doesn't look at it as an annexation issue but as a planning issue and the City needs to have a voice. Dan agreed with Mick but is bothered by private property rights being affected and thinks the County can enter into an agreement with the City for a mile outside City limits. Mick said taxes are not affected by the area of impact but annexation could be a possibility and he thinks the contract could be challenged. Ron Smith said whether the area is in the area of impact or not there is nothing the City can actually do. Walt Kirby moved to table the area "C" decision and get legal advice and set a future date to look at area "C". Dan seconded the motion for discussion. Ron said if the issue is tabled it must be brought back with the City and he feels that the issue should be settled. The motion failed.

Dan Dinning moved to not accept area "C" in the area of impact. Walt Kirby seconded the motion. The motion passed – Dan Dinning "yes", Walt Kirby "yes", Ron Smith "no".

Dan Dinning thanked the City for their input.

Russ Docherty tabled City action until the next meeting. Leslie Falcon seconded the motion. The motion passed, all in favor.

The meeting adjourned at 3:16 p.m.

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Mick Mellett, Council President

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Kris Larson, City Clerk