

Mayor David Sims called the Council meeting of February 19, 2019 to order at 6:00 pm. Present for the meeting were: Council President Rick Alonzo, Council Members Adam Arthur, Valerie Thompson and Ron Smith. Also present were: City Engineer Mike Klaus, City Administrator Lisa Ailport, Fire Chief Dave Winey, City Attorney Andrakay Pluid, Economic Director Dennis Weed, Police Chief Brian Zimmerman, Clerk/Treasurer Christine McNair and Contract Planner Clare Marley. Members of the public present were: Marciavee Cossette, Jerry Higgs, Dave Gray, Dottie Gray, Jessica Tingley, Craig Kelson, Dawn Wagner, Dolf (Kris) Lonborg, Lillian Lonborg, Denise Crichton, Marty Martinez and Ralph Lotspeich.

Dottie Gray gave a presentation about Idaho Day. The Historical Society will take the fourth grade children back to 1919. The children will receive a tour of the two main blocks of town, starting in Jumbo's restaurant (City Hall) and ending at the Light and Water office (the museum). The children will then draw a picture of something they learned during the day. The drawings will be on display at the museum until early summer. Idaho Day will be March 4th, March 5th and March 6th at 10am and 1pm.

Denise Crichton thanked Fire Chief Winey for his diligence in plowing the sidewalks.

Craig Kelson said a US Forest Service representative spoke to the Human Rights Task Force regarding the summer seasonal employees to make them feel welcome. Craig said there have been incidents at the grocery store that have not been pleasant for the kids. The task force is planning a welcoming get together for the kids when they arrive. Dawn Wagner said these incidents have happened every summer and she is hoping to make a change.

City Administrator, Lisa Ailport showed a picture of the new synthetic ice rink, purchased with High 5 dollars, that has been installed on the slab, at the fairgrounds and will be up until April. Lisa said there are some challenges with our large snow blower that removes the snow from the downtown area. The City of Sandpoint has a snow blower for sale, she will continue having conversations to find out if this is a piece of equipment that will work for us. The transportation plan will be published Thursday and the public comment period will be open until March 7, 2019. The bike/ped plan is still in progress and requires additional work.

City Engineer, Mike Klaus said the pump testing will start tomorrow for the new well on Dakota Street. The parts for the pool skimmer system will hopefully arrive this weekend and will be installed next week.

Economic Development Coordinator, Dennis Weed said Ed Katz, with Cabinet Mountain Water gave a presentation at the board meeting. The Urban Renewal Agency (URA) will meet March 13, 2019. Shopko is closing most of the West Coast stores. Libby, Old Town and Coeur d' Alene stores will remain open.

Rick Alonzo moved to approve the consent agenda. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes.

Lisa Ailport said she was hoping to have confirmation from URA to help cover costs for the Federal Land Access Program (FLAP) grant. This will be a walking path along Riverside Street, from Main Street to the City Limits. Century west will help prepare the application with URA to help fund the cost. Valerie Thompson moved to authorize the Mayor to sign the contract with Century West to complete the engineering services for the proposed Riverside project application. Rick Alonzo seconded the motion. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes.

Lisa Ailport said she was directed by Council, about a year ago to bring forward a policy for banner signs for the poles, near the flag poles. She presented a draft policy and is hoping Council will give her direction. Mayor Sims said he would like to table this, to give Council some time to think about it. Valerie said she did not see anything in the policy about a time frame for the banner to be displayed. Adam asked how many signs can be placed at one time. Lisa said there was room for four signs and she is hoping that will be possible again.

Mayor Sims said he had met with Ralph regarding a proposed contract for the golf course. Ralph said he is proposing a ten year lease for \$1.00 per year and Ralph will be the risk taker. Ralph will be paying all of the expenses and purchase all of the equipment. If Ralph needs repairs, he will pay Jimmy to make the repairs. Any golf course issues, such as season passes or cart sheds, will not come before Council anymore, Ralph will take care of all of that. Ralph will put five percent of the revenue from the season passes, green fees into a fund for future improvements to the golf course, which Ralph will be in charge of. Mayor Sims said the City will still have a significant liability and no income. All the capital needs will still be the City's responsibility. Adam is concerned with no income and still having the capital improvement liabilities. Adam is also concerned with not having any equipment at the end of 10 years. Valerie is concerned with the building repairs and no income. Ralph said there are other options for the lease, this is just an example from Cascade Lake Golf Course. Mayor Sims asked how much the estimate was for the sprinkler system. Mike said it was between \$200,000 - \$300,000. Mayor Sims is concerned with how the improvements will be funded if the City does not have any income from the golf course. Valerie asked who will be responsible for managing the course. Ralph said he will. Mayor Sims said maybe it would be best to have proposals for the current contract and to compare them. Ron asked if it is possible to have a workshop to compare the proposals. Mayor Sims said it is.

Mike Klaus said there are not many steps left to complete the well drilling. He wants to extend the contract. Adam Arthur moved to extend the contract with Universal Well Drilling until March 31, 2019. Valerie Thompson seconded the motion. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes.

Mike Klaus said there is a need to build a trash rack at the lower outlet valve to prevent logs from getting jammed in the valve. The most inexpensive way to build the trash rack is to order the material and build the trash rack ourselves. The cost of the steel is \$8,305. Mayor Sims said without the trash rack there is a possibility that debris will get in and will prevent the valve from closing. Adam asked if this is the valve that is not operable at this time. Mike said that is correct, due to the amount of silt behind the dam. Valerie Thompson moved to approve the purchase of the steel for \$8,305.95 for the trash rack materials for the lower level outlet valve at the Moyie Dam. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes.

Mike Klaus presented a schedule for the silt removal. A pre-bid meeting will happen on March 1, 2019, bid date March 8, 2019, Special Council meeting March 11, 2019 to formally approve the project, the silt will be removed between April 1, 2019 and April 31, 2019. The agencies involved in this project are: US Fish and Wildlife, Department of Environmental Quality and the Kootenai Tribe of Idaho. After the silt has been removed, the crew will install the new trash rack and pull and replace the penstock valve shaft.

Mike Klaus said there are two pay requests from Panhandle Area Council (PAC) for the pool project. Rick Alonzo moved to authorize the Mayor to sign pay requests #6 and #7 with Panhandle Area Council for the pool project. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes.

Mike Klaus said the original schedule for the pool project showed the project being completed in 2018. Since that did not happen, this is a change to the original schedule. Ron asked when the pool usually opens. Mike said the first or second week of June. Valerie Thompson moved to authorize the Mayor to sign the contract amendment #1 with Panhandle Area Council to extend the new end date to May 31, 2019. Adam Arthur seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes.

Mayor Sims said Jean is retiring August 1, 2019. He would like to advertise now and hopefully have the new person hired by April to give adequate time for the new person to be comfortable with the billing. Adam asked if it is necessary to hire a billing person with the change in the billing process. Mayor Sims the job duties of the billing clerk will be expanded. Ron asked if we offer the position in house before advertising at the job service. Mayor Sims said we will consider any in house people that are interested. Rick Alonzo moved to authorize to advertise for the billing clerk. Ron Smith seconded the motion. The motion passed with all in favor.

Mayor Sims recessed the meeting at 7:04pm.

Mayor Sims reconvened the meeting at 7:12pm.

Mayor Sims opened the public hearing at 7:12pm. Mayor Sims said this is a quasi-judicial hearing. He read the hearing procedure.

Mayor Sims asked for any conflicts of interest. Mayor Sims said, it is not a conflict, but he met with the Lonborg's and staff prior to the Lonborg's filing their application regarding receiving City water. Adam said, it is not a conflict, but he has spoken with the Lonborg's prior to their application.

Lisa explained the binders that she prepared for Council. The correspondence leading up to the application is in chronological order. Lisa said there are two exhibits for this file. Exhibit A is the former zoning map. Exhibit B is the prior application for water service. Clare read the Lonborg's annexation request into the record. Planning & Zoning (P & Z) did recommend zoning AA. Clare said this property is located near the intersection of Kaniksu Street and Wildhorse Lane.

Dolf (Kris) Lonborg said he is just trying to get water to this property. Tab C2 summarizes their point of view. Dolf (Kris) said this is just an endeavor to get water to this parcel. Tab C1 is a list of the improvement made to the building and property. Dolf (Kris) entered some color photos into the record, those were recorded as Exhibit C1-C9. Annexation was not their first choice. They drilled a 960 foot well, which was marginally successful. Water has been to another parcel since 1961, with the line recently replaced. 3/4 inch water line is currently supplying both properties. The estimate the Lonborg's received in 2015 was too expensive and the primary hurdle was that the line had to be moved to the south. Tab C1 shows the amount of expenses incurred. Tab F4 is a letter from Mike Klaus, saying there is not a significant hydraulic advantage or disadvantage to this hookup in regard to other customers. Tab G1 first page of the zoning meeting minutes where the zoning people approved it. The structure is just under 1000 square feet and is not a double wide. Ron asked if P & Z recommended approval. Dolf (Kris) said this has been a monstrous and expensive inconvenience. This is part three of this process. All he really wants is a water meter, he does not want or need to annex into the City. Clare Marley said P & Z is only allowed by law to recommend the zoning and the comp plan for annexations. Dolf (Kris) said there was a policy change in late 2017, which will be a major inconvenience for the future. Dolf (Kris) does not feel it is right to make the homeowner financially responsible.

Lisa gave the background on this annexation. Lisa said Exhibit A explains the policy change in 2011 regarding water services outside of the City limits. The 2011 map did not include this

property. In 2015 the application should not have been accepted. The 2011 policy changed, in 2015 an error was made by staff engaging in an application for services outside of the City limits, August 2015 Lonborg's withdrew their request. In 2015 Lonborg's placed the 1989 single wide trailer on the property. In 2018 the City received a request for comment on a land split for this property. Lisa responded to the request saying, the City does not service this area and are not providing water or sewer services in relation to this request. City staff went to the property to look at the water line. The line had been split to serve this home. The Lonborg's were sent a letter in March, 2018 noticing them of a violation of City code. In April, 2018 Lonborg's requested a non-service letter. Lonborg's notified the City in May 2018, that the well did not meet the expectations. Mike provided a memo regarding the hydrology study. The County authorized the land division. Since March the City has been asking for the illegal water connection to be corrected. In September 2018 the Lonborg's submitted their annexation application. January 2019 P & Z held a public hearing to consider the annexation application.

Clare Marley said the recommendation from P&Z is Residential AA. P & Z received one public comment. Agency meeting comments were: no further streets and the property owners will bear all costs to supply the property with water. City Code 11-9-3 requires 1000 square feet, multi-sectional, must be at least 20 feet wide, must be installed under Code Title 44, roof pitch must be 4/12, must have exterior siding and roofing commonly used in that area. Legal counsel's advice is that this home will be considered illegal status, if accepted into annexation. Council must find if there is any conflict under the adopted plan in Idaho Code 67-65-11.

Mayor Sims said C2 is a letter from the Lonborg's. The section of the City where the Lonborg's live was previously served by North Water Association. The City took over that area in 2006. The City is an at cost utility which is customary for customer to pay the costs to hook up to the services.

Lisa said the memo in Tab F states annexing a property adjoining a street may require the City maintain the Kaniksu Street further than we currently do. The closest fire hydrants for this property is Westview Drive and Wild Horse Lane, Palmer Street and Sundance Street, Olympic Way and Kaniksu Street and one approximately 50 feet to the west of Sundance Street. The last fire hydrant is within 1000 feet of the property which is required in case of fire.

Ron asked if the annexation was approved will that put the house out of compliance and could not provide utilities. Lisa said it does not meet the 1000 sq ft and it is not 20 feet in width and is not multi sectional. It is newer than 1976 and the pitch requirement is met. Ron asked if they will have to remove the single wide. Lisa said it will have to be replaced with a compliant structure.

Mayor Sims asked if they wanted to place that manufactured home on another lot in the City, will it be allowed. Lisa said only if it is placed in a mobile home park.

Valerie asked if the house is not in compliance, why not use the existing service for the main house and use the well for the single wide. Dolf (Kris) said he is not certain if the well will be sufficient. Valerie asked if the City annexed do we have to supply sewer. Lisa said if the house is within 200 feet then we must supply sewer services. Lisa directed Council to Tab F1, F2 and F3 for further information on the annexation.

Mayor Sims asked Clare to go over the comp plan again. Clare said page six shows the map is residential, zoning is residential AA. Page three is policy statement challenges and the land owner will pay the costs, goal number eight is from the comp plan which encourages growth in undeveloped fringe areas.

Rick asked if there is a way to allow the single wide to remain on the property if it is annexed. Andrakay said there is not, the single wide will be illegal, and it will be directly contrary to the City Code. Lisa said the ordinance can be changed. Ron asked if the ordinance can be changed. Lisa said Council can change the ordinance if that is the direction they want to go.

Mayor Sims opened the public testimony at 8:31 pm.

Gerald Higgs spoke in favor of the application - Gerald Higgs recommends an ordinance modification, that any property annexed into the City should be grandfathered if it was conforming in the County. He feels it is a double standard.

No Neutral comments. No Opposition comments.

Dolf (Kris) asked during rebuttal: isn't every annexation going to be handled on an individual base. Dolf (Kris) feels this is a pre-existing structure, they are not asking for continuance of services past Wild Horse. The property directly abuts Wild Horse, it does not abut Kankisu Street. They tried to do everything to code, double wide will not fit on the property. They do not want to be annexed. They just want a water meter.

Mayor Sims said you don't want to be annexed and yet you applied for annexation. Dolf (Kris) said because that was the only option that was presented to them, since the well did not work.

Rick said since the Lonborgs were given mis-information in 2015, is there any liability. Lisa said if we had not refunded the Lonborgs, then we would be subject to the laws in effect in March of 2018.

Closed the public hearing at 8:43 pm.

Mayor Sims said this is similar to the Dos Ramos situation. The policy needs to be consistently applied. Mayor Sims said the annexation process is not about water, it is about complying with the comp plan. Mayor Sims said Exhibit B states they had to resort to a more affordable solution. The solution was to split the line and it is not a legal connection. Mayor Sims said, when the Lonborg's say they followed all the rules that is not exactly true. Lonborg's chose not to get City water when it was offered. Mayor Sims said careful consideration need to be given to the comp plan.

Rick likes Jerry Higgs comment if it is in compliance prior to annexation then it should be allowed in the City. Adam asked if this is the path to future growth. Mayor Sims said the purpose of zoning is to reduce conflict. Mayor Sims said where the meter should be placed maybe very expensive. Meters are placed adjacent to the parcel, not on someone else's property. Valerie said if the annexation is not in compliance, does using the existing line for the upper parcel and the well for the lower parcel work. Mayor Sims said there are three parcels that need water. Rick said, if you annex the property, the single wide must be removed.

Lisa said it is possible to postpone/continue this discussion. Rick asked if it is postponed can Council ask staff question. Lisa said it is ill advised. The entire public hearing would have to be re-opened. Rick asked how it is possible to annex this property and keep the single wide. Mayor Sims asked if Rick is ready to have single wides anywhere in the City. Rick said no. Ron said if that's the case then the only thing we can do is deny the annexation. Mayor Sims asked why should we relax the standards for one property owner.

Adam asked if the Dos Ramos' were told they could get water without being annexation. Lisa said they were told they would have to meet all of the City's building code requests. Lisa said the Dos

Ramos' were willing to showing good will to wanting to be a City residence. Andrakay said Lonborg's have repeatedly said they do not want to be part of the City. Mayor Sims said the cost for the new service may be more than \$9,000.

Adam said he feels like our hands are tied with the policies and ordinances regarding manufactured homes. Mayor Sims is not sure it is a good idea to change the ordinance for one property owner. Ron said there is no option, it will have to be denied. Andrakay said you can annex the property, but prior to the ordinance being adopted the single wide will have to be brought into compliance. Mayor Sims said the water part is a moot issue. The main issue is does it meet the comp plan and the zoning standards.

Mayor Sims said in March 2018 the Lonborgs were told that the third parcel will not be served with water without annexation prior to the land split and they proceeded with the land split.

Valerie Thompson moved to deny the annexation of .96 acres that is the subject of File # AN02-18 and the zoning of these lands as Residential AA, finding that it is not in accord with the goals and policies of the adopted City of Bonners Ferry Comprehensive Plan. The action to be taken to gain approval is to resubmit an application that can be shown to be in general compliance with the City Comprehensive Plan. I further move to adopt the following findings and reason statement as written, the amendment is not in support of the Bonners Ferry Comprehensive Plan. Rick Alonzo seconded the motion. Valerie asked if they resubmit will there be additional fees. Lisa said if they submit a different application, it will be considered new and the fees associated with the application will have to be paid, unless Council adopts a fee waiver resolution. Adam asked if this was approved pending the Lonborgs coming into compliance will there be a new fee. Lisa said there would not. Rick Alonzo withdrew his second.

Adam Arthur moved to approve the annexation of .96 acres that is the subject of File #AN02-18 and the zoning of these lands as Residential AA, finding that it is in accord with the goals and policies of the adopted City of Bonners Ferry Comprehensive Plan, with the amended condition number 2 iii to read: zoning standard for the homesite coming into compliance with zoning standards of manufactured homes. Rick seconded the motion. Ron asked if this motion is saying it is approving the annexation and there are options to bring it into compliance. Andrakay said yes. The motion passed. Adam Arthur – yes, Valerie Thompson – no, Rick Alonzo – yes, Ron Smith – yes.

Clare and Lisa explained the annexation agreement. Mayor Sims requested a change in the first paragraph on page two, to read: prior to annexation. Ron said he was under the understanding that the ordinance regarding single wide manufactured homes could be changed. Mayor Sims said that is a possibility. Ron asked if it is possible to change the ordinance to say that if it is allowed in the County, then it will be allowed when it comes into the City. Clare said that is possible, but there may be other issues that come before the Council, not just single wide manufactured homes. Andrakay said a change like that will have to go before Planning and Zoning also.

The annexation agreement was tabled to the next meeting.

The meeting adjourned at 9:48 pm.