

CITY OF MOYIE SPRINGS MINUTES REGULAR MEETING June 7th, 2017

Kennon McClintok gave a presentation at 6:30 PM on the Forest Legacy Program on Conservation Easements. He told of the Forest Legacy Program and the programs conservation easements that allowed landowners to have these easements that allowed for animal and forestry protection on private landowners property and the land be available for their private use while maintaining the agriculture aspects.

City Council met in regular session June 7th, 2017 at 7:00 PM at the Moyie Springs City Hall.

The meeting was called to order by Mayor Chad Farrens. Present were Council members Steve Economu, Heather Andrews, Terry Johnson, Tim Narvaez, Public Works Supervisor John Nelson, Fire Chief Ken English, City Clerk Donna Wilson-Funkhouser, and City Attorney Dan Featherston

Signed In: Kennon McClintok, Oliver Andrews, Ginger Perrenoud, Rosanne Smith, Meredith Keller, Dick Staples from JRS Surveying, Shasta Baisden, Janice Rock, Dennis Weed with EDC , Toby Schnuerle, Howard Seaman, John & Grithcell Miller and Daughter, Jim Ball, and Bill Maestretti

Open Meeting with the Pledge of Allegiance:

Prior Minutes Approval May 3rd, 2017: Discussed the minutes of the regular meeting from May 3rd, 2017. Council Mayor Farrens asked for comments, questions, and or corrections to the minutes. Tim Narvaez noted a correction in last month's minutes on page 3 made on the name it should be Meredith Keller not Meredith Compton. Mayor Farrens entertained a motion to approve the minutes. A motion was made by Terry Johnson and seconded by Steve Economu to accept the minutes with the noted correction. Motion carried.

Prior Minutes Approval from Special Meeting April 19th, 2017: Mayor Farrens asked for comments or corrections. A correction was noted by Steve Economu made on page 2, Own Baisden to be Owen Baisden. Mayor Farrens entertained a motion to accept the minutes as corrected. The motion was made by Steve Economu and seconded by Heather Andrews. Motion carried.

Approve Current Financials: Mayor Farrens asked for the review of the current financials. Donna Wilson-Funkhouser stated that the City had received \$3690.00 from DEQ on the grant monies from the finalized sewer facility study. Mayor Farrens entertained a motion to accept the current financials. The motion was made by Terry Johnson and seconded by Steve Economu to approve the current financials. Motion carried.

Unruh Subdivision – Approval and Mayor's Signature: Dick Staples presented the final plat for the Unruh Subdivision located off South Division Street in the County that is in the City's impact zone. The plat had been presented at a previous Council meeting and had been revised per the council's suggestion. Tim Narvaez asked if this was the first subdivision that has gone off East Mountain View for access. Meredith Keller questioned where the plat location was and what the discussion was of the Council. The air conditioner was turned off to allow for better hearing. Heather Andrews replied that it was the Unruh Subdivision. Donna Wilson-Funkhouser stated that there were copies in the Council's books of the subdivision plat and that Tim Narvaez had met previously and discussed the plat for the Council at JRS Surveying. She added that the Council asked for the access for the subdivision not to access off South Division Street and that they had redone the Unruh plat to have his access off East Mountain View per

the Council's request. A motion was made by Steve Economu and seconded by Terry Johnson to approve the plat.

Keri Bodnar – Lahmeyer Addition – Amending lot lines: Dick Staples presented revised plat to amended the plat of lots 1,2,3,9 of block 1 of the Lahameyer addition. The reasons for the new boundaries were to due to improvements already made. Dick Staples explained the 2a east line has been moved to the existing fence lines;, the northwest corner of lot 3a there is a shed, and the plat lines have been moved to include that. He said that the boundary between 2a and 3a has been moved because of a garden and a shed, and also the boundary between 1a and 2a has been changed to include a driveway. Steve Economu questioned the changes. The plat amended needs to be approved and signed by the Council. A motion made by Tim Narvaez that if he brings in an amended plat, the Council will sign it, and it was seconded by Steve Economu. Motion carried.

John and Grithcell Miller – Moyie Street – Water & Sewer Account #430A: Mayor Chad Farrens asked the Millers if they had read the agreement with the updated dollar amounts to be waived if they turned the water and sewer hookons back over to the City and asked if they were ready to sign it. John Miller asked for clarification as to what he was signing. Steve Economu explained that if he signed this and sold his property, the new owner would have to repurchase water and sewer hookons at the current hookon price of the time. John Miller asked if he could purchase a site permit to build a large fence on that property. Tim Narvaez stated that that was a separate issue than the water and sewer hookons. John Miller stated that it was connected as he that he wants to build a large lot with a tall secure fence for towed cars since he is starting a towing company on the lot that he would be returning the water and sewer hookons; and if he forfeits that water sewer hookon he wants to be able to use the property in a different way i.e. the tow lot. He is reluctant to sign until he gets approval to build the fenced lot. He said that it would be a nice clean lot. Tim Narvaez said that it is still two separate issues, as the lot is a zoning issue. Steve Economu said it is a zoning issue since he'd be using it for commercial use. Mayor Farrens said that the area was zoned commercial. John Miller said he was surrounded by commercial lots. Steve Economu agreed with Tim Narvaez that the issue of the water and sewer hookons is a separate from the commercial zoning issue of the tow lot. John and Grithcell Miller signed the hookon waiver. Donna Wilson-Funkhouser stated that she would get them a copy of the agreement.

Howard Seaman -Water Hookon on South Division Street: Howard Seaman stated that he is late in requesting the hookon that he was given previously by the City when he had agreed to give an easement to the City thru his property to put in a 6 inch line to the edge of the property line in exchange for a water hookon. Howard Seaman also stated that he would like to sell some of the lots but wanted approval for the hook-on before doing so. Mayor Chad Farrens stated that in his opinion since the agreement that Howard Seaman signed did not have a timeline on it, that he should still have the right for the water hookon. Tim Narvaez asked when the agreement was made. Heather Andrews said that it was in 2002. Tim Narvaez asked whether the 6" line had already been installed and that an 8" line is the requirements for the line now. Ken English questioned the need for an 8' line if they needed a fire hydrant. Howard Seaman said yes it has been for several years per the requirements of the time. Tim Narvaez clarified that it is just one 3 acre parcel and only one hook-on. Steve Economu said that he believed that he should be allowed the one hookon per the agreement as there was not a timeline in the written agreement. Steve Economu made a motion to allow Howard Seaman the hook-on with the requirement that the hook-on be installed very soon. It was seconded by Tim Narvaez. Motion carried.

Baisden Property Division on South Division: Dick Staples presented the Council a proposal for the Baisden's with the road access off Heritage Way with easements. Plats were passed out to the Council. The Council reviewed the plat. Steve Economu explained that the Council would also be deciding, during the meeting, if the City would be able to deny access off the private road section of South Division Street. Mayor Chad Farrens said that South Division is a private road and the City cannot deny access to it. Mayor Farrens asked Dan Featherston for clarification on which roads were private and which were public in regards to this subdivision and access. Dan Featherston explained that the Council could not allow a dedicated public street access to a private road or easement to connect it to a City Street. Tim Narvaez said that Dan had given a letter previously with another piece of property that said the City can deny access due to substandard roads connect to South Division. Dan Featherston said that the issue was different and that he was addressing a different issue of a public street of a subdivision, and that the City can only grant access if to a City street. Mayor Farrens questioned how long the road had been in existence. Toby Schnuerle and Meredith Keller said since 1992. Mayor Farrens said as a private road. Mayor Farrens said that the City would never be able to take over that private road section of South Division as it was sub standard, but that the City could also not deny others access as it was a private road and not a City street. Ken English questioned that the additional traffic generated from the private road and the increase of traffic to the City's street. Dan Featherston asked to clarified again that if it this was a situation where by the City if given approval of a plat, that you have created a dedicated city street that the only way have it connect is over a private road, that is granted only by easements, to connect to another City street. Mayor Farrens said that was not the issue this time. Dan Featherston said that was the issue with the previously letter that he had addressed and had objected to. Steve Economu said that it would be coming off a private street to a private road. Terry Johnson explained that Dan Featherston said that we do not have a say on a private street. John Nelson said that the Council cannot have a City street; that gives access to a private road. Meredith Keller said that you cannot tie into a private road from a development. John Nelson said that there are actual easements there. Bill Maestretti said that it depends on whether it is an open or closed easement; most of the time the landowner would have to give the easement. If the City wants to make it a road, it must be deeded to the City, which would make it a public road and therefore would be maintained by the City. It was discussed on previous landowners not getting permission. Dan Featherston said that the problem is non City residents needing to use City services like water, fire, and sewer and the road being substandard. Ken English stated that some of that property back there isn't even under the City's fire department; it is North Bench Fire District as not in the City limits. Terry Johnson said that this needed to be cleared up as to allow the Baisden's the choice if they did want to come off of South Division Street for access. Steve Economu said he would like a solution that benefits all parties involved not favoring one over the other and the City not denying anyone access from the private road. Mayor Farrens asked if they were willing to grant easements. Toby Schnuerle complained that at the last meeting the City stated that they required a 60 foot wide road but he has measured several City streets and roads and none of them are 60 feet; and the private road that connects into the City street from this subdivision is actually wider than the City street it's connecting to. He added that he understands that the City's infrastructure needs to be considered. Meredith Keller stated there is a simple solution; the developer needs to bring the road up to the standards. Tim Narvaez stated that that is exactly what Dan Featherston said last month. Tim Narvaez said not to muddle the two issues; the parcels on South Division without a developed street to tie into, is one issue and the easement off of Heritage is the another issue. Tim Narvaez said that these other parcels on South Division Street do not have a developed street to tie new subdivisions into and do not meet the requirements of having a legal county or city street for developing a new subdivision. Toby Schnuerle said that in the past, the forefathers started this impact area in the early 2000's for future growth. Toby

Schnuerle said Howard Seaman has had this land for 30 or 40 years and know you want to deny access he already has. Toby Schnuerle said that Greg Johnson was to bring the road up to code and that no one enforced it. Meredith Keller said that is what this Council is trying to do. Tim Narvaez said that what we are trying to do is what is correct for the City. Donna Wilson-Funkhouser questioned Toby Schnuerle about giving an easement like Owen Baisden was giving for road easement. Mayor Chad Farrens stated that the City will never make that road a City Street, as would never be brought up to the current road standards. Ginger Perrenoud asked if the easement is given and there is a new owner would that new owner be land locked. Terry Johnson said that once it is registered as a deeded easement it stays there and goes with the property. Dan Featherston explained an easement is a partial ownership for a specific use. The discussion was brought back to the easement off Heritage Way. Mayor Farrens asked the Council's feeling on the easement or deed from the Baisden's. Tim Narvaez questioned the easements in regards to the power poles. Dick Staples asked about the approval of the plat of the Baisden's using Heritage Way for access as the Council had suggested. Tim Narvaez stated that he wants something added to the deed that says there will be no access allowed on South Division to these properties. Heather Andrews said that the Council cannot require that. Tim Narvaez said that he would want the verbiage saying that they would not access off South Division Street. Dick Staples and Owen Baisden comment on the fact that that would change if South Division Street changed to a public road. Dick Staples said that we would consult the City's legal council on the correct verbiage. Owen Baisden stated that he will bring a plat in to the next meeting for the easement of Heritage Way. A motion was made by Heather Andrews and seconded by Terry Johnson to accept the Owen Baisden plat and that it was to include the added verbiage approved by legal Council. Motion carried.

Schnuerle-Howard Seaman-Property Division off of South Division: Mayor Chad Farrens reiterated that the City has no legal way to tell property owners that they cannot use a private road if they own it. The City has no say in private roads and private property. Toby Schnuerle said it is looking at purchasing Howard Seaman's property and he would have to be the one to give the easement. Howard Seaman said he would like to put in 3 or 4 houses to enhance the property and increase the tax base. Tim Narvaez said that he does have the right of way to go to his property and has the right of way down the road ,but by legal counsel say that it changes things with the egress when one subdivides the property. Toby Schnuerle made sure it was clear that the property could be 4 lots each $\frac{3}{4}$ of an acre by city ordinances. Mayor Farrens said that the access again for being on a private road. Dan Featherston said that if someone wants to build a house accessible by a private road that is allowable, but if that the creation of a public road, that can only be used by accessing a private road not the same. Dan Featherston did not want to see the Council accepting a plat for a public road that could only be reached via a private road easement. Mayor Chad Farrens said there would be no public road, in this case off South Division Street, which would tie into a private road and then turn back into a public drive. Toby Schnuerle said that he did not believe that it is a subdivision if they are legal lot sized. Dan Featherston said that if it is lawful to break parcels to that lot size, it is allowable; and if someone wants to have a lot on a private drive with the access from a private easement is allowable as long as you're not considering fire safety. John Nelson said that if the parcel with the power lines was cut into 4 lots, each of the houses would access the private road via an easement agreement. Ken English said that there would only be a small portion of this area that would be covered via City Fire, the majority would be North Bench's jurisdiction. Bill Maestretti asked if it was the City's intent to adopt the county road ordinances. Mayor Farrens said the Council would be looking at that too. Bill Maestretti read a statement regarding easements, road building permits, and public/private road restrictions from the Boundary County Road and Bridge Ordinances that the City is considering adopting for the City. He pointed out that if the City does adopt this that anything previously will have to be grandfathered in. Heather Andrews said she did not believe the City has any

right to tell the residents what they can or cannot do with a private road. Terry Johnson said the road being substandard will and is going to be a problem. Meredith Keller said that is why developers need to be required to develop the road up to standards. Mayor Chad Farrens asked for Dan Featherston's opinion. Dan Featherston said that if it is a private road then those residents do not have access to the City's resources, as in, road maintenance and full fire service. Toby Schnuerle said he has no problem with that. Mayor Chad Farrens stated that the City needs to back away from this, the City is not allowed to tell the residents who have access to the private road. Terry Johnson and Steve Economu said that the City will never accept this private road as a City street and will never take over maintenance of it. Steve Economu said that someone will buy a house built on this road and come to the City and complain about the road and the dust. Heather Andrews suggested a sign saying not a City Street for that section of South Division. Mayor Chad Farrens stated that after the preceding discussion, the Council is stepping back and moving onto the next item, this is private property and a private road and therefore not a City issue. Tim Narvaez stated that he was not in agreement with that statement since Owen Baisden was just denied the same thing we are now allowing Toby Schnuerle and is worried because the City has no legal say over any road access for anyone on private roads. Tim Narvaez asked Dan Featherston's advice. Dan Featherston said the City has the right to regulate land use in the City limits, but in this instance, the City has opted to allow Toby Schnuerle to put in a private road. Tim Narvaez stated that he wanted to know what legal control the City has in this situation. Dan Featherston said that if we accept it as a private road then the City has no control over the road, if the City accepts it as a City street then the maintenance and improvement is the City's responsibility. Tim Narvaez commented on previous meeting denying access on South Division and that the Council has written letters in restricting the access on South Division private road and that the Council owes an apology to the original Unruh's development and the Baisden's. Mayor Farrens said that legal counsel had advised the Council due to public versus private access and a City Street accessing a private road to get to a public street. Dan Featherston said the City has the right to regulate land use, and not private use. Toby Schnuerle said that the County subdivision size is more than four lots makes a subdivision. Dan Featherston said the City thru City Ordinances can control and regulate and make these changes. Terry Johnson explained that the Unruh Subdivision was a dedicated street going onto a private road and a dedicated street has to access onto a city street so that was why the Council asked for his access to be off East Mountain View.

Dennis Weed – EDC: Dennis Weed sent the signatures pages regarding the AT & T Tower completion, collected by Heather Andrews, to three phone companies, AT & T, Verizon and T-Mobile. Also, working with another company to either buy the tower or lease a piece. The current owners are from Boston, Massachusetts. Hopefully one of these options or companies will continue with it.

Dennis Weed said we need to continue working on the SPOT bus. The last numbers that came in were low. If we want to keep the bus going, we need to get the rider numbers up. We can send out another flyer and try to increase the ridership; otherwise, SPOT will cut Moyie Springs off their schedule.

Dennis Weed reported on developments in Boundary County coming in the next 3 years. There will be one development near Super 1, and also one at the Pape' Machinery building. He said there will also be the highway improvement thru the City of Bonners Ferry. Terry Johnson asked if they were going to tear down the Pape building. Dennis Weed confirmed that was to happen. Dennis Weed said that the development use would depend on traffic, currently it's about 12,000 cars a day, as to what would go in that spot, perhaps a mini mall with a restaurant of some kind, specifically fast food. Steve Economu asked about the stoplight in Bonners Ferry, he feels wait times, specifically when turning, need to be improved. Dennis said that ITD is going to be doing a speed study and the 129,000 lb safety engineering

for the City of Moyie Springs this summer. Meredith Keller said the right turning lane coming into South Division is not designated as a turning lane. He said that there was a car parked in the turning lane the other night because it is not marked as a turning lane. He asked if that could be changed. John Nelson said that it was not wide enough to be considered a turning lane and that is why it is not marked. Dennis Weed said he will check on that with ITD as well.

Road Ordinance – Adopt County Road Ordinance: The City does not currently have a road ordinance. Bill Maestretti said that the road ordinance of the County's is pretty intense and needs to be reviewed. Rosanne Smith asked if it would fall under the land use ordinance and would require a public meeting. Mayor Chad Farrens referred to Bill Maestretti who is very knowledgeable on this subject. Bill Maestretti pointed out some of the County's road and bridge documentation that he had read from earlier. Mayor Farrens said that the Council would need to go thru it thoroughly. Steve Economu said that it should individually be review first and tabled for tonight. Tim Narvaez said that if it works for Boundary County, it should work for the City of Moyie Springs too. Tim Narvaez said he thinks it would be good to hire an engineering firm to oversee it.

Codification of City Ordinances: Steve Economu said at the last meeting that the Council had decided to have Dan Featherston contact some of the other City's that had done the codification and review the contract. Dan Featherston recommendation was to contract with the Sterling Codification to do the codification of the City's ordinances per the discussion at last month's meeting. Steve Economu made a motion to sign the codification contract and get the process rolling. Heather Andrews seconded. Motion carried. Rosanne Smith said that there were time limitations on the process. Donna Wilson-Funkhouser suggested setting up a separate email account for the group of residents who are on the ordinance review committee so they can communicate easier and changes will be able to be tracked. Tim Narvaez asked how long it takes the company to review the ordinances. Donna Wilson-Funkhouser said 6 months, but the committee can start looking at the ordinances right away and send in suggestions to the company. After looking at the paper from the company, Bill Maestretti asked if the company gives the ordinances back in sections so the committee can review or if it just comes back in one lump sum. Dan Featherston said that the contract sets a timeline that is systematically for the process. Bill Maestretti had questions. Donna Wilson-Funkhouser said she believes the company keeps a record as they change it and would be open to suggestions from the committee, also if he wanted to review other City's who have used this company, he should check out Sterling Codifications website. Donna Wilson-Funkhouser listed which residents were suggested for the committees at the last meeting were: Bill Maestretti, Roseanne Smith, and Meredith Keller. Donna Wilson-Funkhouser said she will set up that email account and anyone can access or make suggestions.

501-C3 Information: Dan Featherston said would be checking into. Ken English stated that he spoke with other fire departments and they did not seem interested in it. Discussion tabled until next meeting.

Volunteer Fire Dept. Report: Ken English thanked the fire crew for the response at the last incident as he was out of town. Ken English reported the following: May 8th – Ambulance Assist on the Moyie River; May 9th- Ambulance Assist at 347 Westwood; May 20th– Ambulance Assist- Mango Street; May 23rd – Fire on Pine Street; May 24th – Fire on Pine Street ; and May 26th – Ambulance Assist – Black Bear Road.

Water & Sewer Report: John Nelson reported on the water. Total pumped for May 2017, 657,200 gallons. High day was the 31st – 335,600 gallons - Low was the 14th – 102,900 gallons even - Averaged was 209,900 gallons a day. John said that the expenses for the waterline on Elk Road were about \$350 and

1 day labor. Rosanne Smith commented on the cost to the City. John Nelson said that the bulk of the expense was on David Volking. John Nelson said that one of the compressors has a leak. Tim Narvaez asked John Nelson if the mill had found there water leak. John Nelson said not as of yet, as it was hard to find. They are still looking. Bill Maestretti asked John Nelson if he could give last year's monthly water and sewer reports while giving the current months so that the residents had something to compare to. John Nelson said he could but it varied greatly due to the mill and leaks that affected the totals and not just a usage number, like the weather. He said that it is in the minutes from last year and a public record.

Cleanup Day for the City List - : Donna Wilson-Funkhouser stated that it is ongoing list, and she is still adding to it. The main thing to discuss is that if it rains, the cleanup day will be canceled and rescheduled. Donna Wilson-Funkhouser said it is mostly garbage pickup. Steve Economu stated that the day will start at 8am. Tim Narvaez said that he would not be available on Saturday.

Misc Business:

Terry Johnson reported on the Stone for Ina Pluid's Memorial. One was at his house and the other waiting to be finished polishing. Steve Economu wondered where it should go. Terry Johnson thought on South Division near the pole and that maybe a park bench next to it would be nice.

Tim Narvaez reported on a new business entity in town. He is starting a rabbit feedlot at his property. He is raising rabbits to manufacture into dog food. He has an attorney researching the FDA and USDA regulations for him. He will have one full time employee position available and a few part time positions. He said that will boost our community with that. It is zoned industrial there.

Discuss & Pay bills: Terry Johnson made a motion to pay bills and Steve Economu seconded it. Motion carried.

Adjourn: Steve Economu made a motion to adjourn and it was seconded by Terry Johnson. Motion carried. Meeting adjourned.

Attest: City Clerk