

**CITY OF MOYIE SPRINGS MINUTES SPECIAL MEETING April 19, 2017**

City Council met in a special meeting session April 19th, 2017 at 6:00 PM at the Moyie Springs City Hall.

The meeting was called to order by Mayor Chad Farrens. Present were Council members Heather Andrews, Steve Economu, Terry Johnson, and Tim Narvaez.

**Signed in:** Bill Maestretti, Jim Ball, Owen Baisden, Dick Staples, Ginger Perrenoud and Rosanne Smith.

The meeting began with the pledge of allegiance.

**Owen Baisden Property–Property Division-South Division:** Dick Staples from JRS Surveying addressed the Council regarding splitting off a piece of property of Owen Baisden’s property. The property would need to access off South Division Street that is currently a private drive. Dick Staples said that Owen Baisden is willing to deed road right of way of 30 feet additional feet along his property that currently has a 20 foot easement for the private drive and utilities. He said that Owen Baisden would not be improving the road, but is willing to give road right of way. Tim Narvaez comment that the City Council has already said that they would not grant access to the private drive section of South Division as it was not up to road standards. Mayor Farrens asked Owen Baisden if he knew if Roger Unruh was also going to give the 30 feet road access to the City. Steve Economu asked Owen Baisden if they would be giving the additional 30 feet deed to the City. Terry Johnson said that he liked the idea that Owen Baisden was going to give the City the deed for the 50 feet for the road right of way. Owen Baisden said that the 20 feet was already in place so it would be just a deed of a 30 foot road easement. Dick Staples said that the current 20 foot easement says it is for access and utility easement. The deed would be for right of way and that they would still remain ownership but it would be right of use. Tim Narvaez said that the power line runs down that existing easement of 20 feet on South Division Street and is the power line easement and wondered who actually owns that easement. Tim Narvaez said that it is a power line easement; and asked if they were assuming jurisdiction over that utility easement, when they don’t actually own that 20 feet. Tim Narvaez commented that they are willing to throw in an extra 30 feet easement with the 20 feet that they don’t actually own. Dick Staples said that easements are not ownership. Tim Narvaez said he was unsure as the Council did not have legal council to clarify that. Dick Staples said that he was pretty sure that easements and right of way are not ownership, just right of use. Terry Johnson added that you can give deeded right with ownership. Dick Staples agreed as it had to be done right but could be given as ownership, but that the plan for Owen Baisden was to give a deed to the City for right of way and utilities. Terry Johnson said that he believed that this was a start to fixing the private road that is not up to road standards and with the excessive traffic on it that it needs to be brought up to the road standards. Dick Staples said he realized the road usage problems was caused by the more than property owner using it; and that this is just one piece, of property along South Division and that the property owner is willing to deed for the right of way for the City’s road easement. Dick Staples added that this was just a start to begin the City’s solution for the additional road right of way needed along the private drive section of South Division Street. John Nelson said that he knew the property boundaries did not always coincide with what was there. He said that the line is deceiving when driving down South Division. Dick Staples said he was willing to do some research to get some kind of sketch to show the line on the other side of the road to see where the gap is. The Council discussed the road situation and the lack of road standards. John Nelson said that he knew that the previous Lila Finley Property (Linda Miller property now) was a problem. Owen Baisden said that the property he was wishing to split off was across from that property. John Nelson said that they would have to cut the road back at that point due to the modular on her property being too close to the road. Terry Johnson said it

would be a problem and would cause a jog in the road. John Nelson said that you have to get enough right of way to get the road set and go around that section. Terry Johnson that if the City had the proposed easement and got the first part of the section of private drive and then could possibly align it up for adequate access. Dick Staples added some additional suggested to accommodated the lack of road right of way. Tim Narvaez had another concern and referred the Council back to the letter that the City had sent the County not wanting to allow access from the private drive section on South Division Street. He said that the Council had on proposed Mountain View Heights subdivision sent a letter to the County not allowing them to access on South Division Street, and this would be going against what the Council has already said. He said he wasn't saying No; it is a nice start and we are moving forward but he thinks that we need to be very careful that if we agree to move forward that we can't allow any parcel to be sold until this is tied completely together in a legal manner to the intersection of Mountain View and South Division as we didn't allow access previously to someone wanting to subdivide. Terry Johnson said that he did not agree as that proposed development was 9 or more lots and that this is one lot to be sold. John Nelson said that they were at least planning 4 - 10 acres lots out of the 40 acre parcel from the Unruh plat. Dick Staples had that the Baisden's were not going to be dividing anymore of their property. Owen Baisden said that it would just be the one lot. Terry Johnson said that if he would need to state that in the plat, that it would be just the one lot split. Tim Narvaez asked what kind of development would the Baisden's being doing on the road. Owen Baisden said that that would not be developing the road, just giving the City the deed of right of way. Tim Narvaez said that was a big undertaking for the City to bring the road to city code specs for a developer's subdivision. Owen Baisden said that it is just for one family. Heather Andrews asked how else they could have access. John Nelson said that it could be accessed from Heritage Street going thru Owen Baisden's property. Owen Baisden said it would be just the one family access. Dick Staples commented that the road already exists and provides access to however many lots and should have been improved on going with the development of prior lots, and now for them with proposing one lot that the Council is asking them to bring the road to road standards for everyone when Owen Baisden has offered to give easement to the City for the road to develop the road, that the City at this point doesn't have. Tim Narvaez asked where the power poles were located. John Nelson said that it was just as before that they would have to be moved for development. Tim Narvaez said that was a horrific cost. John Nelson said that if someone else comes out further that wants to develop, that they would have to at their cost for developing move the poles. Mayor Farrens told Dick Staples and Owen Baisden that they would need to draw up the plans and then presented to the City's legal Council for review and then the Council would discuss at the next meeting. Dick Staples ask if legal council approves will the City Council say yes or no. Tim Narvaez said that he still would say No, as this road is an issue that needs to be thought through and get the road with all ties thru to the intersection to Mountain View and South Division. He said that Owen Baisden is not land locked and could use the Heritage Street as an access as John Nelson had suggested as an alternative. Mayor Farrens said that we need to present to Dan Featherston our legal Council and that the Council would discuss at the next regular meeting. Mayor Farrens asked Owen Baisden if the Heritage Street access was a possibility. Owen Baisden said not really as the cost to develop the road access thru his property would be a \$90,000 venture for a \$30,000 piece of property. Tim Narvaez questioned his saving money using South Division at the City's expense. Owen Baisden said that no he did not having any intentions on splitting his property; but had a friend asked if it was possible to get one lot. Mayor Farrens said that Will Hedrick's property would have to give the road easement as well. Owen Baisden said that this is just one piece of property and would get the City one step closer with the deed for the road easement he was proposing. Tim Narvaez said that he appreciates his forthcoming, but the City had to realize the road burden.

**129,000 Truck Permit – Resolution 2017-04-19:** Mayor Farrens said that he had met with Chris Pease, and that Chris Pease was uncomfortable with the total liability of the section of Roosevelt Road from Highway 2 to the Mill access on Brink Street road maintenance the responsibility of

the Mills. Mayor Farrens asked John Nelson what the road maintenance cost were on that section of Roosevelt Road. John Nelson said that he figured at last year's cost \$1740 a year without labor costs. It was based on \$621 a yard for the chips and \$350 a ton for oil. The chip sealed last 5 years before it wore out and needed to be chip sealed again. Terry Johnson said that oil prices do change. John Nelson said he based it on last year's expenses. John Nelson said that if Idaho Forest Group would give \$1000 to \$1200 to the maintenance fund for that section of Roosevelt that it should cover the expenses. He added that without the Mill's access that the road chip seal should last at least 10 years. Donna Wilson-Funkhouser thought that the City should make an agreement with the Mill to share the responsibility and budget an amount and have the Mill give the City as a set amount every year so that the City could put in a savings account for the road maintenance. Terry Johnson agreed that it should be a shared responsibility. Tim Narvaez said that the Mill should not get to count on the County chip sealing for free. Terry Johnson said that the City would be the one determining when it needs to be done and that we would not just be doing that one piece of road when we chip seal again. Mayor Farrens said we should ask for a certain amount so they can budget it and put into savings for the chip sealing and road maintenance for Roosevelt Road. Donna Wilson-Funkhouser said that she did not think that the City should have to be accountable to the Mill for all the expenses that the City incurs for the road maintenance, but just their determine a contribution amount to be saved for the road maintenance on Roosevelt. John Nelson said that they might require us to be accountable. Terry Johnson said that it should be verily easy with the billing breakdown for the chip sealing. Donna Wilson-Funkhouser said that she believes there is additional maintenance cost besides the chip sealing that the City spends on that section of Roosevelt Road. Mayor Farrens said that we need to determine what funds we want to ask them for. Mayor Farrens said that he and Dennis Weed needed to meet with Chris Pease. Bill Maestretti said since the prices are variable why not assign a percentage of maintenance fees. John Nelson said that they want a figure so that they could budget for. Bill Maestretti said that they have to be fair to us as well as us being fair to them. He said that they should understand that prices vary and the annual inflation percentage is 3% and you could say 5% and they could add that 5% every year to their contribution. Tim Narvaez said that makes perfect sense but the price of oil fluctuates horrifically and doesn't tie to inflation. Bill Maestretti said that it should be based on the cost. John Nelson said the hard part is estimating what it is going to actually cost. Bill Maestretti asked if they would reimburse their share of the expenses. Terry Johnson said that is how the water is done and that they don't like it because if something catastrophic happens they don't have it in their budget. The Mill wants to be able to budget it. Bill Maestretti said so the City has to bear the burden of expense due to the Mills need to be able to budget as an accounting problem for them. Jim Ball said he agrees with the percentage, but doesn't know if we should be trying to get into the Mill's pocket for the road maintenance that may or may not be due to the trucks on the road. He believes that the Mill is why the City exists and that they are a pillar. He added that it is not fair because others are using the road and everyone should be paying, and not just the Mill because they are big. Mayor Farrens agreed that he uses the road as well for his business. Donna Wilson-Funkhouser said that the Mill does pay taxes, but that there is not a road tax. The City does not receive road tax funding from the property taxes. Tim Narvaez said that the Mill has requested this truck permit and they would not have requested it if was not going to make them money. He believes that the Mill needs to pay their share, and that the City is not trying to take advantage of them. Mayor Farrens said that Chris Pease said that the 129,000 trucks would be only about 4 trucks in the beginning and maybe 6 trucks by the end of the year. Tim Narvaez said that each 129,000 lb truck can hold about 1/5 more than a 105,000 lb truck and 5 loads hauled at 129,000 lbs and would eliminated 1 truck load at the 105,000 lbs. John Nelson said that the Mill was busy and considering a third shift if they can find the logs, because they have enough sales to do that. Heather Andrews said that would mean more trucks not less trucks on the road if they have a third shift. Mayor Farrens said that the trucks at 129,000 lbs are just running in Idaho not Montana or Washington and that they are going to Southern Idaho. John Nelson said that Chris Pease had said that they were looking at a route to Salt Lake City,

Utah. Heather Andrews confirmed that is where she thought the heavy trucks would be routed to as well, to Salt Lake City. Tim Narvaez asked if Highway 95 to the Canadian border allowed the 129,000 lbs. Heather said that she thought that there were only two routes that would be allowing the 129,000 lb trucks. John Nelson said that the Eastport crossing allowed for the 129,000 lb trucks. John Nelson said that he had a conversation with Tom Oxford that an engineer in Russia had said that they allowed trucks up to 140,000 lbs and that the decrease in the truck traffic has also save the infrastructure cost by 1/3. Mayor Farrens said that the City does not have a choice in allowing the 129,000 lb trucks as the Mill is in one mile of the State Highway and there is a law that allows it. John Nelson said that we have to have an engineer report on this section of road that says that the road will stand up to the heavy trucks. Susan Kiebert is trying to get LHTAC to do the engineer's report. John Nelson said that he believes that the Mill should only have to pay half the cost of the maintenance for that section of road. He said the amount should vary between the \$750.00 to \$1000.00 for an annual budget amount. John Nelson said that we can't estimate the actual costs. Tim Narvaez said that it should be a percentage. John Nelson said that we should ask them for a certain amount annually and the year that we have to do the chip sealing ask them for the percentage if it goes over the estimated amount. Tim Narvaez asked John Nelson how he determined that it was only 50% for their share of the maintenance. John Nelson said that it is a public street and how can we ask for a private enterprise to pay for it all. Mayor Farrens will meet with Chris Pease to ask the mill to pay a certain amount a year with a percentage.

**Jim Ball-North Elk Lot C:** Jim Ball asked at the last Council meeting asked to have two modular on his one piece of property and to be allowed to share one water hookon for the two residences. His property is 1½ acres that meets the required ¾ lot size for each residence and if it was later to be split. Jim Ball said that he read up on what the Ordinance requires. He said that it says that there has to be ¾ of an acre per residential unit, and that if two residents are put on one lot that the lot requirements have to meet the minimum ¾ acre size per unit. He said that in 2002 the Council was considering redoing the Ordinance in order to require a water hookon per residential unit and to grandfather any previous ones. Jim Ball continued that in 2004 the Council did approve for Jim to have two units on one membership. The progression is that the City realized that this was an issue and knew they needed to clarify the issue but they never have made any changes. He said that he had created this 1½ lot was to have the option to place and accommodated the two units on the same lot with the one water hookon as he had previously been allowed to do. Donna Wilson-Funkhouser had printouts of the Ordinance 41 regarding water services, and other minutes of related incidents regarding water services. Jim Ball read the Ordinance regarding that services pipe that must be so arranged that the supply to each separate house maybe controlled by a separate stop cock, and where it is already supplied thru one service to several houses or families that the Clerk can at her digression either decline services till separate services are provided or continue to supply with the condition that one person shall pay for all services. Jim Ball said that he reads that to say that allows in the wording to accommodate multiple services as long as there is two stop cocks. That it allows for multiple stop cocks per meter. John Nelson that it means from the meter that you would have to have two separate water lines from the meter. The City has allowed two units on Camelot previously. He said that also his one on Venice Lane was allowed the two units on one meter. John Nelson said that is because of the trailer park situation having different rules. Jim Ball said that the Council had done this same scenario with him on Railroad Street, when they had disallowed single wide trailers in the City limits, unless in a trailer court, and that he believed had allowed someone else to put in a single wide trailer after the Council had denied him. Tim Narvaez said that the Ordinances needed to be revised and he was in totaled agreement with Jim Ball that the Ordinances were a mess and needed to be straightened out. Tim Narvaez asked Jim Ball about the water meters for Lot 3B and Lot 3A if he was allowed the one meter. Jim Ball said that no and that his is concern was with the Lot 3C 1 ½ acre lot being able to have the two units with the one water meter. Jim Ball said that the Ordinances allow for the ¾ acre lot size and in 2002

Dan Featherston was recorded in the minutes saying that two units are allowable on one lot as long as the acreage was sufficient, and that the obvious follow-up was to make change in the Ordinances to limit units on lots if the Council was saying one unit per one meter. Tim Narvaez gave his thought that he did not want to see the City allowing for one water service going for more than one residence. Jim Ball said that was the same discussion in 2002, and that the Ordinances still had not been changed. Jim Ball said that other water systems in the area allowed for accessory units to be attached to one service. Donna Wilson-Funkhouser said that she had reviewed the City's water services and the City has allowed it four times: 1) Jim Balls property on Venice Lane 2) Mary Lockwood on North Division 3) Terry Johnson on South Division and 4) Matt Shively who has two services on his property. The trailer parks are not included in this. She had also checked with the City of Bonners Ferry and it is not allowed, but the same has happened that some were allowed by previous Council's as accessory dwellings, but that their Ordinances did not actually allow for it. Jim Ball said that he thinks that multiple units should be allowed in manufacture homes for one meter and be stated in the Ordinances. He also that the City should not use the verbiage of trailer, but use the term residential units including manufacture homes. The state recognizes manufacture home as a residential unit. The duplexes, in 2002 the Council thought that duplexes should be able to have two units on one meter, and that needs to be noted in the Ordinances. It should change to say multiple residential units to be able to have two on one meter. The Council is saying that it was in error that it was allowed before and that He had went forward assuming the same rules applied from his previous dealing with the Council and now the Council now is changing gears saying that it should not have been allow for the two units on the one water hookon. It is confusing. John Nelson said that he reads that the Ordinance is one service per meter. He added that it also leaves some to interpretation. Jim Ball said that he was okay with the additional meter, and would have split the land in the first place if he knew that the two units on one meter was going to become an issue, and now it is going to cost him additional cost to split the lot in to two lots now. He will have more expense if he wants to split the lot to the  $\frac{3}{4}$  acre at this point due to the City's decision then if he knew and would have done in the first place. Jim Ball questioned what the apartments had for hookons. John Nelson said that there is one hookon per two units. Jim Ball asked where there was a written Ordinance regarding the apartments. So there is no written Ordinance regarding apartments or trailers with the two units being allowed on one water hookon. John Nelson said he didn't think so. Jim Ball said that he would like to make that a point as there is No City Ordinance stating it was acceptable to have the two units on one hookon for mobile homes or apartments. John Nelson said that is something that was agreed upon way before his time. Jim Ball said that the aspect of right and wrong that is the thing, we have allowed for him prior to have two on one hookon and then decide not to allow it for someone else previously to do it, and now when he is in the middle of a deal, are going to deny him the two units with one service. The City needs to get this all corrected in their Ordinances. Tim Narvaez wondered if the prior Council's had decided regarding trailer parks and apartments because it is so condensed in a small zone and not on an acre or acre and a half that they might have thought it was a good idea to allow it. Mayor Farrens asked the Council how they felt as Jim Ball had begun this process with the assumption that it would be allowed for the two units. Terry Johnson said that he refers back to Ordinance 41, and as John Nelson had said maybe the stop cock was the verbiage for meter at that time. He added that he believes that they were moving forward as to where they were going with the Ordinances. Terry Johnson told Jim Ball that the Council's intention was not to put a damper on him, but that just because it has been done in the past doesn't make it right. Terry Johnson that the way he reads Ordinance 41 is that it does clarify one meter per unit by the old standards. Jim Ball said that he was alright with it; but it still leaves apartments and mobile home parks to deal with. Terry Johnson said that he was not going to argue, and that duplexes, mobile homes, and apartments are a total different category than residences. Jim Ball said that they are protected by State law not to be held that way. Terry Johnson said that trailer courts have always been in a different category, and that you still could put a single wide trailer in a trailer court and not on a residential lot. Jim Ball said that he was going to pay for

\$3500.00 for the additional water hookon on Lot 3C, but still doesn't believe that it is fair. He said that he is also going to go ahead and pay for the 3 water hookons for the trailer park for the 6 units that the Council said was alright at the last meeting. He said that he did want the Council to change this again on him. Jim Ball asked if the Council is still good with this. Mayor Farrens said that it is very confusing. Tim Narvaez said that is why the Council is planning on having these special meeting to begin reviewing the Ordinances and making changes. Mayor Farrens asked for the Council's decision. Steve Economu said that he believes that Jim Ball should be required to have the additional hookon. Jim Ball said that he is good with that and could split the plat at a later date. Mayor Farrens said that he would have to do it at that point then anyway. Jim Ball asked if he just needed the 3 water hookons for Camelot Park for the 6 units and if he needed to buy them right away. Mayor Farrens said that they are in the mobile park and acceptable for the two units on one meter.

**Ordinance 19A and Site Permit Review:** Mayor Farrens said that we would table any discussion on the Ordinance 19A for a special meeting, just for the Ordinance review and only for Ordinance review.

**Misc:** Terry Johnson said that he has checked with Anderson at the Idaho Granite Works regarding the stone for the memorial/dedication for Ina Pluid and that the price would be \$1100 to \$1500. Terry said that he has the one stone at his house and that it is a blue stone and that Idaho Granite Works would cut it and polish it up as well.

A motion was made by Heather Andrews and seconded by Terry Johnson to adjourn. Motion carried.

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Attest: City Clerk