



**CITY OF PONDERAY  
REGULAR  
MEETING MINUTES  
JUNE 3rd 2019**

**MAYOR GEIGER CALLED THE MEETING TO ORDER AT 6:00 P.M.**

**PRESENT: MAYOR STEVE GEIGER, COUNCILMEMBER McNEARNEY, COUNCIL MEMBER KUNZEMAN, COUNCILMEMBER THOMPSON, COUNCILMEMBER OSBORNE  
ALSO PRESENT: ATTORNEY MARSHALL, CLERK WARREN, CHIEF CORNELIUS, ENGINEER HERNDEN, PLANNER MILLER,  
PLANNER BRUBAKER**

**THE PLEDGE OF ALLEGIANCE WAS RECITED.**

**CONFLICTS OF INTEREST AND/OR DISCLOSURES:**

Mayor Geiger acknowledged conflict of interest and disclosures statement.

**CONSENT AGENDA:**

*A. Approve Bill \$6,750.15*

*B. Approve Minutes for May 20th 2019 regular council meeting*

*C. Acknowledge Treasurers Report*

***Motion to approve consent agenda***

**Councilmember McNearney/Thompson. All voted in favor. Motion approved.**

**DEPARTMENT REPORTS/UPDATES:**

**MAYOR:** Mayor had talked to Mary with the Daily Bee and she was going to run an article regarding our dog ordinance issues. She will be running that this week. She is also be putting in an article about our Clean-up day.

Last Thursday the Mayor went to Bonners Ferry to the Governors Capital for a Day Event. He spoke to several people about our Revenue Sharing distribution formula issues. He let them know about the comparable's to our neighbors and what we are producing and getting back in return. I am going to keep chipping away at that. He has some folks that are supposed to get in touch with him and also he got cards from some people that he will call. Eventually he hope that we will see an article in the paper that will explain what we do, what we produce, what we get back and hopefully will see a change because we are getting the short end of that stick. He spoke to all of our local legislators and they all feel the pain but they do not know what we are going through. Now that they do know it may be a little easier for him to campaign on that issue.

Mayor also talked to Sherriff Darrell Wheeler about the inmate labor program. Doesn't seem that we are going to get any help this year at all. They are having the inmates cleaning and mowing around the Sherriff's juvenile detention center and doing other projects. They say they are really busy. Mayor was just asking for about three weekends a summer to pick up trash along the median and the highway.

Reminder that the City Clean-up will be Sunday June 9<sup>th</sup>.

**CLERK:** City clerk said that one of our residents came in and asked if they could do fireworks this year on Cedar Street, the same as they have done in the past. They use safe fireworks and always are adult supervised. A lot of the neighborhood goes out and watches them. There was discussion. Chief Cornelius said that he has no concerns, but we do have an ordinance that relates to that. If someone complains, then he needs to know if he will enforce the ordinance or not. In the past the fireworks ordinance has not been heavily enforced unless someone called and complained. Fire Chief Brad Mitton stated that we need to enforce the ordinance or get rid of it. Nobody has a concern or a problem until something takes place. Consensus of council is to let them do what they want and hope there are no complaints.

**POLICE:** Surplus property-4 wheel and tire and a mountain bike-to be disposed of however you want. ***Motion to surplus property to sell***

**Councilmember Thompson/Kunzeman. All voted in favor. Motion approved**

Chief asked the council if he could use the extra funds in police wages, since we have had a couple officers out on Work Comp, to purchase a couple new cars. If he purchases two this year and then one next year, we will eliminate the need to purchase three in one year. He is looking at one Dodge Durango and one Dodge Charger. That way the guys can decide if they like the Durango or the charger better. Durango, fully outfitted, will cost about seven thousand dollars (\$7,000.00) more than the Charger. We currently have four vehicles. Three are 2013 and one is 2016. The council would like to do this. Clerk will revise budget for 2018-19.

**STREETS/PUBLIC WORKS:** Engineer Herndon gave an update on the stamped concrete on Kootenai Cut-off Road is done and looks very nice. He is still planning on coming to the City Hall and putting in the little sidewalk path on the West side of City Hall.

He spoke to Brett Engel with IHD and they came up with three maintenance projects to do this year. 1) There is a culvert at Birch and Railroad Ave that is collapsed. They will put in a new culvert. 2) There is a sink hole in front of the fire station that will be filled and fixed. 3) Clean out the ditches along the East side of McNearney Road.

Engineer said that he had met with Tanner from KPSD and they talked about Cedar Street. There is a number of sewer services that he would like to replace before we repave. It sounds like it would make more sense to rebuild Cedar next spring, so KPSD has time to make their upgrades. Perhaps bid it out in winter to get good rates. This would eliminate us fixing the road and then having them tear it up later.

The outlet structure at the round-a-bout, they replaced the front grate on that, so there are pretty wide openings. Wide enough that the weeds and leaves can pass through but kids and animals cannot.

**PLANNING, PARKS & COMMUNITY DEVELOPMENT:** Planner Brubaker reported, due to lots of volunteer help and all of Jessica Rachels time, that the handy cap swing at McNearney Park has been erected. This has been a couple years in the making.

Planner spoke with a grant writer from the City of Sandpoint and she is putting in for a USDA Rural Development grant to look at our housing County wide. They are looking for people to help match the grant to create a housing needs assessment to try and tackle the affordable housing issue that we have. He would like to know the level of support that Ponderay would be interested in contributing if at all. He will write it up as a resolution. Sandpoint is putting in ten thousand (\$10,000.00) if the grant gets awarded. Bonner County Housing agency is putting in five thousand (\$5,000.00). He does not expect Kootenai and Dover to be able to add much. They are also hoping that Bonner County will come up with some also. They are expecting to need fifty thousand (\$50,000.00) match for the grant. Association of Realtors may kick in some dollars and maybe some other interested parties. The entire grant is one hundred thousand (\$100,000.00).

**\*\*ACTION ITEM\*\***Build grant authorization-last year we applied for this Build Grant and we applied as a planning grant for about six hundred thousand dollars (\$600,000.00). Because we are a rural community the match is optional, but it has been made clear that to be competitive you need to bring some match. One of

the things that they were clear about was that the administration wanted award construction projects and there were no planning grants awarded nationwide, it was all for construction. If we use our twenty percent (20%) number on a six million-dollar (\$6,000,000.00) project, it is a lot of money. This is the question we are talking about asking the voters for. When projects get submitted over and over, they build up a brand recognition and over time the people who review these projects get to know them better. Our project did ranked very high. We would put in for Planning, Engineering and Construction all into one big grant. Should we put in again for this year and just see what happens. The community survey is expected back to us in the next couple weeks. When we get the results, we will know more about what kind of money we will have.

**Motion to approve moving forward with the grant application with no match  
Councilmember McNearney/Osborne. All voted in favor. Motion approved**

**\*\*ACTION ITEM\*\*** Removal of P&Z member-Josh DeVita has changed jobs since he started with P&Z and we have not been able to contact him and he has not been attending any meetings.

**Motion to approve removal of P&Z member Josh DeVita  
Councilmember Kunzeman/McNearney. All voted in favor. Motion approved**

- \*\*ACTION ITEM\*\*** File SS19-019-Dawn's Acres-Starr's Development LLC-subdivision-Public Hearing
- Starr's Development, LLC (Scott Dempsey) is requesting approval to divide a ±33.29-acre parcel into 6 lots ranging in size from ±3.02 acres to ±7.963 acres. The property is zoned rural and is located north and west of McNearney Road and south of the Field of Dreams access road in Section 2, Township 57 North, Range 2 West, Boise Meridian. A portion of Proposed Lot 3 was approved for rezone to industrial upon completion of the stipulated conditions of approval in 2018. To date, the zone change ordinance has not been recorded.
  - Site Data
    - ±33.29 acres of Ag Land
    - Currently zoned rural (File ZC18-015, south east ±3.92 ac rezone to industrial)
      - To date, the zone change ordinance has not been recorded
      - Required dedications have not been made
  - Access
    - Lot's 1 and 2 will have direct frontage on a proposed private access drive that will extend north from Starr Lane.
    - Lots 3-6 will have direct frontage on a proposed private access drive that will extend north from McNearney Road
    - Lot 3 will also have public right-of-way along the South boundary. Construction is not proposed in this location
    - Private Access Drives per PCC 8-1-6 Road Specifications
      - Providing access to 4 or fewer lots
      - Designed to the satisfaction of the City Engineer
  - Environmental
    - The site is relatively flat
    - Bonner County GIS mapping indicates the potential presence of wetlands over a very small portion of the subject parcel
      - Overlay only
      - Mapping created in the 1980's with no process for updates
      - Ponderay City Code is silent with reference to wetlands

The site does not contain mapped water bodies or floodplain (Zone x)

- Services
  - According to the preliminary plat the proposed subdivision will be served by:
    - City of Sandpoint Water
    - Individual septic systems
    - Avista (Natural Gas and Power)
    - Northern Lights (Power)
    - Northside Fire
    - Lake Pend Oreille School District

- Standards for Review
- PCC 8-1-3 Public Hearings
    - Planning and Zoning Commission and City Council must each hold a public hearing
    - Notice must be mailed to all land owners within 500 feet of the subject property
    - Written decision must be issued within 28 days of the City Council Decision
  - PCC 9-4A-2 Minimum Lot Size for Rural Zone
    - 3 acres
    - Proposed lots range in size from ±3.02-acres to ±7.963-acres
  - PCC 8-1-1 (E) – Minimum Lots Size without Urban Services
    - 2.5 acres unless served by all urban services
    - Urban services include public water, sewer, telephone and electric
    - The proposed lots will not be served by urban sewer
    - File ZC18-015 (3.92 ac to Industrial)
  - PCC 9-4A-2(B) – Access
    - Lots shall have at least one **existing** access
  - PCC 8-1-6 Road Specifications
    - Typically, all new lots must have direct access on a public street
    - Access for up to 4 lots may be permitted by private drive which shall be constructed to the satisfaction of the City Engineer PCC 8-1-6
      - Lot's 1 and 2 will have direct frontage on a proposed private access drive that will extend north from Starr Lane. (Proposed 30-foot dedication)
      - Lots 3-6 will have direct frontage on a proposed private access drive that will extend north from McNearney Road (Proposed 60-foot dedication)
      - Lot 3 will also have public right-of-way along the South boundary. Construction is not proposed in this location (Proposed 30-foot dedication)
      - Private access drives will need to be constructed to at a minimum, meet the fire code access road stds.
  - PCC 8-1-7 – Development Agreement
    - May enter into a development agreement with the City. This agreement clarifies the development standards, responsibilities and timing.
    - The applicant does have the option to bond for required infrastructure improvements
    - If the applicant pursues this option, a development agreement shall be completed
    - Proposed Condition 7 - Should the applicant choose to pursue a bond for any portion of the site development, a developer agreement between the City of Ponderay and the Landowner shall be executed.

No public comment-written Comments received were read into the record.

- Staff Recommendation
  - Approval of the subdivision request and the requested setback reductions, subject to the conditions of approval.

### Conditions of Approval

1. A final plat shall be recorded.
2. The final plat shall be recorded within two (2) years of preliminary plat approval. The city may grant a one-year administrative extension with the approval of the city engineer.
3. Prior to final plat recording, the applicant shall provide proof of compliance with the requirements of the Panhandle Health District and documentation that an adequate sewer disposal method can be supplied for each proposed lot.

4. Prior to final plat recording, the applicant shall provide evidence that the site will be served by City of Sandpoint Water or Northside Water. Additionally, water infrastructure, shall be installed prior to final recordation or the landowner shall bond for installation.
5. Prior to construction the applicant shall submit civil plans for the proposed private access road, stormwater, grading and erosion control, fire hydrant locations and utility installation for review and approval, to the satisfaction of the City of Ponderay and affected agencies.
6. Prior to recording the final plat, the landowner shall construct physical access to all lots and associated stormwater facilities to the satisfaction of the City Engineer or the landowner shall bond for installation.
7. Should the applicant choose to pursue a bond for any portion of the site development, a developer agreement between the City of Ponderay and the Landowner shall be executed.
8. The final plat and proposed infrastructure shall comply with applicable portions of the 2015 International fire code.
9. A road maintenance agreement shall be recorded concurrent with the final plat.
10. Prior to final plat recording the landowner shall provide proof that the proposed lots will receive power service from Avista Utilities or Northern Lights.
11. Prior to final plat recordation, the land owner shall dedicate the east 60-feet, the south 30-feet and the west 30-feet of the subject parcel to the City of Ponderay for public right-of-way.

The Zone change application ZC 18-015, that was previously approved, we would have to amend the legal description for that zone change to encompass all of that proposed lot three. Plus it is very problematic for compliance standpoint to have a lot that contains multiple zones. When that request came through the acquisition for Lipperts was to be small and they have expanded what they are choosing to purchase. So they will be occupying all of this lot three. Even tho part of it is zoned industrial and some rural it is likely to expand, so modifying that legal description to that entire lot makes the most sense to us and from a compliance standpoint.

Planning and Zoning Commission recommended approval of this application with a three to one vote. They did propose a modification to condition #11 to require a forty-foot dedication to the south boundary. Even with that proposed expansion of the dedication we did have one commission member who voted against the project. As proposed the applicant is dedicating the entire right-of-way width along the East boundary and their half of the right-of-way along the south and west boundary.

**Public Hearing** open at 6:58 p.m. -Disclosure-Council member McNearney said that he a property owner of property that is adjacent to this property. Rules were read.

Public Comment: Cole MacAvoy-Vermeer Drive-I walk my dog in that field all the time. I think the community should be very careful about what happens along that whole area north of here for the next ten years.

Public Hearing closed at 7:03 p.m.

**MOTION TO APPROVE:** I move to recommend approval of this application, FILE #SS19-019, requesting subdivision approval to divide an existing ±33.29-acre parcel into 6 lots, finding that it is in accord with the applicable sections of Ponderay City Code as outlined in the staff report, and based upon the evidence submitted up to the time the staff report was prepared and testimony received at this hearing. I further move to adopt the conditions of approval in the staff report, amending condition #11- dedicating only thirty feet to the south for right-of-way.

**Councilmember McNearney/Osborne. All voted in favor. Motion approved**

**\*\*ACTION ITEM\*\***File ZC18-015-modification of Zone change from Rural to Industrial  
**Motion to approve** the zone change ZC18-015 to Industrial from Rural for the entire lot #3.  
**Councilmember Thompson/Kunzeman. All voted in favor. Motion approved**

Councilmember Kunzeman asked for an update on the Anvil trail. Planner Brubaker replied that we have a revised easement description which Attorney Marshal put together. HMH revised the survey and legal description. It is now with the property owner. Everything is on track with the contractor. Contractor is ready as soon as we get the signed contract.

Councilmember Kunzeman asked about the bus shelters. Planner Brubaker has the contacts from Home Depot and Wal-Mart. We did find that we have ten feet to work with at Wal-Mart. We are waiting to hear back from them to see if they will give it to us or if they will charge us.

Councilmember Thompson asked about the mile markers on the Bay Trail. Planner said that they need to completely need redone. He anticipates we will get this done before end of summer. There has been a series of work parties getting ready for the Trail Fun Run. We have cleared a lot of brush and would be in good condition now to put up new numbers.

Councilmember McNearney asked when the new Dog park is scheduled to open. Planner said they are still on track to open in July. He did not have the date.

**PUBLIC COMMENT:** Laurie Reed-Vermeer Drive had a couple questions on the public hearings. How do we advertise for a public hearing? We have to send a letter to any property owner with in five hundred feet. It has to be published in the Bee twice and it has to be posted on the property site. Is there a compliance officer for zoning regulations? It depends on the violation. Some things can go through our office and some are handled through other staff. She understands that Hope has asked the railroad for a quiet zone. Is there a chance that we would consider asking for a Quiet Zone at Kootenai Cut-Off Road. Mayor said that we are already talking about and considering asking for this. There are a lot of hoops to go through first.

Nancy Piatt-Ponderay asked if there is any progress on the junk yard? Chief Cornelius stated that he had talked to the owner's daughter and they are going to be cleaning up. No time frame.

Brad Mitton-Ponderay asked if we need to do a revised budget and do public hearings to take money out of payroll and put to capital improvements. Clerk said this is not needed since we are not adding money or changing it to a different account. It will stay in police dept. Attorney stated that we can move it by Resolution. Clerk will make sure that it is done correctly. -He asked if the city Hall sign at the corner of Hwy 200 and 4<sup>th</sup> had been replaced. It has been ordered.

**Budget workshop:** Streets and Planning

**Motion to adjourn.**

**Councilmember Thompson/McNearney.**

**Meeting adjourned 8:23 p.m.**

---

City Clerk/Treasurer Su Warren-Brown

---

Mayor Steve Geiger