



**CITY OF PONDERAY
REGULAR
MEETING MINUTES
OCT 15th 2018**

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

PRESENT: MAYOR STEVE GEIGER, COUNCILMEMBER McNEARNEY, COUNCIL MEMBER KUNZEMAN, COUNCILMEMBER OSBORNE, COUNCILMEMBER THOMPSON,

ALSO PRESENT: ATTORNEY MARSHALL, CHIEF CORNELIUS, PLANNER BRUBAKER, CLERK WARREN

ABSENT: ENGINEER HERNDEN

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 Council minutes for Sept 17th, regular council meeting

B. Approve Bill \$23,155.84

C. Acknowledge Treasurers Report

D. Acknowledge Attorney Report

E. Acknowledge Police Report

Motion to approve consent agenda

Councilmember Thompson/Kunzeman. Roll Call vote. All voted in favor. Motion approved.

DEPARTMENT REPORTS/UPDATES:

MAYOR: Mayor reported that Ponderay Neighbor Days was a lot of fun and we had a great turn out. He heard a lot about keeping this event going. He appreciates everybody's hard work, especially KayLeigh and Erik.

Mayor is half way through the walking challenge for October. Last two weeks he has been ahead of Shelby so he is very happy about that.

It is nice to see that all of our striping is done.

He would like to start thinking about who will be Santa this year. Date will be Sat. Dec. 15th. We will be putting the sacks together the week before.

Mayor reported that the Ponderay Kitchen is getting close to opening.

The annual summit for "What's Happening Up North" is Nov. 1st.

CLERK: Clerk reported that she has sent out all of the Liquor License applications last week. The business license packets are ready, they just need stuffed in the envelopes. She hopes to get that done and sent out this week. Please take mums home. We are done with them.

POLICE: Chief Cornelius reported that we have started getting complaints again about the people trespassing on the Dan Smith property. We now have access through the Marley property, which before we did not have prior and we have started trespassing some people off of the Marley property and try to cut down on the foot traffic going through there.

If we catch them down there a second time they will either pay a citation or go to jail for trespassing. Hopefully we can start cutting off their access point and clean it up.

Officer Robillard, down at post, is still doing well. His test scores reflect well. He will graduate on Nov. 2nd.

Looks like we need to purchase some more body cams. Three have all at once decided to die off. They will be approximately four hundred (\$400.00) each.

Chief would like to surplus a Canon Printer that is nonfunctional.

Motion to surplus Canon Printer

Councilmember Thompson/Osborne. Roll Call vote. All voted in favor. Motion approved.

Mayor asked about the incident report. It is down to one hundred sixty (160) and a month or so ago, when we were talking about the dispatch fees, You said that you would be able to shave off some of that, does that reflect in these numbers? Chief said "No." those numbers are still accurate as far as numbers. It used to be that any phone call that came into the office we would call dispatch and had them issue us a case number. We now have the access and have learned how to do that ourselves so that we can take dispatch out of that equation. So if it comes about at some point that there are fees for that then that number would drop even more. But the 160 is down partially because it always slows down this time of year when the tourists are gone, summer is over and the other big part is the fact that there is only three of us working right now. So the Sheriffs office has been more than generous in helping us out and covering quite a few hours for us. Chief said that he was the last one on last night and the first one on this morning and they covered everything in between. He will go over and Thank them for all that they are doing for us. That is the big reason is that we are so shorthanded. They do call us out on any major calls but the more minor stuff they just take care of it.

PLANNING, PARKS & COMMUNITY DEVELOPMENT: Planner Miller reported that she and Erik had been working with the McGhee Family. They have the property East of the Field of Dreams. Several months ago they approached us wanting to make some dedications for the eventual street connections through the Field of Dreams property from the Hwy 95 to the McGhee Road. A map was provided showing these properties and the dedications as proposed. The McGhees are willing to dedicate the sixty foot wide (60') right-of-way to the south of the Field of Dreams property and a seventy foot (70') wide right-of-way aligning with the existing Field of Dreams access road. Under the agreement that the City designs the Field of Dreams project to accommodate a street crossing. We made it very clear that this would not be a high traffic street, it would not be a high speed street but that there was possibility to design for some kind of a connection. Because we really do want people to be able to go out either way. They also have agreed to give us a dedication of a thirty foot wide (30') drainage greenbelt. This follows the existing primary drainage across the field and connects into the back side of the Cold Water Creek complex and is primarily responsible for draining that entire area. We wanted to get a connection over to McGhee Road without it having to go up the railroad tracks. There is a temporary easement. It is their intent that this property will be developed as a whole and that streets will eventually cross through from Vermeer and make future pathways through there. But in the mean time we wanted to have a path through that greenbelt, so they gave us a temporary easement. It is stipulated that it will go away at such time as future dedications are made that create that connection. They wanted from us, in writing an agreement to the terms of this. They are giving the property at no cost to the City. However, we have to pay for the survey work to create the legal description. We do not anticipate that this will be a very expensive process. So at this time she has worked with Attorney Marshal to come up with an agreement. There is no decision that needs to be made at this time. We will be forwarding this agreement on to the McGhees attorney so that he can provide us with his comments and any revisions.

FILE SS18-017 – McNearney Mill Subdivision: Phil McNearney and Joyce Broadsword are requesting approval to divide an existing ±3.6-acre parcel into 5 lots, ranging in size from 0.6-acres to 1.2 acres. The property is zoned Industrial and is located off McNearney Road in Section 2, Township 57 North, Range 2 West, Boise Meridian. Does anyone have a conflict of interest or disclosure? Councilmember McNearney excused himself. Clerk read the rules into the record. Public Hearing opened at 6:19p.m.

Planner Miller said that this particular property has been through a series of applications recently. The map showed that the 1.2 acre lot is lot one and fronts directly onto McNearney Road. Lots 2-5 are to the East. She showed pictures of the property from all directions. Through this project we are proposing a ten feet (10') of dedication along McNearney Road. Lots 2-5 are going to access off an existing private drive.

- **Site Data:**
 - **±3.6-acres**
 - Existing structures located on proposed Lot 1
 - Currently used as an industrial site
 - Access
 - Lot 1 has direct frontage on McNearney Road
 - Gravel
 - R-O-W varies from 40-60 ft
 - 10-feet along the west boundary is proposed for dedication
 - Post dedication the R-O-W will be 60-feet in width at the subject property
 - Lots 2-5 will access from an existing private drive per PCC 8-1-6 Road Specifications
 - Designed to the satisfaction of the City Engineer

Email confirming engineer satisfaction received on September 6, 2018

- **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
 - Project Engineer, Dan Larson, P.E., 7B Engineering provided a statement regarding the presence of wetlands on site
 - 3-4 feet of granular fill has been placed on site ±10 years ago (based on vegetation)
 - Drainage ditch was left or constructed along the fence line of the property
 - Additionally, the property to the east has a drainage ditch running north/south along the fence line

The site does not contain mapped water bodies or floodplain (Zone X, Panel 0710E)

- **Services**
 - Currently served by Northside Water and an individual septic
 - Proposed subdivision will be served by
 - City of Sandpoint Water
 - Kootenai-Ponderay Sewer
 - Northside Fire
 - Lake Pend Oreille School District
- **Standards for Review**
 - 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
 - Proposed lots will be served by all urban services
 - See Conditions 3-5 and 9
 - PCC 9-4D-2 Minimum Lot Size for Industrial Zone
 - 15,000 sq ft
 - Proposed lots range in size from ±.6- acres or ±26,136 sq ft to ±1.2-acres or ±52,272 sq ft
 - 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 8-1-7 – Development Agreement
 - May enter into a development agreement with the City as a condition of or following the preliminary approval for clarification of development standards, responsibilities and timing.
 - It is yet to be determined whether the applicant will bond for improvements
 - If so, a development agreement should be completed

- PCC 9-4D-2 – Access
 - Lots shall have at least one access
- PCC 8-1-6 Road Specifications
 - 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
 - Lot 1 has direct frontage on McNearney Road
 - Lots 2-5 will access from an existing private drive per PCC 8-1-6 Road Specifications
 - Email confirming engineer satisfaction received on September 6, 2018
 - Proposed Condition 6 - 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.
- PCC 9-5A-3 (C)– Setbacks for Commercial and Industrial Zones
 - 45-feet from R-O-W centerline or 25-feet from edge of R-O-W whichever is greater
 - Applies only to dedicated R-O-W or Ingress/Egress Easements
 - 10-feet from all other lines
 - With P&Z Approval, when located in an approved plan setbacks may be reduced to zero.
 - P&Z Commission may approve setback reductions to zero feet when the reduction is a part of an approved plan.
 - Setback deficit to the west is caused by public dedication
 - Structures exist in this location
 - Approval of the reduction does not cause the structures to be located substantially closer to the travelway
 - Outright approval could set precedent or cause confusion on future applications
 - Can be addressed by a plat note or condition
 - P&Z recommended the addition of proposed Condition 11 “A note shall be placed on the face of the plat, which indicates that replacement of all existing structures shall be subject to review by the City of Ponderay.”
- **Agency review**
 - Panhandle Health District
 - Pat Park, James A Sewell & Associates
 - Ponderay Police Department
 - Kootenai-Ponderay Sewer District
 - Independent Highway District
 - HMM Engineering
 - Northside Fire District
 - City of Sandpoint (Received after the staff report was routed)
- **Public Comment**
 - None was received
- **Staff Recommendation**
 - Approval of the subdivision request and the requested setback reductions, subject to the conditions of approval.

- **Planning & Zoning Commission Recommendation**

- Approval with the addition of proposed Condition 11, stating “A note shall be placed on the face of the plat which indicates that replacement of all existing structures shall be subject to review by the City of Ponderay.”

Planning Commission Motion: Commissioner Woller moved to recommend approval of this application, FILE #SS18-017, requesting subdivision approval to divide an existing ±3.6-acre parcel into 5 industrial lots and the associated setback reductions, finding that it is in accord with the applicable sections of Ponderay City Code as enumerated in the findings of fact and conclusions of law 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. Commissioner Woller further recommended adoption of the findings of fact, conclusions of law, and conditions of approval in the staff report, noting the addition of proposed condition 11. Commissioner Fox seconded the motion.

The Planning Commission voted, the motion passed unanimously.

Presentation by the Applicant: Dan Larson-representing Applicant- One of our considerations is for stormwater on that access road because we know the snow will be shedding through there and we will have a drainage issue. They are proposing to shed the road across to one side. Engineer Hernden has review that but it does not show on the screen. So it would all shed to the south side of the road and we would collect it along an open ditch. Possibly inlets where we have approaches to the driveway. Just to make sure that we get it out and then we have a treatment facility there for the increased impervious surface area. Each side will have to treat and detain it’s own stormwater, this is just for a hammerhead. It was asked if the surface area is all gravel. Yes, although we would really appreciate if the City would pave McNearney road up to that point.

No Questions. No written comment. No other testimony. Public Hearing closed at 6:24 p.m.

MOTION TO APPROVE: I move to approve this application, FILE #SS18-017, requesting subdivision approval to divide an existing ±3.6-acre parcel into 5 industrial lots and the associated setback reductions, finding that it is in accord with the applicable sections of Ponderay City Code as enumerated in the findings of fact and conclusions of law 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 findings of fact, conclusions of law, and conditions of approval (noting any amendments) in the staff report

Councilmember Thompson /Kunzeman. Roll Call vote. All voted in favor. Motion approved.

ORDINANCES, RESOLUTIONS, PROCLAMATIONS, CONTRACTS: Resolution 2018-7 A resolution of support for cooperation with the Friends of the Bay Trail in conducting funding research for a future Railroad underpass, general park development and related transportation improvements.

Planner Brubaker reported that this is resolution in support of the Pend Oreille Bay Trail underpass and parks funding research. Friends of the Trail would be funding this research. This resolution does not need to be decided on at this meeting. We can table it until next meeting. Susan Drumheller-Friends of the Pend Oreille Bay Trail: Basically, this is in anticipation of getting the planning grant, then we will have a shovel ready project because it will be engineered and designed. Then we could go for a build/construction grant. Our preliminary feasibility study indicated that an underpass like we are talking about would be about a seven million dollar (\$7,000,000.00) project, more or less. Even though rural communities are not required to have a cash match for the application in order to apply, you are more competitive if you do have match money. In this case with the planning grant we were fortunate to get a pledge from the Equionx Foundation as well as the City kicked in some funds as well. So we had a pretty significant match for the planning grant. To come up with enough money to have a competitive construction grant application, the best way to do that is to do it through public financing. That is why we are willing to fund the research to see if this is something that would even fly.

The last time the City did a sales tax measure there was no research prior to that. We would like to have some research done just to see if there is any support for or against. If the research came out looking like people were supportive of it then we could go forward, then we could put it on the ballot. If the research shows that it might not have enough support, then the Friends could use this information to campaign to get information out to people. We do not want to do this without the City's blessing. The polling firm that they contacted said it would be helpful because they would need to send letters to all the registered voters in Ponderay. For this to be most effective it would be best if it were on City Letterhead. Susan's first request would be your approval that you endorse this and secondly, we would like to help with the City's participation. The other thing that needs to happen in addition to this is starting to talk to the railroad about negotiating for the right-of-way if we need it. Mayor would like to have a talk with some of the business owners before the research. We don't want to be going out there and trying to do something that people don't want. Presentation of a tax could make it or break it. Right now, we just want to know if people would support it. We will table this until the next meeting.

Planner Brubaker informed the council on the "What's happening up North" summit on November 1st.

Councilmember Thompson/ Kunzeman to adjourn. All in favor.

Meeting adjourned 7:00 p.m.

Mayor Steve Geiger

City Clerk/Treasurer Su Warren