



**CITY OF PONDERAY  
REGULAR  
MEETING MINUTES  
Aug 6th 2018**

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

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

**ALSO PRESENT: ATTORNEY MARSHALL, PLANNER BRUBAKER, CLERK WARREN, ENGINEER HERNDEN**

**ABSENT: COUNCILMEMBER THOMPSON, CHIEF CORNELIUS**

**THE PLEDGE OF ALLEGIANCE WAS RECITED.**

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

Mayor Geiger acknowledged conflict of interest and disclosures statement.

**PUBLIC COMMENT:** Nancy Piatt-Ponderay: What is allowed in the residential Zoning. Are chickens allowed in the residential zone and is it in the P&Z Ordinance. We are tired of the rooster on the corner of 3<sup>rd</sup> and Cedar. It starts crowing at 4:30 in the morning and crows all day. I have a picture, on my phone, of the at large chickens out running around. She had always understood that chickens belonged in the rural zone not in the City.

**CONSENT AGENDA:**

**A.** Approve Council minutes for July 16th, regular council meeting

**B.** Approve Bill \$95,020.86

**C.** Acknowledge Treasurers Report

***Motion to approve consent agenda***

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

**DEPARTMENT REPORTS/UPDATES:**

**MAYOR:** Mayor said that he had noticed that the weeds are dying along the commercial right-of ways and ditches.

Mayor has signed up for the Walk Challenge in October. He will have to walk one hundred sixty miles that month. All the Mayors that participate in the challenge will receive one thousand dollars (\$1,000.00) toward a park or elementary school project. He is going to see if Mountain States Early Head Start would qualify for this money.

Police carport, the dry wall has been installed and they should be finishing taping this week. The siding, the trim and entry man door were installed last week. Paradise builders is complete. We should have the roof done this week and by Aug 27<sup>th</sup> he will have the painting done. Then they can install the roll up doors.

**CLERK:** Clerk asked if the Police speed trailer could be put up around her house as some of the neighbors are drag racing from the stop sign at Cedar and 5<sup>th</sup> to Hwy 200.

**STREETS:** Jesse Herndon reported that Quality Maintenance has started the stripping but there is still some that needs completed. Their trailer broke down, so they were not able to finish but they will be back to finish. He recommends holding off on paying them until the job is completed.

He got a quote to finish up the stamped concrete on Kootenai Cut-Off. It came in at twenty-one thousand four hundred dollars (\$21,400.00). This seemed high and he will be going out for another quote later in the season to see if he can't get a better price. Mayor suggested that we get another couple bids to see how they come in.

They have just started the design for the bid documents for the Anvil Trail extension.

We just finished up the design of the Kootenai Cut-Off Road pedestrian crossing flashing beacons. That will be going out to bid soon.

**PLANNING, PARKS & COMMUNITY DEVELOPMENT:** Planner Brubaker reported that we had some weed concerns around the S&W. Although everyone is very happy to see all the trailers gone.

We made progress on the Ponderay sign for the by-way. Energizing the sign, KayLeigh got quotes from two electricians for getting power to the sign and the bids came in at three thousand two hundred (\$3,200.00) and other was five thousand five hundred one hundred (\$5,100.00). We will go with the lower bid which is from Burnett Electric. There will be lights that will illuminate the sign and four outlets for Christmas lights. We will be pulling power off the State infrastructure, the signal light at the "Y".

We got a quote from Lippert's to do the path at the Animal Shelter. Which is a grant for fifteen thousand dollars (\$15,000.00) that we got last year. We had originally estimated only twelve thousand, but he thinks that we can absorb the extra. So, he would like to go forward with it. They are mobilized for the Animal Shelter construction project and so it could happen within the next couple of weeks.

WE have had some inquiries about some different kinds of events. Some people are looking at our Ponderay Neighbor Day event and it is a good example of something that we should have an event permit for events other than by the City. Is someone wants a parade or protest or party, etc. Most Cities have an event permit process. Planner will be moving forward to get a special use permit for our City.

**\*ACTION ITEM\* File ZC18-015 – Zone Change from Rural to Industrial – Starr's Development, LLC and Lippert Excavation and Pipeline** are requesting Zone Change approval to rezone an approximately 3.92-acre parcel from Rural to Industrial zoning district designation for the purpose of operating an excavation and construction business and equipment yard.

City Clerk opened the public hearing at 6:18 p.m. the rules were read. No conflict of interest or disclosure.

**Presentation by the planner:** This project is a zone change request from Rural to Industrial by Lippert Excavation and Pipeline. They are looking to change a 3.92 acre parcel. He showed aerial photos of the property lines off the end of McNearney Road. The vicinity is the south west corner of the Field of Dreams property. It is at the end of the water and sewer district infrastructure boundaries. The property around the north and west area is zoned rural and most of the properties to the South are all zoned Industrial. The site is very flat. There is the end of McNearney road right-of way. The comprehensive plan is to have right-or-way along the west side of the Field of Dreams in the future. Three zonings come together at this property. The Field of Dreams was zoned commercial years ago. All the properties to the South are Industrial and pretty much the rest is Rural. As proposed it is not considered a spot zone because there is Industrial property to the south. In general, our Rural zoning designations are established to allow low density residential uses that are compatible with rural pursuits, like agriculture. Our Industrial zone is established to promote the development of areas of land for manufacture processing, fabrication, research and testing operations, warehousing, general retail and wholesale sales. These areas require collector access. One thing that is noteworthy is a condition that was suggested by the Planning Commission and recommended by the Staff is that right-of-way be dedicated as part of the zone change process to ensure that we can continue to develop the road circulation network in that area. The applicant provided an extensive narrative as to why this makes sense for this site. Most of these are cut and dried. A couple of things that required the Planning Commission and City Council to provide interpretation here. From the staff report, Subsection C.-Does the request conform to the Comprehensive Plan? and D.-Is the proposed request designed to be harmonious with the intended character of the general vicinity? One of the things that we are looking at in this review is general harmony with the comp plan and the fourteen elements of the Comp. Plan. Some of them that really come into play are economic development, transportation, community design and our ability to provide infrastructure/utilities. Planner suggested that all look at the future land use map. It paints a picture, but the edges should not be sharp, definitive edges like in the zoning map. That area is a heavier type of Industrial. It does seem consistent with the future land use program in a general sense. In terms of moving forward with the land use as proposed, this would be subject to our general commercial and industrial performance standards. There

would be a site plan as part of a development proposal in the future. There are requirements for out door storage of material and equipment which means fencing and screening. Protections from noise, vibration, lights, glare etc. Those will come into play when the site is developed as part of a site plan process. There are special considerations for a contractor's yard; that is that they would be located three hundred feet from an established residential structure. We do, in Ponderay Code allow for conditions and safeguards for a zone change and the recommended condition is for dedication of sixty feet of right-of-way along the East side of the property. Ultimately, we would like to see this go North and connect to the Field of Dreams access road and allow people to get out to Hwy 95. The other right-of-way that would be dedicated would be requested along the South and that would be thirty feet because there are properties on both sides. The planning commission recommended an eighty feet dedication. There were concerns from the property owners and that is not the amount that we typically ask anyone when they develop. So we revised that to sixty. Agency comments were read into the record. Electrical service would be from Northern Lights not Avista. But Avista does serve with a four-inch gas main along the eastern border. Ponderay Planning Commission recommended approval with the conditions of dedications. Staff recommends approval with said conditions.

**Presentation by the applicant:** Scott Dempsey. What we are looking at is three-acre minimums to be sold. Lippert asked for a little bigger parcel. After this project, we plan on putting three acres parcels from McNearney to the Field of Dreams road. What we would like to propose would be a two lane lower rated road, basically rock as it is now. We have been approached by a lot of people who would like to have a home occupation or shop in the back that they can work out of. We can add and make better road with sidewalks, curbs, gutters, street lights in the future. We would put in the road from McNearney to the Field of Dreams road. They will work on the road as the pieces sell.

No Testimony by the Public, in favor, neutral or opposed.

Clerk closed the public hearing at 6:40p.m.

Initiate deliberation, discuss findings of fact and develop a reasoned decision.

***Motion to approve P&Z recommendation, I move to approve of this project FILE ZC18-015 to change the zoning map from rural to industrial on the subject property finding that it is in accord with the general and specific objectives of the Ponderay City Code, the Comprehensive Plan, and based upon the evidence submitted and testimony received at this hearing.***

***I further move to adopt the foregoing proposal as amended and with conditions of approval.***

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

***Motion to approve Public Hearing Notice for Budget 2018-2019***

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

***Motion to approve 3% letter for IHD***

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

**PUBLIC COMMENT:** Nancy Piatt-Ponderay: Commented on the property on Hwy 200 across from the Elks. It looks like it is getting worse. Do they have water & sewer? I see a big motor home there with the awning set up.

***Motion to adjourn.***

**Councilmember Osborne/McNearney.**

**Meeting adjourned 6:48 p.m.**

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City Clerk/Treasurer Su Warren

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Mayor Steve Geiger