



**CITY OF PONDERAY  
REGULAR  
MEETING MINUTES  
March 1<sup>st</sup>, 2021**

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

**PRESENT:** Mayor Geiger, Councilmember McNearney, Councilmember Mitton, Councilmember Osborne, Councilmember Thompson

**ALSO, PRESENT:** Clerk Warren, Chief Cornelius, Attorney Marshall, Deputy Clerk Peterson, Planning Director Brubaker, Planner Miller

**ABSENT:** Engineer Shaw

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

Mayor Geiger acknowledged the conflict of interest and disclosures statement.

**AMEND AGENDA:**

**PUBLIC COMMENT:**

- Public comment from Jamie and Ivy Jeffres – They would like to hold a drive thru Easter Egg Extravaganza and will be back at the next meeting to provide more details.
- Public comment from Tim Closson, Commissioner for Independent Highway District. He stated City Staff has put an enormous amount of work into the McNearney project and should be commended.

**CONSENT AGENDA:**

- A. Approve Bills \$ ~~39,306.39~~
- B. Approve February 16<sup>th</sup>, 2021 Regular Council Meeting Minutes
- C. Acknowledge Treasurer's Report

***Motion to Approve the Consent Agenda.***

**Councilmember Thompson/Osborne. Roll Call Vote. All Voted in Favor. Motion Approved.**

**DEPARTMENT REPORTS/UPDATES –**

**MAYOR:**

**CLERK:**

- Mayor Geiger asked the status of Business Licenses, Clerk Warren stated there were a couple outstanding, but we are working with them, and noted 104 had not sent in Bed Tax for January.

**POLICE:**

- Chief Cornelius has posted the Lateral Position; it will close March 31<sup>st</sup>. He noted they have made a half a dozen narcotics arrests in the residential area. Chief than thanked Chief Mitton and ITD for their cleanup efforts on an antifreeze spill that occurred. Councilmember Mitton appreciated the teamwork between departments, and the PD for their presence in the residential area. Clerk Warren also thanked Northside Fire for removing snow behind our building.
- **ACTION ITEM:** Police Department Exterior Restoration Project – Bid Approval and Down Payment. Mayor Geiger received two bids for this project. Work would begin in August and completed in September. Work includes media blasting, penetreat, log jam chinking, staining, and log replacement. A 10% deposit is required. Funds have been budgeted for this project.

***Motion to Approve the Police Department Exterior Restoration Project Bid.***

**Councilmember Thompson/McNearney. Roll Call Vote. All Voted in Favor. Motion Approved.**

**STREET/PUBLIC WORKS:**

- Mayor Geiger spoke with Engineer Shaw and load limits will be going up in the next couple days.

**PLANNING, PARKS & COMMUNITY DEVELOPMENT:**

- Gateway Sign Update – Planner Miller spoke with LawnCo to follow up and thank them for the wonderful job they did decorating the gateway sign. LawnCo intends to decorate the gateway sign every year as a donation, the city is willing to help with maintenance costs. Thank you LawnCo!
- Planner Brubaker stated we have a recurring issue in the alley between City Hall and the Post Office where employees park. The mail truck that comes through has done damage to the Northside Fire Department building on three different occasions. Councilmember Mitton spoke of the recurring incidents and damage done. Discussion continued about a resolution.
- **ACTION ITEM:** File ZC20-020, McNearney Neighborhood Zoning Change. Planner Brubaker mentioned that this was a city-initiated zone change, and it is not specific to any parcel. This zoning change is our basic Use classes to balance and protect property values and interests. It only defines the potential Uses. This will be a Legislative Hearing, it is not site or property specific, and is done in the interest of keeping our city as consistent as possible with our Comprehensive plan. Clerk Warren read the rules.

#### Public Hearing Opened at 6:26 pm

- Planner Miller reminded all that this is a Legislative style hearing and described hearing process for individuals wishing to give their testimony. She explained the process Planning and Zoning (P & Z) had worked through, several workshops were held and how they worked closely with them for the development on the future growth of our city. She went through each parcel and identified each proposed parcel change. Proposed parcel changes were sent out to everyone in the Study Area and anyone within 300 feet of the outer boundary. She and Planner Brubaker held a Public Workshop to gain feedback from the public on this proposal. From that meeting, there were a number of concerns and requests from the public. They created three Alternate Zoning options. She explained each alternate option. Each option, public written testimony and oral testimonies were given to the Planning and Zoning Commission. Major concerns noted were wetlands, wildlife, stormwater drainage and flooding, and keeping the rural character in the neighborhood. She spoke of the P & Z meeting, and how they ultimately decided on Alternate Option 1 which passed unanimously. Recommendation from the Planning and Zoning Commission was Alternate Option 1. She stated Councilmembers had been provided with public comments prior to the P & Z meeting, since that meeting two public comments came in Friday. Those were read.
- Public Comment (mailed): Doug and Pauline Kalb – Not in support, after living on McGhee Road for 35 years, every year they see the field that you want to build on underwater, some years extreme, building on the area's drainage is not a good idea, concerned where water will go. McGhee Road was rebuilt, half the funding came from residents to purchase fabric and fill, they do not want the road to be destroyed by water and more traffic. When they bought their house in 1986, they were told the field was considered wetlands and could not be built on. A commonsense approach would be appreciated.
- Planner Miller reminded everyone that this is only looking at zoning designations and there is no development being proposed at this time.
- Public Comment (mailed): Wendy Franck – The property across the road has been ecologically important and biologically productive. These wetlands have provided a vital nesting and feeding ground for birds of all kinds, for as long as they can remember. They do not support any change that would affect the habitat.
- Planner Miller stood for any questions before opening it up for public testimonies. She answered a few questions regarding specific parcels.

#### Testimony by the public:

- Ben McGran (Zoom) – Resident of Dover, is excited to see the rezoning, especially residential. He is in support.
- Chelsea Redwood (Zoom) – McGhee Road Resident, she thought everyone did an incredible job, she submitted a letter and had nothing more to add.
- Christie Cosky (Zoom) – McGhee Road Resident – Letter submission, nothing more to add.
- Debra Kirk (Zoom) – Aultstar Lane Resident – Curious about the extra 20 feet that had been grandfathered to them, and now a possible road going through their property. Planner Miller stated the road had been removed from future versions. The grid was intended for scale. Debra is in support but has concerns about drainage and where water will go, when homes are built.
- Planner Miller explained when specific projects come through, that is when we review the stormwater management plans, and address how they will handle drainage, and city code prevents development from pushing their stormwater onto neighboring sites. She showed the city's Greenbelt and Pathways Plan, which will help with drainage.
- Jan Hansen (Zoom) – McGhee Road Resident, noted she had already expressed her concerns, she had nothing more to add. She thanked Planner Miller for explaining the procedures prior to development regarding wildlife and stormwater.
- Teague Mullen (Zoom) - Birch Haven Road, Sagle – Representing Cliff Mort with Monogram Homes, stated they have a couple properties in the zone change. He appreciates the time the city has put into this, it is well thought out, and listening to the people it affects and the property owners themselves. He noted projects they will be working on. He mentioned when building in Kootenai, they had huge concerns with stormwater, but through development overcame those challenges. They are hoping to continue with those types of projects here in Ponderay. He is in support.
- Carol Curtis (Zoom) – Garden Street in Sandpoint – She represents property owners on Starr Lane that are interested in selling and she is on the board for Bonner Community Housing Agency, she stated we are in desperate need of workforce housing, so the change to Residential creates opportunity. It would be nice to have affordable housing. She applauds the Planning process and changing the zoning to Residential.
- Drew Dittman (Zoom) – Representing Cliff Mort with Monogram Homes. Stated he did not have anything new to add but wanted to echo statements made by Teague Mullen. He is in support of the zone change.
- Tim Closson – On behalf of the Independent Highway District, he felt from the Alternate Options that were presented, the Highway District is well taken care of as the Industrial zoning being kept. His mission is to reassure the city that the Highway District fully intends to stay in service within the City of Ponderay, Kootenai and surrounding areas. The most important reason to keep the 3 acres fully industrial, without it we would not be able to use it. He did want to mention,

from Workshops he had attended was noise abatement. If not required to do, they will do on their own. Most noise will come in the wintertime as snowplow trucks could be leaving at 3 or 4 in the morning.

- Planner Miller added a comment from the last Public Hearing, folks that will be developing residentially west and south, were fine with neighboring them, as Independent Highway District is considered light Industrial.
- Richard Vilelli – East Shingle Mill Road, Sandpoint, representing the McGhee Family, as everyone has said time and effort have been put into this and it makes a lot of sense. If it were being considered to split the lot into two different zones, it could handicap future development for that owner. He is hoping for some consideration by making that entire lot one Zone, as it is tough to create two different zonings into one single lot. There was further discussion regarding this particular lot, which is currently zoned Rural. Planning went over reasonings for splitting the property.
- Mayor Geiger - knows how much time and effort was put into this project and the fact that our city is growing and trying to meet the demands and pressure of development. He asked if there were any final questions, or comments.
- Teague Mullan – Just wanted to reiterate the need for growth, not only in Ponderay but our County. Respect for existing communities is important, and he felt we are being progressive. It is a huge benefit for our community to do what you are doing right now. He appreciates that the city listened to the people and taking action on it.

#### **Closed the Public Hearing at 7:13 pm.**

- Deliberations and discussion had taken place. It was mentioned that two members of the Council have property that would also have a zone change. There was more discussion regarding the McGhee Family property, Council considered to leave that property until a later date or consider an Alternate Option. There was discussion considering Alternate Option 1 and Alternate Option 3.

#### **Reopened the Public Hearing at 7:22 pm.**

- Mayor Geiger stated moving forward with this process, we need to clean this up and give designation. Richard Vilelli – will Council just end up taking it off, just the McGhee property and move forward with the rest? Planner Miller - advice from legal council is, if we take that off the table we would go back to the Planning and Zoning Commission, because of the substantial change and we would advertise again and bring it forward to the City Council again, for that parcel only. Richard Vilelli stated they would like to leave it Rural. Additional comments were made regarding Rural Zoning.
- Michael Vilelli – Hubbard Lane, Sagle – The owners desire was to have one zoning as Richard had said for ease of future developments. If it would help move things forward, just keep it rural which may be the cleaner method. In representing the owner, if Mrs. McGhee came in and said this is what we would like to do with this property, we would have to come in with an application anyways, I do not want to tie her hands and not be able to develop it and have it stay Rural. It is a unanimous understanding that residential is needed. In coming forward to Planning and Zoning and City Council we would have to address drainage and stormwater. He thinks one zoning would be the easiest. Mayor Geiger noted there would be a substantial benefit if it were Residential rather than Rural. Richard Vilelli stated the owners would like to see the parcel one zone.
- Tim Clossen – asked to put up Alternate Option 3 on the screen, so Public could see.
- Mayor Geiger - there could be potential growth to the north along Highway 95 so we could see more Industrial zoning.
- Planner Miller - Her concern in the meantime is that it is rural, and if someone chooses to develop it at a rate of one home per 3 acres, the Council and Planning Commission will have less authority to require dedication, and contributions of greenbelts. If none of these options are acceptable, or there is a substantial change, we go back to the Planning Commission. You could choose to designate it as one zone and it may not be Rural, maybe it is Residential.
- Planner Brubaker - A Comp plan does not necessarily mean Industrial, we as a city need to look forward to accommodating anyone who wants to create jobs. Unless we are going to be subsidizing Industrial Park, it will be a developer that comes forward; runs the pipes, asphalt, and concrete. They will still have to go through the same processes.

Further testimonies are only given based on the new information provided.

- Teague Mullen – He did not see the benefit of keeping a Rural zone in an area for the service it provides, yes there are Industrial zones, but there are bigger benefits to being Residential, then there is having a portion of it being Industrial. The Industrial zone is hard because there have been people that move here and do their business here, the workforce that we have is not great. Property values are high compared to something in Post Falls, Coeur d’Alene, Rathdrum area where there is Rural Plains. It is a tough uphill battle, Industrial Zoning. We could have Industrial Zones everywhere, when empty it means nothing. The Residential side, we are going to fill it. Leaving it Rural is not planning for the future. It makes sense to zone that property Residential.

#### **Closed the Public Hearing at 7:36 pm.**

- There was further discussion, with a decision to make Alternate Option 5 which is Alternate Option 1 with a modification to the McGhee property to make it solely residential zoning. Mayor Geiger asked for a motion.

***Motion to Approve Alternate Option 5, which includes Alternate Option 1 with a modification to the McGhee property to make it solely residential zoning.***

**Councilmember Osborne/McNearney. Roll Call Vote. All Voted in Favor. Motion Approved.**

#### **MISCELLANEOUS REPORTS:**

- Spot Minutes for January 21<sup>st</sup>; Lake Pend Oreille School District Minutes for January 12<sup>th</sup>; Sandpoint Minutes for February 3<sup>rd</sup>; Bonner County Minutes for February 2<sup>nd</sup> and February 9<sup>th</sup>; Northside Fire Minutes from July 17<sup>th</sup>, 2019 through January 20<sup>th</sup>, 2021.

#### **ORDINANCES, RESOLUTIONS, PROCLAMATIONS, CONTRACTS:**

- **ACTION ITEM** – Ordinance 156 – Zoning Ordinance McNearney Neighborhood. Planner Miller stated parcel no. 24 is the parcel that the City Council had changed from rural to residential. All changes have been made. Mayor Geiger read the title.

An Ordinance of the City of Ponderay, Bonner County, Idaho, changing the zoning classification of multiple lots and parcels with in the "McNearney Neighborhood" and providing for publication thereof.

***Motion that the rules be suspended and that the proposed Ordinance passes first reading by title only and that the Ordinance be adopted.***

**Councilmember McNearney/Mitton. Roll Call Vote. All Voted in Favor. Motion Approved.**

**OLD BUSINESS:**

**PUBLIC COMMENT:** Richard Villelli commented about how he has been to a few of these and actually being heard, he appreciated that.

**Councilmember Thompson/Osborne  
Meeting adjourned 7:45 p.m.**

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City Clerk/Treasurer Su Warren-Brown

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Mayor Steve Geiger