



**CITY OF PONDERAY
REGULAR
MEETING MINUTES
April 4th, 2022**

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

PRESENT: Mayor Geiger, Councilmember McNearney, Councilmember Mitton, Councilmember Thompson, Councilmember Larkin

ALSO, PRESENT: City Clerk Peterson, Chief Cornelius, Planning Director Miller, City Engineer Shaw, City Engineer Tadic, Attorney Marshall

ABSENT: Parks & Community Dev. Director Brubaker

CONFLICTS OF INTEREST AND/OR DISCLOSURES:

AMEND AGENDA:

PUBLIC COMMENT:

CONSENT AGENDA:

- 1) Approve Bills \$ 13891.97
- 2) Approve Council Meeting Minutes February 22nd, 2022, March 7th & March 21st
- 3) Acknowledge Treasurer's Report

Motion to Approve the Consent Agenda.

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

DEPARTMENT REPORTS/UPDATES

MAYOR:

- Mayor Geiger noted the Easter Parade and Egg Hunt starts at 9:25 a.m. on April 16, 2022, at 5th St and Birch.

CLERK:

- Planning Director Miller gave update on upcoming community events.
 - Bike Rodeo 5-22-2022
 - Neighbor Day
 - City Clean Up Day

POLICE:

- Chief Cornelius stated they are still in the hiring process.
- Sergeant Cook's Retirement
 - Chief Cornelius and Councilmember Mitton recognized Sergeant Koch for his 10 years of service and expressed he will be missed!
 - Sergeant Koch expressed gratitude for his time employed.

- ****ACTION Item** Executive Session - ID Code 74-206, Subsection 1-a**
 - a. To consider hiring a public officer, employee, staff member or individual agent.

Motion to enter Executive Session - ID Code 74-206, Subsection 1-a

Councilman Thompson/Larkin. Roll Call Vote. All Voted in Favor. Motion Approved.

Entered Executive Session at 6:06 p.m.

Motion to exit Executive Session - ID Code 74-206, Subsection 1-a

Councilman Larkin/Thompson. Roll Call Vote. All Voted in Favor. Motion Approved.

Left Executive Session at 6:23 p.m.

STREET/PUBLIC WORKS:

- Engineer Tadic gave project updates.
 - Triangle Drive Drainage Improvements

- Paving Agenda
 1. Kootenai Cut Off Rd
 2. Cedar Ave
 3. Bonner Mall Way
 4. Piehl Road

PLANNING, PARKS & COMMUNITY DEVELOPMENT:

- ****ACTION ITEM** Independent Highway Dist. MOU Renewal**
 - Add into MOU that a representative from IHD come to a meeting quarterly.
 - Pathway and sidewalks.
 - Tabled to future meeting.
- ****ACTION ITEM** Parking Concerns**
 - Paddlers Ale House parking lot.
 - Owner of Sandpoint Pack n' Ship seeking reimbursement for Customer Only Parking signs.
 - Discussion amongst Mayor Geiger, Planner Miller and Councilmembers.
- ****ACTION ITEM** Lew's Industrial Park, Final Mylar Signature**

Motion to Approve Mayor Geiger to Sign Mylar.

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

- ****ACTION ITEM** 95 Express, LLC Site Plan Time Extension Request**

Motion to Approve 95 Express, LLC Site Plan Time Extension

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

- ****ACTION ITEM** UP22-083, Eastmark Capital Group, Special Use Permit, Multifamily**

Conflicts of interest or disclosures.

Councilmember Thompson made a disclosure.

Opened the Hearing at 6:36 p.m.

Presentation by Planning Director Miller

Presented the Planning Staff Report and Staff Recommendation.

- Report included video presentation of aerial photos and site plan drawings.
- Planner Miller read mailed in comments.
 - Tim Wilson, Mountain Metals
 - MileStone Investment LLC, Champion Concrete Pumping

Discussion between Council members and Planning Director Miller.

Presentation by Applicant

- Sean Barnes, Eastmark Capital Group
 - Community needs for project.
 - Benefits of the project.

No Public Testimony/Comment

Additional Comments by Council

- Councilmember Thompson and Larkin would like to see a fence line along the back side.

Closed the Hearing at 7:03 p.m.

Motion to Approve this application FILE UP22-083, requesting special use permit approval to construct three multi-family structures with a total of 84-units on ±3-acres, within the commercial zoning district of Ponderay. I further move to approve the setbacks as presented and to allow a height increase to three stories, finding that the project 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 the amendment in a-4) in the staff report.

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

- ****ACTION ITEM** UP22-081 & UP22-082, Bay Trail Retreat LLC, Special Use Permits, Multifamily**

Conflicts of interest or disclosures.

Councilmember Thompson made a disclosure.

Opened the Hearing at 7:06 p.m.

Presentation by Planning Director Miller

Presented the Planning Staff Report and Staff Recommendations on both Special Use Permits.

- Report included a video presentation of aerial photos and site plan drawings.

Public Comments

- Planner Miller read mailed in comments.
 - Jennifer Overbay
 - Marie Porter

- o Robert Lang

Discussion amongst Planning Director Miller and Council members.

Presentation by Applicant

- **Rick Becker, Bay Trail Retreat LLC**
 - o Rentals are not low income.
 - o Trip generation.

No Comments/Questions by Council

Planner Miller stated that Multifamily could be either rental units or saleable condos.

Public Testimony/Comment

- **Neutral**
 - o **Caleb, Ponderay, ID**
 - Access from HWY 200
 - o **Mark, Ponderay, ID**
 - Path crosses road, overflow of parking into street and increased traffic.
 - o **Mike Hammer, Ponderay, ID**
 - Plant evergreens in easement to address privacy issues.
 - Overflow of parking into street, extra traffic, width of street and emergency vehicles.
 - o **Bill Rengstorf, Ponderay, ID**
 - Roof Line and landscaping.
- **Opposed**
 - o **William Borne, Ponderay, ID**
 - Privacy - 16-bedroom windows facing his lot.
 - Lack of parking for the unit.
 - o **Drew Waner, Ponderay, ID (ZOOM)**
 - 8 units looking into his backyard.

Rebuttal by Applicant

- Landscaping to soften up the entrance, they want it to look appealing.
- They will be putting up a fence on the highway side.
- He addressed the concerns of the bedrooms and parking.
- Traffic generated by apartments vs commercial uses.
- Connecting pathways to get public off Highway 200.
- Emergency vehicle access is Railroad Ave.

Closed Public Hearing 7:56 p.m.

Final Questions and Comments

- Councilmember Larkin expressed property values could prosper.

Motion to approve this application FILE UP22-081, requesting special use permit approval to construct an 8-unit multi-family structure on ±.444-acres, within the commercial zoning district of Ponderay. I further move to approve the setbacks as presented, finding that the project 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 in the staff report.

Councilmember McNearney/Mitton. Roll Call Vote. Councilmembers McNearney and Mitton Voted in Favor.

Councilmembers Thompson and Larkin Voted Against. Resulting in a Tie Vote. Mayor Geiger Voted in Favor, Breaking the Tie Vote. Motion Approved.

Motion to approve this application FILE UP22-082, requesting special use permit approval to construct an 8-unit multi-family structure on ±.452-acres, within the commercial zoning district of Ponderay. I further move to approve the setbacks as presented, finding that the project 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 in the staff report.

Councilmember McNearney/Mitton. Roll Call Vote. Councilmembers McNearney and Mitton Voted in Favor.

Councilmembers Thompson and Larkin Voted Against. Resulting in a Tie Vote. Mayor Geiger Voted in Favor, Breaking the Tie Vote. Motion Approved.

MISCELLANEOUS REPORTS:

OLD BUSINESS:

ORDINANCES, RESOLUTIONS, PROCLAMATIONS, CONTRACTS:

NEW BUSINESS:

- Burn Permit Code
 - o Discussion amongst Councilmembers
 - Open Burn Permit duration and fee.

- Cooking and Campfire requirements.

PUBLIC COMMENT:

Councilmember Larkin/Mitton
Meeting adjourned 8:15 p.m.

City Clerk/Treasurer Stephanie Peterson

Mayor Steve Geiger