



**CITY OF PONDERAY
REGULAR
MEETING MINUTES
June 7th, 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: Attorney Marshall, Planning Director Brubaker, Planner Miller, Engineer Shaw, Deputy Clerk Peterson

ABSENT: Clerk Warren, Chief Cornelius

CONFLICTS OF INTEREST AND/OR DISCLOSURES:

AMEND AGENDA:

PUBLIC COMMENT:

CONSENT AGENDA:

- A. Approve Bills \$ 9,717.46
- B. Approve May 17th, 2021, regular Council Meeting Minutes
- C. Acknowledge Treasurer's Report
- D. Acknowledge Police Report

Motion to Approve the Consent Agenda.

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

DEPARTMENT REPORTS/UPDATES

MAYOR:

- Mayor Geiger thanked Marc Woller and Steve Fox for mowing Harbison Field and welcomed our new employee, Joelle. Wendy's should be opening mid-September.
- **ACTION ITEM:** City Hall Re-Roofing Bids. Mayor Geiger noted we received multiple bids, and recommended Bonner County Roofing in the amount of \$17,600.

Motion to Approve the bid from Bonner County Roofing in the amount of \$17,600.00.

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

CLERK:

- Deputy Clerk Peterson stated that 102 and 100 had not filed their bed tax for April. 1% Local Option sales tax total for April was \$260,431.51.

POLICE:

STREET/PUBLIC WORKS:

- City Engineer Shaw had given updates:
 - Construction signage for Field of Dreams is almost complete.
 - Ting inspections
 - Applying for a grant to help with the drainage issue on the railroad, which occurred during the flooding earlier this year. The grant application is due on the 18th and the funding available is up to \$200,000.00.
 - Pavement markings are complete
 - Kootenai Cutoff improvements have begun.
 - Will be in contact with Brett at ITD to see how much funding is available for the city and discuss crack filling.

PLANNING, PARKS & COMMUNITY DEVELOPMENT:

- Planner Brubaker noted a few updates:
 - The zoning violation on Oak Street has been abated.
 - Thank you, to city staff and Mayor Geiger for making the Bike Rodeo successful, and a thank you to Northside Fire for keeping our water tanks full at the Gateway sign.

• **ACTION ITEM:** File LS21-026, Ponderay Replat, Block 22, Lots 22-24 Mylar approval and signature. **Motion to approve File #LS21-026, Ponderay Replat, Block 22, Lots 22-24 Mylar approval and signature. Councilmember McNearney/Thompson. Roll Call Vote. All Voted in Favor. Motion Approved.**

- Ponderay Brownfield Grant updates by Steve Gill.
 - Formation of a committee by Council for more involvement within the Brownfield Grant.
 - 6th Quarter report included in packets.
 - Available dates in August to take Council and general public on a tour down to the site.
 - Received two appraisals by Valbridge, one for the Martin's property and one for Wolter's property.
 - Brownfield Grant is a five-year grant, after the 8th Quarter two years will be completed.
 - RFP can come later in the process.
 - Start acquisitions of the BNSF/Montana Rail Link property and the process of a shoreline permit.
 - Actual cleanup will only take 30 to 45 days to complete.
 - Wolter's property is clean; Martin's contaminated property is confined to 1.6 acres, one of the roasters could not be cleaned due to property lines. Hope to build a repository on the railroad property.
 - Grant funding can only be used for the cleanup.
 - If properties cannot be acquired; fencing or enclosing the contaminated property to keep the public from them, this includes the waterfront.
 - Fee simple ownership or obtaining a realtor for acquiring the Martin's property as alternate methods.

• **ACTION ITEM: Consideration of Appeal Request – File #SP21-071, 95 Express, LLC**

Planner Miller stated this file was initially heard on April 21st and was remanded back to the applicant. It was then approved May 12th. Planning had received a request for reconsideration from an adjoining property owner listing several items of concern. Items of concern were uses permitted categories for commercial use, failure to comply with required noticing provisions for a special use permit, denial of GVD's request to toll the applicants site plan submittals to allow for the parties professional consultants review, a request from the appellant to remove the item from the agenda and delay the project review so they could their representatives review the project and communicate directly with the applicant, and the applicants site plan anticipates a taking or surcharge of the drainage swales. Additional concerns noted were uses of the swales, hazardous substances, and chemicals to the swale environment. Open space requirements, safety, parking, traffic concerns and whether obtaining an encroachment permit from ITD. Planner Miller noted the process of the appeal.

- Jerry Dicker (Appellant) GVD Properties – voiced the following concerns:
 - Excessive noise, and chemical waste in stormwater swales.
 - Car wash should not be allowed in a commercial zone.
 - Swale surcharge
 - Conditional use permit
 - Parking spaces and the amount of cars per hour.
 - ITD approving the plan and encroachment permit.
 - Needs of a traffic impact report, safety, and lighting.
- Mark Haymond (Applicant) 95 Express, LLC – In response to spoken and written appeal:
 - Carwash has been classified as a personal service/maintenance service.
 - Revision of the site plan due to raised concerns by GVD.
 - Submitted revised site plan to GVD two weeks prior to the May 12th hearing, no feedback was received by GVD.
 - Drainage swale and chemical contamination, chemicals to be used are environmentally friendly.
 - Open space requirements.
 - Access from Highway 95 - encroachment permit is ready to be issued by ITD.
 - Parking and Traffic impacts – expected average of 160 cars per day.

Councilmember Thompson questioned the chemical storage 300 feet of the hotel. Staff noted the definition of chemicals as flammables. Mr. Dicker was allowed to give a rebuttal and noted the same above concerns.

Motion to uphold the Planning and Zoning Commissions determination and approval.

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

*****Executive Session – ID Code 74-206, subsection 1-c

- c. To acquire an interest in real property which is not owned by a public agency.

Motion to enter Executive Session per ID Code 74-206 1-c.

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

Entered Executive Session at 7:26 pm

Left Executive Session at 7:35 pm.

• **ACTION ITEM: Anderson Property Acquisition.**

Motion to Approve the Anderson property acquisition.

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

MISCELLANEOUS REPORTS: Bonner County Minutes for April 27th, May 11th, and May 18th; Lake Pend Oreille School District Minutes for May 20th; Northside Fire District Minutes for February 17th, March 17th, and April 21st; SPOT Minutes for May 20th.

ORDINANCES, RESOLUTIONS, PROCLAMATIONS, CONTRACTS:

- **ACTION ITEM:** Ordinance 157, File AM21-021, Title 8, Chapter 4, Stormwater Management and Title 9, Chapter 5, Subchapter 3, Additional Restrictions on Multiple-Family Dwellings, Text Amendments.

ORDINANCE NO. 157 – AN ORDINANCE OF THE CITY OF PONDERAY, BONNER COUNTY, IDAHO, PROVIDING FOR THE AMENDMENT OF THE CITY CODE TITLE 8, CHAPTER 4, ENTITLED STORMWATER MANAGEMENT AND TITLE 9, CHAPTER 5, SUBCHAPTER 3 (PCC9-5-3) PERFORMANCE STANDARDS, ENTITLED ADDITIONAL RESTRICTIONS FOR MULTIPLE FAMILY DWELLINGS; AND PROVIDING FOR THE PUBLICATION AND THE EFFECTIVE DATE HEREOF.

Motion that the rules be suspended and that the proposed ordinance pass its first reading by Title only and its second and third readings under suspension of the rules and further that the Ordinance be adopted.

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

OLD BUSINESS:

PUBLIC COMMENT:

Councilmember Mitton/Thompson

Meeting adjourned 7:40 p.m.

City Clerk/Treasurer Su Warren-Brown

Mayor Steve Geiger