



**CITY OF PONDERAY
REGULAR
MEETING MINUTES
December 5th, 2022**

MAYOR GEIGER CALLED THE MEETING TO ORDER AT 5:36 P.M.

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

ALSO, PRESENT: Chief Cornelius, Planning Director Miller, Parks & Community Dev. Director Brubaker, Attorney Marshall, City Engineer Shaw (via Zoom)

ABSENT: Councilmember Thompson, City Clerk Peterson, City Engineer Tadic

CONFLICTS OF INTEREST AND/OR DISCLOSURES:

AMEND AGENDA:

PUBLIC COMMENT:

CONSENT AGENDA:

- 1) Approve Bills \$28,603.48.
- 2) Approve November 7th, 2022, Council Meeting Minutes.
- 3) Approve Liquor Licenses for Ponderay One Stop, Sweet Lou's, Walmart, Farmhouse Kitchen BBQ, Yoke's Fresh Market, Breakfast Cantina, and Ivano's Catering.
- 4) Acknowledge October Attorney & Police Report.

Motion to Approve the Consent Agenda.

Councilmember Mitton/Larkin. Roll Call Vote. Councilmember Thompson Absent. Councilmembers Mitton, Larkin, and McNearney Voted in Favor. Motion Approved.

DEPARTMENT REPORTS/UPDATES

MAYOR:

- Mayor Geiger gave a Santa Sack Update.
 - December 17th, 2022
 - 500 Sacks will be handed out.
 - Grateful for the Community Support.

CLERK:

- October Bed & Sales Tax Updates.
 - Bed Tax \$24,959.72.
 - Sales Tax \$289,442.32.
- **ACTION ITEM** Apex Office Systems Service Contract.
 - Black Copies increased from 1.7 cents to 1.9 cents and colored copies went from 6 cents to 6.2 cents.

Motion to Approve the Apex Office Systems Service Contract.

Councilmember Larkin/McNearney. Roll Call Vote. Councilmember Thompson Absent. Councilmembers Larkin, McNearney, and Mitton Voted in Favor. Motion Approved.

- **ACTION ITEM** ICRMP Consent to Electronic Communications.

Motion to Approve ICRMP Consent to Electronic Communications.

Councilmember McNearney/Mitton. Roll Call Vote. Councilmember Thompson Absent. Councilmembers Mitton, McNearney, and Larkin Voted in Favor. Motion Approved.

POLICE

- Chief Cornelius gave Updates.
 - New Patrol Vehicles.
 - Waiting on back ordered parts.

- Ekstrom Graduating from Post Academy this Friday.
- Huptich still going to FTO.
- Officer Simeral and Officer
- Santa Sack Trolley Coverage

STREET/PUBLIC WORKS:

- City Engineer Justin Shaw gave project updates.
 - Turf preselection RFP went out.
 - Bids will be in January 2023.

PLANNING, PARKS & COMMUNITY DEVELOPMENT:

- Parks & Community Dev. Director Brubaker gave Update.
 - Sand Creek Greenbelt and Public Access Plan
 - Presentation by Parks & Community Dev. Director Brubaker.
 - Presentation by Katie Cox, Kaniksu Land Trust
 - NPS-RTCA (Rivers, Trails, and Conservation Assistance Program)
 - Sandpoint City Water Shed
 - Sand Creek Basin
 - University place.
 - Looking for a partnership.
 - Discussion amongst Mayor Geiger, Councilmembers and Parks & Community Dev. Director Brubaker.
 - More Information and time.
 - City Engineer Research it.
- **ACTION ITEM** Sand Creek Land Donation & Maintenance Agreement
 - Parks & Community Dev. Director Brubaker will work on creating a Maintenance Agreement.
- **ACTION ITEM** File SS22-043, Preliminary Plat Review, McGhee Subdivision, Bobby McGhee Golf and RV Resort LLC

Conflicts of Interest or Disclosures.

- Councilmember Mitton made a Disclosure.
- Councilmember Larkin stated he has a Conflict of Interest.
- Mayor Geiger made a Disclosure.
- Councilmember McNearney made a Disclosure.

Applicant decided to proceed with the present quorum.

Opened Public Hearing at 6:17 p.m.

Presentation by Planning Director Miller.

- Presented the Planning Staff Report and Staff Recommendation.
- Planning Director Miller read comments in for the record.
 - Avista, IHD, HMH Engineering, Kootenai Ponderay Sewer District, Bonner County Road and Bridge, City of Ponderay Engineer Pat Park, Community Development and Parks Director Brubaker, City of Kootenai, Union Pacific Railroad, and Sarah Rommell that lives at 1100 Kootenai Cutoff Road #76.

Questions and Comments.

- Mayor Geiger asked for clarification.
 - Pathways
 - Sidewalks
 - Right of Way
 - 60 Lots - Trip Generation.
- Councilmember McNearney.
 - Would like to see sidewalks on both sides.
 - Connectivity through development.

Presentation by Applicant.

- Richard Vilelli, 517 Lakeshore Ave., Dover, Idaho 83825
 - Highway 95 access.
 - Pathways
 - Sidewalks
 - Trip Generation.

Questions and Comments by Council.

- Mayor Geiger
 - Highway 95
 - Need for Connection.
 - Pathways
 - Code/Ordinance.

- Maintenance
- Councilmember Mitton
 - Comments
 - Planning and Zoning Commission should hear additional comments.
- Mayor Geiger
 - Will you dedicate access to your west side property for future connection.
 - Dick Vilelli
 - I guess we could live with it.
 - I guess we can't live with it. It's too vague.
 - Circulation – Trip Generation

Public Testimony/Comment.

- In Favor
 - Lawson Tate, 343 South 4th Ave, Ponderay, ID 83852
- Neutral
- Opposed
 - Reberta Knudseu, 1100 Kootenai Cutoff Rd #73, Ponderay, ID 83852
 - Fire Department
 - Law Enforcement
 - School
 - Wildlife
 - Access
 - Chris Christoferson, 1059 McGhee Road, Ponderay, ID 83852
 - Traffic Impact Study
 - Route it to ITD
 - Railroad/Trains
 - Sidewalks
 - Rick Larkin (Representing Bill Brown) Manager of Mobile Home Park
 - Drainage
 - Traffic

Rebuttal by Applicant

- Scott McNee, T.O. Engineers
 - Drainage
 - 6-acre pond
 - Difficult Left turns onto Kootenai Cutoff Road.
 - McGhee Rd Route allows for a right-hand turn.

Additional Questions from Councilmembers

- Councilmember Mitton
 - Traffic issue.
 - Traffic Study needed.
 - Access to the West.

Closed Public Hearing at 7:54 p.m.

Final Question and Comments

- Mayor Geiger
 - Private Property Zoned Residential.
 - Storm Water Retention
 - Traffic Trip Study Plan
 - Pathways
- Councilmember McNearney
 - Access off Jim Berry Way
 - Bike Path/Sidewalks
 - Maintenance
 - Need to take traffic off Kootenai Cutoff Road.
- Discussion amongst Planning Director Miller, Councilmembers and Mayor Geiger.

Motion to Remand this application File #SS22-043, requesting subdivision approval to divide ±77.67-acres into 60 residential lots, 3 common drainage lots and designated remainder parcel, back to the applicant to address the following: a right away connection from the intersection of Jim Berry Way and Vermeer Drive to the western property boundary, a design showing sidewalks on both sides of all public roads, restoration of the Greenbelt dedication in the alignment that was shown on the original plat, and a plan of construction of a path at a minimum to be gravel surface within that greenbelt.

Councilmember McNearney/Mitton. Roll Call Vote. Councilmember Thompson Absent. Councilmember Larkin Stepped Down from Voting Due to Conflict of Interest. Councilmembers Mitton and McNearney Voted in Favor. Motion Approved.

MISCELLANEOUS REPORTS:

OLD BUSINESS:

ORDINANCES, RESOLUTIONS, PROCLAMATIONS, CONTRACTS:

NEW BUSINESS:

PUBLIC COMMENT:

- **ACTION ITEM** Executive Session – ID Code 74-206, Subsection 1-c and 1-f.
 - c. To acquire an interest in real property which is not owned by a public agency.
 - f. To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

Motion to Enter Executive Session – ID Code 74-206, Subsection 1-a and 1-f.

Councilmember McNearney/Mitton.

Entered Executive Session at 8:36 p.m.

Motion to Exit Executive Session – ID Code 74-206, Subsection 1-f.

Councilmember Larkin/Mitton.

Left Executive Session at 9:00 p.m.

Councilmember Larkin/Mitton

Meeting Adjourned 9:02 p.m.

City Clerk/Treasurer Stephanie Peterson

Mayor Steve Geiger