



**CITY OF PONDERAY  
REGULAR  
MEETING MINUTES  
January 17<sup>th</sup>, 2023**

**MAYOR GEIGER CALLED THE MEETING TO ORDER AT 5:30 P.M.**

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

**ALSO, PRESENT:** City Clerk Peterson, Planning Director Miller, Parks & Community Dev. Director Brubaker (in at 5:55 p.m.), Attorney Marshall, City Engineer Tadic

**ABSENT:** Chief Cornelius, City Engineer Shaw

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

**AMEND AGENDA:**

**PUBLIC COMMENT:**

**CONSENT AGENDA:**

- 1) Approve Bills \$93,763.73.
- 2) Approve Liquor Licenses for Laughing Dog Brewing and Café 95.
- 3) Approve December 5<sup>th</sup>, 2022 & January 3<sup>rd</sup>, 2023, Council Meeting Minutes.
- 4) Acknowledge Treasurer's Report.
- 5) Acknowledge December Attorney & Police Report.

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

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

**DEPARTMENT REPORTS/UPDATES**

**MAYOR:**

- **ACTION ITEM** Idaho Resort Cities Coalition MOU
  - \$250.00 fee
  - Meetings every Friday.

***Motion to Approve the Idaho Resort Cities Coalition MOU.***

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

**CLERK:**

- City Clerk Peterson gave November Bed & Sales Tax Updates.
  - November Local Option Sales Tax \$260,186.78.
  - Bed Tax \$414,251.09 for the year.
    - 102 & 104 are behind.
    - Discussion followed.
      - Hold back Business License.
      - Send out letter.
- **ACTION ITEM** Accounts/Check Signer Change
  - Mayor Geiger, Councilmember McNearney, add Planning Director Miller and remove Parks & Community Dev. Director Brubaker.

***Motion to Approve Signer Change on all Accounts.***

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

- **ACTION ITEM** Natural Fitness Commercial Account for Employees
  - Planning Director Miller presented the details.
    - Employee pays fee by payroll deduction.

***Motion to Approve Natural Fitness Commercial Account.***

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

## POLICE

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## STREET/PUBLIC WORKS:

- City Engineer Tadic gave project update.
  - Six Vendors Submitted Turf Samples.
    - Three Vendors will be selected to provide bids.

## PLANNING, PARKS & COMMUNITY DEVELOPMENT:

- **ACTION ITEM** ZC22-027, Kaniksu Land Trust, Zone Change Request, Industrial to Commercial  
Opened Public Hearing at 5:43 p.m.

### Presentation by Planning Director Miller.

- Presented the Planning Staff Report and Staff Recommendation.
  - Played Video recording of Planning Department meeting.
  - Planning Director Miller read comments in for the record.
  - Planning Commission ultimately denied the change request.

### Conflicts of Interest or Disclosures.

- Councilmember Mitton made a Disclosure.

### No Questions or Comments.

### Presentation by Applicant.

- Katie Cox, Kaniksu Land Trust, 299 Ravenwood Dr., Sandpoint ID 83864
  - Presentation included a Slide Show.
    - Objective for Rezone
- Ben McGrann, 401 Lake Shore Drive, Sandpoint ID 83864
  - Community Land Trusts
    - Offering affordable ownership of housing structures with land interest held in trust.
    - Industrial Rezoning trends.
    - Project Timeline, Phase 1, 2, & 3.

### Planning Director Miller had two clarifications.

- Dan Smith's property is not part of this application.
- This Zone change is for the purpose of a high-density residential area.

### Public Testimony/Comments.

- In Favor
  - Dan Smith, Ponderay ID 83852
    - Would like his property to be rezoned as Commercial.
- Opposed
  - Sherry Blood, Ponderay ID 83852
    - Doesn't belong in that area.
  - Randell Marley, 4225 Florence St, Sandpoint ID 83864 (Marley Estate)
    - It's the wrong place for the development.
    - Lack of Industrial property.
    - Sewer lines won't handle the load.
    - Drainage issue onto his property.
    - Trespassing issues.

### Rebuttal by Applicant

- There is only one business operating in this industrial zone. Properties have been on the market for years with no takers. It's time to look at other uses for the property.
- There is a natural beautiful barrier that exists between Randy's property and Lignetics that we can expand on.
- Service and Tourism Jobs are growing in the area.

### No Questions or Comments from Council

### Closed Public Hearing at 6:40 p.m.

### Final Questions and Comments

- Mayor Geiger
  - Likes the project idea and there is a need for it.
  - Long Term growth of the city.
    - Manufacturing will come with city growth.
    - Need to preserve some industrial land.
  - Lack of Crosswalks and Trails.
  - Not sure about the fit.
- Councilmember McNearney
  - Explained how the Land Trust Works.
  - Would be surrounded by Industrial property.

- Transportation issue
  - Would look like Spot Zoning
- **Councilmember Larkin**
  - Doesn't understand why Lou split Industrial Property into Half Acre Lots.
  - There is a Demand for Industrial Property.
  - Housing would be wrong in the middle of Industrial Property.
- **Councilmember Mitton**
  - We are in a rapidly growing area.
  - It is an Industrial area with Future Potential.
  - Not a good fit with potential future pollution.
- **Councilmember Thompson**
  - Traffic/congestion/pedestrians

***Motion to deny this project File ZC22-027 requesting to change the zoning map as it relates to the subject lots from industrial zone to commercial zone, subject to conditions, finding that the request 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.***

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

- **ACTION ITEM** AM22-028, Kaniksu Land Trust, Text Amendment, 8-1-6 Road Specifications

Opened Public Hearing at 6:41 p.m.

Presentation by Planning Director Miller.

- Presented the Planning Staff Report and Staff Recommendation.
- Planning Director Miller read comments in for the record.

Questions and Comments.

- **Mayor Geiger**
  - Inquired if Planning and Zoning approved?
    - Yes
  - Clarification on Cottages Alley right-of-way width.
    - Owners of private drives are responsible for snow removal.

Conflicts of Interest or Disclosures.

- Councilmember Mitton made a Disclosure.

No Presentation by Applicant.

No Questions and Comments by Council.

No Public Testimony/Comment.

No Rebuttal by Applicant.

Closed Public Hearing at 6:57 p.m.

No Final Question and Comments.

***Motion to approve this project FILE AM22-028, revised text (October 27, 2022), requesting to amend Ponderay City Code 8-1-6, Road Specifications, finding that it is in accord with the applicable provisions of Ponderay City and Idaho code. I further move to adopt the findings of fact, conclusions of law.***

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

- Meadowbrook Plat Street Improvements Discussion
  - Applicant questioned 2021 hearing decision on record.
  - Planning Director Miller played recording of 2021 Council Meeting.
    - Discussion followed amongst Mayor Geiger, Councilmembers and Planning Director Miller.
    - Planning Director Miller to clarify decision with applicant.
- Field of Dreams Financing
  - Presentation by Planning Director Miller.
    - Discussion followed amongst Planning Director Miller, Mayor Geiger, and Councilmembers.
    - Planning Director Miller to continue credit application and supply financing options.
- Mayor Geiger
  - Will be out of town February 21, 2023 (Council meeting).
  - Amazon paying our Local Option Sales Tax.
    - City Clerk Peterson will follow up.
- Planning Director Miller
  - Santa Sack Project
    - \$10,162.50 in donations 2022
    - \$ 6,000.00 in donations 2021



- Land & Water Conservation Fund Grant – Forum/Discussion
  - Presentation by Parks & Community Director Brubaker
    - Funding for outdoor recreation - Ice Rink.
    - Requires 50% match.
    - Discussion followed.
    - Table for now.

#### MISCELLANEOUS REPORTS:

#### OLD BUSINESS:

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

- **ACTION ITEM** Innovate GIS Services Contract Renewal  
Presentation by Parks & Community Director Brubaker  
Question and Comments.

- Councilmember Mitton asked what the contract covers.
  - Technical support for GIS software.

*Motion to approve GIS Service Contract Renewal.*

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

#### NEW BUSINESS:

#### PUBLIC COMMENT:

- **ACTION ITEM** Executive Session – ID Code 74-206, Subsection 1-f.
  - 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 Thompson/McNearney.

Entered Executive Session at 8:07 p.m.

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

Councilmember Thompson/Larkin.

Left Executive Session at 8:19 p.m.

Councilmember Larkin/Thompson

Meeting Adjourned 8:19 p.m.

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City Clerk/Treasurer Stephanie Peterson

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Mayor Steve Geiger