



**CITY OF PONDERAY
REGULAR
MEETING MINUTES
February 21st, 2023**

COUNCILMEMBER MCNEARNEY CALLED THE MEETING TO ORDER AT 5:30 P.M.

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

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

ABSENT: Mayor Geiger, Parks & Community Dev. Director Brubaker

CONFLICTS OF INTEREST AND/OR DISCLOSURES:

- Planning Director Miller
 - Move Up - Action Item Field of Dreams Financing

AMEND AGENDA:

PUBLIC COMMENT:

CONSENT AGENDA:

- 1) Approve Bills \$105,426.02.
- 2) Approve January 17th, and February 6th meeting minutes. **Striking of the Minutes.**
- 3) Acknowledge Police Report.
- 4) Acknowledge Treasurer's Report.

Motion to Approve the Consent Agenda.

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

DEPARTMENT REPORTS/UPDATES

MAYOR:

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CLERK:

- City Clerk Peterson gave updates.
 - Local Option Sales Tax
 - December - \$273,038.04
 - 2022 Fiscal Year - \$3,248,039.17
 - Bed Tax
 - 2022 Fiscal Year - \$440,833.61
 - 104 & 102 are still behind.
 - Mayor Geiger will reach out Thursday.

- **ACTION ITEM** 2023 Insurance Package

Motion to Approve Regence 2023 Insurance Package.

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

- **ACTION ITEM** Bonner County Prosecuting Attorney Prosecutorial Support MOU
Presentation by Attorney Marshall.

Motion to Approve the Bonner County Prosecuting Attorney Prosecutorial Support MOU.

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

POLICE

- Chief Cornelius gave AC/Heater Update.
 - Repaired Heater.
 - Replace it late summer early fall.
 - Split the cost between 2022 and 2023 budget.

STREET/PUBLIC WORKS:

- City Engineer Tadic gave project update.
 - Field of Dreams
 - Turf bids opened February 7th, 2023.
 - Selected three qualifying finalists.
 - Low Bid went to Academy Sports Turf
 - After Finance Discussion tonight.
 - Other packages will go out to bid next week.
 - 2023 Striping and Paving Plans - next meeting

PLANNING, PARKS & COMMUNITY DEVELOPMENT:

- **ACTION ITEM** Field of Dreams Financing

Presentation by Planning Director Miller.

Questions or Comments

- Discussion amongst Councilmembers and Planning Director Miller.
- Council Had No Questions for NCL Government Capital.
 - Christopher Canava and Katie Vangsness were present via Zoom.

Motion to Approve Field of Dreams Financing and Mayor Geiger to sign contract.

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

- **ACTION ITEM** AX22-029, NMA West LLC, Annexation
 - NMA West, LLC has requested annexation of a ±.835-acre parcel of land into the City of Ponderay with a commercial zoning designation. The subject property is currently vacant land which fronts on the west side of Highway 95, north of Bronx Road. The landowner is also the owner of record for the parcel of land that borders the subject property to the south and west, which has historically been operational as Clarks Cedars of Idaho, and was annexed into Ponderay in 2017 (Ord.137) with a commercial zoning designation. Adjoining parcels to the north (North Idaho Power sports) and west (vacant farmland) are also within the city limits of Ponderay and are zoned commercial.

Conflicts of Interest or Disclosures.

- Councilmember Mitton
 - Fire Chief of Northside Fire District.

Open Public Hearing at 5:48 p.m.

Presentation by Planning Director Miller.

- Presented the Planning Staff Report and Staff Recommendation.

No Questions or Comments.

No Presentation by Applicant.

No Public Testimony/Comments.

- In Favor
- Opposed
- Neutral

Closed Public Hearing at 5:57 p.m.

Motion to Approve this annexation, FILE AX22-029 requesting to annex parcel RP58N02W359851A into the city of Ponderay and assign the zoning designation of commercial to the subject property, finding that it is in accord with the applicable sections of Idaho 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 Larkin/Thompson. Roll Call Vote. Councilmember Larkin, Councilmember Thompson, and Councilmember Mitton Voted in Favor. Motion Approved.

- **ACTION ITEM** UM22-094, Lucky Chubbs LLC, Special Use Modification
 - Chubbs North, LLC is requesting approval to modify a previously approved special use permit for a multi-family housing complex. The proposed modification would reduce the number of permitted residential units from 96 to 72 and instead construct carports over 60-parking spaces. Additionally, the modification proposes adding 4 tandem parking spaces and construction of private outdoor recreation space, including a dog park, gazebo, sports courts and a grassy play area.

Conflicts of Interest or Disclosures.

- Councilmember Mitton
 - Fire Chief of Northside Fire District.

Open Public Hearing at 5:59 p.m.

Presentation by Planning Director Miller.

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

No Questions or Comments.

No Presentation by Applicant.

No Public Testimony/Comments.

- In Favor
- Opposed
- Neutral

Closed Public Hearing at 6:08 p.m.

Motion to Approve FILE UM22-094, requesting approval to modify a previously approved special use permit for a multi-family housing complex, including a reduction to the number of permitted residential units from 96 to 72 and instead construct carpools over 60-parking spaces. Additionally, the modification proposes adding 4 tandem parking spaces and construction of private outdoor recreation space, including a dog park, gazebo, sports courts and a grassy play area, 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, based upon the evidence submitted up to the time the staff report was prepared and testimony received at this hearing and Conditions of approval in the staff report, with notations to A-10 and B-10 as discussed by Planning Director Miller. All existing terms and conditions of the original May 17, 2021, approval of file UP21-067 which were not modified by this application remain in effect.

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

- **ACTION ITEM** UP22-093, Eastmark Capital, Day Care
 - Eastmark Capital Group (Landowner, James Fenton Co Inc) is requesting Special Use Permit (SUP) approval in order to develop a ±1.06-acre site with a ±5,556-sq ft daycare center with associated outdoor play areas.

Conflicts of Interest or Disclosures.

- Councilmember Mitton
 - Fire Chief of Northside Fire District.

Open Public Hearing at 6:10 p.m.

Presentation by Planning Director Miller.

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

No Questions or Comments.

Presentation by Applicant.

- Brynn Klind, Schweitzer Resort, 162 Carnelian, Ponderay Id 83852
 - Residential need.
- Dani Demmons, Schweitzer Mountain Program Director
 - Well-seasoned at running a daycare.

No Public Testimony/Comments.

- In Favor
- Opposed
- Neutral

No Additional Questions by Councilmembers.

Closed Public Hearing at 6:27 p.m.

Motion to Approve FILE UP22-093, requesting special use permit approval to construct a daycare center in the commercial zone of Ponderay, 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 with any amendments in the staff report. Councilmember Larkin/Thompson. Roll Call Vote. Councilmember Larkin, Councilmember Thompson, and Councilmember Mitton Voted in Favor. Motion Approved.

- Planning Director Miller gave Project Update.
 - City Hall Remodel.
 - Should be completed in two to three weeks.
 - Brett Engel, IHD
 - Roads selected for spring breakup load limits.

MISCELLANEOUS REPORTS:

OLD BUSINESS:

ORDINANCES, RESOLUTIONS, PROCLAMATIONS, CONTRACTS:

- **ACTION ITEM** Ordinance No. 169, An Ordinance annexing certain lands to the City of Ponderay, Idaho; describing these lands; requiring the filing of the Ordinance and Amended City Map and amended legal description of the city with the appropriate county and state authorities; and establishing effective date.
 - Councilmember McNearney (Standing in for Mayor Geiger) entertained a motion that the rules be suspended, and the proposed Ordinance pass its first reading by Title only.

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

- **ACTION ITEM** Resolution NO. 2023-01, A Resolution of the City of Ponderay, Idaho Authorizing a Temporary Amendment to PCC 8-1-5(H)(3) and 8-1-5(H)(11), Final Plat

Presentation by Planning Director Miller.

No Questions or Comments.

Motioned to Approve Resolution NO. 2023-01.

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

- **ACTION ITEM** Resolution NO. 2023-02, Weight Limits Restrictions.

Presentation by City Engineer Tadic.

- Roads Exempt from Load Limits
 - Bonner Mall Connector, Bonner Mall Way, Elm Street, Emerald Industrial Park Road, Fontaine Connector, Fontaine Drive, Hawthorne Avenue, Kootenai Cutoff Road, McNearney Road, Piehl Road, Starr Lane (Kootenai Cutoff to Piehl), Schweitzer Cutoff Road, Schweitzer Plaza Drive, Tibbetts Lane, Triangle Drive, and Vermeer Drive.

Questions or Comments

- Brett Engle, IHD
 - Budget for Signage that will last.
 - Post Signage on additional streets.
 - Discussion amongst Councilmembers, Brett Engel, and City Engineer Tadic.

Motioned to Approve Resolution NO. 2023-02.

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

NEW BUSINESS:

PUBLIC COMMENT:

Councilmember Larkin/Thompson
Meeting Adjourned 6:45 p.m.

City Clerk/Treasurer Stephanie Peterson

Mayor Steve Geiger