



City of Kootenai
MEETING MINUTES
DATE: November 6, 2018
TIME: 6:30 p.m.

Mayor Lewis brought the meeting to order at 6:30 p.m.

Roll Call: Councilman Sundquist – AYE, Councilman Macha – AYE, Councilman Schock – AYE and Councilwoman Bauer– AYE,

Amendments to the Agenda: None were requested

Staff Present: City Clerk, Ronda L. Whittaker, City Planner, Clare Marley, and City Engineer, Ryan Luttmann.

Others Present: Tim Closson, City resident, Cis Gors, City resident and Doris Nuss, City resident.

Public Comment: None were given.

Announcements: None were given.

1. Consent Agenda:

Mayor Lewis asked Council if they had received and read the items on the consent agenda and asked if there were any corrections needed within the Consent Agenda. There were no concerns.

Councilman Macha made a motion to approve the consent agenda, 2nd by Councilman Sundquist; roll call vote:

**Councilman Sundquist – AYE
Councilwoman Bauer– AYE**

**Councilman Macha – AYE
Councilman Schock – AYE**

2. Reports:

2.A. Mayor: None was given.

2.B. City Engineer: Written Report Summary – Attached.

- **LHTAC Grant Workshop** – no further discussion.
- **Seven Sisters Phase II & III 18-Month Warranty Bond** – no further discussion.
- **Certificate of Occupancy and Culvert Review** – no further discussion.

C. City Planner: Written Report Summary - Attached.

- **Building Permit Activity update** – no further discussion.
- **Seven Sisters Phase II & III 18-Month Warranty Bond** – There was discussion about the requirement to put in street trees. Councilman Sundquist expressed his concern that some of the existing trees did not survive. Clare reminded Council that they had agreed that a CO would be subject to the planting of the trees. Councilman Sundquist asked that if once a tree is put in, would the development or property owner be required to replace a failing tree. Clare confirmed that the City could not require a replacement tree and that the issue was not secured by the Bond. Ryan stated that it was very hard to determine if a tree was healthy during this time of year but he was pleased to see that there had been a sprinkler system put in that should help keep them alive. Clare stated that she would like Council to consider adding the street tree issue to the Bond in the future so that the City could insure that all trees put in by the developer be replaced if they fail. **Councilman Sundquist motioned to release the maintenance bond No. SAIFSU0720676 from International Fidelity Insurance Company, held by the City of Kootenai for**

warranty and repair of public infrastructure for the 1st Addition to Seven Sisters, Phases II & III, having found the terms of the surety agreement relating to the performance of the public improvements have been met., 2nd by Councilwoman Bauer; roll call:

Councilman Sundquist – AYE
Councilwoman Bauer – AYE

Councilman Macha – AYE
Councilman Schock – AYE

- D. Selkirks-Pend d’Oreille Transit (SPOT)** – Mayor advised that SPOT had a new Director, Dave Sims, Mayor of Bonners Ferry. She stated that she was happy with SPOT’s choice as Mr. Sims had great public relation skills. She advised that SPOT had obtained 5 new busses and were gearing up for the Schweitzer ski run. She also advised that SOPT was looking for additional drivers.
- E. Clerk: Written Report Summary – Attached** – Councilwoman Bauer asked for an explanation of what the Bonner County Historical Society property located in the City issue. Mayor Lewis explained that the Historical Society was granted property within the City to be used for a Museum, but it had not been developed. She explained that a condition of the grant was that if the Society did nothing with the land it was to be granted over to the City. She advised that the City’s Attorney was looking into the issue as the property had not been developed for many years. Councilman Sundquist asked if the possible code violation within the Seven Sisters Development had been addressed. Ronda confirmed that the initial letter had been sent to the property owner. She explained that the procedure was for the first letter be sent and then if there is no response, then further procedures including the Planner and possible legal counsel.

3. Discussion/Action Items

- **City Post Office Contract cancelation**– Mayor advised that the contract holder had given their 90 day notice not to pick up the Contract. She advised that Ronda was working on getting some information as to how the USPS fills the Contract. Ronda stated that the USPS can do anything they wanted, but it would be nice to find out what the procedure is. She stated that the discussion really had to do with updating the Rental Agreement for the space. She stated that the City’s attorney had given them some recommendations to consider. Councilman Sundquist asked if the City could have the attorney draw up an Agreement. Ronda stated that he had looked at the current Agreement and that was where his recommendations came from. She stated that she had asked for a signed Agreement or updated tenant insurance. She was told that the Contract holder had decided not to have the tenant insurance as it was too expensive. She stated her concern that the City had no recourse for any damage that may need to be addressed. Mayor asked if Council would review the current agreement and then put on a future agenda for approval. Ronda agreed that it would be good to have an Agreement approved by Council so that they would be on the ready if USPS or the new tenant comes to the City. Councilman Sundquist stated that the City consider how much the Contract pays he recommended a raise the rent by \$30 as an increase had not been considered since 2009. He expressed his concern that the rent not keep someone from taking over the contact. Ronda stated that it is costing the City money to maintain the space. She stated that the Housekeeping portion of the Agreement needed to be more detailed. Councilman Sundquist owes it to ourselves to bring the fee up to date. He expressed his concern that the City may have felt pressured to have a lower rent do to the amount of the payment to the contract carrier from USPS. Councilwoman Bauer agreed that the Agreement be more specific. Councilman Sundquist suggested that the City have its Attorney revise the Agreement. Councilwoman Bauer suggested that she had contact with a couple of people who work within the USPS. She stated that she would share that information with Ronda. Council agreed that the Agreement should be updated by the City’s Attorney for future consideration. Councilman Sundquist asked Ronda to ask the City’s Attorney to track down the contract procedure. He expressed his concern that the City did not want to lose its post office. Council agreed. Councilman Bauer suggested asking the Idaho Association of Idaho Cities for advice.

- Temporary Certificate of Occupancy (TCO) for Kootenai Community Church, 622 W Second Ave., and 628 W Second Ave.** – Council first discussed the City’s Building inspectors advisement for the Kootenai Community Church extended TCO request. They found that his advisement was very vague and advised that they needed a more in-depth list of conditions to justify the extension. They also agreed that in the future the conditions be listed on the TCO. Councilman Sundquist stated he had a concern as to how much land was being disturbed. **Councilman Sundquist made a motion that we asked our city building inspector to enumerate the projects that need to be finished approved upon inspection of the site by the City’s Engineer to insure that all City requirements have been met, and that the City’s Building Inspector list conditions that need to be met on the TCO, and that the appropriate fees for the TCO had been paid, 2nd by Councilman Macha; roll call:**

Councilman Sundquist – AYE
Councilwoman Bauer– AYE

Councilman Macha – AYE
Councilman Schock – AYE

Council then discussed the extended TCO recommendation for 622 and 628 W. Second Ave. Ronda explained that the extended TCO was recommended as both of the properties needed paved driveway aprons and one needed a street tree. She expressed her concern that the property had been sold under the TCO and did not know if the buyers had knowledge that the conditions needed to be met in order to release the TCO. Councilwoman Bauer asked if the property owners had been sent a letter from the City advising as to when the TCO expired. Ronda stated that a procedure had not been put in place and that she relied on the Building Inspector to notify her that a TCO was expiring. She explained that TCO’s were not really common, but that this subdivision had asked Council for permission to issue TCO in order to give time to put in trees, vegetate swales and pave driveway aprons. Council gave the approval allowing City conditions to be remedied by the contractor or property owner, which made it difficult to manage. **Councilwoman Bauer made a motion that Council approve an extended TCO to 622 W. Second Ave. requiring that one tree be placed and the driveway apron be completed and 628 W. Second Ave. requiring the driveway apron be completed as long as they come into the City to apply within 10 business days after receiving notice and allowing the extended TCO to be extended to June 15 and also upon all fees be collected; 2nd by Councilman Schock; roll call:**

Councilman Sundquist – AYE
Councilwoman Bauer– AYE

Councilman Macha – AYE
Councilman Schock – AYE

- Procedures addressing Notices of Public Hearing** – Mayor stated that it had come to her attention that Council may want more information related to Notices of Public Hearings that are sent to the City. She explained that the procedure is that Notices that may affect the City are scanned to the City’s Planner and if she finds that the City should respond then Mayor is advised and if there is time, the issue will come to Council for response approval. Councilwoman Bauer asked if there was a procedure in place. Ronda stated that all notices that are received by the City that relate to the City or its Area of City Impact (ACI) are scanned to the City’s Planner for advice. Councilwoman Bauer given the fact that the City was not able to respond to the latest changes she suggested that the City have a procedure manual. She stated that sometimes changes by the County have an effect to the City’s ACI. Ronda stated that all of the notices may not have anything to do with the City or its ACI and it costs money to have all of them reviewed by the City Planner. It was discussed that sometimes the City does not have time to respond. Councilwoman Bauer was concerned about the effect on the City when County Zoning changes are proposed and feels it is important for the City have an opinion. Clare stated that the City receives complementary notices that affect their Title 12 that may just be in-house procedure changes. She advised that some of them do affect the City and its ACI and we have sent replies, but if they are in house changes there is no need to reply. She expressed that she is happy to consider all of them if Council needed her to do so, but advised that it could be costly to the City. Councilwoman Bauer expressed her desire to receive a copy of all of the Notices that the City receives as she wanted to be aware. She

advised that she had spoken to the City of Dover staff and was told that the Clerk sends out any kind of notices to Mayor and Council so that they know what is going on then they have a choice to put the topic on the Agenda. Mayor stated that she had had a meeting with the County about their changes to their Title 12 related to tiny houses and that the County had taken that issue off of their agenda to consider her concerns. Councilwoman Bauer stated that she thought they were putting it back in now. Clare stated that land use amendments give 40 days to respond, but that text amendments only gave 15 days to respond, which sometimes does not give time for a response. Councilwoman Bauer stated that she was not asking Clare to review all of them she just wants all of them as she is very interested in what's happening. Councilman Sundquist asked if all the notices were public and were publicized allowing the public to look at them without asking the Clerk to be responsible for sending them out. Ronda stated the Notices are scanned and sent to the City Planner if she is concerned that it may affect the City. She advised that if the notice is Priest River or further City issue then she asks Mayor to sign and then files the notice. If she did know then she speaks with Clare for review. If Clare finds that it may concern the City then Mayor is asked for the topic to be put on the next Agenda if there is time otherwise she just asks Clare to respond. Councilman Sundquist stated that as far as a procedural manual that would be a project to be addressed within some workshops in the future.

- January Council Meeting Date – Scheduled for New Year's Day – Council agreed that the January Council meeting should be rescheduled. **Councilman Sundquist made a motion to reschedule the Regular January 1, 2019 Council meeting to Tuesday, January 8th same time and place, 2nd by Councilman Macha; roll call:**

Councilman Sundquist – AYE
Councilwoman Bauer – AYE

Councilman Macha – AYE
Councilman Schock – AYE

4. Adjournment: Mayor Lewis adjourned that meeting at 8:08 p.m.

Submitted by:
Ronda L. Whittaker
City Clerk

CITY OF KOOTENAI
SIGN-IN SHEET

DATE: November 6, 2018

TIME: 6:30 pm

Council Meeting

Name	Address	Representing
Doree Russ	401 Humboldt	
Clyde Ross	206 Louise St.	me
Tim Crosson		

City of Kootenai

Treasurer Report October 2018

Mtn West Business Checking	\$	115,141.65		
Mtn West Money Market Acct	\$	74,036.78	189,178.43	Bank Total
LGIP - Current thru 9/30/2018	\$	274,647.47		Pool Total
Total Cash Assets	\$	463,825.90		

GENERAL FUND REVENUE

Name	Account	Amount	Sub-Totals
01 - GF REV			
Franchise Fees			
	Avista Corporation	3,463.01	
	Northland Cable Television	667.63	
	Waste Management	816.37	
Total Franchise Fees			4,947.01
Interest			
	Mtn West Savings/.1%	6.29	
	Mtn West Checking/.04%	3.61	
	Interest, LGIP/August/2.2240%	507.60	
Total Interest			517.50
Licenses & Permits			
	Business License	-	
Total Licenses & Permits			-
Planning & Zoning Fees & Permit			
	Building Permits	8,031.65	
	Subdivision Fees/7 Sisters	1,000.00	
Total Licenses & Permits			9,031.65
Property Tax			
	Arrears Property Tax	144.37	
	Penalty & Interest	15.20	
	Property Tax Current	-	
Total Property Tax			159.57
Rents			
	City Hall Rental	250.00	
	Post Office Rent	250.00	
Total Rents			500.00
State of Idaho Funds			
	State Liquor Fund	6,382.00	
	State Revenue Sharing	11,596.57	
Total State of Idaho Funds			17,978.57
	Total 01 - GF REV	33,134.30	33,134.30

STREET FUND REVENUE

Name	Account	Amount	Sub-Totals
02 - SF REV			
Idaho Transportation Dept			
	State Highway Users Fund	7,452.45	
	HB312	2,465.20	
Total Idaho Transportation Dept			9,917.65
Road & Bridge			
	Road & Bridge Arrears	113.16	
	Road & Bridge Current	0.00	
	Road & Bridge P & I	11.93	
Total Road & Bridge			125.09
Stormwater/Encroachment			
	Culvert Encroachment Permit	550.00	
Total Stormwater/Encroachment			550.00
Streets			
	Utility Encroachment Permit	400.00	
Total Streets			400.00
	Total 02 - SF REV	10,992.74	10,992.74
	Total Income	44,127.04	44,127.04

City of Kootenai
Treasurer Report October 2018

GENERAL FUND EXPENSES			
Name	Account	Amount	Sub-Totals
10 · GF EXP			
Accounting & Audit		1293.75	
Total Accounting & Audit			1293.75
Building Maintenance			
	Janitorial Service	85.00	
Total Building Maintenance			85.00
Law Enforcement		-	
	Attorney	-	
Total Legal			-
Dues & Membership			
	Association of Idaho Cities	400.00	
	ICCTFOA District Membership	-	
Total Dues & Membership			400.00
Insurance			
	ICRMP	-	
Total Insurance			-
Office Expenses			
	Computer Maint/Repair	115.01	
	Gift Expense	-	
	Internet Service	69.39	
	Office Supplies	96.46	
	Postage	-	
Total Office Expenses			280.86
Park			
	Maintenance	440.00	
	Arbor Day	-	
Total Park, Arbor Day & Earth Day			440.00
Planning & Zoning			
	Building Permit	6,114.06	
	Code Enforcement	136.50	
	Ordinance Revisions/Comp Pln	32.50	
	Planner	771.00	
	Subdivision Fees/Site Review	1,064.60	
	Engineer	-	
	Subdivision Fees	(162.56)	
	Zoning Map	342.50	
Total Planning & Zoning			8,298.60
Training Workshops			
Mileage	PRIMA Training/Mayor's Colition	84.25	
Training Expenses		-	
Total Training Workshops			84.25

City of Kootenai
Treasurer Report October 2018

GENERAL FUND EXPENSES Cont.

Name	Account	Amount	Sub-Totals
10 - GF EXP Cont.	Electric & Gas	113.44	
	Garbage	17.36	
	Water	16.9	
	Telephone	92.92	
Total Utilities			240.62
Wages & Benefits			
	Clerk/Treasurer	3,852.00	
	Council	500.00	
	Mayor	500.00	
	Payroll Taxes	371.20	
	Retirement Fund - PERSI	549.25	
	Workers Compensation	-	
	Health Insurance	677.57	
	Wages & Benefits - Other	(135.51)	
Total Wages & Benefits			6,314.51
	Total 10 - GF EXP	17,437.59	17,437.59

City of Kootenai
Treasurer Report October 2018

STREET FUND EXPENSES			
Name	Account	Amount	Sub-Totals
20 · SF EXP			
Stormwater			
	Culvert Inspection	77.88	
Total Stormwater			77.88
Streets			
	Signs	-	
	Street Engineer	321.63	
	Utility Encroachment Permit	-	
Total Streets			321.63
Transportation			
	Hwy 200 Corridor Study	-	
	SPOT	-	
Total Transportation			-
Utilities, Streets			
	Signal Lights	-	
	Street Lights	870.75	
Total Utilities, Streets			870.75
	Total 20 · SF EXP	1,270.26	1,270.26
6560-Payroll Expenses	Intuit	10.00	10.00
	Total Expense	18,717.85	18,717.85
	Total Income		44,127.04
Net Income			25,409.19

MEMO

To: Mayor Lewis and Council Members

From: Ryan Luttmann, P.E., Contract City Engineer

Date: November 1, 2018

Re: October 2018 Council Report

LHTAC Grant Workshop

The Local Highway Technical Assistance Council held a workshop in Sandpoint on October 10, 2018 to discuss grant opportunities that are eligible for local jurisdictions to apply for in 2018. The following opportunities appear to be the best opportunities for funding for the City of Kootenai:

1. **Local Strategic Initiatives Program**
2. **Children Pedestrian Safety Program**

These opportunities do not require a match and are funded through the Surplus Eliminator program that was established by House Bill 312 during the 2015 Legislative session. During the 2017 Legislative session, Idaho Law makers voted to continue the Surplus Eliminator program through Senate Bill 1206. The projects applications are due for consideration on December 6, 2018 and the draft applications need to be submitted to the Bonner County Area Transportation Team subcommittee on November 9, 2018 to be reviewed for feedback and to receive letters of support. The projects that appear to meet the requirements of these grants are:

1. **McGhee Road Improvements.** Portions of McGhee Road have exceeded their useful life and need repair. A cement treated base project would extend the life of the roadway and restore a maintainable surface. This roadway serves the industrial businesses within the City and would address the scoring criteria for Local Strategic Initiatives Program that includes commerce, safety and mobility.



2. **Sprague St Sidewalk Extension.** The City of Kootenai Bicycle and Pedestrian Master Plan prioritizes this project to complete the walkway between 1st Avenue and Highway 200 to finish this north-south route. In addition, this connection would serve the new SPOT bus shelter that is currently being constructed on 1st Avenue and could extend the sidewalk along 1st Avenue creating a walking loop around the school property. This route would not require significant underground drainage infrastructure and would address the scoring criteria for the Children Pedestrian Safety Program that includes children, safety, and mobility.



I will be preparing the information to provide to the Bonner County Area Transportation Team for consideration of both projects on November 9, 2018. The cost estimates and additional information will be prepared for the City to submit to the Local Highway Technical Assistance Council, prior to December 6, 2018.

1st Addition to Seven Sisters Subdivision 18-Month Warranty Bond

The letter of credit for the warranty work associated with the public infrastructure for the 1st Addition to Seven Sisters Subdivision is scheduled to expire on November 2, 2018. I reviewed the files that were in place at the time of the surety for the public infrastructure work that was performed within the development and the off-site waterline improvements. I performed a site visit and reviewed the paths, signs, drainage and the off-site waterline improvements. In addition, I contracted the City of Sandpoint Water Supervisor to find out if any outstanding or warranty items had been observed by the utility provider. A letter was provided to the City based upon my review. I did not observe any surface infrastructure improvements needing repair or correction by the developer.

Certificate of Occupancy and Culvert Reviews

264 Seven Sisters Drive – the work within the City right-of-way was reviewed and approved on October 23, 2018.

Frontier Culvert – the 12" culvert at the frontier utility station has been installed by the utility company.



RUEN-YEAGER & ASSOCIATES, INC.
ENGINEERS ♦ PLANNERS ♦ SURVEYORS

MEMO

To: Kootenai City Council, Mayor and Clerk
From: Clare Marley, AICP, City Contract Planner
Date: October 30, 2018
Re: **Planning summary for November 6, 2018 City Council meeting**

Building permit activity

Two building permit applications were submitted to the City during the month of October for business signs (Busy Beaver and So I Sew). For 2018, the total number of building permits is 19.

Land use activity

There have been no new land use file applications for the month of October. Staff has followed up with the Northwinds subdivision representatives. Revisions to the application are still pending.

1st Addition to Seven Sisters, Phases 2 and 3, Surety Release

Seven Sisters LLC and the City of Kootenai entered into a subdivision surety agreement May 2, 2017 for the guarantee of public infrastructure work completed for the 1st Addition to Seven Sisters, Phases 2 and 3. Pursuant to Kootenai City Code (KCC) Section 9-5-8D, the surety is held for 18 months as a guarantee of work and repairs for the public infrastructure. The bond represents 25% of the actual costs of city and public infrastructure. The amount of the surety is \$235,380, representing 25% of nearly \$1 million of infrastructure improvements, including roadways, water and sewer, stormwater, hydrants, street trees that were not deferred, and pathways.

The 18-month warranty period ends November 2, 2018. KCC Section 9-5-9C requires the developer request a final inspection by the city engineer 60 days prior to the end of the warranty period. The inspection fee has been paid by the developer, and the inspections have been completed. The city engineer has provided the City Council a summary of the inspections in a letter dated October 30, 2018. The inspection did not reveal "any surface infrastructure improvements needing repair or correction by the developer." The city engineer advises that the City of Sandpoint and Kootenai-Ponderay Sewer District should be contacted separately for water and sewer performance. The follow-up has been completed, and each entity is covered by separate warranty assurances and requires nothing further from the city (verbal communications).

The surety agreement allows the release of the bond once the inspection fees are paid and the city receives inspection approval from the engineer. With the findings listed above, the following is offered as a suggested motion for City Council to release the bond:

SUGGESTED MOTION: I move to release maintenance bond No. SAIFSU0720676 from International Fidelity Insurance Co., held by the City of Kootenai for warranty and repair of public infrastructure for 1st Addition to Seven Sisters, Phases 2 and 3, having found the terms of the surety agreement relating to the performance of the public improvements have been met.



To: Kootenai City Council and Mayor
From: Ronda L. Whittaker, City Clerk
Date: October
RE: Clerk's Report

McGhee Court First Addition – Development conditions have been met and fees have been paid. Surety Agreement has been released.

Seven Sisters 1st Addition Phase II & III – I have been working with the City's Engineer and Planner in completing a final Surety inspection of the Development. The applicant has paid the initial fee for the site review.

Audit – I am in the process of collecting final invoices for year end and working with the City's Auditor. We are now working on scheduling a fieldwork day in December.

Website Activity – Continued update of the site. The City has received a couple of inquiries in regard to the availability of utilities and fencing regulations through the site. Directing them to Sterling Codifiers for City Code has been working very well.

Training – Mayor Lewis and I attended a session of PRIMA, which focused on Supervising Employees – Legal & Practical Considerations.

Building Permits/TCO – Still working with developers and builders to evaluate completion of conditions.

City Code Enforcement -Notices of Violations - The City has sent out violation notices for outside storage, weed abatement, and removal/demolition of mobile homes. The notices are getting recognition and action at least for weed abatement. There is still some resistance when outside storage and property clean – up are involved. The City does not have a permitting procedure in place for removal of mobile homes, but property owners are advised that there is a need for the building inspector's sign off to make sure that all utilities are capped and to insure that asbestos is not present at the site. The City also requires that the site be cleaned up once the unit is removed.

Fencing Inquiries – There have been several calls to the City in regard to fencing regulations. I have been working with the City's Planner and Engineer to help advise residents of current Code.

City Hall Building Repair – I have not been able to get a contractor to provide a bid for the project.

Post Office – Advised Postmaster of the requirement of tenant insurance. Received Notice of Withdrawal of Contract. Working with Supervisor to understand replacement process.

Bonner County Historical Society - Meeting with Mayor and Attorney Snedden in regard to abandoned property.