



City of Kootenai
COUNCIL MEETING MINUTES

DATE: August 6, 2019

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.

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

Others Present: Sandra Furlini, City Resident, and Doris Nuss, City Resident.

Amendments to the Agenda – None were proposed.

Public Comment – Sandra Furlini and Doris Nuss thanked Council for the recent weed abatement.

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.

Councilman Schock made a motion to approve the consent agenda, 2nd by Councilwoman Bauer; roll call vote:

Councilman Sundquist – AYE

Councilwoman Bauer– AYE

Councilman Macha – AYE

Councilman Schock – AYE

2. Reports:

2.A. Mayor: Mayor advised Council that she has requested the city of Sandpoint's City Administrator to provide a service contract for shared law enforcement without connecting it with a school resource officer. She indicated, as did Councilwoman Bauer, that neither the city of Sandpoint nor the school district had plans to put a school resource officer at the Kootenai Elementary School. Mayor stated that she has received no response from the city of Sandpoint and advised that she will keep trying. Councilman Sundquist stated that at the least the city of Sandpoint owed the city of Kootenai a written statement denying to do so or presenting the City with a draft contract.

2.B. City Engineer: Written Report Summary – Attached. There was no further discussion.

2.C. City Planner: Written Report Summary – Attached – Specific topics were discussed:

2.C1 Code update - Clare stated that the code update was a 13 page document, she had requested some information from the City's legal council for an understanding of the enforcement section 8-3-7; she advised that there had been additions to the enforcement code, one being recovery of costs and filing a notice of title with the recorder's office. Councilman Sundquist expressed his concern about 8-

3-7(B). He was concerned that the section stating that any person can file a complaint was awkward and may be reworded to say (any person or entity). Council discussed abatement proceedings and remembered that during their last visit with the City's attorney it was discussed that it rarely happens that costs will be recovered, but it was a good idea to have the clause in that we could. Clare went on to summarize amendments that had been previously discussed in previous workshops. She stated that the City had 11 zones and that consolidated should be considered. Clare expressed her concern that in the Use Regulations, Permitted Uses residential dwelling units were allowed on upper floors or rear of a principal commercial structure, but the allowance of residential dwelling units were also placed in the Special Uses section. Therefore it was allowed in Use Regulations Permitted but required special use procedures. Council agreed that that was not their intention to restrict a residential use on upper floors or in the rear of a principal commercial structure and should be struck from special uses(B). It was also agreed that the regulation be cleaned up and the word (units) be taken out allowing (one family on upper floor or rear of a principal commercial structure.) Of course, if there would be several units proposed it would need to go through the special uses procedures. Clare stated she would clean up the table and advised that it was pretty much ready to go to public hearing. Councilwoman Bauer asked Council and Clare to take another look at Abatement Proceedings. She expressed her concern that the regulation as written may enable the City to file a criminal action. It was confirmed that the wording (in lieu of) did not take criminal action out of the process. Clare stated she would ask the City's attorney to confirm. She asked if Council was ready to take the amendments to public hearing. It was decided that the public hearing would be scheduled at the next council meeting on September 3, 2019 to begin at 6:30 p.m.

2.C4 Request for comment, Bonner County amendment– Council was satisfied with the letter that the City had sent to the Planning Commission. Bauer attended stated that she had expressed her concern that the zoning map could be changed without public hearing and the planning commission stated that this was the public hearing and if there was a problem with it a property owner could appeal their decision. She was disappointed that the commission disregarded the City's concern and that the decision was interrupting the local community amendments to their areas of city impact maps and comprehensive plans. Council showed great concern that an appointed commission could make land decisions without public notice. Clare asked if Council if any additional comments were requested for consideration by the Board of County Commissioners. Council agreed that the letter was well written and should always be addressed to the County Commissioners along with the planning department and planning commissioners. Ronda confirmed that the letter had been copied to the planning department, the planning and zoning commission and to the County Commissioners clerk.

D. Selkirks-Pend d'Oreille Transit (SPOT) – Mayor reported that SPOT was having problems keeping drivers as other services offered higher wages. She stated that SPOT had agreed to increase wages for drivers in order to keep them. She stated that SPOT was again offering transportation to and from the Festival. She expressed disappointment that SPOT has missed out on a transportation plan for the Shakespeare in the Park event.

E. Clerk: Written Report Summary – Attached

2.E3 City Tour with Mayor – Code violations update - Councilman Sundquist

asked on status of the shed placed out of compliance within the Seven Sisters Subdivision. Ronda stated that the property owner had been advised, but was not responding. Council asked that an executive session was in order at the next council meeting. Councilwoman Bauer expressed her concern that she did not want to see other people following suit as far as where they place their storage units.

Councilman Schock asked if the new zoning map could be put on the City's web site. Ronda stated she would get right on it.

Councilman Sundquist was concerned about the area on Brittany Loop at the City's right-of-way where Maggie's Park was has not been attended to. Mayor stated she had looked into getting a plaque on the site but the expense was beyond the allowed budget. She stated that she would revisit the task. Ronda stated she would see if Thompson Lawn could attend to the said area. Councilman Macha expressed concern that the 3rd street weed issue was a possible fire hazard as there were homes on both sides of the area and should be cleaned up. Ronda stated that the task had been completed IHD in the past. She advised that weed abatement is getting more and more expensive. Councilman Schock stated that McGhee Park needed to be addressed. The advised that there were huge bushes that needed to be removed. Ronda stated that she would take a look at the budget and see if IHD or Thompson Lawn could address these issues. Council agreed that it should be done at least the end of June and the end of July. Councilman Sundquist thought it would be wise to look into local entities to help with weed abatement; maybe reach out to some local entities or business to partner with the city to enhance the City's parks.

3. Discussion/Action Items –

3.1 2020 Audit – Authorization for Mayor to sign the engagement letter provided by Scott Hoover CPA – Ronda stated that Hoover CPA was referred to her by several small cities and that these cities were pleased with Mr. Hoover's services. Council expressed their concern about the proposed fees. There was an understanding that the fees may be a little higher as this would be the first visit to the City by Mr. Hoover. Councilman Schock brought to Council's attention that the engagement letter did state that Mr. Hoover would come to Council if it looked as if fees would exceed the proposed offer. Councilman Sundquist expressed his concern as to who would be liable if there were to be error in the audit. Ronda stated that the engagement letter was a normal advisement that the City has received each year by the previous auditor. Council agreed that they should try the firm out and if unhappy they could review other options next year. **Councilman Sundquist moved to allow Mayor to sign the letter of engagement offered to the City by Scott Hoover CPA, 2nd by Councilman Macha; roll call vote:**

Councilman Sundquist – AYE
Councilwoman Bauer – NAY

Councilman Macha – AYE
Councilman Schock – AYE

3.2 2019 3rd Quarter Financial Report – Authorization to Publish – Councilman Sundquist moved to allow publication of the City's 3rd Quarter Financial Report, 2nd by Councilman Schock; roll call vote:

Councilman Sundquist – AYE
Councilwoman Bauer – NAY

Councilman Macha – AYE
Councilman Schock – AYE

4. Adjournment: Mayor Lewis adjourned the meeting at 7:43 p.m.

Submitted by:
Ronda L. Whittaker
City Clerk

City of Kootenai

Treasurer Report July 2019

Mt. West Money Market	\$	74,114.22	0.04% APY
Mt. West Checking	\$	170,323.09	0.16% APY
LGIP - Current thru 6/30/19	\$	279,692.99	2.5724% June 609.73
Total Cash Assets	\$	524,130.30	

INCOME/GENERAL FUND

Name	Account	Amount	Sub-Totals
01 - GF REV			
Franchise Fees			
	Avista Corporation	3,464.67	
	Northland Cable Television	0.00	
	Waste Management, Inc	898.02	
Total Franchise Fees			4,362.69
Interest			
	Interest, MW Money Market	4.59	
	Interest, MW Checking	10.07	
	Interest, LGIP - 6/30/19	609.73	
Total Interest			624.39
Licenses & Permits	Business Licenses	100.00	100.00
Law Enforcement Fines		0.00	0.00
Planning & Zoning Fees & Permit			
	Building Permits	14,300.61	
	Engineering	-167.31	
	Subdivision Fees	501.92	
Total Planning & Zoning Fees & Permit			14,635.22
Property Tax			
	Arrears Property Tax	6.01	
	Penalty & Interest	23.97	
	Property Tax Current	17,597.48	
	Recovered Homeowners Exemption	144.98	
	Circuit Breaker	427.32	
Total Property Tax			18,199.76
Rents			
	City Hall Rental	250.00	
	Post Office Rent	280.00	
Total Rents			530.00
State of Idaho Funds			
	State Liquor Fund	0.00	
	State Revenue Sharing	11,432.25	
Total State of Idaho Funds			11,432.25
Total 01 - GF REV		49,884.31	49,884.31

City of Kootenai
Treasurer Report July 2019
INCOME/STREETS

Name	Account	Amount	Sub-Totals
02 - SF REV			
Idaho Transportation Dept			
	State Highway Users Fund	6,998.55	
	HB312	2,277.51	
Total Idaho Transportation Dept			9,276.06
Road & Bridge			
	Road & Bridge Current	14,846.15	
	Road & Bridge P & I	20.21	
	Road & Bridge Arrears	4.73	
	Corclot Breaker M & O	360.53	
Total Road & Bridge			15,231.62
Road & Streets			
Stormwater/Encroachment			
	Culvert Encroachment Deposit	550.00	
	Utility Encroachment Deposit	800.00	
Total Stormwater/Encroachment			1,350.00
Sprague Walkway Project			
	Interest	68.93	
Total Sprague Walkway Project			68.93
McGhee Rd Cmt Treated Project			
	Interest	110.03	
Total McGhee Rd Cmt Treated Project			110.03
	Total 02 - SF REV	26,036.64	26,036.64
	Total Income	75,920.95	75,920.95

City of Kootenai
Treasurer Report July 2019
EXPENSES/General Fund

Name	Account	Amount	Sub-Totals
10 - GF EXP			
Accounting & Audit	Auditor	0.00	
Bank Charges		0.00	
City Web Site		0.00	
			0.00
Building Maintenance			
	Janitorial Service	85.00	
	Maintenance & Repairs	1,149.29	
Total Building Maintenance			1,234.29
Law Enforcement Contract		0.00	
	Legal Notices	0.00	
Total Legal			0.00
Dues & Membership	Association of Idaho Cities	45.00	
Total Dues & Memberships			45.00
Office Expenses			
	Computer Maintenance/Repair	128.09	
	Internet Service	192.53	
	Office Supplies	0.00	
	Postage	47.40	
	Other/Events	0.00	
Total Office Expenses			368.02
Park, Arbor Day & Earth Day Maintenance		0.00	
		525.00	
Total Park, Arbor Day & Earth Day			525.00
Planning & Zoning			
	Planner	310.50	
	Subdivision Fees	26.00	
	Ordinance Revisions/Comp Plan	854.50	
	Engineer	0.00	
	Code Enforcement	123.50	
	Building Permits	323.50	
	Site Plans/Varance	0.00	
Total Planning & Zoning			1,638.00
Training Workshops			
	Training Expenses	100.00	
	Meals	0.00	
	Milage	0.00	
Total Training Workshops			100.00

City of Kootenai
Treasurer Report July 2019
EXPENSES/General Fund

Name	Account	Amount	Sub-Totals
Utilities			
	Electric & Gas	163.30	
	Garbage	0.00	
	Sewer	0.00	
	Telephone	97.98	
	Water	111.15	
Total Utilities			372.43
Wages & Benefits			
	Clerk/Treasurer	3,600.00	
	Council	500.00	
	Mayor	500.00	
	Payroll Taxes	351.89	
	Retirement Fund - PERSI	549.26	
6560 · Payroll Expenses	Health Insurance	677.57	
	Wages and Benefits	-135.51	
	Intuit Payroll Expense	10.00	
Total Wages & Benefits			6,053.21
	Total 10 · GF EXP	10,335.95	10,335.95

City of Kootenai
Treasurer Report July 2019
EXPENSES/Street

Name	Account	Amount	Sub-Totals
20 · SF EXP			
Ditches	Maintenance	140.00	
Total Ditches			140.00
Stormwater			
	Culvert Inspections	585.57	
	Engineer	-	
Total Stormwater			585.57
Streets			
	Materials	-	
	Engineer	1,003.83	
	Utility Encroachment Permits	101.92	
Total Streets			1,105.75
Sprague Walkway Project		73,800.27	
Sprague Walkway Project - Engineering		1,756.71	
Total Sprague Walkway Project			75,556.98
McGhee Rd Cmt Base Project			
McGhee Rd Project - Engineering		3,055.95	
Total McGhee Rd Cmt Base Project			3,055.95
Utilities, Streets			
	Signal Lights	-	
	Street Lights	861.18	
Total Utilities, Streets			861.18
	Total 20 · SF EXP	81,305.43	81,305.43
	Total Expense	91,641.38	91,641.38
Net Income			-15,720.43

MEMO

To: Mayor Lewis and Council Members

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

Date: July 29, 2019

Re: August 2019 Council Report

1. McGhee Road Cement Treated Base Project.

Construction of the McGhee Road Cement Treated Base project started in July. The contractor pulverized the existing asphalt surface and shaped the centerline profile to better accommodate roadway drainage. Cement was spread on the roadway at the specified rate and then remixed into the road surface with the addition of water. The new stabilized base was covered with a fog seal and cured for 7 days prior to the placement of asphalt.



The new asphalt surface was placed on top of a pavement fabric and performed in two lifts. The first lift was a leveling course to provide a smoother ride surface before the top 2-inch lift of asphalt was placed. The contractor adjusted the elevations of the utilities within the roadway and adjusted some of the storm manhole rims to improve roadway and off-site drainage.



The Local Highway Technical Assistance Council approved the use of remaining funds to extend the overlay toward Highway 200 and widen the shoulders with paved bike lanes on 2nd Avenue. The remaining work is on schedule to be completed in August.

2. Sprague Walkway Project.

Construction of the Sprague Walkway Project is proceeding on schedule and the original project scope is substantially complete. The Contractor is starting the additional sidewalk expansion along 2nd Avenue that was approved by the Local Highway Technical Assistance Council within the available project funding. The project and additions are on track to be completed prior to the start of the new school year and are already getting use.





3. Urban Area Transportation Plan Grant Opportunity

Representatives from Kootenai, Sandpoint, Ponderay, Dover and the Independent Highway District met to review the grant application opportunity for the Sandpoint Urban Area Transportation Plan Update. The City of Sandpoint staff will draft the plan. The cities participating in the potential project match will budget approximately \$5,000 each and actual cost proportions will be determined when the grant is approved, and negotiations are performed with the future consultant. The City of Sandpoint is providing the grant and project support in-place of the matching funds.

4. Utility Permits –

- a. **ENU 009-019** – A utility permit was issued for water line work within the City right-of-way at 211 Hope Street. The work will be performed by the City of Sandpoint Water Department.
- b. **ENU 010-019** - A utility permit was issued for water line work within the City right-of-way at 211 Helena Street. The work will be performed by the City of Sandpoint Water Department.
- c. **ENU 011-019** – A utility permit was issued for the installation of a new sewer lateral at 204 Sprague Street. The sewer lateral installation will require cutting and repair of the existing roadway by the contractor.

5. Encroachment Permits –

- a. **ENC 122 Rebeccas Way** – An encroachment permit was issued for the installation of a driveway culvert. The culvert will service a driveway access for the property to serve the proposed building improvements. The work was constructed and approved during the month of July.



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

MEMO

To: Kootenai City Council, Mayor and Clerk
From: Clare Marley, AICP, City Contract Planner
Date: August 1, 2019
Re: **Planning summary for August 6, 2019 City Council meeting**

Building permit activity, INFORMATION/NO ACTION: The City received three new building permits in July for a single-family home in Seven Sisters, a minor home addition, and a residential garage. The total building permits received for the year to date is 18.

Code update, COUNCIL ACTION: Planning staff has completed the draft code update. The city attorney has provided some additional language regarding code enforcement. Rather than take the file to hearing on August 6th, as previously discussed with Council, staff asked the Mayor for permission to delay until September so that Council could review the added language on enforcement. The draft ordinance is provided to the City under separate cover for discussion. If the Council finds the draft is ready for public hearing, please advise staff whether Council wishes to schedule the item to the September 3rd regular Council meeting. The draft contains: a uses index; enforcement provisions; manufactured home correction; "single use" zoning prohibitions; uses on "grandfathered" lots; dwelling clarifications for duplexes and tri-plexes in Commercial-Light Industrial; miscellaneous table corrections and clarifications, a structure definition with cross-references to fencing standards; and procedures for administrative decisions, variances and special use permits. Staff has reviewed the uses index with Sterling Codifiers, who suggested the new tables be placed under an "article" rather than appendix so the public can locate the tables in a logical place. The index is proposed for placement under Chapter 5, Zoning Districts and Maps.

Land use application activity, INFORMATION/NO ACTION: The Northwinds preliminary plat remains in a pending status. Revisions and updates pursuant to city engineer and planner reviews have not been filed with the city yet.

Request for comment, Bonner County amendment, COUNCIL ACTION: Bonner County Planning Department provided the City of Kootenai a legal advertisement and invitation to comment on proposed amendments to its land use laws (File #AM003-19). Because the Planning & Zoning public hearing was scheduled for August 1st, there was insufficient time to request comment from City Council. Therefore, after discussing the amendment with the Mayor, she requested planning staff prepare a response for her signature, and provide copies to the City Council for review and comment. The amendment proposes the lengthening of the legal notice period to 22 days from 15 and changing the way zoning maps are interpreted to allow the planning director to change zones when a parcel or lot is divided by different zones. The mayor's letter is provided to Council under separate cover. Please advise if any additional comments are requested for consideration by the Board of County Commissioners at the next hearing.



KOOTENAI MAYOR

Nancy Lewis

CITY Clerk-Treasurer

Ronda L. Whittaker

COUNCIL MEMBERS

David Sundquist
James Macha
Grace E. Bauer
Daniel Schoek

July 25, 2019

Via Email

Bonner County Planning & Zoning Commission
Milton Ollerton, Planning Director
Bonner County Planning Department

RE: File #AM003-19, 12-315, "Rules for Interpretation of Zoning District Boundaries"

Dear Planning and Zoning Commission and Mr. Ollerton:

The City of Kootenai is in receipt of the Bonner County Planning Department invitation to comment on amendments to the county's land use laws (Department File #AM003-19).

In reviewing the proposed amendment, the City of Kootenai would like to address the portion of the amendment dealing with the zoning map. The proposed code change to BCRC 12-315, "Rules for Interpretation of Zoning District Boundaries," adds a new paragraph J stating: *"Where a zone boundary line divides the parcel/lot, upon review, the director may permit the entire parcel/lot to be included in one of the zones, and its associated land use designation, that then apply to the parcel/lot so that only one zone and its associated regulations will apply to the lot/parcel."*

The City of Kootenai and Bonner County have a mutual Area of City Impact (ACI) agreement that allows the city to comment on any request for zone changes (codified at Kootenai City Code Section 8-3D-5). The proposed amendment would allow administrative changes to the zoning map without proper notice to the City and the public whenever a parcel is divided by different zones. There are a number of parcels separated by different zones in the ACI.

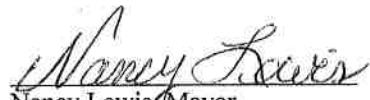
The proposed amendment is listed as a map interpretation. The purpose of Section BCRC 12-315 is to interpret boundaries "where uncertainty exists as to the boundaries of zones or districts." The proposed amendment goes far beyond the reasons for map interpretation and allows administrative adjustments to the official zoning map for entire parcels of land. The adjustment could occur without public hearing or notice, which is not in accord with the requirements of Idaho Code for zoning amendments.

The City of Kootenai objects to the proposed amendment because the authorization exceeds the "interpretation" of zoning boundaries and actually authorizes administrative adjustments to the map. Administrative amendment to the official zoning map is not in accord with state law and would affect the right of the City and public to comment on any map changes.

According to the notice provided to the City, this item is scheduled for hearing August 1st. The City requests the Commission recommend denial of the ordinance amendment dealing with the map amendment.

Thank you.

Sincerely,


Nancy Lewis, Mayor

cc: Kootenai City Council
City Contract Planner Clare Marley, AICP

To: Kootenai City Council and Mayor
From: Ronda L. Whittaker, City Clerk
Date: July 2019
RE: Clerk's Report



Website Activity – Continued update of the site.

2020 Audit– I received a reference for small city audit services from the city of Oldtown. I have received favorable reviews of his services from other cities. He is familiar with Anderson Brothers, who we have used in the past few years who have mentioned that he does good work and that they will provide him with information if needed.

Zoning Code Violations – I send a code violation to NSA Properties who are storing vehicles, etc. outside of the mini storage adjoining Sandpoint Storage. They have contacted me and advised that they will get on it with putting sight obscuring slats within the current fencing. Notice from the City's Planner has been sent out to another mini storage within the City violating the outside storage code. It will be time to consider legal actions if there is no compliance.

Weed Abatement and Debris Code Violations – Mayor initiated a tour of the City in order to site code violations. We found a couple of building violations that have been reported to the City's Building Inspector. There are several debris and weed abatement violations; letters have been sent out.

City Records – I am in the process of reviewing the City's records and retention requirements set by state statute. I am also in the process of renaming building permit records for easier history research.

CITY OF KOOTENAI
2019 3rd Quarterly Financial Report
April 1, 2019 to June 30, 2019

	BUDGET	YTD	% REV/EXP
General Fund Revenue	\$225,024	\$ 109,325	0.49%
Expenditures	\$225,024	\$ 124,287.30	0.55%
Street Fund Revenue	\$ 480,210.78	\$ 439,596.30	0.92%
Expenditures	\$ 480,210.78	\$ 58,099.55	0.12%

Citizens are invited to inspect the detailed supporting records of the above financial statements.

Ronda L. Whittaker, City Clerk/Treasurer
08/06/19