



City of Kootenai
MEETING MINUTES
DATE: January 8, 2019
TIME: 6:30 p.m.

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

Roll Call: Councilman Macha had informed the Clerk that he would not be able to attend the meeting due to a recently broken ankle. Councilman Sundquist – AYE, Councilman Schock – AYE and Councilwoman Bauer– AYE,

Amendments to the Agenda: The City’s Planner Clare Marley advised that she had received some information at the last minute from Bonner County that affected the City’s Area of City Impact and asked if she could include a summary within her report. **Councilwoman Bauer made a motion to allow the information to amend her report to add the Area of City Impact issue; 2nd by Councilman Schock; roll call:**

Councilman Sundquist – AYE	Councilman Macha – Not Present
Councilwoman Bauer– AYE	Councilman Schock – AYE

Staff Present: City Clerk, Ronda L. Whittaker, City Planner, Clare Marley, and acting City Attorney, Lisa Moline.

Others Present: Doris Nuss, City resident, Sandra Furlini, City resident and Tim Colsson, representing Independent Highway District.

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

Councilman Sundquist – AYE	Councilman Macha – Not Present
Councilwoman Bauer– AYE	Councilman Schock – AYE

2. Reports:

2.A. Mayor: Mayor advised that the December BCATT meeting was attended by the newly elected Legislative Representatives who gave a Legislative report.

2.B. City Engineer: Written Report Summary – Attached.
• **LHTAC Grants Update** – There was no further discussion.

C. City Planner: Written Report Summary - Attached.
• **Building Permit Activity update** – no further discussion
• **City Code Zoning Use Tables**– Clare stated that staff is continuing the update on the table for code update and advised that there were two items needing to be resolved to complete a portion of the introductory material for the tables. She summarized her thoughts regarding the meaning for “grandfathered” lots or parcels that were nonconforming and suggested a revision of the meaning as provided within her report. Council agreed with her suggestion. She then summarized her thoughts regarding single

use on lots. She expressed her concern that the current Code limited use to one principal use and advised that that regulation be struck in each district use regulation. After a brief discussion as to what is the definition of use, it was agreed that it would be too confining if use was defined. It was not their intention to not allow a parcel to have variable uses within one parcel as long as the uses were allowed in a defined zone. Council agreed with Clare that the phrase “shall be limited to the uses expressly permitted” be struck from the Code.

- **Replacement Zoning Map** – Council was very impressed with the proposed final Map. Clare advised the new aerial imagery had been provided by the city of Sandpoint and the latest parcel data was from Bonner County. She stated that the Map was ready for final review by Council in preparation for adoption with just one final confirmation of a zoning boundary.
- **Zoning/Building violations** – Clare advise that she was working with a property owner who was not in compliance with the Zoning District Set-back regulations for a storage shed. She stated that she was working on getting a date from the property owner for a relocation of the shed. No further comment
- **Bonner County public hearing notices** – Clare stated that she had reviewed the latest notices and they did not affect the City’s Area of City Impact. No further comment.
- **Area of City Impact Issue** – Clare advised that the County had sent the City’s Clerk a blue line review request for a project within the City’s Area of City Impact (ACI). The request was confusing as the City was not given the option to comment; seems they may have missed the City in comment procedures. Clare advise that she had replied to the County advising that it appears that they missed that step and it was not put on the January agenda. Council asked if the project was already approved. Clare advised that no the project was just now in the blue line review status. Councilwoman Bauer stated that she understood that the City had an ACI Contract with the County and asked what type of projects were the County required to provide a review and comment time for the City. Clare stated that by law the County must include the City in projects that include variances, conditional use permits, zone changes and subdivisions. She also stated that she had advised the County that they had missed the Mayors signature block on the final plat. There were no further discussions. Clare advised that she would keep the City updated on the project.

D. Selkirks-Pend d’Oreille Transit (SPOT) – Mayor stated that SPOT was in the process of electing a officers for the board and they had not received the new buses yet as there were additional features that need to be implemented for the Schweitzer Ski route run.

E. Clerk: Written Report Summary – Attached – Ronda introduced Lisa Moline the acting attorney who has been working with the United States Postal Services (USPS) regarding the City’s Contracted Post Office. She stated that she had been working with Regional Director for the Western Area out of Seattle who handles all of the contract postal units (CPU) and had been told that the USPS had put a moratorium on any further contracted postal sites within the whole nation. She stated that the Regional Director was working the Regional office in Denver on getting an exception as she understood how important the Post Office is to the community. Councilman Sundquist asked if there was a possibility that the post office could close. Lisa stated that it was a possibility but that she would do all she could to work with USPS officials to keep that from happening. She stated that there was a time crunch to get someone in by the end of January, but was still working on that. Councilwoman Bauer asked if there was a possible replacement contract. Lisa stated she had not seen a copy of the contract and she was not sure if they could even give her a copy. There was no additional comment on the Clerk’s report.

3. Discussion/Action Items

- **Dog License Renewal – Annual January Waiver of Fees**– Councilwoman Bauer confirmed that tags were issued to licenses holders. Ronda stated that yes tags were issued if a dog was newly licensed and that renewed licenses had the option to keep their existing tags if they still had them and wanted to. Councilwoman Bauer asked if the funds collected from the fees were segregated. Ronda stated that the funds are part of the general fund and is used to purchase

tags and process the licenses. Councilwoman Bauer stated that maybe the City should consider not requiring a dog license as it did not seem to generate much compliance. Council discussed the need for a dog license as it helped to insure that a dog had up-to-date vaccinations. Ronda stated that if they so choose to eliminate the licensing regulation, the Code would need to be amended and the public hearing process would be required. **Councilman Sundquist made a motion allow the January 2019 Waiver for dog license fees, 2nd by Councilman Schock; roll call vote:**

Councilman Sundquist – AYE
Councilwoman Bauer – AYE

Councilman Macha – Not Present
Councilman Schock – AYE

- **Code Enforcement from local law enforcement agencies** – Councilwoman Bauer suggested that Council revisit the task of getting quotes from local law agencies for City Code enforcement. She stated that neighbors and residents have expressed to her their concern about vandalism, pet issues and parking. Mayor advised that Councilwoman Bauer refer them to the City's Clerk. Councilwoman Bauer advised that she had done so. Council discussed what they would require from a law agency. It was determined that the topic of discussion be put on the next agenda for an action to approve what services the City would like to see from a law agency. Mayor stated that she would again reach out to a couple of local City's to see if they might be willing to share services and what it would cost the City to do so.
- **Proposed visit from Senator Jim Woodward this coming Spring** – Councilwoman Bauer stated that Senator Woodward was trying to visit all of the cities within the District and thought he could update Council on current legislation issues in the Spring. Council agreed that a visit would be educational.
- **Update on the Bonner County public hearing attendance by Councilwoman Bauer** – Councilwoman Bauer reported that she had attended the public hearing on December 5th related to the County's proposed Title 12 amendments regarding the elimination of land capability report and agency review. She reported that the County did confirm that they had received the City's reply to their proposal to amend their Code. She stated that she had read the staff report and had asked the Commissioners what meeting, date and time, that they discussed these issues as she felt that they may have violated the open meeting law if 2 or more Commissioners had met without public notice. She stated that the Commissioners refused to answer and said it was too late. She reported that she then questioned the agency review amendment as she understood from the staff report that the review time would be shortened and that now the amendment was that that comment time was to be eliminated. She expressed her concern that the public had been misinformed. She said that the County stated that the process was a waste of time as there were usually no comments. The amendments were passed.
- **Update on the Bonner Regional Team Meeting attended by Councilwoman Bauer** – Councilwoman Bauer reported that she had been invited to attend the meeting. She was concerned that after a 5 hour meeting nothing that had been provided on the Agenda had been discussed. In all, the event was very confusing.

4. Adjournment: Mayor Lewis adjourned the meeting at 7:30 p.m.

Submitted by:
Ronda L. Whittaker
City Clerk

CITY OF KOOTENAI
SIGN-IN SHEET

DATE: January 8, 2019

TIME: 6:30 pm

Council Meeting

Name	Address	Representing
Tim Closson		
Sandra Furler	4006 Second Ave	
Danae Gunn	4012 Humboldt	

City of Kootenai

Treasurer Report December 2018

Mtn West Business Checking	\$	91,054.62
Mtn West Money Market Acct	\$	74,049.15
LGIP - Current thru 10/31/2018	\$	275,679.78
Total Cash Assets	\$	440,783.55

GENERAL FUND REVENUE DECEMBER 2018

Name	Account	Amount	Sub-Totals
01 - GF REV			
Franchise Fees			
Total Franchise Fees			0
Law Enforcement Fines			
Total Law Enforcement		0	0
Interest			
	Interest, Mt. West Checking	5.90	
	Interest, Mt. West MM	12.37	
	Interest, LGIP/10/31/18	520.16	
Total Interest			538.43
Licenses & Permits			
	Business License	500.00	
	Liquor Licenses	-	
Total Licenses & Permits			500.00
Planning & Zoning Fees & Permit			
	Building Permits/TCOs	500.00	
	Subdivision Fees	-	
Total Licenses & Permits			500.00
Property Tax			
	Arrears Property Tax	456.80	
	Penalty & Interest	53.89	
	Property Tax Current	3,204.87	
Total Property Tax			3,715.56
Rents			
	City Hall Rental	200.00	
	Post Office Rent	250.00	
Total Rents			450.00
State of Idaho Funds			
	State Liquor Fund	-	
Total State of Idaho Funds			-
Total 01 - GF REV		5,703.99	5,703.99

City of Kootenai
Treasurer Report December 2018

STREET FUND REVENUE DECEMBER 2018			
Name	Account	Amount	Sub-Totals
02 - SF REV			
Idaho Transportation Dept			
	State Highway Users Fund	-	
Total Idaho Transportation Dept			-
Road & Bridge			
	Road & Bridge Arrears	357.73	
	Road & Bridge Current	2,704.09	
	Road & Bridge P & I	42.31	
Total Road & Bridge			3,104.13
	Total 02 - SF REV	3,104.13	3,104.13
	Total Income	8,808.12	8,808.12

City of Kootenai
Treasurer Report December 2018

GENERAL FUND EXPENSES			
Name	Account	Amount	Sub-Totals
10 - GF EXP			
Accounting & Audit			
	Auditor	1428.75	
Total Accounting & Audit			1428.75
Bank Fees	Check Order	117.18	
Building Maintenance			117.18
	Janitorial Service	60.00	
	Maintenance & Repairs	-	
Total Building Maintenance			60.00
Legal			
	Ordinance Codification	-	
	Legal Notices	140.61	
Total Legal			140.61
Dues & Membership			
Total Dues & Membership			-
Office Expenses			
	Computer Maint/Repair	117.47	
	Computer Software/off site data storage	-	
	Gift Expense/Meeting with Mayor	48.20	
	Internet Service/Google	94.39	
	Office Supplies	95.45	
	Postage	-	
Total Office Expenses			355.51
Park			
	Maintenance/Tree Trimming	-	
Total Park, Arbor Day & Earth Day			-
Planning & Zoning			
	Building Permit	-	
	Comp Plan Review	527.00	
	Ordinance Revisions	-	
	Planner	426.50	
	Code Enforcement	207.00	
	Engineer	-	
	Zoning Map	844.50	
Total Planning & Zoning			2,005.00
Training Workshops			
	ACI Fall District Mtg	-	
Mileage	ICCTFOA District Mtg	39.00	
Meals	ICCTFOA District Mtg	14.26	
Training Expenses		-	
Total Training Workshops			53.26

City of Kootenai
Treasurer Report December 2018

GENERAL FUND EXPENSES Cont.			
Name	Account	Amount	Sub-Totals
Utilities			
	Electric & Gas	168.62	
	Garbage	17.36	
	Water	33.8	
	Telephone	93.13	
	Sewer	0	
Total Utilities			312.91
Wages & Benefits			
	Clerk/Treasurer	3,336.00	
	Council	500.00	
	Mayor	500.00	
	Payroll Taxes	331.70	
	Retirement Fund - PERSI	490.84	
	Workers Compensation	-	
	Health Insurance	677.57	
6560 · Payroll Expenses	intuit	10.00	
	Health Insurance	(135.51)	
Total Wages & Benefits			5,710.60
	Total 10 · GF EXP	10,183.82	10,183.82

City of Kootenai
Treasurer Report December 2018

STREET FUND EXPENSES			
Name	Account	Amount	Sub-Totals
20 - SF EXP			
Ditches			
	Ditch Maintenance	-	
Total Ditches			-
Stormwater			
	Culvert Inspection	-	
	Mapping & Other Materials	-	
	Stormwater Repair/Excavation	-	
	Stormwater - Engineer	-	
Total Stormwater			-
Street Maintenance			
	Asphalt Striping	-	
Total Street Maintenance			-
Streets			
	Street Engineer	-	
	Bike and Pedestrian Paths	100.00	
	Utility Encroachment Permit	110.59	
Total Streets			210.59
Utilities, Streets			
	Signal Lights	0	
	Street Lights	870.64	
Total Utilities, Streets			870.64
	Total 20 - SF EXP	1,081.23	1,081.23
	Total Expense	11,265.05	11,265.05
	Total Income		8,808.12
Net Income			-2,456.93

MEMO

To: Mayor Lewis and Council Members

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

Date: January 2, 2019

Re: December 2018 Council Report

1. McGhee Road Cement Treated Base Project.

The Local Strategic Initiatives grant application was submitted to the Local Highway Technical Assistance Council prior to the December 6, 2018 deadline. A total of 92 applications were received for the program that has \$24,000,000 million available. Last year, the program received 79 applications and funded 17 with just under \$11,000,000 available. The jurisdictions that were funded last year were not eligible to participate for the money this year. Based on last year's average of \$600,000 per project funded, that would be the equivalent of approximately 40 projects that could be funded this year (It all depends on how much the top ranked projects have requested in funding). Overall, it is a competitive program but I think the odds of getting funding this year appear to be higher than the statistics I reviewed from last year.

2. Sprague Walkway Project.

The Children Pedestrian Safety grant application was submitted to the Local Highway Technical Assistance Council prior to the December 6, 2018 deadline. A total of 65 applications were received for the program that has \$2,000,000 million available. Last year, the program received 71 applications and funded 12 with approximately the same amount of money available. The jurisdictions that were funded last year were not eligible to participate for the money this year. Overall, it is a competitive program and the odds of getting funding this year appear to be about the same as last year.

Funding for these applications are currently being reviewed and scored. LHTAC plans to have the scoring results and the ranking order ready to present to their Executive Council during the week ending January 11, 2019. All applications for each of these grant opportunities will be posted on the LHTAC website listing the ranking based upon the total score received, however, no decisions as to which projects will be awarded will happen until after the State Legislature has made a decision on the spending authority. Last year, the final award occurred in March.



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

MEMO

To: Kootenai City Council, Mayor and Clerk
From: Clare Marley, AICP, City Contract Planner
Date: December 31, 2018
Re: **Planning summary for January 8, 2019 City Council meeting**

Building permit activity: No new building permits were filed in the month of December. The total number of applications filed for 2018 stands at 23. In 2017, the City received 37 building permits.

Code update

As staff continues to work on the draft uses table for a code update, there are two items needing to be resolved to complete a portion of the introductory material for the tables:

1. **Uses on nonconforming lots/parcels.** Council briefly discussed at the last meeting the wording of current code and the intended meaning for "grandfathered" lots or parcels that are smaller than the current zoning requirements. As discussed, current zoning code states that lots smaller than the zoning district have restricted uses, but the actual code does not restrict the allowable uses.
 - a. **Current code states:** *"C. Nonconforming Lots Of Record: Lots of record as of the effective date hereof that do not meet the minimum site area and/or street frontage requirements shall be limited to the uses expressly permitted under section 8-10A-4 of this article. (Ord. 201, 11-15-2013)."* The referenced section lists all permitted and all special uses in the zoning district.
 - b. **Previous discussion:** As discussed in December, this may be a possible typographical error in the original code. Council discussed the original intent of the ordinance from 2013 and suggested that meeting minutes might resolve the questions. The Council also discussed how lack of parking and inability to meet setbacks are a concern on small, nonconforming lots if special use permits are proposed. However, the special use permit process and site plan review should address whether a lot/parcel is too small for a given use. To date, detailed discussion has not been located in the 2013 minutes. Further research also reveals that Kootenai City Code already affords a right to these smaller lots at Section 8-16-2.
 - c. **Suggested Solution:** To clarify this section, Council could reword the language to read: **C. Nonconforming Lots Of Record: Lots of record as of the effective date hereof that do not meet the minimum site area and/or street frontage requirements are subject to the standards of section 8-16-2 of this title. Any special use permit applications shall demonstrate compliance with zoning district, parking, and design and other applicable standards of this title. shall be limited to the uses expressly permitted under section 8-10A-4 of this article. (Ord. 201, 11-15-2013)** (KCC 8-16-2 reads: 8-16-2: **LEGAL NONCONFORMING LOTS OF RECORD:** *"All existing platted subdivision lots that do not meet the minimum lot area and dimension standards of the district within which they are located are hereby deemed nonconforming lots. Any lot that was legally created prior to the effective date hereof may be used in conformance with the uses permitted by the zoning district within which it is located; provided, that all yard and setback requirements are met.*

Variance requests for yard and/or setback requirements shall follow the procedures detailed in chapter 3, article B of this title" (Ord. 201, 11-15-2013)).

2. **Single uses on lots.** The commercial, commercial/light industrial, industrial, and downtown commercial zone districts limit uses or structures to one such principal use or structure per lot or parcel, whether special uses or permitted uses. The following from Section 8-12B-4 is an example of wording: "USE REGULATIONS: A. Permitted Uses: Only **one principal use**, with accessory structures as allowed, shall be permitted per lot. Uses that are permitted shall include..." This has not been the zoning practice in the City. (Examples include the Dolsby multiple retail/service buildings and the Dishaw storage and residential uses in the commercial/light industrial.) If the Council determines it does not want to restrict to one building or use in these zones, the first sentence could be deleted in each of the district use regulations. Parking, surface coverage, setbacks, landscaping, and density of dwelling units would still dictate how much of a lot or parcel could be used.

Replacement zoning map

The replacement zoning map draft has been updated with new aerial imagery provided by the City of Sandpoint and the latest parcel data from Bonner County. Colors have also been revised to improve the readability. The new aerial imagery from Sandpoint is a great improvement in sharpness and detail and updated development images. The map is ready for final review by Council in preparation for adoption, with one final resolution to the Swink zoning boundary on Boise Street. Attached to this memo is the draft resolution for adoption of this replacement map and the draft final map, for Council review. No action is requested at this time. Tentatively, map adoption could be scheduled for February, if Council is ready. As an aside, the City of Sandpoint has discussed with planning staff the possibility of hosting the Kootenai zoning map after adoption. Staff can explore this further if Council is interested.

Zoning/building violations

Planning staff sent a notice of potential setback violation and request to remedy to the landowner in the Seven Sisters subdivision, per Council discussion in December. The landowner has contacted staff to work out an abatement schedule so the structure can be moved when weather and conditions allow.

Bonner County public hearing notices: Bonner County sent two public hearing notices to the City of Kootenai as part of its legal noticing requirements to taxing districts within the county. Neither project is within the area of city impact for Kootenai. A quick summary of the proposals, to be heard by the Board of County Commissioners January 11th, follows:

1. ZC369-18, Eich Living Trust, is south of Sandpoint on South Sagle Road and well outside the Area of City Impact for Kootenai.
2. ZC370-18, Wood, is just north of Selle Road, north of the Sandpoint and Ponderay ACIs and not within the Kootenai ACI. The landowners are requesting a rezone from 20-acre parcel minimums to 10-acre minimums. The land is just north of an existing subdivision with 5 acre and larger lots. The request is consistent with the Ag/Forest 10-20 acre county comp plan map.

To: Kootenai City Council and Mayor
From: Ronda L. Whittaker, City Clerk
Date: December 2018
RE: Clerk's Report



Audit – Fieldwork day has been completed.

Website Activity – Continued update of the site. The site is now being used quite frequently.

Building Permits/TCO—All fees have been collected for TCOs. Three were issued for Seven Sisters Development and two were issued for McGhee Court 1st Addition.

Business and Liquor License Renewals – Three Liquor Licenses have been renewed. We have received 25 business renewals. Still working on compliance for about 20 more business.

City Code Enforcement -Notices of Violations - There is still some mini storage businesses with outside storage and property clean – up issues. I have asked the City's Attorney to send legal advisements to the property owners in hopes of getting compliance as my efforts have been exhausted and there has been no compliance.

City Hall Building Repair – Durfee Construction agreed to reset the flag pole this coming spring once the ground has thawed.

Post Office – The acting City's Attorney has been in contact the Regional Director for the Post Office (Western Area) out of Seattle. Apparently, there is a moratorium on new contract postal units and Kootenai's post office is a contract postal unit. She is sympathetic to our needs and is working directly with the Denver office to try and get this resolved for us. The Director asked for us to send her contact information for the two interested parties. We are in hopes that the Regional Manager will work with an interested party so that the transfer of contract holders will run smoothly.