



City of Kootenai
**COUNCIL MEETING
MINUTES**

DATE: December 5, 2023

TIME: 6:30 p.m.

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

City Clerk opened the telephonic/video line for phone and/or video attendance.

Roll Call: Councilman Sundquist – PRESENT, Councilwoman Mjelde – HERE, Councilman Schock – HERE, and Councilman Rafferty – HERE.

Staff Present: City Clerk, Ronda L Whittaker, City Deputy Clerk, Mandy Corbett, City Engineer, Ryan Luttmann, Assistant City Planner, and Tessa Vogel.

Amendments to the Agenda – No Amendments were requested.

Announcements – No announcements were requested.

Others Present: City resident Julie Washburn, City resident Steve Kaufman, Daranee and Tim Humrich.

Public Comment – None were given.

1. Consent Agenda:

Mayor Lewis asked Council for a motion to approve the Consent Agenda.

Councilman Sundquist moved to approve the Consent Agenda, 2nd by Councilman Rafferty; roll call vote:

**Councilman Sundquist – AYE
Councilman Rafferty – AYE**

**Councilwoman Mjelde – AYE
Councilman Schock – AYE**

2. Reports:

2.A. Mayor: None was given.

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

2.B2 General Street Maintenance – Councilman Schock asked if road restrictions would be in order due to the amount of rain the area has received over the past couple of weeks. Ryan advised that he did not feel that restrictions would be in place as there has not been a hard freeze yet as the weather has not been cold enough. He reminded Council that restrictions usually happen in the Spring to protect the thaw of freeze during the winter months.

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

2.C2 PLA02-22, Adams Parcel Line Adjustment – Tessa Vogel advised Council that due to the City not receiving additional information needed to continue with the

application that the City’s Planning Staff suggests Council Deny the application. Councilman Sundquist asked if the application could be re-submitted in the future. Tessa advised that yes, the City could accept a re-submitted application for the same project in the future.

Councilman Sundquist moved to deny the Adams Family Parcel Line Adjustment, File PLA02-22, Finding that the proposal is not in accordance with the purposes of Title 9 and of the zone district in which it is located, based upon the following: the application does not provide evidence demonstrating the existing duplex and proposed lot, adjustment meet or will meet zoning district density standards, parking requirements, lot coverage, and setbacks. The action that can be taken to obtain approval for the project is to file a new application with the City of Kootenai that provides evidence of compliance with the Kootenai City Code subdivision and zoning laws. This action does not result in a taking of private property, 2nd by Councilman Schock; roll call vote:

**Councilman Sundquist – AYE
Councilman Rafferty– AYE**

**Councilwoman Mjelde – AYE
Councilman Schock – AYE**

2.C3 BC File MLD0046-23, Rains Minor Land Division Request (Up the Road Ranch) – Tessa advised that the City had received a request to sign off on the plat for this project on the same day as the City’s last meeting. Council discussed the concern that the City had not received notice from Bonner County related to this project. Therefore, it was now just brought to Council for further discussion. Councilman Sundquist asked what would happen if the City did not sign off on the plat. Tessa advised that the plat could not be recorded without the City’s signature. She advised that it was not the applicant’s error that the City did not receive the notice, it was error of Bonner County Planning Department. Council discussed their concern that there have been several projects within the City’s Area of City Impact (ACI) where the City has not received the opportunity to submit its concerns. Council advised that a letter be sent to Bonner County expressing once again their concern about not receiving notices pertaining to projects within the City’s ACI. Councilman Rafferty moved to authorize Mayor to sign the final plat for Rains Minor Land Division, Bonner County file MLD0046-23, acknowledging the plat has been received and reviewed by the City for its potential impacts to the City of Kootenai, 2nd by Councilwoman Mjelde; roll call vote:

**Councilman Sundquist – AYE
Councilman Rafferty– AYE**

**Councilwoman Mjelde – AYE
Councilman Schock – AYE**

2.C5 City of Sandpoint Comprehensive Plan Public Comment – Tessa advised that the city of Sandpoint has extended its comment period and consideration of its final draft of its Comprehensive Plan. She stated that Sandpoint conducted one open house on November 29th of this year and a second one will be provided on December 7th.at Sandpoint City Hall. She advised that this would be an opportunity for the City of Kootenai to provide comment on its desire to see Sandpoint adopt a firm policy limiting water services to incorporated cities. She provided a draft letter for Council to review. Councilman Sundquist moved to approve the draft letter and authorize Mayor to sign and submit, 2nd by Councilman Rafferty; roll call vote:

**Councilman Sundquist – AYE
Councilman Rafferty– AYE**

**Councilwoman Mjelde – AYE
Councilman Schock – AYE**

2.E. Selkirks-Pend d'Oreille Transit (SPOT) – Mayor Lewis advised that SPOT had had to have a special meeting to discuss the bus situation. She advised that the cost of buses has gone up more than 50%.

2.F. Clerk – Written Report – Ronda stated that she was not sure how to proceed with violations notices that have been sent out by the City. She said that she never knows if the violation has been abated. She asked for advisement from Council. Councilwoman Mjelde advised that she thought that Council needed to be more involved and report progress or issues related to city code violations.

2.G. Park Committee – Councilwoman Mjelde stated she had reached out to Lite House Dressing to discuss potential support for developing the undeveloped park located off of Second Avenue. She advised that it is phone tag at this point.

Council suggested that there were some action items that could be discussed before Council entered into executive session. Mayor agreed.

Discussion/Action Items:

3.1 State/Local Agreement for SH 200 to Railroad Avenue Project – Authorization to sign and pay – Ronda stated that she had sent the Agreement to the City's legal team and advised that the City's attorney had no issues with the Agreement. Ryan reminded Council that they had approved the receipt of the funds awarded and the match involved. **Councilwoman Mjelde moved to accept the State/Local Agreement for SH 200 to Railroad Avenue Project, authorize Mayor to sign and payment of the required match; 2nd by Councilman Schock; roll call vote:**

Councilman Sundquist – AYE
Councilman Rafferty – AYE

Councilwoman Mjelde – AYE
Councilman Schock – AYE

3.2 SH 200 to Railroad Avenue Project – Resolution – **Councilwoman Mjelde moved to approve the resolution required for the SH 200 to Railroad Avenue Project, 2nd by Councilman Rafferty; roll call vote:**

Councilman Sundquist – AYE
Councilman Rafferty – AYE

Councilwoman Mjelde – AYE
Councilman Schock – AYE

3.3 BookMobile – City Hall Parking Lot – Mayor advised that the City had been approached by BookMobile asking to park in the City's parking lot for 1 hour each Thursday after school lets out. She advised that she had already advised that it would be a potential liability for the City as the parking lot is very busy and it would be unsafe for pedestrians. She advised that she had sought opinion from ICRMP and stated that the ICRMP Underwriting Coordinator and the Director of Risk Management advised that if the City were to approve the BookMobile to park in the City's parking lot the City should require the operators/owners to provide the City a certificate of insurance and name the city additional insured. They also advised that there should be adequate separation from cars/traffic and cones or some other way of segregating the areas. Depending on time of day and such lighting could be an issue. They also recommended that street parking would be safer. Council agreed that the time of day and the fact that school gets out and there would be too much foot and bicycle traffic within the parking lot that is also shared by the Post Office. Council suggested that the

Churches within the Community may be a better place to park the BookMobile. Ronda advised that maybe at the end of Boise Street would also be a good place to park the BookMobile and is still close to the school. Council directed Ronda to advise the inquirer of these suggestions.

3. Executive Session – Motion to move Council, Pursuant to Idaho Code 74-206(a), Convene into Executive Session to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. **Council moved to enter executive session at 7:18 p.m.**

Mayor opened the regular meeting at 7:32 p.m.

3.4 New City Clerk – Consideration for appointment – **Councilman Rafferty moved to consider the appointment of Daranee M Humrich for the position of City Clerk/Treasure, 2nd by Councilman Schock; roll call vote:**

Councilman Sundquist – AYE
Councilman Rafferty– AYE

Councilwoman Mjelde – AYE
Councilman Schock – AYE

4. **Adjournment** – Mayor adjourned the meeting at 7:33 p.m.

Submitted by:
Ronda L. Whittaker/City Clerk

City of Kootenai

Treasurer Report November 2023

Mt. West Money Market	\$	325,333.53	0.40% APY	
Mt. West Checking	\$	279,311.30	0.05% APY	
Idaho Central Credit Union	\$	560,918.99	1.85%	
Reserved	\$	(710,363.98)	210,363.98	500,000.00
Total Cash Assets	\$	455,199.84	SLFRF	State/Fed Grant

INCOME/GENERAL FUND

Name	Account	Amount	Sub-Totals
01 · GF REV			
Franchise Fees			
	Avista Corportation	0.00	
	Vyve	0.00	
	Waste Management, Inc	0.00	
Total Franchise Fees			0.00
Interest			
	Interest, MW Money Market	106.93	
	Interest, MW Checking	12.75	
	ICCU CD3	263.29	
	ICCU CD1	321.45	
	ICCU CD2	297.51	
Total Interest			1,001.93
Licenses & Permits			
	Business Licenses	950.00	
	Liquor Licenses	725.00	
Planning & Zoning Fees & Permit			1,675.00
	Building Permits	0.00	
	Sign Permits	0.00	
	Site Plan Review	0.00	
	Subdivision Fee	-485.00	
	Engineering	0.00	
	Northside Fire Dept/Impact Fee	0.00	
Total Planning & Zoning Fees & Permit			-485.00
Property Tax			
	Arrears Property Tax	6.11	
	Penalty & Interest	4.44	
	Property Tax Current	0.00	
	Recovered Homeowners Exemption	0.00	
	Sales Tax - Inventory Phase Out	0.00	
Total Property Tax			10.55
Total Rents			
	Post Office Rent	280.00	
Total Rents			280.00
Total State of Idaho Funds			
	State Revenue Sharing	28,421.84	
	Liquor Fund	0.00	
Total State of Idaho Funds			28,421.84
Total 01 · GF REV		30,904.32	30,904.32

INCOME/STREETS

Name	Account	Amount	Sub-Totals
02 · SF REV			
Idaho Transportation Dept			
	State Highway Users Fund	0.00	
	HB312	0.00	
Total Idaho Transportation Dept			0.00
Road & Bridge			
	Road & Bridge Current	0.00	
	Road & Bridge P & I	4.79	
	Road & Bridge Arrears	3.48	
	Cercuit Breaker M&O	0.00	
	Sales Tax Phase Out	0.00	
Total Road & Bridge			8.27
Stormwater/Encroachment			
	Culvert Encroachment Pmts	0.00	
	Utility Encroachment Pmts	0.00	
Total Stormwater/Encroachment			0.00
Total 02 · SF REV		8.27	8.27
Total Income		30,912.59	30,912.59

City of Kootenai
Treasurer Report November 2023
EXPENSES/General Fund

Name	Account	Amount	Sub-Totals
10 - GF EXP			
Accounting & Audit		0.00	0.00
Bank Charges		0.00	0.00
Dues and Memberships		0.00	0.00
Building Maintenance			
	Janitorial Service	60.00	
	Maintenance and Repairs	0.00	
	Custodial Supplies	0.00	
	Building Security	177.64	
Total Building Maintenance			237.64
Insurance			
	ICRMP	0.00	
	Attorney	0.00	
	Alternate Code Enforcement	280.24	
	Law Enforcement Contract	0.00	
	Legal Notices	37.32	
	Ordinance Codification	0.00	
Total Legal			317.56
Office Expenses			
	Computer Maintenance/Repair	108.96	
	Equipment Maintenance -Fire Extinguishers	121.64	
	Internet Service	344.19	
	Office Supplies	177.09	
	Web Site	90.00	
	Other/Easter/Mayor	59.62	
	Postage	0.00	
Total Office Expenses			901.50
Park, Arbor Day & Earth Day			
	Maintenance - Landscaping	288.00	
	Material, Trees & Shrubs	0.00	
Total Park, Arbor Day & Earth Day			288.00
Planning & Zoning			
	Planner	2,410.50	
	Site Plans	0.00	
	Special Use Pmts - ADUs	0.00	
	Engineer	0.00	
	Ordinance Revisions	0.00	
	Building Permits	0.00	
	Code Enforcement	0.00	
Total Planning & Zoning			2,410.50

City of Kootenai
Treasurer Report November 2023
EXPENSES/General Fund - cont.

Name	Account	Amount	Sub-Totals
Training Workshops			
	Training Expenses	0.00	
	Meals	0.00	
	Milage	0.00	
Total Training Workshops			0.00
Utilities			
	Electric & Gas	200.96	
	Garbage	0.00	
	Telephone	0.00	
	Water	23.38	
	Sewer	82.50	
Total Utilities			306.84
Wages & Benefits			
	Clerk/Treasurer	4,129.50	
	Deputy Clerk	2,982.00	
	Council	500.00	
	Mayor	500.00	
	Payroll Taxes	620.50	
	Retirement Fund - PERSI	892.91	
6560 · Payroll Expenses	Health Insurance	1,802.00	
	Wages & Benefits	0.00	
	Payroll Expense/Intuit	0.00	
	Workmans Comp	0.00	
Total Wages & Benefits			11,426.91
	Total 10 · GF EXP		15,888.95

**City of Kootenai
Treasurer Report November 2023**

EXPENSES/Street

Name	Account	Amount	Sub-Totals
20 · SF EXP			
Ditches	Maintenance	0.00	
Total Ditches			0.00
Stormwater			
	Culvert Inspections	0.00	
	Engineer	0	
Total Stormwater			0.00
Streets			
	Stormwater repair	0	
	Engineer	0	
	Urban Area Transportation Plan	0.00	
	SPOT	2000	
Total Streets			2000.00
Utilities, Streets			
	Signal Lights	52.18	
	Street Lights	982.34	
Total Utilities, Streets			1,034.52
	Total 20 · SF EXP	3,034.52	3,034.52
	Total Expense		18,923.47
 Net Income			 11,989.12

MEMO

To: Mayor Lewis and Council Members

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

Date: November 29, 2023

Re: Council Meeting Report for November Engineering Activities

Engineering activities performed during the month of November, include:

Idaho Strategic Initiatives Grant Program

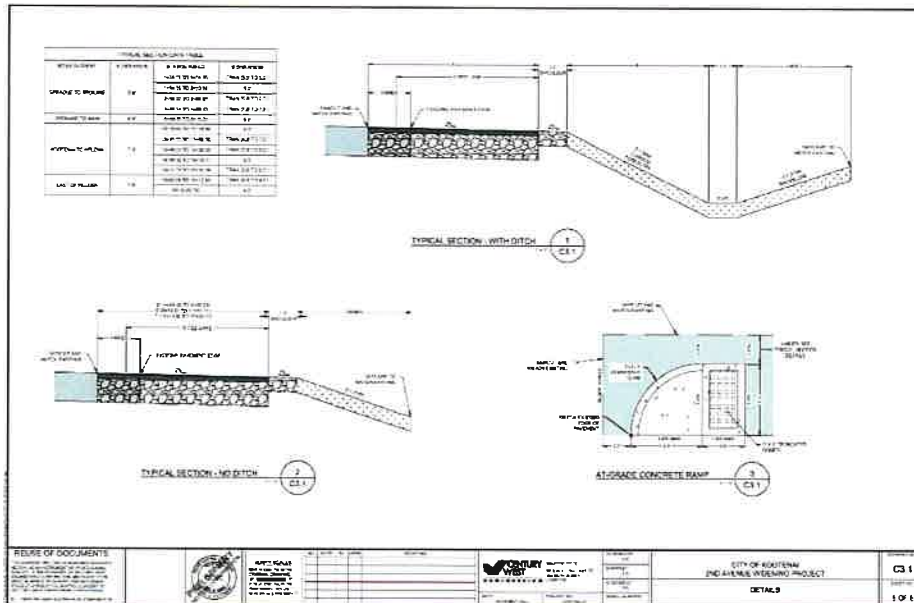
The grant application scoring was discussed at the ITD Board meeting on November 15, 2023. Following the meeting, the results of the scoring were released, and it appears that the City of Kootenai's grant application for \$1,700,000 to improve Railroad Avenue has been recommended as one of the projects to be awarded the funding. Approval of the grant awards by the ITD Board is scheduled for December 13, 2023.

General Maintenance

The Independent Highway District performed some general maintenance that included brushing work, removal of branches that extended into the roadways, and cleaning of some ditches within the City.

2nd Avenue Widening

Preliminary design drawings have been completed. Final field visits and coordination with some of the property owners will be needed before the final revisions to the design drawings are implemented. Bidding and Construction are scheduled for 2024.





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

MEMO

To: Kootenai City Council, Mayor and Clerk
From: Clare Marley, AICP, City Contract Planner & Tessa Vogel, Associate Planner
Date: November 29, 2023
Re: **Planning update for December 5, 2023, City Council meeting**

Building permit activity: ADVISORY: There were no new building permit applications during the month of November. The total for the year remains at 16.

Land Use Application Activity: ADVISORY/ACTION TO CONSIDER STAFF RECOMMENDATION FOR DENIAL: PLA02-22, Adams Parcel Line Adjustment, Background: Sandra and Michael Adams filed an application with the City of Kootenai for a lot line adjustment of platted lots within the original Kootenai Townsite to reconfigure Lots 7, 8, and a portion of Lot 9 into two lots designed around an existing duplex, addressed at 100 and 102 Humbird Street. The Kootenai City Council tabled this application to the April 2023 regular Council meeting in order to obtain additional information from the applicants. Planning staff advised the applicants on March 9, 2023, of the City Council request for evidence to be provided by March 28, 2023, that proves:

- There is sufficient parking to meet minimum parking standards, which shall be included on a revised site plan;
- The vacant lot can meet the city setback and coverage standards and have room for the off-street parking by showing building envelopes and potential size of future home and off-street parking;
- The developed and vacant lots will meet zoning standards, including a demonstration that the existing duplex has been permitted and the proposed duplex lot will meet minimum acreage standards for a duplex. The applicant was also offered options to either show the duplex was legally permitted or that they would convert the duplex to a single-family dwelling.

To date, the applicants' representative provided historic building permit information that was already in the City records. Staff determined the records did not confirm the existing duplex is grandfathered and asked the representatives to provide additional information or advise the City that they wished to remove the second dwelling unit. Planning staff sent a file status letter reminding the applications of the requested information and options on March 28th. The landowners have not provided any updates or additional information since March 7, 2023, despite staff correspondence to the landowners and representatives requesting information. At the November 7, 2023, Council meeting, the City Council voted to place the matter on the December agenda with a staff recommendation for denial. Pursuant to Section 9-8-5 of Kootenai City Code, Planning Staff recommends the City Council **DENY** the application, File PLA02-22, based upon the following reasons listed in the draft motion.

DRAFT MOTION TO DENY: I MOVE TO DENY THE ADAMS FAMILY PARCEL LINE ADJUSTMENT, FILE PLA02-22, FINDING THAT THE PROPOSAL IS NOT IN ACCORD with the purposes of Title 9 (Subdivision Regulations of Kootenai City Code) and of the zone district in which it is located, based upon the following:

- o The application does not provide evidence demonstrating the existing duplex and proposed lot adjustment meet or will meet zoning district density standards, parking requirements, lot coverage, and setbacks.

The action that can be taken to obtain approval for the project is to file a new application with the City of Kootenai that provides evidence of compliance the Kootenai City Code subdivision and zoning laws.

This action does not result in a taking of private property.

Area of City Impact Review: ADVISORY/ACTIONS ITEMS:

Kootenai City Code §8-3D-6 requires any request for development within the Area of City Impact (ACI) be referred to the City Council for review and comment. The City has 40 days to provide comments to Bonner County. The following application for development within the ACI has been submitted to the City for review and comment:

Bonnors County File MLD0046-23, Rains Minor Land Division Request (Up the Road Ranch): This project for a 2-lot land division was applied for on September 27, 2023, and administratively approved by Bonner County on November 02, 2023, without ever being routed to the City for the ACI review even though the collective report from the county shows that the property is located in the City's ACI and the county was aware of the ACI status. Kootenai City Code requires the City Council review land division applications within the ACI prior to authorizing signatures on the plat. The project surveyor presented the project for signature on November 07, 2023, but was notified by the City that the project would have to be put on the agenda for the December 2023 City Council meeting. An analysis of the project conducted by City Planning Staff is as follows:

- **Applicant:** Laura & Richard Rains
- **Summary of Proposal:** The applicants requested preliminary plat approval for a minor land division of 5.14-acre parcel RP57N02W012480A, into two, 2.57-acre lots. The site may have Freshwater Emergent Wetlands present. The proposed development will be served by North Kootenai Road, a 50-foot-wide public right-of-way, Oden Water Association, Inc., private septic systems, North Side Fire District, and Northern Lights, Inc.
- **Compliance with Comp Plan:**
 - o The City comprehensive plan map designates this as Rural/Forest/Farmland (RU-5) per the updated Comprehensive Plan Map signed March 30, 2022.

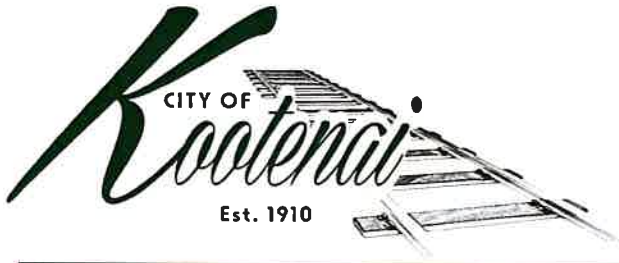


Aerial of site

Bonner County File S0002-23, Providence Subdivision Reconsideration Hearing Update: On November 29, 2023, the Bonner County Board of Commissioners heard a reconsideration request for Providence Subdivision. The City provided an updated letter, dated November 13, 2023, regarding the reconsideration, which was noted during the reconsideration hearing by county staff. The reconsideration request filed by Seven Sisters Subdivision HOA was limited to wetland concerns, standards and conditions. The County Commissioners asked if the City of Kootenai had any jurisdiction over the project and legal representation for the landowner stated the City did not, but could provide comment and requests just as any other jurisdiction can. The County Commissioners affirmed their October 07, 2023, decision to approve the project and amended conditions of the original approval regarding possible wetlands on site in a 2-1 vote with Commissioner Williams voting against the motion. Specifics of the amendment were not made available at the hearing and is pending a written decision.

City of Sandpoint Comprehensive Plan Public Comment: ACTION ITEM: The City of Sandpoint has extended its comment period and consideration of its final draft of its Comprehensive Plan. Sandpoint conducted one open house November 29th and a second one will be provided December 7th from 5-7 p.m. at Sandpoint City Hall. This would be an opportunity for the City of Kootenai to provide comment on its desire to see Sandpoint adopt a firm policy limiting water services to incorporated cities. Please advise whether you wish to provide a comment letter.

Attachments: Draft final plat for MLD0046-23



City of Kootenai

PO Box 566, 204 Spokane St.
Kootenai, ID 83840
208-265-2431 - 208-265-0932 (fax)

December 7, 2023

Via email

City of Sandpoint Mayor Shelby Rognstad
Sandpoint City Council

RE: Sandpoint Comprehensive Plan update public comment

Dear Mayor and Council:

While the City of Sandpoint is in the process of updating its comprehensive plan and seeking public comment, the City of Kootenai would like to provide comment regarding policies on the extension of Sandpoint services outside of city limits.

As you are aware, Sandpoint's decision to grant water services outside the boundaries of an incorporated city this year is allowing a 118-lot residential subdivision to be developed on the immediate outskirts of the City of Kootenai. This development could result in a population one-third the size of the current Kootenai population, yet the City has no ability to ensure this subdivision would meet city standards for development. Access to water services was a determining factor in allowing this development to be created with an average lot size of less than 10,000 square feet.

One of Idaho's Local Land Use Planning Act's stated purposes at Idaho Code §67-6502 is "(f) To encourage urban and urban-type development within incorporated cities."

Extension of water services by the City of Sandpoint to allow the urban density outside the city limits was not in keeping with the Land Use Planning Act. The City of Kootenai requests that Sandpoint include a strongly worded statement within its implantation portion of the comprehensive plan that will drive the enactment of policies to prohibit further extensions of water or sewer services outside of incorporated city boundaries. This will help to ensure that city-sized developments occur within incorporated cities.

Kootenai agrees with Sandpoint's draft statements that encourage the building of partnerships and see the new plan as an opportunity to work with Sandpoint toward common goals. Thank you for the opportunity to comment.

Sincerely,

Mayor Nancy Lewis
City of Kootenai Mayor

c: City of Kootenai planner

To: Kootenai City Council and Mayor
From: Ronda L. Whittaker, City Clerk
Date: November 2023
RE: Clerk's Report



City Clerk/Treasurer Position – Mayor has chosen an applicant with previous municipal and finance background. A background check has been conducted and reports no unsatisfactory issues.

Working with the City's Engineer and Planner – Continued watch on several projects within the City.

Record Management – Mandy and I continue to work on records retention and office efficiency.

Audit – Mountain Ledgers has reviewed the City's financials and reports all in in order and ready for the December Audit.

Code Violations – Mayor has sent a violation letter to the property owners at 500 Humbird Street related to inoperable and stored vehicles within the City's rights-of-ways. The City has not received any updates related to the violation abatement. The City received a complaint about outside storage at the Cedar Hills Community Church. The City's Planner is working with Cedar Hills Community Church in regard to a possible special use application. The outside storage issue at 100 Humbird has been turned over to the City's attorney as the City has not received a response to the need for a building permit for improvements on the carport or abatement of outside storage. The property owner came into the office and reported that the carport will be removed and he will continue to abate outside storage.

Training – I will be able to train your new clerk for the months of December and January which is important as we will be working on the road and street report as well as getting the W-2s and 1099s out on time and will give enough time to get all of the sites that need reports, etc. amended with her title and authorization. With her experience I feel that I will be able to get her updated on the treasurer position adequately.