



City of Kootenai
**PUBLIC HEARING AND COUNCIL MEETING
MINUTES**

DATE: June 6, 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 – PRESENT.

Staff Present: City Clerk, Ronda L Whittaker, City Deputy Clerk Mandy Corbett, City Planner, Clare Marley, City Engineer, Ryan Luttmann and Steven Chamberlain Sandpoint Law Enforcement.

Others Present: City resident Joel Wahlin, City resident, City residents, Jack and Sharon Parkins, City resident Julie Washburn, Jeff and Leiloui Williams 465 Beaver Brook, City resident, Ashley Gerstenberger, City resident Patrick Rachels, City resident Frank Schilling, City resident Grace Bauer, Heather Bouse 250 Beaver Brook, Jeanelle Shelds Providence Rd, and City resident Jeremy Welser.

Amendments to the Agenda – Ronda asked for an amendment to the Agenda as she had just received a bid for repair on the park bench swing. Councilwoman Mjelde moved to allow the topic to be added to the discussion/action items, 2nd by Councilman Schock; roll call vote:

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

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

Announcements – None were proposed.

Mayor Lewis closed the regular Council meeting at 6:33 and opened the public hearing.

PUBLIC HEARING – Mayor Lewis asked if proper notification for the public hearing had been published. Ronda stated that it had. She then asked if anyone had signed up to speak. Ronda stated there were a few who had signed up to speak. Clare stated that Council had had many workshops related to the proposed amendments to the City's Title 8, Chapters 2, 5, 10A, 10B, & 14 to establish and update definitions related to housing, business service operations, wireless telecommunication facilities, recreational vehicles, and structures; amend standards and permitting processes for accessory living units; establish standards for recreational vehicle occupancy and storage, to update standards for wireless telecommunication facilities; and to provide severability, savings clause, and an effective date. Clare advised the public of the hearing procedures.

- Announcement of the file.
- Disclosures or Conflicts presented.
- Staff Presentation.
- Questions from Council.
- Public Comment.

- Rebuttal
- Closing Summary from Staff and clarifying questions from council
- Close hearing.
- Deliberation/Motion

Clare advised that Council had had sever workshops over the last two years covering some updates to definitions and addressing amendments to standards for accessory living units; establishing standards for recreational vehicle occupancy and storage, standards for wireless telecommunication facilities and downtown options which is the area at the south side of Hwy 200 and Council felt that maybe there were some uses that were unintentionally left out. She then went on to summarize the proposed changes:

DEFINITIONS:

- **Accessory Living Unit (ALU)** – Clare stated that an accessory living unit was also referred to as an accessory dwelling unit (ADU) which was added to the definition and would also be moved to standards to Chapter 14 rather than in definitions with the latest Idaho Code definition of ADU. She advised that the residential use table within the City’s Code had been updated to reflect that an ALUs were allowed outright if the lot/parcel meets minimum zoning in residential zones and that a special use permit was needed if a lot/parcel is non-conforming. She went on to explain that an ALU on non-conforming lot must be attached. The size maximums would be 40% of principal dwelling or 800 sq ft for conforming lots; 30% or 600 sq ft for non-conforming lots whichever is less. She also advised that there would need to be a minimum of 2 off-street parking spots, only 1 ALU per lot or parcel. She stated the definition was also updated to reflect the new Idaho law. She stated that the City must also have proof of sewer/water approvals. She advised that the Code was also updated to add that if the first home, that is not an ALU, the owner would be able to seek a change of use later if the new “primary” home was to be built.
- **Antenna** – Clare stated that the word antenna had been updated to newer industry uses for telecommunications.
- **Business Operation** – Clare advised that the definition removes phrase that prohibits offices such as accounting, city planning, environmental analysis, etc. and adds options for repair of household/small personal items but not repair of vehicles or heavy equipment.
- **Communication Facility, Wireless** – Clare advised that updates, included towers, antennas, arrays, and ancillary equipment. She advised that the Code was updated to modernize language for newer technology. She stated that the Code was also updated to require reporting requirements for NEPA review, signal strength, demonstration of need and would be paid by the applicant. She also advised that cell towers/wireless would not be permitted in residential zones or mixed residential zones and not to serve other jurisdictions. She also stated that a cell/wireless tower had to be 1,500 feet from day care or school and cannot use utility poles within residential zones for wireless.
- **Attached Structure** – Clare advised that the definition for attached structure was added and described as having one wall in common with another structure.
- **Detached Structure** – Clare stated that the definition was updated to define a detached structure as a freestanding and structurally separate from any other building, shelter, or structure.
- **Recreational Vehicle** – Clare advised that the definition for recreational vehicle was updated to use Idaho Code definition plus bus, van, boat, commercial office, or other units that could be used for living and confirms recreational vehicle is not a dwelling,

occupancy is not to exceed 14 days in and 12-month period; different guests permitted if occupancy met for total. One occupied per lot; occupancy is living sleeping, eating, cooking and/or other human habitation, and cannot park on city street longer than 24 hours. Setbacks were limited to 5' from rear and sides of property; zero on front line, but cannot protrude into any public easements, streets, sidewalks, etc. She advised that an RV could be occupied if a building permit and request with a permit was obtained allowing a maximum of 180 days with extension permitted by Council and must have life/safety equipment and not set on rights-of-ways.

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Clare advised that the Public Hearing was sent out to all taxing districts and she nor the City Clerk had received any comments.

Mayor asked if there were any questions from Council. There were no comments.

Mayor then opened the floor for public comment – Resident Grace Bauer thanked Council for addressing the cell tower requirements. She stated that this had been a concern for her for the last couple of years and she was very happy with what was proposed as it is very important to me. Keeping them away from residential and school and day care facilities. Resident Joel Wahlin stated that he had not signed up but would like to speak on the subject. He stated that he did not know how much discussion that they had had concerning the square footage on the assessor living units. He said that he loved the idea as it is realized that there is a housing problem in this area, and they are getting too expensive. He said that he is a real estate agent and he had had conversations with the city of Sandpoint and Ponderay and their standards are much more appealing as they can fit more housing within a minimum lot size. He expressed his concern that 800 sq feet was too small to house a family, especially if they have children. He suggested that 900 sq feet would be more appropriate. He advised again that the city of Ponderay who is located right next door is allowing twice as much space for an ADU as Kootenai is. There were no other comments from the public. Clare addressed the question that was brought up as to why the City chose that number and stated that the City had looked at several different cities within Idaho and Washington to see what those regulations were and looked at a map of the Cities residential area and saw that there were many small lots within the City and also considered what the stress would be on the Kootenai-Ponderay Sewer District and Sandpoint Water and that our current percent was at 30% so we did add additional percentage for the standard lot size. Councilwoman Mjelde stated that the city of Kootenai had to consider stormwater drainage and mentioned that the City's Code did not allow for more than a 40 percent coverage of a property. Mayor stated that Council had agreed that what was proposed would be best for our City. Clare stated that she thought that it was a big step for the City to allow these ADUs without a special use permit if one could be built within the diameter restrictions and then allow a special use permit for non-conforming lots. As it is now no ADUs are allowed. Mayor asked if there were any more questions. There were none. She then closed the public hearing at 6:53 p.m. and opened the regular for deliberation and motions at 6:55 p.m. There were no additional deliberations or discussions. Mayor asked for a motion. Ronda asked Clare to explain the need for the first motion. Clare advised that the first motion would the ordinance was in accord with the adopted City of Kootenai Comprehensive Plan. And then Ronda provided proposed motions to approve and adopt and publicize the ordinance. **Councilwoman Mjelde moved to approve the Ordinance as presented, and authorize the publication of this summary in accord with Idaho Code section 50-901A, finding that the amendment is in accord with the adopted City of Kootenai Comprehensive Plan, Councilman Sundquist asked the number of the**

ordinance, Ronda stated it would be Ordinance number 236, 2nd by Councilman Rafferty; roll call vote:

Councilman Sundquist – AYE
Councilman Rafferty– AYE

Councilwoman Mjelde – AYE
Councilman Schock – AYE

Councilman Sundquist moved to dispense with the rules for reading the ordinance on three different days and call for one reading of the proposed ordinance by title alone, pursuant to Idaho Code 50-902, 2nd by Councilwoman Mjelde; roll call vote:

Councilman Sundquist – AYE
Councilman Rafferty– AYE

Councilwoman Mjelde – AYE
Councilman Schock – AYE

The City's Clerk, Ronda, read the proposed ordinance title.

Councilwoman Mjelde moved to pass the ordinance related to amending the City's Title 8, Zoning Regulations, Chapters 2, 5, 10A, 10B, and 14 of Kootenai City Code and direct the City Clerk to assign the appropriate ordinance number, and publish the ordinance by Summary only, incorporating the Title as the body of the Summary, 2nd by Councilman Schock; roll call vote:

Councilman Sundquist – AYE
Councilman Rafferty– AYE

Councilwoman Mjelde – AYE
Councilman Schock – AYE

Public Comment – Mayor reminded the public that this period was for comments not related to the agenda, but that there was a form that had been provided for all who wished to speak regarding agenda items and those who wished to speak will be called upon at that time. Mr. Rachels stated that he and his neighbor had received a notice from the City requesting that they clean up the alley way. He advised the alley way is supposed to be maintained by the City and that alley way had not been maintained for as long as he has owned his property. He advised that he would give the City a stipulation, either maintain the alley-way or he will move his fence. He stated that he was not going to pay taxes on property that he cannot use. Mayor thanked Mr. Rachels for his comment.

1. **Consent Agenda:**

Mayor Lewis asked Council for a motion to approve the Consent Agenda.
Councilman Rafferty moved to approve the Consent Agenda, 2nd by Councilman Schock; roll call vote:

Councilman Sundquist – AYE
Councilman Rafferty– AYE

Councilwoman Mjelde – AYE
Councilman Schock – AYE

2. **Reports:**

2.A. Mayor -Mayor stated she had no report.

2.B. **City Engineer:** Written Report Summary – Ryan summarized his report:

2.B1 New Grant Opportunity – Ryan advised that there was a Strategic Initiatives grant opportunity for the City. He stated that ITD could approve this by June 14th. He said that there is \$136 Million that have been allocated \$36 Million will be distributed to Counties, \$50

Million that will go to larger urban area populated cities, and then there are cities that are rural that another \$50 Million will be distributed to. He advised that the City would be competing with those smaller cities. He advised that the City could apply for \$2 Million that could also be used for engineering services. He stated that he mentioned that because a lot of other grants do not allow for payment for engineering services and sidewalks and could only be used for construction. He advised that there was no match. He advised that the submission dates were very narrow from July 1-July 30th. He asked Council to consider the July 4 meeting not be canceled and maybe moved so that Council would have the time to review and approve the application; if they choose to allow him to submit one and get it submitted before the July 30th deadline. He advised that he would continue to monitor the proposed funds. He advised that he pulled up a past application for this type of funding and stated that he had a good idea as to what they were looking for and an application could be put together rather quickly. He stated that one of the projects that he was looking at was Railroad Avenue. He advised that they were looking for something that would mitigate the impact when they begin the Hwy 200 project. He stated that Idaho Department of Transportation uses that avenue if there is an accident and traffic needs to be detoured. He advised that this would be a good project and also as part of the Urban Area Transportation Plan progresses that Railroad Avenues meets the criteria for connection and has worked its way up to the top of the Urban Area Transportation Plan. He advised again that this is a one-time funding opportunity, and he would like to pursue it.

2.B2 Stop Sign Review – Ryan stated that he had conducted a multi-way stop warrant review at the intersection of Humbird St and Second Avenue. He advised that the Federal Highway Administrations’ Manual on Uniform Traffic Control Devices (MUTCD) provides evaluation criteria to guide multi-way stop applications and the guidance recommends that STOP signs should not be used for speed control, but that multi-way stop control can be useful as a safety measure at intersections if certain traffic conditions exist. He advised that his conclusion were as follows:

- The existing traffic conditions and crash data do not meet the warrants for a multi-way stop at the intersection.
- The use of STOP signs as speed control measures is not recommended in the MUTCD. Research has shown that the installation of STOP signs, while reducing roadway speeds immediately adjacent to the STOP sign, has no effect on overall neighborhood speed limit compliance and unwarranted STOP signs tend to have a lower driver compliance rate.
- Adding STOP signs on the north and south legs of the intersection would be consistent with the operational traffic conditions that exist at similar intersections to the east of the elementary school During the elementary school release time, the majority of the vehicular, pedestrian and bicycle traffic are entering the intersection on Second Avenue and Humbird Street would be the minor street. Adding STOP signs to Humbird Street would follow MUTCD guidance that when a decision has been made to control an intersection, the roadway carrying the lowest volume of traffic should be controlled.

Ryan continued the advise that additional intersections were considered at Boise Street and Second Avenue (north and south direction), Humbird Street and W Central Avenue (east and west direction), and Hope Street and W Central Avenue (east and west direction). He advised that a separate stop warrant review would likely provide the following conclusions:

- The existing traffic conditions and crash data do not meet the warrants for a STOP sign at the intersection.

- Adding STOP signs on the east and west ends of W Central Avenue would be consistent with the operational traffic conditions that exist at similar intersections to the east of the elementary school on E Central Avenue.
- Adding STOP signs to W Central Avenue would follow MUTCD guidance that when a decision has been made to control an intersection, the roadway carrying the lowest volume of traffic should be controlled.

Ryan advised that he saw a problem on Boise Street where cars are parking right at the edge of the intersection and oncoming traffic sight is being obscured. He stated that the Independent Highway District would soon be painting cross bars on the street and it would be wise to do that and signs at the same time. He also advised that Council may want to look at some additions such as flags or small 4-way signs to be added to the STOP signs. Mayor advised that there was one person who had signed up to comment on this topic. She asked Patrick Rachels to make his comment. Patrick stated that he lives at that Boise intersection and that there are a lot of cars that run the existing stop sign and speed. He advised that he has video of that issue in case it is ever needed. He also stated that there is the same problem at Second Street and that he has come close to an accident many times. He asked if there was anything that the City could do about it. He realized that law enforcement cannot sit there all day long, but it would be nice if it could be monitored during school let out and mornings. Ryan confirmed that the issue Patrick was speaking of was at the intersection of Boise and Second and advised that that is one of the intersection that he had looked at, but that it does not make sense to add two more signs as there will already be multiple stops. There was discussion about Lighthouse semi-trucks traveling down Boise. Ronda advised that Council had already passed a motion to add a 4-way at Humbird and Second therefore Council would need to approve additional stop sign reviews and suggestions by the City's Engineer. Mayor asked for a motion. Councilwoman moved to accept the City Engineer's reviews and suggestions for additional stop signs, Heather Bouse of 250 Beaver Brook Rd began speaking about what a congestion additional signs would cause. Councilwoman Mjelde asked if small 4-way stop signs could be added to the stop sign poles. Ronda asked if we could continue the motion, 2nd by Councilman Schock; roll call vote:

Councilman Sundquist – AYE
Councilman Rafferty – AYE

Councilwoman Mjelde – AYE
Councilman Schock – AYE

2.B3 City Parking Lot – Ryan advised that the Independent Highway District is planning to start the gravel work for the parking lot widening at the end of June or beginning of July. He advised that IHD is currently working in the City of Ponderay on a pedestrian bridge wall repair and preparing a road for the Field of Dreams construction project. Work in Kootenai will start after completion of this work. Ryan stated that he would work on getting some figures together for asphalt and bring what he could find to Council in July. He advised that the project would not exceed \$50,000 so there was no need to go out for bid. He stated he would ask for at least two bids unless Council wanted a third one that way there could be a comparison and Council would have the option to approve the best choice. Council agreed that two bids would be sufficient.

2.B3 Capital Improvement Plan – Ryan advised that the last capital improvement plan was conducted in 2014, so there is a need to update the data. Ryan advised that the Independent Highway District has started to gather data for the road conditions that will need to be input in the IWORQ pavement software that they maintain. Work will begin after the background data is available.

Ryan summarized the rest of his report – There was no further discussion.

2.C. City Planner: Written Report Summary – Attached – Clare summarized her report and then moved on to the Providence Subdivision Topic:

2.C3 Bonner County S0002-23 117 Lot Providence Subdivision Review – Clare advised that the City had received a request for comment regarding Providence Road, LLCs request to plat an approximately 40 -acre parcel located on the eastern edge of the City of Kootenai into 117 residential lots in the City of Kootenai's Area of City Impact (ACI). She expressed her concern that the proposed subdivision plat is not heard by the zoning commission and will only be heard by a hearing examiner. She also expressed her concern that the preliminary plat shows the subdivision bordering Kootenai's Seven Sisters Drive and Chewelah Loop. Proposed B and C Streets are drawn leading west toward the city streets but show intervening proposed lots and no apparent connection to the city streets. Clare advised that the general size of the proposed lots range in size from 10,650 sq ft to 19,297 sq ft, so the lot sizes are within the same parameters as the City of Kootenai's at 10,600 sq feet. She reminded Council that the applicant did come to the City about two years ago to talk about annexing into the City or annexing into the City after the subdivision was completed. The City agreed that they would not allow egress/ingress unless the property was annexed and that was the last the City ever heard from the applicant. She stated that the City's comments needed to be submitted by June 26th and stated that she and her assistant planner, Tessa Vogel had drafted a summary of the plan and their concerns. She advised that the subdivision is proposing 60-foot-wide private roads, privately maintained. She advised that the concerns that they had were if the subdivision would be appropriate for annexation, rights-of-ways into the City, development of a pathway connection for schoolchildren that links with pedestrian safety improvements and grant projects along the highway, and the requirement that the subdivision of this size and potential impact be heard first by the zoning commission. As of now there would only be one hearing examiner, inclusion of the Area of City Impact certificate on the plat, which is missing from the draft provided to the City and confirm no access or utility connections shall be made through City of Kootenai public rights-of-way without written permission from the City. Councilwoman Mjelde asked if there were proposed lots that butt right up against Seven Sisters Drive. Clare confirmed that that was what the draft plat projects. Clare advised that there had been a letter drafted by the City's attorney in 2009 that objected to the then proposed subdivision having an easement into the City unless it was annexed into the City. Councilwoman Mjelde expressed her concern about stormwater swales and children trying to get to school. She asked Clare if the County had notified the school. Clare advised that the law requires the school to be notified. Councilman Sundquist asked if impact fees would be collected for the Northside Fire Department. Clare stated that she believed that they did but would have to look further into that. He then asked if the applicant had considered any common area (parks). Clair stated that she had not seen anything indicated as a park area on the preliminary plat. Councilman Sundquist expressed his concern that the City's parks and roads will be greatly impacted by the proposed subdivision and annexing after the fact would not be in the best interest of the City. He stressed that the City should do whatever it can to get the subdivision to meet the City's standards. He also expressed that the preliminary plat does not show anywhere to put snow. This will have a great impact on the City's stormwater drainage system and will affect the properties that set up against Seven Sisters Drive. He stated that stormwater is a major concern and needed to be addressed before they start impervious services and not after the fact. We don't want to see Seven Sisters under water because of the runoff from the subdivision. He confirmed his concerns: no where to put the snow, no open space, no stormwater provisions to deep it out of

the City. Ryan stated that he had looked at the Bonner County site and they do have a stormwater plan. He said that he had not spent a lot of time doing a detailed review, but he did see that there was a plan to drain the water north and away from the Seven Sisters Subdivision. He mentioned that there are some open areas that look like they would be used for water retention within the subdivision. He advised that the City of Sandpoint did issue a Will Serve Confirmation to document the ability for the City of Sandpoint to provide water for the proposed development that is within the City of Sandpoint water service area. He expressed his concern that it appears that the development will be required to extend a 12-inch water main through the project and that the water main is currently located within the City of Kootenai right-of-way. He stated that there is a proposed 12-inch water main to be placed from the intersection of C Street and 2nd Avenue and through a 25' utility easement to connect the existing 12-inch water main in Seven Sisters Drive. It does not appear that the proposed development is planning to cut into Seven Sisters Drive and connect directly into the 12-inch water main, rather than connect to the existing 8-inch main line stub out at the property line. He advised that he had talked with Greg Lanning, Utilities Director for the City of Sandpoint, to clarify the question of providing water service outside of the City limits. He told Council that Greg is willing to talk with the City to provide additional information, but that it appears that the City of Sandpoint will provide water service. He went on to advise that the preliminary plat illustrates proposed residential lots that back up to the east side of Seven Sisters Drive right-of-way. The Owner's Certificate of the preliminary plat indicates that the 25' public utility easement is dedicated to the City of Sandpoint. On the north end of the Seven Sisters Drive right-of-way, the preliminary plat references a 60' Ingress/Egress and Utility Easement extending north through Lot 16 of Block 4. He expressed that the warranty deed to the Kootenai Ponderay Sewer District (KPSD) from 1998 describes the property that the KPSD purchased for the treatment facility and includes a "non-exclusive easement for ingress, egress and utilities" that extends north from Seven Sisters Drive right-of-way. No roads or paths are currently shown on the preliminary design drawings for the proposed subdivision within the 60' wide Ingress/Egress and Utility Easement. He advised that there was a 1927 deed of record that reserved a 60' utility easement on the north end of Seven Sisters. He expressed his concern that it is not clear from the deed if there are any restrictions to the type of use associated to the 25' utility easement for the City of Sandpoint. For example, whether or not this could be used for pedestrian access. He recommended that the City seek attorney advisement. Clare advised that the properties that have back yards right at Seven Sisters Drive may want to use Seven Sisters Drive for Ingress/Egress and the City would need to address that issue. Ryan suggested that there needs to be clarity for the use of the easement and that should be put onto the plat. Mayor proceeded to open public comment on this issue. City Resident Grace Bauer stated that the City's staff had answered some of the questions that she had had and brought up new ones. She expressed her concern about the traffic that will be produced for an additional 117 homes which would result in 10 trips a day would result in 1170 trips per day just in that little intersection and the subdivision traffic is having a very hard time getting onto Highway 200 as it is not to mention the people on the south side of the railroad tracks. She also expressed her concern about City services and the school as she understood that the elementary school was tapped out. She stated that she would appreciate the option for the City's attorney because additional access or use would have a substantial impact on the Seven Sisters neighborhood. She also expressed that the City of Sandpoint was at their capacity and how that additional service to the proposed subdivision would affect the City's water pressure and the availability to get water into the City for new services within the City and how that will affect the utility fees service fees. Heather Bouse of Beaver Brook Road expressed her concern about how safe it will be for school children to get to school. Jeanelle Shelds expressed her concern about the amount of traffic that will invade

Providence Road and stated that she felt that there will be pressure for the property to annex into the City of Kootenai which would provide a more even flow of traffic. She stated that as the traffic backs up there will be unsafe complications for the properties that are off of Providence Road such as if there were an emergency; they will be blocked in by the back up of traffic trying to enter onto Highway 200. She stated that it looks like the proposed subdivision wants the advantage of being outside of the City but do not want to be responsible for issues that surround the subdivision. She stated that there is a potential for RV hook-up that will generate even more traffic and the pressure will be on to annex into the City. She advise that the City should put the pressure on to annex now. City Resident Jeremy Welser stated that his property is at the very north end of the Seven Sisters Subdivision and his property line is right up to the proposed subdivision. His concern was that he paid a premium price for that property specifically because that were no other properties to be built on next to them. He expressed his concern about an environmental study that was conducted last August and that area behind him was considered a wetland area; very wet with a small spring that brought in a lot of migrating birds and he was very concerned about the environmental impact that the proposed subdivision will have on the area. Ashley Gerstenberger offered that attached report expressing her concerns about the destruction of the wetland areas surrounding the Seven Sisters Subdivision and the proposed subdivision. She stated that she was not too concerned about it last year because there was no indication that anything would be built in that area, but then this year all of the trees were taken down as if preparing to build. Clare stated that the proposed subdivision plat does not show wetland areas which they are required to do until they are told otherwise and they are asking the corps of engineers to confirm that the wetland areas are non-jurisdictional and that would be reported to Bonner County. Councilwoman Mjelde asked about annexation process. Clare explained that there are different annexation categories, one of which has to be approved by all property owners. There was a question about public comment at the public hearing. Ronda advised that the public hearing would be on July 5th at 1:30 p.m. and written comments needed to be submitted by June 26th. Clair advised that right now the application will be heard by only one person; the public hearing examiner rather than a planning commission and she will suggest that since this is a major subdivision it should be heard by the planning commission first. Clare advised that if there were any public comments to Bonner County that are over one page then they should be submitted now and not wait until the 26th. There was discussion surrounding when and who a public comment would be submitted to. Clare advised that the City will send their comment to not only the Planning Commission but also to the Commissioners and Public Hearing Examiner. Clare asked for directions on whether Council wanted her to draft a letter Council approval and then ask for advice from the City's Attorney. Council agreed that Attorney review of the deed in question regarding egress/ingress was needed.

2.D City of Sandpoint Law Enforcement – Attached - There was discussion about parking on streets surrounding the school and the need for patrol during school start and let out. Stephen stated that school was just about ready to end for this year, but it was something to consider for next year. Councilman Schock expressed his concern about semi-trucks using Boise Street as it would be easy for a large truck like that to not see pedestrians. Mayor stated that she had talked to Litehouse and was told that they use a devise called tattle tales which are on all trucks that will notify if there is speeding but did not know if it showed not stopping at stop signs. Councilman Rafferty asked if there could be something about parking on the walkways on Sprague Street.

2.E. Selkirks-Pend d'Oreille Transit (SPOT) - Mayor advised that Schweitzer had just sold to another company, so SPOT was having meeting with them in regard to mountain transportation provided by SPOT. She stated that ridership keeps going up because of all of the new population and the requests for additional bus stops.

2.F. Clerk – Written Report – Attached. There was no further discussion.

2.G. Park Committee – Councilwoman Mjelde mentioned that Maggie's Park was supposed to be sprayed, but it looked like they did not spray the whole area. Ronda stated that it did look like a small area was sprayed but that she had sent a picture of the area along with the request, so she was not sure what happened. Councilwoman Mjelde stated that the project is supposed to start mid-June and she would like to get that part of the project completed. Ronda stated she would reach out to see what happened. Councilwoman Mjelde advised that she would be happy to meet with them if they needed further direction. She advised the Idaho Department of Lands had offered to donate two trees and that her committee had chosen to put one tree at the park and choose a crabapple tree which would require less maintenance. She said that the committee will be looking for volunteers to keep it watered for at least the first month after it is planted. Councilman Sundquist stated that maybe if we gave the neighboring property a key to the trail block so that he could access his back storage shed from the trail we could get him to water the tree. Councilman Schock advised that the proposed park at Boise and 2nd Street may be larger than we thought and suggested that the area be surveyed or at least find the markers.

2.H – Vegetation Management – Ronda stated that she had sent out weed abatement advisement to undeveloped property owners within the City. She advised Council that there were a couple of properties at 2nd Avenue who ignore the notices and then the City gets complaints from surrounding residential property owners about the hazards of not complying with weed abate. The City then pays up to \$600 for each piece of property for a service to abate the weeds and then bills the property owner. She advised that it does take over a year to get paid, but with persistence it gets paid. She advised that there are large tracts of property at the Seven Sisters Development and a couple more properties off of 2nd avenue that are weed abatement problems and that these types of areas will cost a lot of money for weed abatement. She asked for directions from Council as to what to do. Mayor stated that she did not want the City to just go onto someone's property and mow. Councilwoman Mjelde asked if the County did weed control anymore. Ronda advised that these unkept areas are a huge fire hazard. Councilman Rafferty advised that the County has to control weeds and they are allowed to go onto properties and make them do it. Ronda asked how to go about getting that done. Councilman Rafferty stated that that was the hard part when it comes to spraying vs mowing. Mayor stated that outstanding costs could then be put on the tax assessment notices. Ronda advised that the County has told her that they will not put weed abatement costs due to the City on the tax assessment notices. Council asked how many properties are a problem. Ronda stated that there is an area surrounding the wetland areas at Seven Sisters that she feels is going to be a billing problem and there are several properties on 2nd Avenue that some pay and others may not. Councilman Sundquist suggested sending a notice that if they don't abate the weeds then the City will have it done and they will be billed with interest on the second billing and forward. He suggested having the properties abated once in the early season and then again later in the season. It was suggested that a notice be sent giving a date of completion and if it is not done then do it, bill it and if it does not get paid then the City will have to absorb the costs. Ronda stated that the initial letter does give 10 days to comply or to contact the City with a plan of action. Councilman Sundquist stated that it looks better, and it

is safer for the community. Councilman Rafferty suggested that the abatement needed to be done in the early spring and then again in September. Council discussed that issue with the local public comment in regard to weed abatement within the alley. Ronda stated that there were four properties who were not maintaining the alley way and trees were beginning to take over. She advised that the letter advised that it was their responsibility to maintain the alleyway and they should not allow trees to overtake the alleyway as it will be more costly to remove them in the future. She advised that she had sent a copy of the City's Code with the letter. Councilman Sundquist stated that the City needed to send the resident a letter thanking him for expressing his concern to Council, but that it is a property owners responsibility to maintain the alley.

3. Discussion/Action Items:

3.1 III-A Participation Agreement and Joint Powers Agreement – Approval and Authorization for Mayor to Execute – Councilwoman Mjelde moved to approve the III-A Participation Agreement and Joint Powers Agreement and Authorize Mayor to Execute said documents, 2nd by Councilman Sundquist; roll call vote:

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

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

3.2 Status of City Accessory Storage Building – Ronda stated that the building had been vandalized and that there were tree branches growing up inside the building basically the building was dilapidated. Councilwoman Mjelde asked if there was anything in the building. Ronda stated that there were some metal fold-up chairs and some old scrap wood in the building. Council confirmed that the chairs had been donated to the City in years past and could be given away. Councilman Sundquist asked if an excavator was needed. Ronda stated that she thought we could have a handy man do the work. Councilman Schock advised that whoever did the work needed to watch out for the overhead electrical wires. Ronda asked if Council needed a cost to demolish the building. Council advised that it just needed to be done. Councilman Rafferty moved to have the storage building removed, 2nd by Councilman Sundquist; roll call vote:

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

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

3.3 Status of City Park Fountain – Repair vs Replacement –Mayor stated that the fountain was broken again. Councilman Schock advised that it was working right now. He advised that three years there was a plastic valve on the fountain that broke. He advised that he found a stainless-steel valve which would be a more reliable valve. Ronda stated that the cost was about \$113 for valve kit. Mayor asked if the valve could be taken out each season and then put back in. Councilman Schock stated that he was afraid to do that for fear that the valve may seize closed. His suggestion was to just replace the valve each year and keep spares. **Councilman Sundquist moved to buying and keeping spares to repair the fountain when needed, 2nd by Councilman Schock; roll call vote:**

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

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

3.4 Repair and pain for the City's Gazabo and Park Sign – Bid for the project -

Ronda advised that the City had received a bid for the project from a local handyman. She advised that she had provided Council with a copy of that bid and was happy to see that he had given the City a 15% discount which includes power washing the gazabo removing the old paint, replacing the lattice, sanding and repainting the picnic table, and repaint the park sign. Councilwoman Mjelde asked if it would be better if it was stained rather than painted. Councilman Schock advised that if you are trying to get rid of graffiti then painting is a better method. Councilwoman Mjelde asked if there was a paint that could be used that allowed the graffiti to just go away after a while. Ronda advised that graffiti was carved into the table. Councilman Schock advised that the sign poles holding the sign are also in need of repair. Ronda advised that the bid that was received was for just upgrading the paint, so there would need to be a separate bid for additional work. **Councilman Sundquist moved to accept the bid and limit additional work at \$2,000 for additional work on the sign and gazabo contract, 2nd by Councilman Schock; roll call vote:**

Councilman Sundquist – AYE
Councilman Rafferty– AYE

Councilwoman Mjelde – AYE
Councilman Schock – AYE

3.5 Bank Card Reader – Ronda stated that there are often request for the City to accept credit card payments. She asked Council if they would be interested in the City having a card reader that would charge the user a fee and would be free to the City. **Councilman Rafferty moved to provide a card reader for transactions, 2nd by Councilman Schock; roll call vote:**

Councilman Sundquist – AYE
Councilman Rafferty– AYE

Councilwoman Mjelde – AYE
Councilman Schock – AYE

3.6 July Council Meeting – Reschedule vs Cancel – Ronda advised that the scheduled July Council Meeting was July 4th and asked Council to consider rescheduling. Council had previously discussed and agreed to **reschedule the regular Council Meeting to July 11th beginning at the usual time of 6:30.**

3.7 Park Bench Swing – Ronda advised that the swing was broken. She stated that she had received a bid for the repair and asked Council to consider the bid for the repair. She reminded Council that there will be an ADA swing placed in the same area and did we even need the swing there or would they like to move it to a different location. She advised that there is a great difference between repair vs. replacement. Councilwoman Mjelde stated that parents like to sit on the swing to watch their children play. Council agreed to keep the swing in the same area. Councilman Sundquist asked if the cost of repair would come out of the park fund or maintenance. Ronda advised that it would come out of park maintenance. Ronda advised that once the repair was completed, Council would need to have someone reset the swing. Council suggested that Ronda talk to the handyman doing the repairs on the Gazebo and Sign to see if he can fit it in. **Councilwoman Mjelde moved to accept the bid received for the repair of the bench swing, 2nd by Councilman Rafferty; roll call vote:**

Councilman Sundquist – AYE
Councilman Rafferty– AYE

Councilwoman Mjelde – AYE
Councilman Schock – AYE

4. Motion to move Council, Pursuant to Idaho Code 74-206(b), Convene in Executive Session to consider the evaluation dismissal or discipling of, or to hear complaints or

charges brought against, a public officer, employee, staff member or individual agent, or public-school student. Councilman Sundquist moved to convene into executive session pursuant to Idaho Code 74-206(b), 2nd by Councilman Rafferty; roll call vote:

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

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

Mayor Lewis adjourned the meeting at 9:19 p.m.

Submitted by:

Ronda L. Whittaker/City Clerk

CITY OF KOOTENAI SIGN-IN SHEET

DATE:	June 6, 2023
--------------	---------------------

TIME: 6:30 pm	
----------------------	--

Council Meeting

[illegible]



City Council Meeting
Public Comment Sign In Sheet

Date: 6-6-2023

Each person is allowed 3 minutes to make a comment

Please note topic and number you would like to comment on:
(Example: 2.B Stop Sign Review)

Name:	Topic:
1 Patrick Rackels	2.B2
2 Grace Bauer	2.C3
* 3 Heather Bourse	2.C3 / 2.B2
* 4 Lemell Shul	2.C3
* 5 Jeremy Weber	2.C3
* 6 A-sulley Gezskuberger	2.C3



CITY OF KOOTENAI

PO Box 566, 204 Spokane St., Kootenai ID 83840

Phone: 208-265-2431

Fax: 208-265-0932

Begin legal:

NOTICE OF PUBLIC HEARING

Notice is hereby provided that a public hearing pursuant to Idaho Code Title 67, Chapter 65 and Kootenai City Code has been set for the Kootenai City Council, **JUNE 6, 2023, AT 6:00 P.M.** at Kootenai City Hall, 204 Spokane Street, Kootenai, ID to consider the following:

ZONING CODE UPDATE: Kootenai City Council has initiated an amendment to Kootenai City Code Title 8, Zoning Regulations, to: establish and update definitions related to housing, business service operations, wireless telecommunication facilities, recreational vehicles, and structures; amend standards and permitting processes for accessory living units; establish standards for recreational vehicle occupancy and storage, and to update standards for wireless telecommunication facilities.

The public is welcome to attend the hearing or provide written comment. Any written comment greater than 1 page must be submitted at least 5 days prior to the meeting. Written material not exceeding 1 page may be read into the record the day of the hearing. Public testimony shall be in compliance with the public hearing resolution, a copy of which is located at City Hall.

Written comment can be mailed to City of Kootenai, P.O. Box 566, Kootenai, ID 83840.

The proposed ordinance is available for view at Kootenai City Hall, 204 Spokane Street, Kootenai, during regular business hours. Anyone requiring special accommodations due to disability should contact the City Clerk at (208) 265-2431 at least two days prior to the meeting.

ATTEST: Ronda Whittaker, City Clerk

PUBLISH ONCE IN BONNER COUNTY DAILY BEE: **Date: May 17, 2023**

end legal

Mail to taxing districts/airport manager/school district & post to web site: **Date: By May 19, 2023**

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

RikkiJade Lindstrom, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of the State of Idaho, and am not a party to the proceedings referred to in the attached Legal Notice.

My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Legal Clerk of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 1 consecutive weeks, commencing on the 17 day of May, 2023, and ending on the 17 day of May, 2023.



State of Idaho, county of Bonner ss.

On this 17 day of May, in the year of 2023, before me, Angela Minehart, Notary Public, personally appeared RikkiJade Lindstrom known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she (or they) executed the same.

Angela Minehart

Notary Public
Residing at: Kootenai County

My Commission Expires 03/20/2029



NOTICE OF PUBLIC HEARING

Notice is hereby provided that a public hearing pursuant to Idaho Code Title 67, Chapter 65 and Kootenai City Code has been set for the Kootenai City Council, June 6, 2023, at 6:00 p.m. at Kootenai City Hall, 204 Spokane Street, Kootenai, ID to consider the following:

ZONING CODE UPDATE: Kootenai City Council has initiated an amendment to Kootenai City Code Title 8, Zoning Regulations, to: establish and update definitions related to housing, business service operations, wireless telecommunication facilities, recreational vehicles, and structures; amend standards and permitting processes for accessory living units; establish standards for recreational vehicle occupancy and storage, and to update standards for wireless telecommunication facilities.

The public is welcome to attend the hearing or provide written comment. Any written comment greater than 1 page must be submitted at least 5 days prior to the meeting. Written material not exceeding 1 page may be read into the record the day of the hearing. Public testimony shall be in compliance with the public hearing resolution, a copy of which is located at City Hall.

Written comment can be mailed to City of Kootenai, P.O. Box 566, Kootenai, ID 83840.

The proposed ordinance is available for view at Kootenai City Hall, 204 Spokane Street, Kootenai, during regular business hours. Anyone requiring special accommodations due to disability should contact the City Clerk at (208) 265-2431 at least two days prior to the meeting.

ATTEST: Ronda Whittaker, City Clerk
Legal#5124
AD#8959
May 17, 2023

**Pend Oreille
Hospital District
520 North 3rd
Avenue
Sandpoint ID 83864**

**Lake Pend Oreille
School Dist. #84
Administration
Office
901 Triangle Dr.
Ponderay ID 83852**

**Sandpoint Airport
Attn: Dave Schuck,
Manager
100 Airport Way
Sandpoint ID 83864**

**Kootenai-Ponderay
Sewer Dist.
PO Box 562
Kootenai ID 83840-
0562**

**City of Ponderay
Planning Dept.
PO Box 500
Ponderay ID 83852**

**Spokesman Review
608 Northwest
Blvd., Ste 103
CdA ID 83814**

**E. Bonner County
Free Library
1407 Cedar Street
Sandpoint, ID 83864**

**Selkirk Association
of Realtors
325 S Marion
Sandpoint ID 83864**

**KSPT-KPND-
KIBR Radio
327 Marion
Sandpoint ID 83864**

**Northside Fire Dist.
PO Box 181
Ponderay ID 83852**

**Northland Cable TV
PO Box 1488
Sandpoint ID 83864**

**Independent Hwy
Dist
PO Box 1047
Sandpoint ID 83864**

**Bonner County
Daily Bee
PO Box 159
Sandpoint ID 83864**

**KFBX-FM91
Spokane Public
Radio
North 2319 Monroe
Spokane WA 99205**

**Bonner County
Ambulance
521 N 3rd Avenue
Sandpoint ID 83864**

**Panhandle Health
District
2101 W Pine St
Sandpoint ID 83864**

**Bonner County
Planning Dept
1500 Hwy 2, Ste 208
Sandpoint ID 83864**

**Avista Utilities
ATTN: Sheryl
Holderman
100 N Lincoln
Sandpoint ID 83864**

**Frontier
Communications
750 Kootenai Cut
Off Rd
Ponderay ID 83852**

**City of Sandpoint
1123 Lake Street
Sandpoint, ID 83864**

File No.: _____

Hearing Date: 6-6-23

Page 1 of 1

Record of Mailing Approved By: _____

Quita Houdobro



I hereby certify that a true and correct copy of the Notice of Public Hearing was mailed to the entities listed above (postage prepaid), on this 15th day of May, 2023.

Ronda L. Whittaker
Ronda L. Whittaker, City Clerk

Public Hearing Sign-In Sheet

DATE: June 6, 2023

TIME: 6:30 pm

Hearing for: Title 8 Code Amendments

[illegible]



CITY OF KOOTENAI

PO Box 566, 204 Spokane St., Kootenai ID 83840
Phone: 208-265-2431 email: cityclerk@cityofkootenai.org

STAFF REPORT KOOTENAI CITY COUNCIL STANDARDS & PROCEDURES ORDINANCE June 6, 2023

PREPARED BY:

Tessa Vogel, MS
City Assistant Planner, Ruen-Yeager & Associates
& Clare Marley, AICP, Senior Planner
219 Pine Street
Sandpoint, ID 83864

PROJECT DESCRIPTION:

Ordinance to amend Title 8, Chapters 2, 5, 10A, 10B, & 14. The purpose of the amendment is to establish and update definitions related to housing, business service operations, wireless telecommunication facilities, recreational vehicles, and structures; amend standards and permitting processes for accessory living units; establish standards for recreational vehicle occupancy and storage, to update standards for wireless telecommunication facilities; and to provide severability, savings clause, and an effective date.

APPLICANT:

City of Kootenai
P.O. Box 566
Kootenai, ID 83840

DATE APPLICATION INITIATED:

DATE: May 25, 2022

HEARING DATE:

June 06, 2023

LEGAL NOTICE PROVIDED:

Newspaper notice: May 17, 2023

Mailed to taxing districts, etc.: May 15, 2023

STAFF REPORT ATTACHMENTS:

Ordinance, legal notice, draft ordinance summary

PROJECT SUMMARY:

Kootenai City Council began working on the proposed zoning code amendment in 2022, with public workshops to discuss several aspects of Kootenai City Code (KCC) that needed to be updated. The workshop discussions included a review of a previously drafted wireless telecommunication (cell tower) update. The workshops took place in May and July of 2022, and January, March, and April of 2023. The Council decided to consider updates regarding the wireless telecommunications, Downtown zoning district, RV occupancy and storage, accessory living units, and revised definitions. Further work on sign code regulations was needed, and is being deferred to future workshops and a future public hearing. During these workshops, Council and staff reviewed the Title 8 Zoning Regulations on uses, procedures, and standards and prioritized the sections needing to be updated. Below is a quick summary of the proposed changes, followed by a detailed summary.

Topic	Details	Comment
Definitions	Accessory Living Unit amendment	Adds also known as accessory dwelling unit (ADU), moves standards to Chapter 14. Adds latest Idaho Code definition of ADU
Definitions	Antenna	Adds a definition consistent with latest wireless/cell tower definition for antenna
Definitions	Business Service Operation	Update allows office uses like accounting or real estate but prohibits vehicle and large machinery repairs but allows repairs to such things as cameras, sewing machines, bikes, etc.
Definitions	Communication Facility, Wireless	Updates with current industry definition
Definitions	Attached/Detached	Provides definition needed for ALU/ADU sections
Definitions	RVs	Updates w/ state code definitions and Council suggestions
Accessory Units	Living Zoning District Changes to show as permitted and special permitted.	Allows by right (no hearing) an ALU on lots that meet minimum lot sizes. May be attached or detached to a house or garage. Size limit is 800 sq. ft. or 40% of principal dwelling, whichever is less. Requires special use permit (hearing) for ALU on lot that does not meet minimum zoning size. Must be attached to house or garage. Size limit is 600 sq. ft. or 30% of principal dwelling, whichever is less.
Index Table	Updated to match changes	
RV standards	Sets standards for occupancy and storage, confirms not a dwelling unit	Applies to all zones. Not a dwelling unit. Occupancy is limited to 14 days in any consecutive 12-month period. Not more than one occupied RV on lot/parcel. Setback at least 5 feet from side and rear property lines and may be at front property line, whether stored or occupied. Cannot park longer than 24 hours on street. Cannot block or occupy public right-of-way. Occupancy allowed while building a residence. Draft reviewed by Council and attorney last year.
Wireless Telecommunication	Cell towers/wireless facilities	
Sign codes	Pending further discussion	Not included in proposed draft.

■ **Standards/Uses:**

- Current ordinance lacks definitions for antenna, attached and detached structures, recreational vehicle, principal residence. The definitions are added to the proposed amendment under definitions, Chapter 2.
- Existing definitions of accessory living unit, business service operation, and communication transmission facilities included ambiguous language or standards that the City Council wished to update. Updates to these terms are amended to the proposed amendment under definitions, Chapter 2.
- Accessory living unit was updated to also be known as an accessory dwelling unit, to be located on the same lot/parcel as the principal dwelling, while having a self-contained living unit with cooking, sleeping and sanitation facilities. The standard of the accessory living unit required to be no more than thirty percent (30%) of the principal dwelling was removed because standards are covered in Chapter 14 and should not be used in the definition section.
- Business service operation was updated to strike a prohibition for office uses such as accounting, advertising, architectural design, city planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, ordinance research and real estate. The Downtown zoning district already permits by right offices, multi-tenanted offices, and public offices. The allowance of repair of household and small personal goods, such as sewing machines, small appliances, bicycles, jewelry, footwear, and other similarly classified uses was added as was the language to restrict repair of vehicles or heavy equipment, automotive tire repair shops, and other similarly classified uses.
- Communication transmission facilities was completely amended to be defined as a communication facility - wireless, with a completely new definition that was added to the proposed amendment under definitions, Chapter 2.
- Under accessory living unit in the residential use table of 8-5A-2, accessory living units were amended to be a permitted use in the R-1, M-F, and N-O zones. Note 1 was added as well to specify when the use is permitted and what standards apply. Council agreed to omit ALU updates for the zones that are not currently mapped by the City.
- Paragraph A of 8-10A-4 accessory living units as permitted for lots or parcels that are not smaller than the zoning district site area minimum.
- Paragraph B of 8-10-A-4 amended the section so that lots or parcels meeting the site area minimum no longer are required to obtain a special use permit for an ALU, but added an allowance for legal, nonconforming lots or parcels to seek a special use permit for ALUs only if attached to an existing residence or garage.
- The use table under 8-10B-2 A, was amended to include *subject to the standards of Chapter 14 of this title* for both minimum site areas of 10,650 square feet and 13,300 square feet to ensure Chapter 14 standards are followed.

■ **Procedures:**

- The processes and standards for accessory living units are proposed in Chapter 14 to clarify the size requirements based on lot/parcel size, to make the use permitted by right, include legal, non-conforming lots to have accessory living units, to add requirements for attached units, to require water and sewer approvals prior to construction, add parking minimum standards, and clarify the allowance of the use without an existing principal dwelling.
- A new process and standards for the use, occupancy, and storage of recreational vehicles (RVs) is proposed for Chapter 14, including classifications of the use, time periods for the use, limitations on the number of RVs, standard of RV occupancy, public safety standards, prohibitions of parking on public streets beyond twenty-four (24) hours, use as a temporary dwelling unit during the building of the principal dwelling or accessory living unit, sewer and water provisions, public rights-of-way provisions, and parking standards.
- The processes and standards for communication facilities - wireless (WCF) is proposed to update the reference of communication transmission facilities to communication facilities - wireless (WCF), to include building permit requirements, requiring the WCF provider to provide all costs of studies that may be required, to include reference to public health, to update standards for the location of WCFs, to add zoning restrictions, and standards for replacing antennas.

ATTORNEY REVIEW:

The draft ordinance and summary have been submitted to the city attorney for review. The city attorney provided additional comment on the amendment, which has been incorporated into the draft ordinance attached to this report. She recommended some numbering changes and formatting fixes. There were no material changes proposed, according to her message to the City.

AUTHORITY:

Idaho Code Title 50, Chapters 3 and 9, provides authority to cities to adopt ordinances

Idaho Code Title 67, Chapter 65, Local Land Use Planning Act

Idaho Code §67-6518, Standards, gives authority to adopt various zoning standards

ordinances and establish land use standards and procedures. This section provides specific authority for building design, yards, parking, etc.

Idaho Code §67-6527, setting criminal penalties of a misdemeanor for zoning code violations, and authorizing civil remedies, including court-imposed injunctions or restraining orders.

LEGAL NOTICES:

Idaho Code §67-6509 and §67-6511 provide the public notices requirements for proposed land use code amendments. In accord with this, the City of Kootenai has given a minimum 15-day notice in the official newspaper and has mailed notice to taxing districts and airport managers, as noted on page 1.

AGENCY COMMENTS:

The city mailed legal notices advising of the proposed ordinances to taxing districts within the Kootenai city limits, as well as the airport manager and school district, as required by Idaho Code §67-6509. There have been no written comments submitted to the record.

PUBLIC COMMENTS:

There have been no public comments submitted to the record as of the date of this report.

STANDARDS REVIEW:

Standards Review Table:	Findings, based upon record evidence:
Idaho Code §67-6518, requires amendments follow procedures of §67-6509; amendment of land use regulations require the proposed code to be in accord with the adopted policies of the comprehensive plan.	Legal notice of the proposed amendment has been given at least 15 days prior to the public hearing, in accord with §67-6509.
Kootenai's property rights policies call for administration of ordinances to allow reasonable use of private land, consistent with public health, safety, and general welfare.	The proposed amendment clarifies and corrects portions of the zoning code and creates new options for landowners in the Downtown District and housing options that reduce some of the processing times for accessory living units.
The adopted Comprehensive Plan (Plan) calls for a review of accessory living unit standards.	The proposed amendment addresses allowances for ALUs by right (no special use permit) for lots that meet zoning minimums, and an avenue for legal, nonconforming lots or parcels to be able to have an ALU through the special use permit process.
The Plan calls for new standards to limit the number of cell towers in Kootenai.	The amendment requires proof of need to serve the Kootenai residents for any new towers, and allows towers in non-residential districts only. Additional application standards are included.
The Plan calls for the City to maintain and promote a healthy business environment and to encourage diversified and environmentally sound commercial and light industrial uses.	The draft amendment opens the Downtown district to various office uses, which appeared to be restricted in the definitions section, and adds light, non-industrial, household repair options.

STAFF ANALYSIS:

The proposed amendment to the city code provides updates to correct and clarify various sections of code. The need for the proposed updates has been evident as the City addresses both administrative and public hearing applications. The proposed amendment is in accord with the adopted comprehensive plan.

DRAFT MOTIONS FOR CITY COUNCIL:

CONSIDERATION OF RULES: IC §50-902. Either read on three different days, two by title and one in full, or dispense with rules by vote of one-half plus one of the City Council.

MOTION TO APPROVE: If the Council moves to approve the ordinance, determine whether the proposed amendment is in accord with the adopted comprehensive plan.

ROLL CALL VOTE TO APPROVE:

MOTION TO APPROVE SUMMARY OF ORDINANCES: I move to approve the summary of Ordinance # _____, as presented, and authorize the publication of this summary in accord with Idaho Code §50-901A.

MOTION TO RECOMMEND DENIAL: If the Council moves to deny this file, note why the proposed ordinance is not in accord with the requirements of Idaho Code and the comprehensive plan.

MOTION TO TABLE: If the Council desires to table the amendment for further information, revisions, or additional public comment, state the date, time, and place for the continued public hearing.

City of Kootenai

Treasurer Report May 2023

Mt. West Money Market	\$	324,681.84	0.04% APY	
Mt. West Checking	\$	325,435.95	0.01% APY	
Idaho Central Credit Union	\$	555,659.03	1.85%	
Reserved	\$	(460,363.98)	210,363.98	250,000.00
Total Cash Assets	\$	745,412.84	SLFRF	State Grant

INCOME/GENERAL FUND

Name	Account	Amount	Sub-Totals
01 - GF REV			
Franchise Fees			
	Avista Corporation	0.00	
	Northland Cable Television	314.72	
	Waste Management, Inc	1,145.43	
Total Franchise Fees			1,460.15
Interest			
	Interest, MW Money Market	101.38	
	Interest, MW Checking	14.77	
	ICCU CD3	269.24	
	ICCU CD1	329.13	
	ICCU CD2	304.61	
Total Interest			1,019.13
Licenses & Permits	Business Licenses	150.00	0.00
Law Enforcement Fines		0.00	150.00
Planning & Zoning Fees & Permit			
	Building Permits	1,749.41	
	Site Plan Review	0.00	
Total Planning & Zoning Fees & Permit			1,749.41
Property Tax			
	Arrears Property Tax	256.29	
	Penalty & Interest	4.89	
	Property Tax Current	0.00	
	Recovered Homeowners Exemption	0.00	
Total Property Tax			261.18
Rents			
	City Hall Rental	0.00	
	Post Office Rent	280.00	
Total Rents			280.00
State of Idaho Funds			
	State Liquor Fund	0.00	
	State Revenue Sharing	0.00	
Total State of Idaho Funds			0.00
Total 01 - GF REV		4,919.87	4,919.87

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	3.71	
	Road & Bridge Arrears	194.80	
Total Road & Bridge			198.51
Road & Streets			
Total Road & Streets			198.51
Stormwater/Encroachment			
	Utility Encroachment Pmts	0.00	
Total Stormwater/Encroachment			0.00
	Total 02 - SF REV	198.51	198.51
	Total Income	5,118.38	5,118.38

City of Kootenai
Treasurer Report May 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	CostCo	0.00	0.00
Building Maintenance			
	Janitorial Service	115.46	
	Furniture & Fixtures	0.00	
	Custodal Supplies	0.00	
	Building Security	177.64	
Total Building Maintenance			293.10
Insurance	ICRMP	0.00	
	Legal Notices	60.82	
Total Legal			60.82
Office Expenses			
	Computer Maintenance/Repair	108.96	
	Internet Service	341.47	
	Office Supplies	33.79	
	Other/Easter/Mayor	0.00	
	Postage	208.26	
Total Office Expenses			692.48
Park, Arbor Day & Earth Day			
	Maintenance - Landscaping	1,235.90	
	Material, Trees & Shrubs	242.20	
Total Park, Arbor Day & Earth Day			1,478.10
Planning & Zoning			
	Planner	480.50	
	Subdivision Fees	25.50	
	Ordinance Revisions/Comp Plan	603.50	
	Engineer	0.00	
	Code Enforcement	0.00	
	Building Permits	1,495.20	
	Zoning Map	250.00	
Total Planning & Zoning			2,854.70

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

Name	Account	Amount	Sub-Totals
Training Workshops			
	Training Expenses	219.00	
	Meals	38.69	
	Milage	75.97	
Total Training Workshops			333.66
Utilities			
	Electric & Gas	128.95	
	Garbage	12.41	
	Telephone	0.00	
	Water	60.30	
	Sewer	80.10	
Total Utilities			281.76
Wages & Benefits			
	Clerk/Treasurer	4,077.21	
	Deputy Clerk	3,110.00	
	Council	500.00	
	Mayor	500.00	
	Payroll Taxes	626.31	
	Retirement Fund - PERSI	962.64	
6560 - Payroll Expenses	Health Insurance	1,704.00	
	Wages & Benefits	0.00	
	Payroll Expense/Intuit	0.00	
Total Wages & Benefits			11,480.16
	Total 10 · GF EXP	13,914.32	17,474.78

City of Kootenai
Treasurer Report May 2023
EXPENSES/Street

Name	Account	Amount	Sub-Totals
20 · SF EXP			
Ditches	Maintenance	75.00	
Total Ditches			75.00
Stormwater			
	Culvert Inspections	0.00	
	Engineer	0	
Total Stormwater			0.00
Streets			
	Materials	0	
	Engineer	0	
	Capital Improvement Project/KM		
	Signs	0	
Total Streets			0.00
Utilities, Streets			
	Signal Lights	34.69	
	Street Lights	875.31	
Total Utilities, Streets			910.00
	Total 20 · SF EXP	985.00	985.00
	Total Expense	14,899.32	18,459.78
 Net Income			
			-13,341.40

MEMO

To: Mayor Lewis and Council Members

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

Date: June 1, 2023

Re: Council Meeting Report for May Engineering Activities

Engineering activities performed during the month of May, include:

New Grant Opportunity

It appears that a Strategic Initiatives grant opportunity will be available through the Idaho Transportation Department. More information will be made available, but it appears that the funding can be used to offset impacts to the local transportation system that may be caused by a highway. The maximum grant award will be \$2 million with no local match required.

Stop Sign Review

A multi-way stop warrant review was performed at the intersection of Humbird Street and 2nd Avenue. Additional intersections were reviewed at the request of the City. A copy of the multi-stop warrant review is included with this report.

City Parking Lot

The Independent Highway District is planning to start the gravel work for the parking lot widening at the end of June or beginning of July. IHD is currently working in the City of Ponderay on a pedestrian bridge wall repair and preparing a road for the Field of Dreams construction project. Work in Kootenai will start after completion of this work.

I am planning to prepare a bid package to solicit bids for asphalt paving for the Helena Extension and the parking lot, that will be presented to Council for consideration at a future meeting.

Capital Improvement Plan

The Independent Highway District has started to gather data for the road conditions that will need to be input into the IWORQ pavement software that IHD maintains. Work will begin after the background data is available.

Planning Support

Kootenai Commerce Center – The revised plans for the Kootenai Commerce Center were reviewed and response clarifications were provided in May.

Providence Subdivision – A review of the application package with regard to ingress/egress and water service limits was performed.

Encroachment Permits

A review of outstanding encroachment permits was reviewed in the field to determine if work has started at these locations and if additional work is remaining to satisfy the permit requirements.

MULTI-WAY STOP WARRANT REVIEW



Humbird Street and 2nd Avenue Intersection

Kootenai, Idaho

May 11, 2023



INTRODUCTION

This traffic control review for a multi-way stop at the intersection of Humbird Street and 2nd Avenue was completed in response to a request from citizens living on Humbird Street. The City Council reviewed the request and approved the installation of STOP signs on Humbird Street, pending review by the Contract City Engineer.

The intersection is located one block west of the Kootenai Elementary School. STOP signs currently exist on 2nd Avenue (east and west direction) but Humbird Street (north and south direction) does not have a stop control. A concrete sidewalk runs east-west on the north side of 2nd Avenue between Hope Street and Humbird Street and 2nd Avenue has widened shoulders with bike lanes from Humbird Street to Boise Street. The existing speed limit on both streets is 15 miles per hour.

The Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) provides evaluation criteria to guide multi-way stop applications. The MUTCD guidance recommends that STOP signs should not be used for speed control. Multi-way stop control can be useful as a safety measure at intersections if certain traffic conditions exist.

EVALUATION

The following criteria were considered for a multiway STOP sign installation:

1. Where traffic control signals are justified, the multiway stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.

No traffic signal is planned at this location.

2. A crash problem, as indicated by 5 or more reported crashes in a 12-month period that are susceptible to correction by a multiway stop installation. Such crashes include right- and left-turn collisions as well as right-angle collisions.

5-Year Crash Data available on the Local Highway Technical Assistance Council website. No crash reports were found to have occurred at this location.



Map of 5-Year Crash Data for City of Kootenai

3. Minimum volumes:
 - a. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day, and
 - b. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour.

Traffic data was collected on May 9, 2023 from 2pm to 3pm. This data included the traffic associated with students being released from the elementary school at 2:15pm and is assumed to be the afternoon peak hour.

5/9/23 2pm to 3pm		W-Leg	S-Leg	E-Leg	N-Leg	Total
Vehicles	Entering	10	14	39	6	69
	Exiting	28	21	12	8	69
Pedestrians	Entering	2	1	4	1	8
	Exiting	5	1	2	0	8
Bicycles	Entering	1	0	8	1	10
	Exiting	8	1	1	0	10

4. Where no single criterion is satisfied, but where Criteria 2, 3.a, and 3.b are all satisfied to 80 percent of the minimum values. Criterion regarding 85th-percentile approach speed exceeding 40 mph is excluded from this condition.

No crashes were reported at this intersection in the 5-Year Crash Data. This criterion is not applicable.

ADDITIONAL CONSIDERATIONS

The MUTCD offers other criteria that may be considered for a multi-way STOP sign installation:

1. The need to control left-turn conflicts.

Left turn conflicts are not a factor at this intersection.

2. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes.

The pedestrian volumes are not high at this location, but the number of bicycles and pedestrian entering the intersection from the direction of the school

exceeded the number of vehicles entering the intersection on Humbird Street, during the peak hour observed.

3. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to reasonably safely negotiate the intersection unless conflicting cross traffic is also required to stop.

The intersection sight distance for conflicting does not appear to be a factor at this location.

4. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multiway stop control would improve traffic operational characteristics of the intersection.

The three intersections on 2nd Avenue that are east of the east of the elementary school (Sprague Street, Spokane Street and N. Main Street) currently have STOP signs on the north and south legs of the intersections. The east and west legs of the intersection have more vehicle and pedestrian traffic entering the intersection than the north and south legs of the intersection.

CONCLUSIONS/RECOMMENDATIONS

1. The existing traffic conditions and crash data do not meet the warrants for a multi-way stop at the intersection.
2. The use of STOP signs as speed control measures is not recommended in the MUTCD. Research has shown that the installation of STOP signs, while reducing roadway speeds immediately adjacent to the STOP sign, has no effect on overall neighborhood speed limit compliance and unwarranted STOP signs tend to have a lower driver compliance rate.
3. Adding STOP signs on the north and south legs of the intersection would be consistent with the operational traffic conditions that exist at similar intersections to the east of the elementary school. During the elementary school release time, the majority of the vehicular, pedestrian and bicycle traffic are entering the intersection on 2nd Avenue and Humbird Street would be the minor street. Adding STOP signs to Humbird Street would follow MUTCD guidance that when a decision has been made to control an intersection, the roadway carrying the lowest volume of traffic should be controlled.

ADDITIONAL INTERSECTIONS FOR CONSIDERATION

The City of Kootenai has been asked to consider STOP signs at additional locations within the City:

- Boise Street and 2nd Avenue (north and south direction)
- Humbird Street and W Central Avenue (east and west direction)
- Hope Street and W Central Avenue (east and west direction)

BOISE STREET AND 2ND AVENUE

A separate multi-way stop warrant review would likely provide the following conclusions:

1. The existing traffic conditions and crash data do not meet the warrants for a multi-way stop at the intersection.
2. Adding STOP signs on the north and south legs of the intersection would be consistent with the operational traffic conditions that exist at similar intersections to the east of the elementary school. During the elementary school release time, the majority of the vehicular, pedestrian and bicycle traffic are entering the intersection on 2nd Avenue and Boise Street would be the minor street. Adding STOP signs to Boise Street would follow MUTCD guidance that when a decision has been made to control an intersection, the roadway carrying the lowest volume of traffic should be controlled.
3. Cars at this intersection have been parked where a road user, after stopping on 2nd Avenue, may have reduced visibility to safely negotiate the intersection. Adding STOP signs to Boise Street would improve safety at the intersection.



W CENTRAL AVENUE AND HUMBIRD/HOPE STREETS

A separate stop warrant review would likely provide the following conclusions:

1. The existing traffic conditions and crash data do not meet the warrants for a STOP sign at the intersection.
2. Adding STOP signs on the east and west ends of W Central Avenue would be consistent with the operational traffic conditions that exist at similar intersections to the east of the elementary school on E Central Avenue.
3. Adding STOP signs to W Central Avenue would follow MUTCD guidance that when a decision has been made to control an intersection, the roadway carrying the lowest volume of traffic should be controlled.



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

MEMO

To: Kootenai City Council, Mayor and Clerk
From: Clare Marley, AICP, City Contract Planner
Date: June 1, 2023
Re: Planning update for June 6, 2023, City Council meeting

Building permit activity: ADVISORY. The City received two new building permit applications during May for a remodel to an existing residential garage on Humbird Avenue and a new detached garage on Humbird Avenue. The total number of permits for the year is seven. Several additional sign permits are pending staff review to determine eligibility for the number of signs on a single parcel.

Land Use Application Activity: ADVISORY: No new land use permits have been submitted yet for 2023.

Land Use Files Under Review:

Kootenai Commerce Center Site Plan Review ADVISORY: Planning and engineering staff received revised plans for the proposed commercial project adjoining Lignetics on Highway 200. The city engineer has reviewed the plans and has received clarifications, as noted in his report.

Kootenai Campus Subdivision: ADVISORY: The City of Sandpoint issued a water will-serve letter on May 23rd for the subdivision of the former Coldwater Creek campus. Sandpoint advises an existing 10-inch public water main is adjacent to the property on McGhee Road. Water service already exists for Lots 1 and 3 and new water service would need to be installed to proposed Lots 2 and 4. The project surveyor advised that they are continuing to work on the sewer service will-serve letter. An agreement with the Kootenai-Ponderay Sewer District from 10 years ago requires certain system improvements before a will-serve can be issued. The representative said he does not know the time line for completing these improvements.

Code Update: A staff report and final code update draft containing the attorney suggestions is provided in separate documents.

Area of City Impact: An analysis of the impact of the proposed 117-lot Providence Subdivision, located directly east of the Kootenai city limits in unincorporated Bonner County, is provided in a separate document.

City of Kootenai May '23 Cases

Total Cases Handled By SPD: 44

May '22 Kootenai Cases Handled By SPD: 30

May '23 Highlights:

11 – 911 Hangup

5 – Civil Dispute/Civil Disputes

1 – Missing Person/Runaway

2 – Malicious Injury to Property

1 – Warrant Arrest

1 – Structure Fire

1 – Obscene Conduct

1 – Welfare Check



N

City of Sandpoint, Idaho
POLICE DEPARTMENT

1123 Lake Street, Sandpoint, Idaho 83864
(208) 265-1482 Fax: (208) 263-3587

Mayor

Report for April

There were 52 total calls created for the City of Kootenai for the month of April 2023. Of the 52 calls created, 5 calls were created for other agencies responding to Kootenai to assist.

These 5 calls do not fit the billing requirements.

- **We will be submitting billing for 47 calls for service.**

Sandpoint's Calls for service – 47

Previous Incident	7
911 Hangup	6
Suspicious Person/Circumstance	4
Citizen Assist	3
Civil	3
Runaway Juvenile	3
Theft of Property	3
Custodial Interference	2
Information	2
Trespassing	2
Welfare Check	2
Animal Problem	1
Burglary	1
Controlled Substance	1
Extra Patrol Requests/E-mail	1
Domestic Dispute	1

CITY OF KOOTENAI
MAY 09 2023
RECEIVED

2

Juvenile Problem	1
Malicious Injury to Property	1
Disturbing the Peace	1
Sex Offense	1
VIN Inspection	1

Not billed - 5

Citizen Assist	2
Suspicious Person/Circumstance	1
911 Hangup	1
Welfare Check	1

Patrol Highlights

- Welfare check – Officers conducted a welfare check on a Kootenai man. Officers made entrance into his residence, and he was located barely conscious in bed showing symptoms of a stroke. Bonner County EMS transported him to Bonner General Health.
- Custodial interference – Officers were dispatched to a custodial interference case. Officers were able to help mediate the allegations and the kids were returned.
- Runaway- 16 YOF was reported as a run way. She was later located and returned home.
- Civil – RP reported having problems with her landlord. She told officers, she rents the building from Ron for her business. On 04/05/23 Ron came onto the property without written notice and began yelling at employees. I explained to her the landlord tenant laws and she asked me to call Ron. I called him and let him know he needs to follow the landlord tenant laws.
- Runaway – A female juvenile was reported as a runaway. She was later located and returned home.
- Suspicious – RP reported two make in a vehicle possibly doing drugs. Officers were unable to locate the vehicle or the suspicious persons.
- Suspicious – Officers responded to a complaint about the ownership and responsibility of a dog. Officers were able to mediate the situation.
- Trespass – Rp reported a suspicious vehicle on his property. Officers contact a process server attempting to serve paperwork on someone.
- Drugs - (13 YOA) was arrested for Possession of a Controlled Substance (Marijuana), a violation of Idaho Code 37-2732(c)3 & Possession of Drug Paraphernalia, a violation of Idaho Code 37-2734A. She was medically cleared at Bonner General Health and transported to the Bonner County Juvenile Detention Facility.
- Juvenile problem – Officers responded to a dispute between mother and daughter. Officers were able to mediate the dispute.
- Theft – Rp reported a necklace was stolen from her residence. There are no suspects currently.
- Malicious injury to property. Officers responded to the 200 block of Spokane street reference a broken window. There are no suspects currently.

- Family offense - RP called to report that while she was holding their infant daughter, her husband had thrown a beer can at her face during a verbal dispute. After arriving I interviewed both involved subjects who had conflicting stories. The RP agreed to stay at her parents' house with her daughter for the night and he agreed to remain at his residence until both parties were sober to continue their dispute in person.
- Sex Offense – 16 yof reported a sex offense. Officers took the initial call and forwarded it to detectives for follow up.
- Citizen assist – Officer responded to a request to complete a HIN inspection.
- Noise complaint – Officers responded to a loud noise complaint. The officer located the noise coming from a back yard and asked the occupants to turn it down, which they did.
- Theft – RP reported someone stole some trees she had received on earth day. There are no suspects.
- Vin inspection – Officers responded to complete a vin inspection.

Written Warning – 5

Excessive speed	1
Opaque window covering	1
Expired registration	2
Head light requirements	1

Traffic citations issued - 4

Speeding	
Fail to renew drivers license	1
insurance-fail/provide proof	2
Failed to renew registration	1

Misdemeanor citations – 3

Driving without privileges	1
Possession of marijuana	1
Possession of paraphrenia	1

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



Website Activity –Mandy continues her task of keeping the City's website updated with business information and calendaring.

Business License – Mandy has been very successful at getting business on board with submitting a business license permit application. There are now only 2 to 3 businesses that are chronic violators. There seems to be more and more businesses moving into the City that do not realize that they need a business license. Mandy is working on notifying business owners of this regulation. Mayor has suggested that chronic violators should be referred to our legal team who should send a strict notice of violation. The City's Code includes penalties for violation for not updating or submitting a business license.

Records Retention – Mandy and I are working on scanning all pertinent information related to building permits prior to 2017.

Vegetation Management – Several notices have been sent out to undeveloped properties advising of weed control. Needs discussion with Council.

Roosters – Notices have been sent to properties who are housing roosters and free ranging chickens.

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

Deputy Clerk – Mandy continues to work on a procedure manual, and creating indexes for City minutes, resolutions, and ordinances. She is continuing to attend to City building permit applications and questions concerning application procedures, etc. She is now in the process of working with me on City budget worksheets.

City Hall/Park Improvements – I was able to find a contractor to attend to the Post Office Ramp and the ADA Swing walkway and pad. The projects are out about two to three weeks. The old, dilapidated storage shed on City property was vandalized. We were able to get a good copy of the incidence and reported the damage to City Law Enforcement. I would suggest that Council recommend demolishing the building as it is dilapidated and of no real use. The Park Swing Bench is broken. I have contacted Nuttman Welding; referred by Councilman Schock and was told they could take a look at placing a fix on the issue. The Water Fountain is still giving us concern.

Training – Mandy and I have attended an online training addressing Handling Crisis at the Front Desk. We have found it very informative and will work on some recommended practices. Mandy will be attending the AIC/ICCTFOA Conference later this month. It is very important that she stays informed and keeps up on her continued education.

Ashley Gerstenberger
305 Chewelah Loop
Sandpoint, ID 83864
208-255-8400
acgerstenberger@gmail.com

Providence Subdivision – Wetland Destruction – 06.06.23

City of Kootenai,

My name is Ashley Gerstenberger. I'm a Sandpoint, Idaho native (born at Bonner General Hospital back in 1986). I purchased my first and only home back in 2017, right before prices skyrocketed, placing most local residents of the Sandpoint area into a situation where homeownership wasn't (and still isn't) possible. My home resides within the city limits of Kootenai, in Bonner County. My home address is: 305 Chewelah Loop, Sandpoint, ID 83864.

I'm providing the below information and photos in response to the proposed Providence Subdivision that will border the Seven Sisters housing development (where my home is located). At the far end of the Seven Sisters neighborhood, there is a portion of property, now owned by the Providence developer, that borders many of the houses on Chewelah Loop (including mine). As of 2022, Providence was not intending on developing this portion of the property, as a good portion of the land is wetlands.

I received updated plot layouts in late May, showing that the Providence developer now intends on reducing/destroying the wetlands behind Chewelah Loop, to stack in another nine properties for their 117 lot subdivision. Many residents within the greater Kootenai community, Seven Sister devel and those living on Chewelah Loop specifically, are extremely concerned and disheartened with this new plot update from 2022, for a myriad of reasons:

- The wetlands serve as drainage for the Seven Sister Development (ditches were dug from the back yards of the Chewelah properties to direct water away from our homes and into the wetlands). The reduction/destruction of the wetlands could adversely impact drainage around our homes.
- The wetlands provident much needed habitat for local wildlife and vegetation.
- The Seven Sisters Chewelah lot owners paid per lot premiums when our homes were built to border the wetlands, as this area was deemed "not suitable for construction: designated wetlands", which drove up property values (and our investment to purchase our homes). These lot premiums are listed on our sales contracts.
- The destruction of the wetlands could mitigate water into two neighboring properties (owned by Karen Forsythe and Steve Altfillisch, who have been contacted by me).
- The overall quality of life for the Seven Sisters development, especially those on Chewelah bordering the wetlands, will be diminished. Our property valves will be negatively impacted due to the stacking of homes and loss of the wetlands.

On 06.05.23, large equipment operators started tearing down all of the mature growth trees on the other side of the Chewelah Loop properties by the wetlands, even though the new plot plans haven't been officially approved. When spoken to, we were told, "The company from Boise that dug the test

holes in the wetlands are high paid 'experts'. Their specialty is convincing the army corp engineers that this area is not a wetland."

We have a Providence property owner that is NOT an Idaho resident, who has hired a developer who is NOT a City of Kootenai or Bonner County resident, who are planning to stack in as many homes in a wetland environment as possible, to build homes that the average salary City of Kootenai/Bonner County resident (\$44,504/\$44,521) will not ever be allowed to afford.

Please do not allow the destruction of these wetlands to create nine more lots for homes that City of Kootenai/Bonner County residents cannot afford. This does not address the housing shortage facing true north Idaho residents, it devalues the Seven Sisters Chewelah homes, and impacts the quality of habitat and life for the residents (and animals) of the City of Kootenai/Bonner County.

Below are pictures of the wetlands and how the proposed nine lots in the wetland will impact the area. I've included other images/information for reference as well.

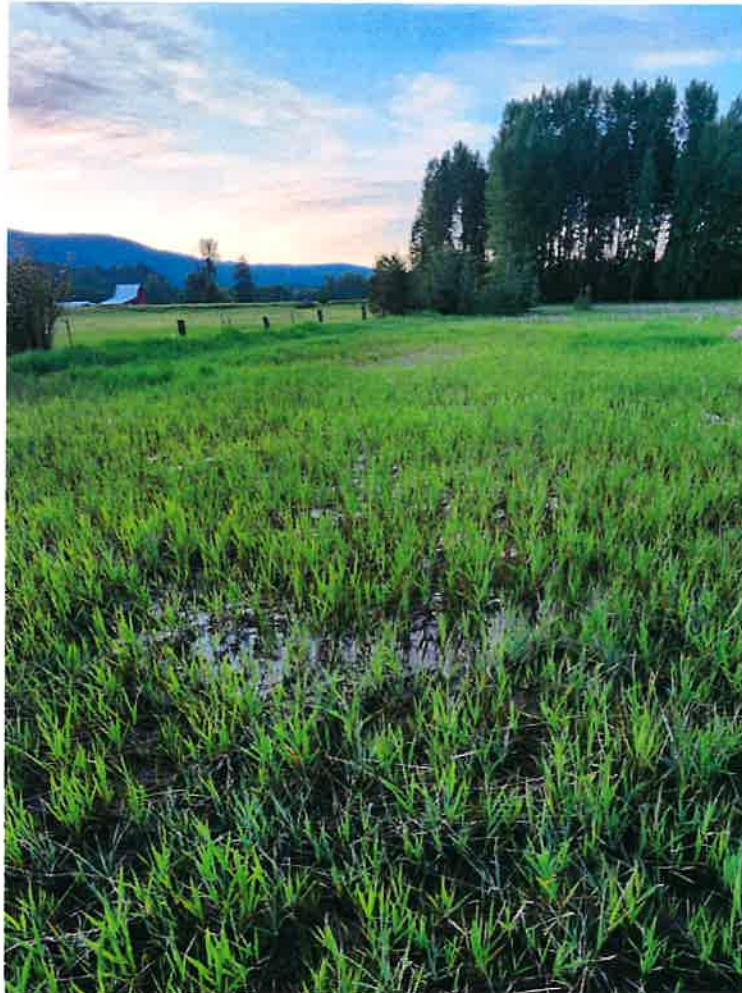
Wetland dug hole full of water; standing water on top of grounds - May/June 2023



Another wetland dug hole, full of water, with wetland "flag" in the dirt pile – May/June 2023



More standing water in wetland area – May/June 2023



View behind 305 Chewelah Loop of the wetlands – May/June 2023





View behind 305 Chewelah Loop of the wetlands after equipment tore down the mature trees – 06.05.23 – assuming they will burn these piles right by our homes and over the wetland area.



Lot premium fee noted on sales contract for 305 Chewelah Loop:

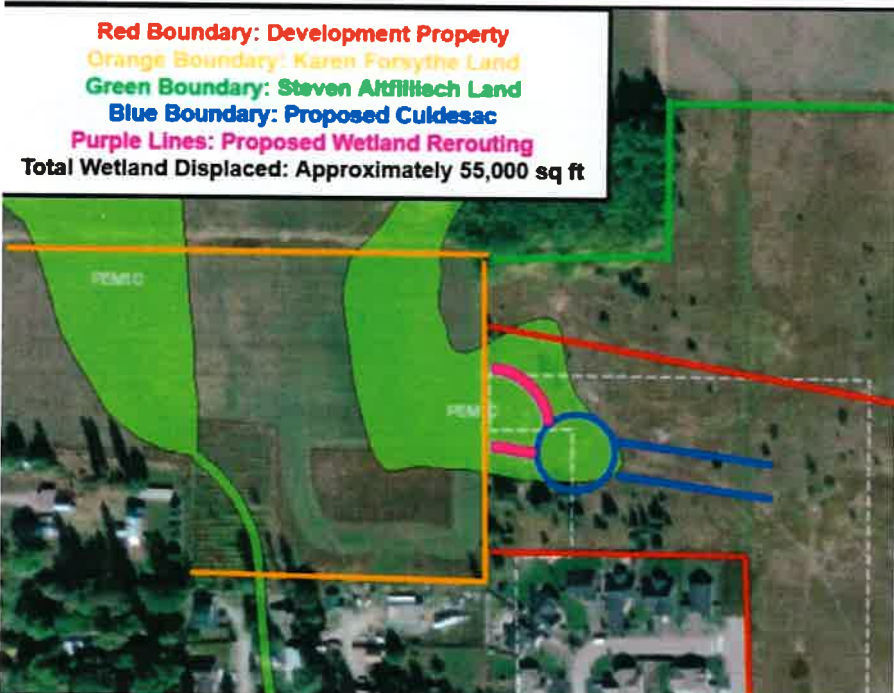
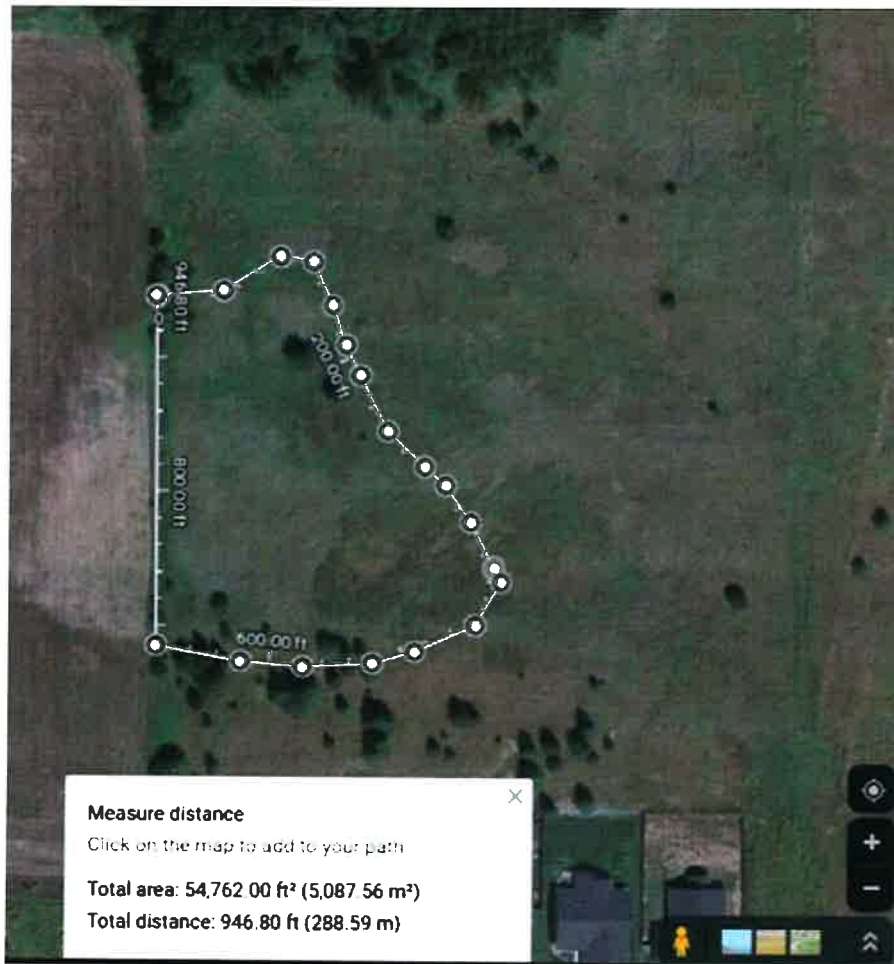
JULY 2016 EDITION R6-21 REAL ESTATE PURCHASE AND SALE AGREEMENT Page 2 of 7

PROPERTY ADDRESS: _____ (ID# GensLemberger05222)

63 **4. OTHER TERMS AND/OR CONDITIONS:** This Agreement is made subject to the following special terms, considerations and/or contingencies which
64 must be satisfied prior to closing. Buyer has chosen the floor plan of 1226-R, Elevation B. Price is based on the price sheet for the floor plan
65 chosen plus an additional \$10,000 for the lot premium. Final approval and acceptance contingent on confirmed upgrades, changes, etc. per
66 Buyer within two (2) week timeframe, and Buyer understands once plans are confirmed and approved by Buyer, that the Buyer contributes
67 additional earnest money based on the lender down percentage, to be reflected accordingly at closing.
68 _____
69 _____
70 _____
71 _____
72 _____
73 _____
74 _____

75 **5. ITEMS INCLUDED & EXCLUDED IN THIS SALE:** All existing fixtures and fittings that are attached to the PROPERTY are INCLUDED IN THE
76 PURCHASE PRICE (unless excluded below), and shall be transferred free of liens. These include, but are not limited to, all seller-owned attached floor
77 coverings, attached television antennae, satellite dish, attached plumbing, bathroom and lighting fixtures, window screens, screen doors, storm doors, storm
78 windows, window coverings, garage door opener(s) and transmitter(s), exterior trees, plants or shrubbery, water heating apparatus and fixtures, attached

Impact of the nine lots and cul-de-sac on wetlands area behind Chewelah Loop:



Proposal would be to move the blue cul de sac off of the lime green PEMC wetland area (to the right). Remove at least five of the proposed build lots (up to nine), allowing Providence a total of 108 – 112 lots instead of 117). KEEP THE WETLAND as a wetland. Preserve the natural drainage and wildlife/vegetation.

Image showing 305 Chewelah Loop lot (note called: "our house"):

Green's house

