

MINUTES
REGULAR MEETING OF THE SANDPOINT CITY COUNCIL
May 15, 2019

OPENING Mayor Rognstad called the regular meeting of the City Council to order at 5:00 p.m. on Wednesday, May 15, 2019, in the Council chambers at City Hall, 1123 Lake Street.

ROLL CALL Council members Ruehle, Aitken, Aispuro, Darling, Williamson and Eddy were present.

PLEDGE OF ALLEGIANCE Mayor Rognstad led the Council and the public in the pledge of allegiance to the flag.

EXECUTIVE SESSION

Councilwoman Williamson moved that Council convene in executive session pursuant to Idaho Code §§ 74-206(b) and 74-206(f) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student and to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. **Councilman Aitken seconded the motion.**

A roll call vote resulted as follows:

Councilwoman Williamson	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Aispuro	Yes
Councilman Darling	Yes

The motion passed by a unanimous vote of Council. Council convened in executive session at 5:02 p.m. in the downstairs conference room at City Hall.

Council concluded their executive session at 5:34 p.m.

PUBLIC FORUM

No comments from the public.

ANNOUNCEMENTS

Mayor Rognstad announced that it was National Police Week, and May 15, 2019, was Peace Officers Memorial Day. In honor of this day, City flags were lowered to half-staff. The Mayor asked that all present join him in recognizing the courage and dedication of current and former Sandpoint Police employees and reserve officers who selflessly confront danger to ensure our safety and defend our community and requested a moment of silence in recognition of police employees and volunteers who have lost their lives in the line of duty.

CONSENT CALENDAR

A. MEETING MINUTES (*approval of City Council minutes; acknowledgment of all others*)

1. City Council, May 1, 2019 (Regular Meeting)
2. Planning and Zoning Commission, April 16, 2019
3. Urban Renewal Board, April 2, 2019

B. BILLS in the amount of \$1,192,805.75; \$683,248.03 for regular payables and \$509,557.72 for payroll.

Councilwoman Williamson moved for approval of items A-1 through B. **Councilman Aispuro seconded the motion.**

A roll call vote resulted as follows:

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Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Aispuro	Yes
Councilman Darling	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes

The motion passed by a unanimous vote of Council.

OLD BUSINESS

C. REQUEST FOR RECONSIDERATION OF VETO OF ORDINANCE NO. 1361

Mayor Rognstad read the following statement: On March 20, 2019, after consideration of the Planning and Zoning Commission's recommendation and the criteria and relevant standards of Idaho Code and Sandpoint City Code, City Council granted the request by Maureen and Steve Tillberg for a zone change from Residential Single-Family (RS) to Mixed Use Residential (MUR) for two parcels totaling 8.49 acres. On April 17, 2019, City Council passed Ordinance No. 1361, which adopted this rezone. The next day, on April 18, based in part on my belief that we should have provided additional opportunity for public comment in a hearing before City Council prior to Council making a final decision on this rezone, I vetoed the Ordinance. During the meeting on April 17, I announced my intention to veto the Ordinance and instructed that any Council member who wanted to schedule an agenda item to overturn my veto should contact the City Clerk for inclusion on the next Council agenda. No such request has been made and, at this time, on May 2, 2019, the Tillbergs requested reconsideration of this action. At this time, they or their agent may address their request.

Marcus Johnson of the firm Ramsden, Marfice, Ealy & Harris, representing Mr. and Mrs. Tillberg, stated that there are two separate demands from his clients that are before City Council and the Mayor: 1) hold an override vote and 2) reconsideration of the Mayor's veto. The second demand, a reconsideration of the Mayor's veto of Ordinance No. 1361, is the only action item before Council this evening. The request for reconsideration is largely procedurally-based. There are rules associated with an application for property rezone, and all parties must adhere to those rules. City Code 9-9-9-B essentially serves as a backstop; at the time the Planning and Zoning Commission either approves or denies an application for property rezone, the record and opportunity for public comment is closed at that point, as was the case when the Commission approved the subject application, which City Council also approved and later adopted under Ordinance No. 1361. That ordinance was then vetoed by the Mayor.

The Mayor has stated that he would like a more robust public comment period, but Sandpoint City Code does not allow for that. As of the time the recommendation was made by the Commission, the record was closed, and no additional comments could be considered.

With the Mayor's veto being based on ex parte communications, which are outside of the record and not allowable for consideration, the veto itself demands immediate reconciliation in order to reverse it and reinstate Ordinance No. 1361, which City Council correctly passed.

City Council, the Mayor, every applicant, and every constituent must follow the same set of rules. If the roles were reversed, and his clients sought to supplement their application or somehow augment the record beyond the timeline set forth in City Code 9-9-9-B, it would not be considered. It is a hard deadline, set out in Sandpoint City Code. Any consideration beyond that deadline violates Sandpoint's own City Code. Constituents and applicants deserve to know the rules, and, if they are going to have any faith in the application process, they need to know that the City Council, the Mayor, and applicants are all going to abide by the same set of rules.

The Ordinance was passed properly, and there is no indication that proper notice was not

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provided. Every opportunity for public comment and agency comment was provided, per Sandpoint City Code. Relying on communications and agency comments beyond that deadline and beyond that timeline set forth in Sandpoint's own City Code is outside of the record, improper for consideration and, frankly, it is a violation of Sandpoint City Code to rely on any of those records.

All that his clients are asking is that both sides play by the exact same set of rules, which are very clearly set out in Sandpoint City Code, as to the manner in which these applications are supposed to be processed. There is only one party that has explicitly followed these rules. His clients have complied with every single one of the due process rules set forth. The Mayor and City Council are relying on and allowing communications that are in violation of their own code. This is not fair to his clients or to constituents and applicants who will be going through this exact same process. Procedural due process requires that everyone follow the exact same set of rules. The rules do not allow for an additional public comment period.

By the Mayor's own admission, his veto relied, at least in part, on ex parte communications outside of the record. His clients request overturn of the veto, and, if the Mayor fails to do so, then they demand that City Council take its own action and hold a vote to override the Mayor's veto for the reasons he has stated. The veto was reliant and based on improper law and fact, not proper for consideration.

On behalf of his clients, he requests that both the Mayor and City Council take all necessary steps to reinstate Ordinance No. 1361, which was properly enacted in the first place.

Mayor Rognstad read the following statement: It remains my view that a public hearing before City Council for the purpose of allowing additional public comment on this matter should be conducted before this zone change takes place. If the Tillbergs make a written request for a Public Hearing, I will schedule one.

There was no further comment on Item C, and **Mayor Rognstad** requested to move the the public hearing on tonight's Agenda ahead of the remaining item under Old Business. **Councilwoman Williamson moved** to change the order of items D and E on the agenda and that Council take up Item E, the public hearing on the Eickhoff rezone request, next, then proceed to Item D, reconsideration of sidewalk construction orders. **Councilman Darling seconded the motion.**

A roll call vote resulted as follows:

Councilman Eddy	Yes
Councilman Darling	Yes
Councilman Aitken	Yes
Councilwoman Williamson	Yes
Councilwoman Ruehle	Yes
Councilman Aispuro	Yes

The motion passed by a unanimous vote of Council.

E. PUBLIC HEARING – ZONE CHANGE PROPOSAL

Planning and Community Development Director Aaron Qualls reported that the application seeks rezone of an approximate 8.65-acre parcel, located at 2205 N. Boyer Avenue (on North Boyer Avenue at Mountain View Drive), from Industrial Technology Park (ITP), which allows for a variety of industrial and commercial uses, to Residential Single Family. The Planning and Zoning Commission held a duly-noticed public hearing on this matter, with five of six commissioners present. The commissioners present voted unanimously to recommend denial of the application, based on the goals and objectives of the Sandpoint Comprehensive Plan, particularly the City's amendments to the Land Use Map, recently completed during discussions and contemplation regarding the future use of the property on North Boyer Avenue that is owned by the University of Idaho.

Mr. Qualls reminded Council that this is a quasi-judicial proceeding.

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Mayor Rognstad asked Council members to disclose any conflicts of interest or ex parte contact in regard to this matter. No such disclosures were made.

Mr. Qualls showed maps of the property in question, which lies within the Airport Overlay Zone. The Airport Overlay Zone essentially governs height, according to Federal Aviation Administration (FAA) Part 77 Standards regarding airport surfaces. On the recently adopted Land Use Map, the parcel is designated partially as Context Area 4 (CA-4), which allows for medium to intense commercial uses and some residential and mixed-use buildings, and partially as Industrial zoning. The application seeks to zone the entire parcel as Residential Single Family (RS). The Commission felt that the request was fairly out of alignment with the Sandpoint Comprehensive Plan (Comp Plan) in terms of the land use designation and Comp Plan goals of protecting uses around the Sandpoint Airport, future Airport operations, and future opportunities for employment.

Marty Taylor, Certified Land Use Planner with James A. Sewell & Associates, spoke on behalf of the applicant. Mr. Taylor has been a land use planner for 32 years, with 25 years in Bonner County, serving for 8 years as the Bonner County Planning Director and having worked in the private sector for the past 17 years. This request is what is referred to as a "down zone" from a light industrial type of zone to single family residential. As staff correctly reported, the Comp Plan Land Use Map is, effectively, a guide, but it is the adopted Comp Plan goals and objectives that prevail. He shared with the Commission that there are several court decisions that state that zoning must be in accordance with the Comp Plan, not necessarily the Plan's map. Staff also correctly reported compatibility with adjoining land uses, particularly as pertains to the Airport. The property under consideration is about 430 feet from the nearest point of the Airport and is located within the Airport Overlay Zone, also known as the Airport Hazard Overlay, which contains height restrictions that mirror the FAA regulations. There is no conflict with Airport uses. The Overlay Zone does not regulate uses; it regulates height, along with electrical interference, lighting, and general hazards to navigation, such as telecommunication towers.

The Independent Highway District's comments should be limited to impact to roads, not tax base or noise, for example. Additionally, there was a "recycled" comment from Bonner County that had been submitted on a different rezone application in a completely different area for an entirely different project and should not be considered.

There were no public comments on this application during the Commission's public hearing, but there were some written comments in favor of the project. One comment suggested that a rezone of this nature might affect sewer, water, and roads, but changing zoning does not affect infrastructure. Subsequent land development affects infrastructure, which is why there are platting codes and standards in place.

He is perplexed by the Commission's recommendation to deny this application, as there were no conclusions reached. Their reasons for denial centered around a desire to know the applicant's plans for the property. The response is that the applicant will do whatever the zoning district permits. He was disturbed by the Commission's comment that they wanted to have the ability to consider a "Tamarack type activity" on this property. However, this property isn't currently zoned for heavy industry; it's zoned for light industrial tech-type manufacturing. He has been involved with this property since 2008. The applicant has owned it since 2001. There has never been an interest expressed in doing anything with this land except housing. The Plan, as proposed, does not work; there has been no interest in anything in 17 years on the premises, except for housing. This project is consistent with the Comp Plan goals and objectives and there are no hazards to navigation. There are multiple single-family residential neighborhoods just across the street to the east, a "stone's throw" from this property.

During the Planning and Zoning Commission public hearing, the Commissioners closed their hearing, then had questions, which he could not answer, as the hearing was closed. He respectfully requested, during this City Council hearing, that he have the opportunity to address any questions that arise before the hearing is closed.

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The applicant, Don Eickhoff, stated that he bought this property with the intention of developing as residential, which was the zoning at the time he purchased it. He does not live in the area and doesn't subscribe to the local newspaper. If there was a notice regarding a zone change, he was not aware of it. His objective is to build affordable homes on the property, similar to the Maplewood tract, with some open space, such as a community park. Everyone he talks to in town has stated the need for homes in Sandpoint. There is residential north of his property and residential south of his property, and it seems like this non-residential zoning just appeared in the middle of a residential area. He does not understand the reasons behind that decision.

Mayor Rognstad announced that the hearing will be conducted in compliance with the following rules of procedure: Before persons testify at public hearings, they are to fill out the sign-up sheet available at the front of Council chambers and hand to staff.

If you desire, you may note your objection, support or comment on the form provided. If you wish to comment during the public hearing, please come to the podium and state your name and whether you reside within the City limits. Please limit your comments to no more than 3 minutes. Testimony shall directly address the subject at hand and shall not be personally derogatory toward any individual, organization or business. Members of the Council may ask questions of persons who testify. If they do so, it will be only for the purpose of clarifying information.

Once the public hearing portion of this meeting is closed, there will be no further opportunity for public input on the proposal. The Council will then discuss amongst themselves the testimony they have heard and what, if anything, they may propose as a result of this hearing. For those testifying, you should clearly state your name and whether you reside within City limits. You are not required to state your address.

Mayor Rognstad opened the public hearing.

Steve Carlson, not a resident of Sandpoint, stated that he has been an associate broker at Coldwell Banker for over 30 years in Sandpoint and supports the proposal. He believes there is a demand for housing in Sandpoint. The inventory is very slim. There is a lot of industrial on the other side of the Airport that has been available for a long time. Industrial technology zoning is hard to sell. He has not seen a demand for that type of property. There are houses all around this property, making for a nice residential project.

Casey Krivor, not a resident of Sandpoint, stated that he is a real estate agent with Tomlinson Sotheby's and has been involved with the Tillbergs' project. The Tillbergs' property is currently zoned Residential Single Family, is exactly like Mr. Eickhoff's property, and everyone was content with the Tillbergs' property maintaining its RS zoning designation. There is a great need for more single family residential within Sandpoint city limits. This property is in a good location, on a major artery, with bike trails. He supports this rezone request.

Randy Stone, not a Sandpoint resident, stated that he is the broker at Coldwell Banker and supports the application. This property seems very suitable for residential housing. On the other side of the Airport, there is a lot of property available for the types of uses for which this property is currently zoned. We have a shortage of housing in Sandpoint, with significant demand. The development plan for the property is very fitting for the community, with a park and affordable housing for the growing families that are moving into the area, and it would create a tax base for the City.

Melissa Hawkins, a Sandpoint resident who stated that she has lived on and maintained the property in question for the past seven years, does not support the proposal. She stated that she is being evicted so that the property owner can develop the property. She has observed that it has taken the last seven years for the neighborhoods across the road from this property to fill up. If the homes were affordable, it would not have taken seven years for these neighborhoods to reach capacity. Building \$300,000 homes is not affordable and not helpful for our community. There are other parcels in the area where

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this type of development could take place. The house on this property was built in 1890 and still contains some of the original glass. There is a display at the Museum that shows how this property appeared when it was built and the barns were raised. She has spent seven years working to restore this property and would hate to see the house demolished and replaced with \$300,000 houses, erasing the history of this property.

Jack Hammack, a Sandpoint resident, stated that he attended the recent Builders Forum, where the conversation was inclined toward the need for affordable housing. In order to accommodate this need, the supply and demand issue needs to be addressed, and the plans for this parcel would be a good start, particularly with the proximity of the bike path and other residents nearby. Creating more lots is what will start to bring prices back down. Right now, there are no lots, and prices will continue to climb. He supports this zone change request.

Helen Yost stated that she was there to support the Hawkins family and spoke in opposition to the proposal. She hopes that at least a portion of this property will remain in its natural state and that the historic structures will be maintained, with respect shown for the past and for the residents who have vigilantly kept this property up to historic standards over the years.

Mr. Taylor returned to the podium to state that affordability is achieved by either density or subsidy. The development is either subsidized in order to make it affordable, or density is increased. There is a 5,000 square foot opportunity within the requested residential zone that is not equivalent to the quarter-acre tracts that are on the east side of Boyer Avenue. Quarter-acre tracts do not result in affordable houses.

Mayor Rognstad closed the public hearing.

Mr. Qualls stated that, for clarity, it is accurate that the Airport Overlay Zone does not regulate use. However, there are zones that reference the Airport Overlay with regards to use. Caretaker units within industrial zones, for instance, are not allowed within the Overlay. The "recycled" letter from Bonner County has been incorporated into the record for other rezone requests, but it does not reference a specific parcel. The findings by the Planning and Zoning Commission were made in accordance with State law, as reflected in the meeting minutes, included as part of the Staff Report. A variety of uses are allowed in the Industrial Technology Park zone, including light and medium manufacturing, although medium manufacturing does require a Conditional Use Permit. It also allows for other uses, such as data centers, software technology, offices, retail, research and development, vocational or university level schools, restaurants, clubs, and fraternities. Despite the name of the zone, it is not exclusive to industrial and technology uses.

Councilwoman Williamson moved that Sandpoint City Council, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, deny the request by Don Eickhoff for a zone change from Industrial Technology Park (ITP) to Residential Single-Family (RS) for one parcel of approximately 8.52 acres, which is legally described as: The East Half of Lot 13 in Section 10, Township 57 North, Range 2 West, Less Tax 3 and 107.

The reasons for this decision are:

1. Particular consideration has been given to the effects of this proposed zone change upon the delivery of services by any political subdivision providing public services within the planning jurisdiction.
2. Staff has followed the notice procedures applicable to zone changes contained in Idaho Code Section 67-6511 and Sandpoint City Code Title 9, Chapter 9.
3. The proposed Residential Single-Family zoning designation is not consistent with the existing land use patterns and is not in accordance with the goals and policies of the Sandpoint Comprehensive Plan.

Councilman Aispuro seconded the motion.

Mr. Qualls replied to **Councilwoman Williamson** that any structure or use that existed prior to any zoning change is, essentially, grandfathered. Any existing structure on the

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subject parcel would not necessarily be considered a caretaker unit but, instead, a grandfathered structure, as is the case with any other use within the industrial zones, with the exception of Industrial Business Park (IBP), which allows for mixed use, but much of that land is encumbered by environmental restrictions. In accordance with the Comp Plan, caretaker units within industrial zones are not allowed within the Airport Overlay in order to protect future operations of the Airport by ensuring that uses around the Airport are compatible.

Councilwoman Williamson commented that she recalls the robust public process that resulted in the Comp Plan amendments and that included the subject property when the University of Idaho property was up for consideration. At that time, changes to the Land Use Map were made in that area to accommodate more high-density use, and the remainder was preserved for light to medium industrial.

Mr. Qualls confirmed to **Councilwoman Williamson** that there is a lack of available industrial/manufacturing building space - existing buildings 30,000 square feet or larger - which is just one of the barriers, in terms of the built environment, but there are other issues, including available affordable housing and education. Affordable housing is a critical supply and demand issue. A mix of housing types is lacking, as referenced within the goals and objectives in the Housing chapter of the current Comp Plan. The question before Council today is whether this is the appropriate location for increased residential density.

Mr. Qualls responded to **Councilwoman Williamson** that an answer as to whether residential development of this parcel would go toward helping to alleviate Sandpoint's affordable housing issue would be a much broader discussion. As he has stated in the past, he would caution Council not to base any decision on intent. Whether the housing offered as a result of any development on this property is affordable will depend on the nature of the development, the uses allowed, and on Council's decision as to zoning. The subject proposal is not a request for development. Affordable housing is certainly a potential. It is possible to package a subdivision proposal with a rezone request, and, in certain situations, that gives Commissioners and Council a better sense of what they may ultimately be approving. There are a variety of Comp Plan goals and objectives, many provided in the staff report, on which Council could base a decision, either way. In this particular case, the Land Use Map, as the Planning and Zoning Commission Chair mentioned during their public hearing, is fairly far opposed, currently, to the request. However, Council is not held to the Land Use Map, necessarily, but more to the goals and policies of the Comp Plan. The City has initiated a broad-based Comprehensive Plan update. Idaho law requires a chapter dedicated to the Airport. The Commission is aware of this requirement, and they have just finished a chapter by chapter review, for which Mr. Qualls will be compiling a summary. The forthcoming broad-based update may inform future land use scenarios, as articulated in the Comp Plan around this northern area.

Mr. Qualls responded to **Councilwoman Williamson** that the Airport is mentioned in the current Comp Plan as a subset of the Transportation component. There are very broad-based goals and objectives specific to the Airport, which state, essentially, that future operations should be protected by ensuring that surrounding land uses are compatible. In the future, the Airport will be addressed in the Comp Plan specifically, and the Airport Master Plan, adopted in 2015 and approved by the FAA, will be a valuable source of information in creating that new element of the Plan. The new Comp Plan will be completed by September 30, 2020.

Mr. Qualls responded to **Councilman Aitken** that there was no testimony during the Planning and Zoning Commission hearing on this matter. The Airport Director submitted the "recycled" letter from the Bonner County Commissioners, which spoke broadly to the areas in the Airport Overlay, specifically mentioning the ends of runways.

Mr. Qualls responded to **Mayor Rognstad** that regulations on the size of an airport overlay zone and distance from the runway are complex. It depends on the class of airport, is based on primary surface, is, basically, conical and regulates height. Our airport surface is 250 feet. Based on the class of airport, there are specific height restrictions

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going out from the edge. There are other specific height restrictions around Runway Protection Zones (RPZ). A fairly large portion of Sandpoint is within our Airport Overlay Zone, which regulates height, though there are zones that reference the Airport Overlay in terms of certain uses. There are land use guidelines from the FAA and from the Idaho Transportation Department (ITD) Division of Aeronautics, which discourage incompatible land uses around airports. They also have guidelines for Critical Zones, which extend far beyond the ends of the runway, which, in our area, would encompass much of the City of Ponderay and into unincorporated areas of Bonner County. These guidelines recommend compatible uses as industrial, commercial, golf courses, and parks. Residential is not included as a recommended compatible use. He cannot confirm that residential has been specifically stated as an incompatible use within the Airport Overlay Zone but certainly within proximity to the Airport. Our Overlay Zone, essentially, regulates height and adopts the FAA's universal standards. Within the subject parcel, a structure would need to be pretty tall to breach the height limits.

Mr. Qualls responded to **Councilwoman Ruehle** that "pretty tall" could be described as, likely, beyond what the current zoning or the proposed zoning would allow. Structure height in the Residential Single Family zone is limited to 35 feet.

Mr. Qualls responded to **Councilman Darling** that the current Comp Plan was adopted in 2009, and the industrial zones were established in approximately 2012 during broad-based zoning changes. At that time, he does not believe the subject parcel was zoned as Residential Single Family but was most likely in a commercial zone. Broad-based zoning changes are legislative actions, as opposed to the quasi-judicial decision-making process used for individual property rezone requests. Legislative zoning changes are a lengthy process that would begin with the Comp Plan, then enactment of subsequent zoning changes. When the 2012 zoning changes were taking place, there would have been at least one public hearing, at least two workshops, and newspaper articles. For these types of sweeping zoning changes, affecting a multitude of parcels, individual property owners are not notified by mail; this type of notification is not required by State law.

Mr. Qualls responded to **Councilman Aispuro** that, when the broad-based zone changes that affected Mr. Eickhoff's property were implemented in 2012, he, like any other owner of affected property at that time, was most likely not individually notified. When zone changes are implemented across entire areas of the City, it is not common practice to mail a letter to everyone in the community.

Mr. Qualls displayed a graphic from ITD Division of Aeronautics that was included in his staff report. It shows the results of a broad-based study that was done for airports, generally. It is not specific to the Sandpoint Airport, but it does demonstrate, generally, where aircraft crashes occur around runways.

Mr. Qualls confirmed for **Councilwoman Williamson** that, taking into consideration public input during the recent Comp Plan amendments, a portion of the subject parcel was identified as amenable to higher density use, designated on the map as CA-4, which, translated to zoning, would likely be a Commercial B or Commercial C zone. The application seeks to rezone the entire parcel to Residential Single Family.

Councilwoman Williamson is troubled by the lack of guidance in terms of the Comp Plan, specifically around the Airport's influence over adjacent properties, and does not feel that she is in a position to make a decision to deny or approve this rezone request.

Councilman Aitken concurred, is confused by the rationale for appropriateness of residential zoning in one area adjacent to the Airport but not in another, and is concerned that the City did not receive feedback from the Airport specific to this application. He appreciates and values the Planning and Zoning Commission's work and is inclined, generally, to agree with their recommendations, but, as for the current matter, he is perplexed.

Mr. Qualls reminded Council that any zoning decision must be in accordance with the Comp Plan; it should be the guiding document.

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Councilwoman Williamson suggested postponing a decision on this application until Council has more clarity within the Comp Plan regarding development adjacent to the Airport.

Councilwoman Ruehle was also perplexed and observed that the majority of the current Comp Plan is nearly ten years old. There have been changes over the past decade, and more recent amendments were made, but those amendments envisioned development of the University of Idaho property, which has not been realized. In her experience, low income housing is frequently near airports. She feels that Council is seeing a small snapshot, as opposed to the bigger picture as to how this decision may have a broader effect in the long run. She would prefer a bigger picture and more universal ideas on the direction of the Comp Plan. She sees significant single-family housing that currently exists in the Overlay Zone and is having difficulty understanding how one differs from the other. In our country, we have tended to sprawl and resist different housing options and build business parks, where everyone has to drive. As we grow into the future, we should consider housing that can be placed closer to industrial areas in order to increase walkability and a healthier lifestyle.

Mayor Rognstad pointed out that the recent amendment to the Comp Plan did not include thorough consideration of how the Plan relates to the Airport Overlay Zone.

Councilwoman Williamson commented that “affordable housing” remains undefined, and she hopes that the upcoming Comp Plan update will help solve some of that ambiguity. There is currently a demand for more housing of all types in Sandpoint, and she would prefer to see the City meeting the need for affordable housing. She is hesitant and feels unable to make an informed decision without more community input and additional discussion. These decisions are significant and hold a lot of weight as to how this community is developed and changed. She acknowledges fully both the risks and rewards on either side that accompany this decision and prefers to base her decision on more forethought and planning.

Mr. Qualls stated that, this evening, Council could table this matter to a time certain and continue the deliberations at that time, with no further public comment. This would require avoiding any potential for ex parte communications. Another option would be to reopen the public hearing to a time certain. The other options, of course, are to either approve or deny the application.

City Attorney Will Herrington advised that Council has the option of tabling this matter, but that comes with the potential for ex parte communications between now and the time when Council will further deliberate. The public hearing could be reopened, and a decision could be tabled, with a continuation of the public hearing. Although not specifically within the City’s rules of procedure, it would be within the Mayor’s and Council’s power. If a decision is not to be made this evening, he suggested tabling a decision to a time certain, which will allow more time for review of materials and information currently part of the record. Tabling a decision on this matter simply provides more time for Council to review the record and consider the testimony already provided. Tabling a matter on which feelings are conflicted is always a good idea, as it allows more time to contemplate and formulate the best decision for the City.

Mayor Rognstad was in favor of reopening the public hearing to allow Council to gather more information than what is currently available in the record. There is insufficient clarity as to the intent of the Comp Plan as it relates to appropriate uses within the Airport Overlay and insufficient comment from the community. We all want to see good residential development in our community, and we recognize that the existing residential near this property and the access to Boyer are certainly beneficial. The challenge for the decision-makers is combining those advantages with the Airport Overlay. The Airport is a community asset, and it is important to protect that asset as an economic driver of industry and business and potential commercial expansion and to ensure that the assurance of federal grant funds related to the Airport is maintained. A decision now could potentially unknowingly jeopardize the City’s ability to ensure those protections in the

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future. That is the challenge. Otherwise, the City is more than happy to encourage residential development and densification, which is a great idea for Sandpoint. It is apparent that Council does not feel, at this time, that they have enough information to make a truly informed decision that considers all of the potential consequences. Clearly, there is not enough guidance provided in the existing Comprehensive Plan.

Mr. Herrington suggested to **Mayor Rognstad** that, if he preferred to reopen the public hearing, he should call for a motion to do so, with a separate motion to table the decision, and continue the public hearing to a date certain, if that is the desire of Council.

Mr. Qualls explained to **Councilman Eddy** that the process for reapplying for a parcel rezone is the same as the initial application. The application fee is \$1,060 for the first acre and \$200 per additional acre or part thereof. There are additional costs related to private professional services and consultant fees.

Councilman Eddy commented that, although there was a good presentation on the need for development of this property, he doesn't feel Council is comfortable making a decision on that need at this time. Rather than risking any potential issues with ex parte communication by reopening the public hearing and tabling a decision, which is uncharted territory, if Council denies the application at this time, and the property owner reapplies, he wonders about the possibility of waiving the application fees.

Mr. Qualls commented that, if Council does vote to deny the application, the meeting minutes will still reflect that Council is amenable to considering the request after the new Comp Plan is in place, but that is about a year and a half away from completion.

Councilman Eddy stated that he does not see a benefit to reopening the public hearing and seeking to try to make a decision before the new Comp Plan is in place. **Mayor Rognstad** disagreed.

Mr. Qualls responded to **Councilman Aitken's** suggestion for a workshop during a public meeting, where Council could attempt to properly vet and understand the issues surrounding the Airport Overlay Zone in general, that it would be difficult to do so without specifically discussing this property. That would be a legislative process; this is a quasi-judicial process.

Councilwoman Williamson appreciates that waiting for completion of the new Comp Plan is an unreasonable timeframe for tabling a decision on this application and wondered whether there would be any legal, open and transparent method, outside of a workshop, for City staff to provide Council with information that would offer additional insight into the complexities of this issue and the influence of the Airport on adjacent properties. As it stands now, she does not feel informed. She suggests reopening the public hearing, tabling the discussion, with the ability to receive additional information from staff or other appropriate resources, and taking responsibility to ensure no ex parte communication.

Mr. Qualls cautioned that, outside of a public meeting, Council would not want to receive new information others have not had the opportunity to comment on or review.

Mr. Qualls replied to **Councilwoman Ruehle** that, as the Airport grows and is reclassified, he does not anticipate that the Overlay Zone will change. **Councilwoman Ruehle** commented that the ability to see how an unanticipated larger airport overlay zone might look would contribute to her level of comfort in making a decision.

Mr. Herrington confirmed for **Councilman Aispuro** that a motion could extend the time for debate. Reopening the public hearing and extending the time for public comment, he believes, roughly fits into that motion. The continuation of the public hearing should be set at a time certain so that those present this evening will have an opportunity to know that date. He does not believe an additional mailing needs to take place, but the Notice of Public Hearing should be published in the newspaper. Those with general information and expertise regarding, for instance, the Airport Overlay Zone would have an opportunity to speak during the public hearing.

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Councilwoman Williamson encouraged anyone to participate in the public hearing, and some information she is lacking could come from such testimony, but she wondered if it would be possible for staff to provide additional information as to, for instance, comprehensive plans adopted by other communities with respect to the airport's influence on adjacent properties or whether other guidelines or examples could be provided.

City Administrator Jennifer Stapleton stated that staff could consider a path forward for more specific zoning, changes to the Comp Plan and the Airport Overlay Zone, obtain information on other communities' experience, look at a timeline to address some of those issues outside of a complete overhaul of the Comp Plan, and bring that back as a staff report and presentation for Council, separate from the public hearing. This could be accomplished in time for the June 19 regular City Council meeting, which would also provide the lead time needed to advertise the continued public hearing in the newspaper.

Councilwoman Williamson withdrew her motion to deny the rezone request, and **Councilman Aispuro** withdrew his second.

Mayor Rognstad reopened the public hearing.

Councilwoman Williamson moved to table this matter, rezone of an approximate 8.65-acre parcel located at 2205 N. Boyer Avenue from Industrial Technology Park to Residential Single Family, to the June 19, 2019, regular City Council meeting. **Councilwoman Ruehle seconded the motion.**

Mayor Rognstad confirmed for **Councilman Aispuro** that, at the June 19 meeting, staff will provide a more extensive staff report, and Council will have the opportunity to review practices in comparative communities that may be in a similar situation, review those communities' comprehensive plans and how they have addressed development within their airport overlay, and hear some direct representation from the FAA and perhaps other relevant speakers who may be able to help inform on this topic.

Mr. Herrington advised **Councilman Aitken** that, between now and the June 19 meeting, if Council has questions regarding this issue, they should email staff, and staff will include that information in their report and presentation.

Mayor Rognstad stated that he appreciated the applicant's patience as the City works its way through this process, considering the applicant's wishes, while at the same time remaining respectful to the needs of the Airport and its operations.

A roll call vote resulted as follows:

Councilman Aitken	Yes
Councilman Darling	Yes
Councilman Eddy	No
Councilwoman Ruehle	Yes
Councilman Aispuro	Yes
Councilwoman Williamson	Yes

The motion passed, with Councilman Eddy dissenting.

OLD BUSINESS CONTINUED

D. STAFF UPDATE AND RECONSIDERATION OF ORDERS FOR CONSTRUCTION OF SIDEWALKS

Infrastructure and Development Services Manager Amanda Wilson reported that, in 2015, Council ordered sidewalk construction at five different properties in town, where, for various reasons, sidewalks needed to be constructed or repaired. At three of the five properties, construction or repair is either complete or the property owner has agreed to complete construction or repair by the end of this summer. The owners of the other two properties, 424 Olive Avenue and 423 Michigan Street, have submitted requests, asking

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City Council to rescind the orders for their properties.

At 424 Olive Avenue, the City Code section that was cited in ordering sidewalk construction at this address is unclear and may have been misapplied. As is generally the case when determining applicability of code, if the first portion of the code is applicable, then the next condition or set of conditions is considered. The condition that required sidewalk construction at 424 Olive Avenue in 2015 was based solely on the fact that sidewalk existed at adjacent properties, and there was a gap at 424 Olive that the City was seeking to fill. Initially, it was understood that there was a plan for development at this address, but, ultimately, there was no application for permit and no associated record; no development took place, and the property remains as it did at the time the sidewalk order was issued. City Code 7-3-10.B.3 states, "When fifty percent (50%) of the sidewalks (based on frontage) on the same block and same side of the street either exist, or the owners have agreed to construct the sidewalks pursuant to this section, the owners of the remaining properties on that same block and same side of the street, excepting single-family residences, shall be required to construct sidewalks in all areas." The intent of this Code section is to require sidewalk construction only when new development occurs. Since no development occurred in this case, staff does not believe this Code section is applicable. In consulting longtime staff, another instance cannot be recalled in which a property owner was required to install sidewalk where no new development was occurring. For the sake of consistency and the fact that the cited Code is not applicable, staff recommends approval of the property owner's request to rescind the sidewalk order.

At 423 Michigan Street, there is an existing sidewalk in disrepair that was ordered to be repaired after a pedestrian tripped and was injured. On April 3, 2019, the property owner submitted a written request for reconsideration of the order until such time as the City has moved forward with sidewalk code amendments. These amendments will take some time, and the first proposed amendment is associated with new construction of sidewalks, as opposed to the repair of existing sidewalks.

Ms. Wilson replied to **Councilman Eddy** that, in the past eight years, since the time of the reported injury that occurred on the sidewalk at 423 Michigan, she is not aware of any other tripping/injury incident at that location.

Ms. Wilson replied to **Councilman Aispuro** that the injured party was an adult and that, yes, although she is not aware of any specific record, it is assumed that there are occasions when pedestrians trip when traveling on sidewalks in town that are not in disrepair.

Mayor Rognstad stated that the City has seen fairly regular lawsuits over the years due to pedestrians tripping while traveling on sidewalks in town, perhaps three to five suits per year. **Councilman Eddy** added that there was a "slip and fall" injury that occurred during winter when sidewalks were icy.

Councilwoman Williamson recalls that, at the time of the order, Council pinpointed the portion of the sidewalk that was required to be repaired. With Sandpoint's winters, sidewalk pavement conditions can change fairly dramatically, and she asked whether staff has visited and surveyed the site recently. Ms. Wilson replied that the City Engineer recently visited the site and was of the opinion that the sidewalk still needs to be repaired. It appears that the problem with this section of sidewalk was caused by frost heave.

Councilman Eddy explained that, when berms prevent the flow of water off the surface, ice forms, raising the surface, which was the point he recalled making in 2015 when this order was issued. There are sidewalks in other areas of town that are in much worse condition than this one.

Ms. Wilson replied to **Mayor Rognstad** that, yes, the City has required others to replace sidewalk that is in disrepair, and those orders are not always made by Council but instead by staff, based on enforcement allowed under City Code. An example would be sidewalk that does not meet ADA slope requirements, or, during a nearby project, staff notes an opportunity to improve neighboring sidewalk. She is not aware of these types of orders

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or requests from the City occurring outside of a project, development, or improvements underway.

Ms. Wilson replied to **Councilwoman Williamson** that staff is working on proposals for Council consideration that would overhaul the entire sidewalk code, including snow removal, new development, repair of existing sidewalk, who is responsible, etc. The first section they are tackling is the portion pertaining to new construction. It will be some time, many months, before the section on repair of existing sidewalk, outside of new development, is considered. Therefore, putting the repair of this portion of sidewalk on hold will result in many more months of this sidewalk being in disrepair and the potential for additional injury.

Councilwoman Williamson suggested postponing the requirement to repair this particular section of sidewalk until the code amendments have been adopted. **Councilman Aitken** pointed out that others who have been ordered to repair have repaired. **Councilwoman Williamson** agreed but pointed out that, at the time those orders were issued, the City had not identified overarching deficiencies in, and was not contemplating overhauling, the sidewalk code. Now, at this time, those amendments are currently underway. **Councilman Aispuro** pointed out that, if, for instance, the sidewalk code was amended to state that the City would be responsible for all sidewalk within the City, there have already been those over the years who have constructed and repaired sidewalk at their own cost. **Councilman Aitken** pointed out that these property owners, for instance, have not done so and have failed to do so for many years since the injury and since the order for repair was issued. **Councilman Aispuro** felt that the City had some culpability in allowing that much time to pass without enforcement. **Councilwoman Williamson** commented that Sandpoint is an evolving city with evolving code, with an eye toward future planning. We have to consider our present situation and current plans underway.

Ms. Wilson replied to **Councilman Darling** that staff struggled with the precedent that may be set by taking action that may communicate that, because the City is in the midst of code amendment, we would not be enforcing some requirements. There are some property owners who have agreed to comply with the construction/repair orders, but others seem to be implying that they should not be required to comply because the City is in the process of amending the Code.

Ms. Wilson replied to **Councilwoman Ruehle** that, of the five orders, the City actually completed the work with grant funds, at no cost to the property owner, for one of the properties. One of the other three orders not discussed this evening was the result of an injury, and the other was related to new development. They have agreed to pay for the construction, have hired a contractor, and will be done by this summer.

Councilwoman Ruehle felt that it's Council's responsibility to enforce City Code, regardless whether it may be amended at some point in the future, although these are not easy decisions.

Councilman Darling moved that Council approve the request to rescind the sidewalk construction order at 424 Olive Avenue. **Councilman Aitken seconded the motion.**

A roll call vote resulted as follows:

Councilman Aispuro	Yes
Councilman Darling	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aitken	Yes

The motion passed by a unanimous vote of Council.

Councilman Darling moved that Council deny the request to rescind the sidewalk construction order at 423 Michigan Street. **Councilman Aitken seconded the motion.**

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A roll call vote resulted as follows:

Councilman Eddy	No
Councilwoman Ruehle	Yes
Councilman Aispuro	No
Councilwoman Williamson	No
Councilman Aitken	Yes
Councilman Darling	Yes

The motion passed, with Council members Eddy, Aispuro and Williamson dissenting and Mayor Rognstad voting in the affirmative to break the tie.

Councilman Eddy left the meeting at 7:32 p.m.

NEW BUSINESS CONTINUED

F. HONORARY STREET SIGN REQUEST FOR JERRY KRAMER WAY ON ONTARIO STREET, BOYER TO ELLA

Sandpoint Historic Preservation Commission Chairman Steve Garvan reported that, on May 1, 2019, City Council adopted a policy for the new Honorary Street Name Program, upon recommendation by the Sandpoint Historic Preservation Commission, after the Commission's research and work in conjunction with Ms. Stapleton and City Associate Planner Ryan Shea.

On May 2, 2019, in accordance with the new program, the City received an Honorary Street Sign Application from John Elsa.

Councilman Eddy returned and Councilwoman Williamson left the meeting at 7:33 p.m.

The Historic Preservation Commission considered the application during their May 7, 2019, special meeting. At this meeting, staff pointed out that the street section to be dedicated abuts 12 properties, but there are only 5 signatures. The policy requires 50% of the abutting property owners to sign a petition. Staff recommended to the Commission that one additional signature be obtained before the City Council meeting. After consideration, the Commission moved to recommend that, subject to an additional signature being obtained, the application be approved by City Council. This motion passed unanimously by the members of the Commission who were present. Mr. Garvan pointed out that he was not present for that meeting.

As of today, the additional petition signature recommended by the Commission has not been obtained by the applicant. However, as staff pointed out, if the 4 properties beyond the limits of the proposed dedication are excluded, the total number of abutting properties is 8. With 4 valid petition signatures, the 50% requirement is met, and, after further consideration, staff assert that the intent of the Program requirement for petition signatures has been met.

The Applicant indicated a preference for the signs to be purchased locally, as documented in the Commission meeting minutes. This request may not be possible to accommodate, due to the applicant's desired installation date, and, therefore, if the application is approved, vendors outside the area may need to be considered.

Councilwoman Williamson returned to the meeting at 7:35 p.m.

Staff recommends, based upon the Commission's recommendation and the applicant's compliance with the adopted program, approval of the application, dedicating a section of Ontario Street between South Ella Avenue and Boyer Avenue as "Jerry Kramer Way".

Ms. Wilson clarified for **Councilwoman Ruehle** that, initially, the intent was to be conservative and include both sides of the intersection. In this case, just west of Ella and just east of Boyer, including those properties that abut the location of the honorary street

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signs. However, if just the portion that is being honored is considered, it is, technically, in between those two streets, so that drops four properties. **Councilwoman Ruehle** suggested adding clarity to the policy to avoid confusion in the future. Mr. Garvan suggested amending the 50% requirement to 51%, to require support from a majority of abutting property owners.

Applicant John Elsa, Sandpoint resident, stated that he appreciates the program, but, in his opinion, the process is flawed. Although support of 50% of abutting property owners is required, the requirement to collect those petition signatures can be waived by City Council, so changing the requirement to 51% would be irrelevant. There are eight homes on that block. He was able to obtain only four signatures. One of those property owners is Mr. Garvan, and, due to conflict of interest, he cannot be involved. Mr. Elsa stated that he jumped through every hoop and did what was asked by the Commission.

Councilman Aitken voiced his appreciation for the applicant's patience and for the Commission's work on this program.

Councilman Darling moved that City Council approve the honorary street sign request for Jerry Kramer Way on Ontario Street, Boyer to Ella. **Councilwoman Williamson seconded the motion.**

A roll call vote resulted as follows:

Councilman Aispuro	Yes
Councilman Aitken	Yes
Councilwoman Ruehle	Yes
Councilman Darling	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes

The motion passed by a unanimous vote of Council.

Councilman Aispuro left the meeting at 7:39 p.m. and returned at 7:40 p.m.

G. BONNER COUNTY EMS UPDATE

Mark Sauter, president of the Bonner County Fire Chiefs (BCFC), reported that, in the fall of 2018, the public was made aware of Bonner County Commissioners' interest in restructuring Bonner County EMS (BCEMS). BCFC and the local volunteer ambulance districts had questions but were not getting very many answers. The Commissioners held a public hearing in January 2019 to solicit feedback from BCFC and the volunteer ambulance districts. The leaders of these organizations responded that they were not able to provide feedback on the Commissioners' proposed plans, with little information on those plans, and requested to be allowed to participate in the evaluation of and future planning for BCEMS, as they rely on BCEMS, but they also provide first responder coverage to a significant portion of the County. Since many of the fire districts were in existence long before the creation of BCEMS, they thought it important to include all stakeholders but had no further communication from the County after that meeting.

BCFC made the decision to formulate a plan and submit it to the County Commissioners. In February 2019, BCFC met with the Commissioners and notified them that, within 60-90 days, BCFC would return with their insight into local EMS and ideas for improvement. It has been 90 days, and, in that time, BCFC has held meetings and interviews, and requested public records, in order to determine all of the EMS issues they and others had observed and experienced across the County. They interviewed Kootenai County, which uses a different system for EMS, and also looked into Boundary County operations. In their work, the fire chiefs adhered to four principles: 1) Focus on those aspects upon which they all agreed and determined would be beneficial for the entire County, as a whole. 2) Services should be delivered from existing facilities. 3) Adhere to existing fire and EMS budgets. 4) Absorb and utilize the 24-27 current BCEMS employees.

BCFC has formulated a draft plan, which they believe improves the County's EMS, uses all resources across the County, includes all areas of the County, improves EMS

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oversight and management, and includes all stakeholders they've reached out to and many more responders in the process.

Mr. Sauter responded to **Mayor Rognstad** that BCFC is prepared for and feels confident responding to the County's impending Request for Proposals (RFP).

Council Aitken expressed his appreciation for Mr. Sauter's leadership and for BCFC's efforts.

H. RESOLUTION NO. 19-28 – 2019 CITY OF SANDPOINT TIMBER MANAGEMENT PLAN

Ms. Wilson reported that the proposed plan is for timber management only and not watershed management. It is intended solely for possible harvesting opportunities and how that might help contribute to the health of the forest. City staff has spent significant time working with Mike Wolcott and Inland Forest Management over the past several months, including a tour of the watershed, particularly for new staff. Mr. Wolcott has been involved with the City's watershed forest for over 30 years and has been involved in a broader vision for the watershed but, at this time, will focus on just the timber piece. Staff will return to Council at a later date with an overall proposed Watershed Master Plan that will include trails, best management practices, access, and goals and objectives for the future.

Mr. Wolcott reported that the City owns approximately 4,800 acres of forestland, of which about 4,100 is within the City Watershed, comprising about 56% of the land within the watershed, which is a precious resource for the City. The chief priority is water quality, with the City seeking to exceed State-required buffers for protecting water quality, minimizing soil disturbance, and other factors. Forest health is also important, with two primary factors coming into play: 1) Overcrowding, resulting in less vigorous trees, making them more prone to insect and disease problems. The main problem in the Watershed is root disease, a common tree disease in north Idaho. 2) Fire risk and the chance of wildfire in the Watershed.

There has been little recent harvest activity within the Watershed. The last timber sale was around the City's outdoor shooting range. The area that has needed to be addressed is behind two bridges, which were outdated and unsafe. Those bridges have been replaced with squash culverts, opening much of the Watershed that needs attention.

Mr. Wolcott referred to a map, showing the harvest priorities. The current timber market is good. Some cabling logging will be required, as opposed to the use of cats and skidders on the ground. The majority of those areas were logged by tractor 60-70 years ago, but that is not advisable now, with the steep ground and fragile nature of the soils. One challenge with cable machines is that there are few, and they are in high demand, so, typically a bigger sale is required, along with a longer timeframe to secure the machine.

The first priority areas for harvesting have not been logged since 1988 and probably 20 years prior to that, which is contributing to the thick stand of trees and tree mortality. Over the next one to three years, he estimates harvesting 2.3 million board feet. It is difficult to estimate monetary value, as cedar is worth so much more than other species, and there is some cedar in this area. More will be known after marking is complete, but harvest of this area will result in substantial revenue for the City. Minor road construction will be required.

Mr. Wolcott replied to **Mayor Rognstad** that harvest priority areas 1 and 2 comprise approximately 280 acres. The type of harvest that will be conducted will result in some leave islands and will include ribbon lines on both sides of Class 2 streams, of which there are a number in these areas and where very limited harvesting is scheduled to take place. In the areas of heavy root disease, a clear-cut approach will be taken and result in planting of tree species that are more adapted to that area and less susceptible to disease. Inland Forest Management takes a holistic approach, with an eye toward all aspects of the forest, including water, wildlife, and aesthetics. The plan is a "commercial thinning" of this area,

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removing the less desirable and inferior trees, leaving the best and biggest trees standing.

Mr. Wolcott explained that, in order to generate interest and a sale that results in the highest possible price, the plan is to allow the buyer up to two years to harvest. The price will be locked in, up front at the time of sale, and the timeframe will be set, with a deadline, allowing the City to maintain control of site conditions, etc.

Mr. Wolcott explained to **Mayor Rognstad** that, for the other priorities shown on the map, the Plan includes a timeframe and type of harvest for each of these areas. There are different challenges associated with each of these areas. He displayed a chart, showing each priority area and the timeframe and other information for each. They recommend harvesting about two-thirds of the growth in the watershed each year. In the last ten years, only about 40% has been cut of what has been allowable. The Plan calls for harvest of approximately 40% of the trees in the areas identified.

City Finance Director Sarah Lynds replied to **Councilman Aispuro** that she believes all revenue from timber sales is deposited into the water fund. **Mayor Rognstad** added that, historically, that revenue has been used to purchase additional watershed property. He estimates that the last purchase was in approximately 2010. Schweitzer Mountain Resort owns approximately 100 acres around the fifth switchback on Schweitzer Mountain Road, which the City has targeted for purchase, and which the Resort has included in their Forest Legacy proposal, with a vision for protection and a conservation easement. The future Watershed Master Plan will include decisions on how timber sale proceeds are spent, future land purchase, and how the Watershed land is used. Ms. Stapleton pointed out that Watershed land has been purchased with the Water Fund for a specific purpose and that certain other uses, such as access and recreation, are not included in that Fund. Timber sale revenue will most likely be deposited into the Water Fund, and the money in that fund is earmarked for protection of water resources and supporting water distribution and the entire water system. The City has budgeted money this year from the Recreation Fund for maintenance of the lower basin trails and to support Pend Oreille Pedalers' efforts toward maintenance of those bike trails in the Watershed.

Councilwoman Ruehle moved that City Council approve the proposed resolution, 2019 City of Sandpoint Timber Management Plan. **Councilman Aispuro seconded the motion.**

A roll call vote resulted as follows:

Councilman Darling	Yes
Councilman Aispuro	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aitken	Yes

The motion passed by a unanimous vote of Council.

I. MORATORIUM ON ENFORCEMENT OF CITY CODE 7-2-2-F-1 PERTAINING TO SIDEWALK CAFÉ FENCING

Ms. Wilson reported that it is that time of year when downtown eateries are seeking encroachment permits for sidewalk cafes, and some questions have been raised as to the requirement for fencing/barriers around the tables and chairs in the sidewalk café area. City staff has conferred with a variety of business owners. Some prefer the fencing, and some do not. These questions and differing opinions have prompted City staff to begin reviewing the portion of City Code that requires fencing around sidewalk cafés. It appears that its purpose centers around safety for pedestrians, particularly those who are visually-impaired, ensuring that, as these citizens and visitors are exploring our downtown area, they encounter a fence or barrier, as opposed to tables and chairs. In some cases, the fencing may indeed act as a safety feature; in other cases, it may actually pose more of a hazard. For example, on the west side of North First Avenue at Bridge Street, in front of the City Beach Organics Café, there is a very narrow sidewalk, along with a tree, then parking immediately adjacent. With the addition of tables and chairs, if fencing were also added, there would be no room for a five-foot pathway.

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City staff consulted Idaho State Police Alcohol Beverage Control (ABC), and they confirmed that the State has no requirement for fencing; they leave that up to the City. This is the first year, as businesses are applying for these encroachment permits, that the City is requiring proof that the State alcohol license issued to permit applicants planning to serve alcohol to customers seated at their sidewalk café includes the sidewalk area as part of the footprint of the license. Some businesses will need to seek an amendment to their license map from ABC.

Ms. Wilson reached out to a local resident whose son is recently visually-impaired and is currently learning how to navigate as a visually-impaired pedestrian. She is not of the opinion that fencing would be beneficial and that, for her son, encountering tables and chairs would be safer. If fencing is not required downtown this summer, she volunteered her son to navigate the downtown sidewalks and report back on his experience.

With an enforcement moratorium, Staff's intent is to observe both conditions. Those businesses who want to maintain or install fencing may do so, and those who do not would not be required to do so. This will provide for more informed decision-making when it comes time to make permanent Code changes.

Ms. Wilson confirmed to **Councilman Aitken** that this is a different issue than streeteries.

Councilwoman Ruehle thanked Ms. Wilson for staff's efforts in reaching out to the community.

Councilman Aitken moved that City Council issue a 6-month moratorium on enforcement of City Code 7-2-2-F-1, relating to barriers, with the understanding that all other conditions of the Code will still apply, and permits will contain the following condition: *"All tables, chairs, and related services shall be placed immediately adjacent to the building; a minimum 5-feet wide, unobstructed travel way shall be maintained at all times."*

Councilwoman Ruehle seconded the motion.

A roll call vote resulted as follows:

Councilman Eddy	Yes
Councilman Aitken	Yes
Councilman Darling	Yes
Councilwoman Williamson	Yes
Councilwoman Ruehle	Yes
Councilman Aispuro	Yes

The motion passed by a unanimous vote of Council.

J. TREASURER'S QUARTERLY REPORT

Finance Director Sarah Lynds called attention, in her staff report, to a new monthly report. Pursuant to State law, this information is to be provided to City Council on a monthly basis, with the intent to ensure that Council is fully, regularly apprised of each of the City's fund balances, along with information as to where these funds reside, whether cash / bank account or investments. In the future, this report will be provided as part of the Consent Calendar with the packet for Council's second regular meeting each month.

Ms. Lynds explained to **Mayor Rognstad** that all Idaho government entities are invited to invest in the Idaho State Investment Pool, which is where the majority of the City's funds are held. Pursuant to research conducted by the City some time ago, the Pool offers the highest yield for a conservative, low risk investment option. Most Idaho government entities participate. After our new Enterprise Resource Planning (ERP) software has been implemented later this year, she plans to conduct an analysis of the City's investments.

The FY2019 second quarter is now behind us. Most of the City's transactions occur over the summer; those are always reflected in the fourth quarter report, so there is little activity to report for the second quarter. She provided a report, reflecting a full statement for each fund, year to date, the balances of the debits and credits under each category - salaries,

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maintenance and operations (M&O), and capital outlay - along with a percentage comparison to the original appropriation.

Although the general fund is 27.2% expended, as a whole, at this point, a closer look at separate categories reflects 46.4% expended in personnel services, 38.3% in M&O, and only 6.4% in Capital Outlay. It is advantageous for personnel expenditures to be less than 50% going into the summer, with the need to pay the influx of seasonal help we always need beginning this time of year. She showed charts, comparing previous years at each quarter. At this point in our current fiscal year, revenues and expenditures are reflecting a very consistent trend.

Ms. Stapleton noted that the City had budgeted revenues through the Sandpoint Urban Renewal Agency (SURA) this year, based on the initial thought that Phase 2 of the downtown construction would take place over the summer. Because that construction will not begin until after Labor Day, we will not be realizing the revenue that had been budgeted through SURA in this fiscal year.

The City has collected 22% more in resort city tax revenue than last year at this time. If the resort city tax revenue is more than budgeted, as has been the case in past years, excess funds will be allocated to property tax relief for City taxpayers. Ms. Stapleton added that lodging tax revenue has grown, year over year, at a rate of approximately 35%, which provides some insight as to tourism impacts in the community and annual growth in that area. It is an important source of revenue for the City in supporting some key City services, including public safety and parks, which are impacted by our tourist traffic. The purpose of resort city tax revenue is to pass the burden of those impacts to visitors, ensuring they are paying their fair share of those impacts. In Idaho, a "resort city" is one with a population of less than 10,000, according to the official U.S. Census or Census estimates. Under current Idaho law, once Sandpoint surpasses a population of 10,000, we lose the ability to implement any new, or extend an existing, resort city tax. The City has been monitoring this at an administrative level and assessing where we are, as far as population. The City's analysts estimate Sandpoint's current population at 9,400 and estimate that we will reach 10,000 by 2020 or 2021.

Ms. Stapleton confirmed for **Councilman Aitken** that, according to an Idaho Attorney General's opinion, implementation of a new, or extension of an existing, resort city tax would need to occur prior to a U.S. Census estimate of Sandpoint's population at over 10,000. **Mayor Rognstad** pointed out that, theoretically, we could seek voter approval of a resort city tax with no sunset clause.

Ms. Lynds reported that, as for the 1% City local option sales tax, it is trending about 4.5% over what was collected last year. We have collected about \$640,000 year to date and are on track to collect a total of \$1.2 to \$1.3 million for the year. Ms. Stapleton noted that this revenue is specifically designated for improvements to turf surface at War Memorial Field, which is one of the considerations coming through the Parks and Recreation Master Plan and before Council for decision before the end of the year. It is also designated for additional improvements to War Memorial Field or other parks, specifically parks capital improvements. We are constantly monitoring parks improvement costs and available funding received, and, as a side benefit, this has been useful data on an economic development level, and all indicators point toward growth.

ADJOURNMENT

Mayor Rognstad adjourned the meeting at 8:27 p.m.



Shelby Rognstad, Mayor

ATTEST:



Melissa Ward, City Clerk