

Mayor Darrell Kerby called the special meeting of July 31, 2007 to order at 7:00 p.m. Present for the meeting were Mayor Kerby, Council President Russ Docherty, Council Members John Langs, Mick Mellett, and Dave Gray, Clerk Kris Larson, City Administrator Stephen Boorman, City Engineer Mike Klaus, and Economic Development Coordinator Mike Sloan. Also present for the meeting were Jim Marx, Marcia Cossette, and Jay Cohn.

The purpose of the special meeting was to have a hearing on the new planning and zoning ordinance; authorize the Mayor to sign pay request #7 for the tank project; authorize the mayor to sign the agreement with the Corps of Engineers for the sewer lagoon project; and to receive an update from the wage committee.

The first order of business was a hearing on the new planning and zoning ordinance. Mayor Kerby opened the hearing. Mike Klaus spoke to the group about the rewritten ordinance. He said the Planning and Zoning Committee did not have a problem with the comments that were submitted by city staff and council and recommended having the ordinance go forward to Council. Stephen gave a brief history of the ordinance. He said the rewrite was started in 2001 or 2002 and has been ongoing. Mike said the sign ordinance, parking ordinance, and planned unit development ordinance portions were removed from this ordinance rewrite to speed up the ordinance rewrite process.

Mayor Kerby commented that the City of Coeur d'Alene held a development workshop and the City of Bonners Ferry attended. He said the old P&Z ordinance allowed commercial as well as residential in a commercial zone. In the new ordinance a commercial zone allows only commercial zoning, nothing else. Jim Marx commented that due to the city being a small area we might be painting ourselves into a corner by only allowing the use of the zone designated.

Jim Marx feels that the ordinance is very well laid out and it is detailed and he thinks there is a lot that is good about it. He had a question about how much parking would be required for commercial businesses. Mike said the parking ordinance was pulled from this ordinance so it could be considered at a later date. Mayor Kerby said that is a point well taken. Jim said he did not see an agricultural zone and he owns property that is zoned residential that would not suit residential dwellings. He thinks there are areas in Bonners Ferry that folks have horses and other animals. He also spoke of the grandfathering section of the ordinance (Chapter 3 nonconforming uses). He asked why the time frame of one year was in the ordinance and gave the example of a person getting sick and losing their status under the nonconforming use. Jim said he did not have a zoning map to review with the chart of uses. Mayor Kerby thanked Jim for taking the time to review the ordinance.

Mike Sloan said the parking ordinance is critical and wants a stop gap noted for the parking to be approved by the city until the ordinance can be adopted. Stephen said the city has made new commercial builders aware that the parking is not up to industry standards.

There was no neutral comment or unfavorable comment to the ordinance.

The written correspondence will be included in the file. Mayor Kerby asked for explanation of the letter he received from Dennis and Barbara Prather. Stephen said the Prather's are concerned that their lot will not be legal once the ordinance is passed. Mike explained that a lot will need to have 75 feet of frontage. He said there are quite a few lots in Bonners Ferry that only have 25 feet of frontage. Mike said currently there is not a square foot minimum. Now the new lots need a 7500 square footage with a 75 foot frontage. Tim said we may need to grandfather the smaller lots that are currently owned. Mick spoke about 1,000 square feet minimum in the current ordinance. Mike notified the Prather's that the city is headed toward grandfathering. Jim said at the end of the ordinance there is a clause that says the new ordinance does not impact lots currently owned. Section 1.2D states that 75 percent of the requirements must be met according to Stephen – he read this clause to the group. The group discussed 25 foot lots. Jim gave the example of a pie shaped piece of property that may have less than a 75 foot frontage but the back of the parcel being large enough for a home to be built.

Mayor Kerby commented that there is a height limitation of 35 feet on structures. Mick commented that the highest ladder the fire department has is 30 feet. Mike said there are fire codes that dictate the requirements for buildings of that height. The group discussed fire flows and height restrictions. Stephen commented that the definition of height needs to be made for what point is the beginning point for measurement. Mick commented that this height restriction would eliminate elevators from being built. Jim suggested having the ability to waive the requirement if necessary.

Mike said the definition of measurement for the height requirement is needed. He also requested that the height of more than 35 feet be considered with a special use permit. Mayor Kerby asked that thoughts and ideas be brought to Council at the next meeting.

Stephen stated that dwelling units are not allowed in the new ordinance in an industrial zone.

Mayor Kerby asked Tim Wilson if we should recess this hearing or close it and hold another formal hearing at a later date. Tim said if we have more comment we should probably publish and have another formal hearing.

Jay Cohn said Will Harrington has worked with the City of Sandpoint regarding building height issues.

There being no further comment Mayor Kerby closed the hearing at 8:10 p.m.

The regular meeting reconvened.

John Langs moved to have the first reading of Ordinance 504 (new planning and zoning ordinance). Dave Gray seconded the motion. Mick commented that he does not see a way to deal with uses that are not listed in the ordinance. Mike read section 2.3 D that

addressed this. Mick asked that publications be tied to the official paper of the city. Mick also commented on signage as well as standards applicable to special uses. The group discussed home occupations. Mick asked for a definition of undue hardship. Tim said it is a legal term and is defined by case law and Idaho Code. This definition should be added. Mick said section 8.1 needs to be amended regarding development agreements. John Langs would like to see special use permits issued tied to an individual at a designated parcel rather than just the property. Mick also suggested a sunset clause on the special use permit. Tim suggested making a special use permit for either a building or business. The group discussed special use permits being permanent or temporary. John suggested that a special use permit be tied to business licenses.

Stephen asked if Council was comfortable with the lot sizes designated in the ordinance. Mike spoke of planned unit developments for smaller parcels. The group discussed 50 feet frontage or 5,000 square feet. Jim Marx commented that if a lot is too small then parking on the street becomes an issue.

The motion failed – John Langs “no”, Russ Docherty “no”, Mick Mellett “no”, Dave Gray “no”.

John Langs moved to authorize Mayor Kerby to sign pay request #7 for the water tank project. Dave Gray seconded the motion and it passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

Mick Mellett moved to authorize Mayor Kerby to sign the agreement with the Corps of Engineers for the sewer lagoon project. Dave Gray seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”.

John Langs gave a report from the wage committee. The cost of living increase for north Idaho was 4.1 percent. The committee met and called in the Police Department as a special consideration. There was no action taken. Two positions were tweaked a small amount. Percentages were applied to the current wages as well as a combination of a percentage and per hour increase. The committee did not make a recommendation to Council. It was felt that this should be left to Council decision. John said a five percent increase to General Fund including fringe costs amounted to about \$35,000.

Tim Wilson, Marcia Cossette, Jim Marx left the meeting at 8:50 p.m.

Council briefly discussed budget.

Mick Mellett moved to go into executive session at 9:15 p.m. per Idaho Code 67-2345 for discussion of personnel. Russ Docherty seconded the motion. The motion passed – John Langs “yes”, Russ Docherty “yes”, Mick Mellett “yes”, Dave Gray “yes”. Dave Gray moved to go out of executive session at 9:59 p.m. Mick Mellett seconded the motion and it passed, all in favor. No action was taken.

Dave Gray moved to adjourn the meeting at 10:00 p.m. Russ Docherty seconded the motion and it passed, all in favor.

Darrell Kerby, Mayor

Attest:

Kris Larson, City Clerk