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**FINAL / APPROVED**

**CITY COUNCIL**

**MINUTES**

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**1. CALL TO ORDER**

The meeting was called to order at 5:30 p.m. Mayor Shelby Rognstad presiding in Council chambers at Sandpoint City Hall, 1123 West Lake Street, Sandpoint, Idaho.

**2. ROLL CALL**

Present: Councilors Shannon Sherman\*, Deb Ruehle\*, Joel Aispuro, John Darling\*, Andy Groat

Absent: Councilwoman Kate McAlister

*\*participated remotely*

**3. PLEDGE OF ALLEGIANCE**

Mayor Rognstad led all present in the Pledge of Allegiance.

**4. ANNOUNCEMENTS**

Mayor Rognstad proclaimed November 8 –14 as National Nurse Practitioner Week in Sandpoint.

**5. PUBLIC FORUM**

No one spoke during public forum.

**6. CONSENT CALENDAR**

Item Number: 6A Approval of October 21, 2020, Regular Meeting Minutes

Item Number: 6B Approval of October 27, 2020, Special Meeting Minutes

Item Number: 6C Approval to pay bills (\$263,673.06 for regular payables)

Motion to approve the Consent Calendar.

Result:	Passed
Moved by:	Darling
Seconded by:	Aispuro
Voted Yes:	Sherman, Ruehle, Aispuro, Darling, Groat
Voted No:	
Abstained:	
Absent:	McAlister

**7. OLD BUSINESS**

Item Number: 7A COVID-19 Update

City Administrator Jennifer Stapleton provided a brief update, noting Panhandle Health District's categorization of Bonner County as risk level orange and noting Governor Little's recent Stay Healthy Order and how it affects use of City facilities. Information only. No Council action.

**8. NEW BUSINESS**

Item Number: 8A Public Hearing and Subsequent Decision  
Topic: University Park Subdivision Preliminary Plat (PS20-0003)

Mayor Rognstad reported that this was a request to obtain preliminary approval for a 152-lot subdivision on two parcels (RPS00000150751A and RPS00000151250A) totaling approximately 75 acres, bounded by East Mountain View Drive to the north, North Boyer Avenue to the west, Sand Creek and Fifth Avenue to the east, and BNSF Railway tracks to the south.

He pointed out that this would be a quasi-judicial public hearing and asked Council members to disclose any conflicts of interest or ex parte contact regarding this issue. No such conflict or contact was disclosed.

He then announced the order of the public hearing, as follows:

- 1) Explanation of subject of the public hearing by City staff.
- 2) Presentation by the applicant.

- 3) Opening of the public hearing, at which time the public may provide testimony. The order for those providing testimony will be as follows:
  - I. In favor
  - II. Neutral
  - III. Opposed
- 4) Rebuttal testimony from applicant. If new facts are elicited, the public must be given an opportunity to comment on any new facts.
- 5) Close the public hearing.
- 6) City Council deliberates. No new information may be provided at that time, and questions may be directed only to City staff during deliberations.

Planning and Community Development Director Aaron Qualls provided an introduction to this request, and he and City legal counsel Fonda Jovick fielded questions from the Mayor and City Council.

Jeremy Grimm of Whiskey Rock Planning + Consulting, representative for the Applicants, Tim McDonnell K-M Enterprises of Idaho, LLC, and Derek Mulgrew, M & W Holdings, LLC, provided a presentation. Mr. McDonnell and Mr. Mulgrew, along with Katie Eglund Cox, Executive Director of Kaniksu Land Trust, also contributed to Applicants' presentation. Mr. Grimm and the Applicants, along with City staff, Ms. Jovick, and the City's consultants, Phil Kushlan of Kushlan and Associates and Preston Stinger of Fehr & Peers, fielded questions from the Mayor and City Council.

Mayor Rognstad opened the public hearing to accept testimony from members of the public. (Written public testimony received prior to meeting agenda/packet posting was provided in the meeting packet.)

City resident Adrian Cox attended the meeting in person at City Hall and testified in favor of City Council approval of the application.

No one testified who was neutral to the application, and no one testified in opposition.

Mr. Grimm provided a brief rebuttal statement.

Mayor Rognstad closed the public hearing.

City Council deliberated, with City staff, Ms. Jovick and the City's consultants fielding questions.

**MAIN MOTION:** Councilman Darling made a motion that the Sandpoint City Council, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, approve the request by Tim McDonnell K-M Enterprises of Idaho, LLC, and Derek Mulgrew M & W Holdings, LLC, for the University Park 152-lot proposed subdivision located at 1904 North Boyer Avenue, parcel ID numbers of RPS00000150751A and RPS00000151250A, and bounded by East Mountain View Drive to the north, North Boyer Avenue to the west, Sand Creek and Fifth Avenue to the east, and BNSF Railway tracks to the south, and authorize the Mayor to execute the development agreement as presented or amended, noting that approval is subject to the following conditions:

1. All Conditions provided in the proposed Development Agreement.

The motion further stated that, based on evidence, records, and testimony, the reasons for approving this request are:

1. Staff has followed the notice procedures applicable to Subdivisions contained in Sandpoint City Code Title 9, Chapter 9.
2. Based on information presented at the hearing and the placement of limitations through conditions, the application is in compliance with the subdivision and zoning requirements in Sandpoint City Code per the following justification(s):
  - a. It is substantially in compliance with City Code.
  - b. It is substantially in compliance with adopted regulations and rules.
  - c. It is not in conflict with the City's Comprehensive Plan.
3. The proposed subdivision is consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.

Councilman Aispuro seconded the motion.

Mayor Rognstad thanked City staff and the Planning and Zoning Commission and thanked the Applicants for their patience, their thorough presentation and their dedication to including open space in their design.

**AMENDMENT:** Councilman Aispuro made a motion to amend, confirming approval of the preliminary plat, as outlined above, but directing City staff to make adjustments to the proposed Development Agreement, as listed below, and to bring the revised Agreement back to Council for their review and consideration at their next regular meeting.

- 1) City staff is directed to negotiate with Applicants as to construction timing in order to amend the proposed Agreement to complete final platting by 2025.
- 2) City staff is directed to amend the proposed Agreement to provide flexibility regarding Applicants' requirement to install a right turn lane on North Boyer Avenue at the project driveway at Ebbett Way, deferring that requirement based on future Phase 4.
- 3) City staff is directed to amend the proposed Agreement to reflect that Applicants are granted flexibility as to material and design of fencing.
- 4) City staff is directed to amend the proposed Agreement to eliminate the requirement for the Applicant to remove snow from the new shared multimodal pathway along East Mountain View Drive.

Councilwoman Sherman experienced technical difficulties with remote participation and left the meeting at 8:15 p.m., returning at approximately 8:25 p.m. A quorum was maintained during her absence, and the portion of the discussion she missed was repeated in summary upon her return. She was present during recitation of the motion and amendment and for voting.

Councilman Darling seconded the amendment.

Result:	Passed
Moved by:	Aispuro
Seconded by:	Darling
Voted Yes:	Sherman, Aispuro, Darling, Groat
Voted No:	Ruehle
Abstained:	
Absent:	McAlister

Vote on main motion.

Result:	Passed
Moved by:	Darling
Seconded by:	Aispuro
Voted Yes:	Sherman, Aispuro, Darling, Groat
Voted No:	Ruehle
Abstained:	
Absent:	McAlister

Item Number:	8B <b>ORDINANCE 1380</b>
Topic:	Short Term Rental of Dwelling Units

Mayor Rognstad reported that this Ordinance seeks to align Sandpoint City Code 3-12-4(A)(2)(b), emergency egress standards, with current building and fire codes. Council had no questions, and no members of the public present wished to speak on this item.

Mayor Rognstad read the title of the Ordinance, as follows:

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 3, CHAPTER 12, SANDPOINT CITY CODE, SHORT TERM RENTAL OF DWELLING UNITS, IN ORDER TO ALIGN EMERGENCY EGRESS STANDARDS WITH CURRENT BUILDING AND FIRE CODES, PROVIDING FOR REPEAL AND SEVERABILITY, AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Motion that the Ordinance pass its first reading by title only and that the Summary is approved.

Result:	Passed
Moved by:	Groat
Seconded by:	Aispuro
Voted Yes:	Sherman, Ruehle, Aispuro, Darling, Groat
Voted No:	
Abstained:	

Absent: McAlister

Motion that the rules requiring three separate readings, once in the Ordinance’s entirety, be suspended, that the Ordinance pass its second and third readings under suspension of the rules.

Result:	Passed
Moved by:	Darling
Seconded by:	Groat
Voted Yes:	Sherman, Ruehle, Aispuro, Darling, Groat
Voted No:	
Abstained:	
Absent:	McAlister

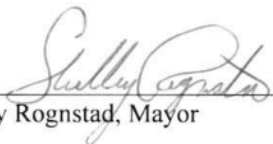
Item Number: 8C Little Sand Creek Watershed - Proposed Use Permit Process

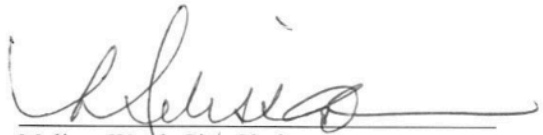
Infrastructure and Development Services Manager Amanda Wilson provided a presentation, followed by discussion, on a proposed permit process that would provide a method for considering requests to use the City-owned watershed, while maintaining water quality of the drinking water source, as well as environmental stewardship. Ms. Wilson relayed a proposed schedule for review and adoption of this process, which will include, at Council’s next regular meeting, a presentation of a draft ordinance and accompanying policy and procedure, followed by a period of public input prior to adoption of the final ordinance and policy and procedure. Information only. No Council action.

9. ADJOURN

Mayor Rognstad adjourned the meeting at 9:07 p.m.

I presided over this meeting and can confirm that these minutes, prepared by the City Clerk, were approved by City Council during their regular meeting on November 18, 2020.

  
Shelby Rognstad, Mayor

Attest:   
Melissa Ward, City Clerk