

STATE OF IDAHO )  
COUNTY OF BONNER )  
CITY OF PRIEST RIVER )

## MINUTES OF THE PRIEST RIVER CITY COUNCIL – 04/19/21

### REGULAR MEETING

**OPENING** – Mayor Martin called to order the regular meeting of the City Council at 6:00 pm on Monday, April 19, 2021 at the Priest River Event Center, 5399 Highway 2, Priest River, Idaho.

#### 1. AMENDMENTS TO THE AGENDA

None

#### 2. ROLL CALL

Council Members Present: Council Member Wylie, Council Member Turner, Council Member Wagner, and Council Member Edwards. Absent: None.

Staff Present: Mayor Martin, City Clerk Thomas, City Attorney Elsaesser, Planning & Zoning Administrator Quayle, Deputy City Clerk Ayers, Police Chief McLain, Public Works Supervisor Smith, and Director of Public Works Rolicheck.

#### 3. PUBLIC HEARING

To consider and to receive testimony on the following Planning and Zoning application:

**Gerald and Doris Milliron have applied for a Conditional Use Permit to allow them to construct a 30' x 40' single level Commercial dog grooming and boarding facility on their R-1 Residential Zoned property.**

**The property is generally located at 40 Eastside Road. – ACTION ITEM**

Mayor Martin opened the public hearing at 6:01 pm. Planning & Zoning Administrator Quayle explained the reason for the public hearing and the proposal by the Millirons. Topics of discussion included the current zoning of R-1, principal uses permitted outright, conditional uses, commercial kennel requirements, water and sewer connection fees, and the proposed approval conditions.

**Questions from the Council:** None

**Testimony from the Applicant:** Doris Milliron handed out a 2-page Exhibit A regarding how the kennel runs may look. Ryan Shea, with Whiskey Rock Planning & Consulting, representative for the applicant, presented the application to the Council. Topics of his presentation included siting and mitigation, characteristics and zoning of the surrounding properties, the proposed approval conditions, how the proposed use is substantially similar to other conditionally allowed uses in the R-1 zone, and the general standards relating to conditional use permits.

**Questions from the Council:** Mayor Martin asked if Bonner County had any issues with the placement of the proposed driveway, and if this type of business

would be allowed in an R-5 zone. Council Member Edwards commented that if this business were going into his neighborhood, he would have an issue with the noise and smell rather than the number of potential trips per day. Council Member Turner asked if the applicant was planning on moving their entire grooming business to the property. Council Member Wagner expressed concern regarding the potential barking issues.

**Written Testimony: John & Lora Scott**, 78 Rivers End Drive, indicated concerns regarding potential additional traffic and potential noise impacts to the neighborhood.

**Mark & Christine Allen**, 113 Osprey Lane, indicated concerns regarding the type of business not appropriate for the R-1 zoning designation, potential noise impacts to the neighborhood, and enforcement of the potential noise nuisance.

**Bruce & Erricka Brownell**, 108 Rivers End Drive, indicated concerns regarding potential noise impacts to the neighborhood, potential decrease in the value of surrounding properties, and potential odor issues.

**Testimony from Those Supporting: Judy Kokanos**, 81 Cedar Street, supported the application.

**Donna Collier**, Eastside Road, supported the application with proper barking mitigations.

**Rebecca Tisdell**, 34 Treat Street, supported the application.

**Testimony from Those Uncommitted: Hailey Scott**, 81 Rivers End Drive, had concerns regarding pedestrians along Eastside Road, barking, noise, and smell.

**Testimony from Those Opposing: Stanley Birnbaum, attorney for Brian & Kristy Bidyk**, 125 Osprey Lane, stated that his clients opposed the application. He submitted a copy of a letter that he read dated April 19, 2021, Exhibit B.

**Diane Douglas**, 145 Osprey Lane, opposed the application.

**John Scott**, 78 Rivers End Drive, opposed the application.

**Mark Allen**, 113 Osprey Lane, opposed the application.

**Rebuttal from the Applicant:** Ryan Shea and Doris Milliron addressed some of the concerns that were brought up, including the potential barking issues and the disposal of animal waste.

**Questions from the Council:** Council Member Wylie asked if the applicant was planning on subdividing the property, commented on the proposed trips per day, and asked about the proposed driveway.

Mayor Martin closed public testimony at 7:14 pm. The public hearing was continued to May 3, 2021 at 5:30 pm.

#### **4. CONSENT AGENDA**

##### **A. PREVIOUS MINUTES –CCPH 04/05/21**

**B. PAYABLES**

**C. MONTHLY RESERVE TRANSFER – MARCH 2021**

**D. RESOLUTION 21-013 – WHITE DIAMOND CONCRETE, LLC – CONSTRUCTION CONTRACT – THIRD STREET & HIGHWAY 2 PEDESTRIAN RAMP IMPROVEMENTS**

**E. RESOLUTION 21-014 – IDAHO DEQ – LOAN OFFER, ACCEPTANCE, AND AGREEMENT – DRINKING WATER TREATMENT DESIGN & CONSTRUCTION**

**F. RESOLUTION 21-015 – ZIPLY FIBER – TEMPORARY CONSTRUCTION EASEMENT – LHTAC WISCONSIN STREET REALIGNMENT PROJECT**

**G. RESOLUTION 21-016 – CAMPBELL 5, LLC – TEMPORARY CONSTRUCTION EASEMENT – LHTAC WISCONSIN STREET REALIGNMENT PROJECT**

Council Member Edwards made a motion to approve the consent agenda. Council Member Turner seconded the motion. After consideration, the motion passed unanimously by the following vote: **AYES:** Council Member Turner, Council Member Wylie, Council Member Wagner, and Council Member Edwards. **NAYS:** None. **ABSTAINERS:** None. **ABSENT:** None.

**5. ANNOUNCEMENTS/APPOINTMENTS**

Mayor Martin announced the retirement of Council Member Edwards, effective April 30, 2021.

**6. UPDATES**

**A. PARKS AND TREE COMMISSION**

Council Member Wagner gave an update on the Parks and Tree Commission.

**B. LAW ENFORCEMENT**

None

**C. PUBLIC WORKS**

Director of Public Works Rollicheck gave an update on Public Works.

**D. PROJECT UPDATES**

**1. FY21 SECOND QUARTER FINANCIAL REPORT**

The FY21 Second Quarter Financial Report was provided for information.

**E. BUILDING & ZONING**

Planning & Zoning Administrator Quayle gave an update on Building & Zoning.

**F. ADMINISTRATIVE COMMITTEE**

None

**7. OLD BUSINESS**

**A. CONTROL #2020-12-04 – HAPPY AGERS SENIOR CENTER – DISPUTE OF OIL SPILL REMEDIATION INVOICE**

This item was tabled for additional information.

**B. EXBABYLON MASTER SERVICES AGREEMENT – AMENDED SERVICE SCHEDULE**

Shane Batke from Exbabylon was present to discuss the current budget overruns regarding the Microsoft Azure AD Migration Project. Discussion ensued.

**Council Member Turner made a motion to approve the allocation of an additional \$1,500.00 to the Microsoft Azure AD Migration Project. Council Member Edwards seconded the motion. After consideration, the motion passed unanimously by the following vote: AYES: Council Member Turner, Council Member Wylie, Council Member Wagner, and Council Member Edwards. NAYS: None. ABSTAINERS: None. ABSENT: None.**

**8. NEW BUSINESS**

**A. PROPOSED ORDINANCE 616 – ELIMINATING THE HISTORIC DISTRICT**

Discussion ensued. Mayor Martin read the title of Ordinance 616.

**Council Member Edwards made a motion to adopt Ordinance 616 under suspension of the rules. Council Member Wylie seconded the motion. After consideration, the motion passed unanimously by the following vote: AYES: Council Member Turner, Council Member Wylie, Council Member Wagner, and Council Member Edwards. NAYS: None. ABSTAINERS: None. ABSENT: None.**

**B. PROPOSED ORDINANCE 617 – ALLOWING CONSTRUCTION OF TEMPORARY CARPORTS**

Discussion ensued. Mayor Martin read the title of Ordinance 617.

**Council Member Edwards made a motion to adopt Ordinance 617 under suspension of the rules. Council Member Turner seconded the motion. After consideration, the motion passed unanimously by the following vote: AYES: Council Member Turner, Council Member Wylie, Council Member Wagner, and Council Member Edwards. NAYS: None. ABSTAINERS: None. ABSENT: None.**

**C. PROPOSED ORDINANCE 618 – ALLOWING 4-LOT OR FEWER SUBDIVISIONS TO BE HANDLED ADMINISTRATIVELY**

Discussion ensued. Mayor Martin read the title of Ordinance 618.

**Council Member Turner made a motion to adopt Ordinance 618 under suspension of the rules. Council Member Wylie seconded the motion. After consideration, the motion passed unanimously by the following vote: AYES: Council Member Turner, Council Member Wylie, Council Member Wagner, and Council Member Edwards. NAYS: None. ABSTAINERS: None. ABSENT: None.**

**D. IDEQ – INTERIM FINANCING LOAN DRAW #1 – WATER SYSTEM IMPROVEMENTS PROJECT**

Discussion ensued.

Council Member Wylie made a motion to approve the IDEQ Interim Financing Loan Draw #1, with \$104,800.24 being reimbursed to the City of Priest River for previous engineering expenses and \$48,155.30 being remitted to Welch Comer for Invoice #14778250-005. Council Member Turner seconded the motion. After consideration, the motion passed unanimously by the following vote: AYES: Council Member Turner, Council Member Wylie, Council Member Wagner, and Council Member Edwards. NAYS: None. ABSTAINERS: None. ABSENT: None.

**E. HOTEL CHARBONNEAU, LLC – TEMPORARY CONSTRUCTION EASEMENT – LHTAC WISCONSIN STREET REALIGNMENT PROJECT**

Discussion ensued.

Council Member Edwards made a motion to approve the Temporary Construction Easement with Hotel Charbonneau, LLC, not to exceed \$500.00, for the LHTAC Wisconsin Street Realignment Project. Council Member Wylie seconded the motion. After consideration, the motion passed unanimously by the following vote: AYES: Council Member Turner, Council Member Wylie, Council Member Wagner, and Council Member Edwards. NAYS: None. ABSTAINERS: None. ABSENT: None.

**F. GALBICKA/BROSE – TEMPORARY CONSTRUCTION EASEMENT – LHTAC WISCONSIN STREET REALIGNMENT PROJECT**

Discussion ensued.

Council Member Turner made a motion to approve the Temporary Construction Easement with Stephanie Lee Galbicka and Anna Lee Brose, not to exceed \$500.00, for the LHTAC Wisconsin Street Realignment Project. Council Member Wylie seconded the motion. After consideration, the motion passed unanimously by the following vote: AYES: Council Member Turner, Council Member Wylie, Council Member Wagner, and Council Member Edwards. NAYS: None. ABSTAINERS: None. ABSENT: None.

**G. CAMPBELL 5, LLC – REAL PROPERTY LEASE – PARKING LOT AT 43 WISCONSIN STREET**

Discussion ensued.

Council Member Edwards made a motion to approve the Real Property Lease with Campbell 5, LLC for use as a public parking lot. Council Member Turner seconded the motion. After discussion and consideration, the motion passed unanimously by the following vote: AYES: Council Member Turner, Council Member Wylie, Council Member Wagner, and Council Member Edwards. NAYS: None. ABSTAINERS: None. ABSENT: None.

**H. ROAD PRODUCTS, INC. – 2021 STREET IMPROVEMENTS QUOTE**

Discussion ensued.

Council Member Turner made a motion to approve the proposed 2021 Street Improvements Quote from Road Products, Inc., not to exceed \$99,458.58. Council Member Wylie seconded the motion. After discussion and consideration, the motion passed unanimously by the following vote: **AYES:** Council Member Wagner, Council Member Turner, Council Member Wylie, and Council Member Edwards. **NAYS:** None. **ABSTAINERS:** None. **ABSENT:** None.

**I. FOGG ELECTRIC – ESTIMATE TO SEPARATE ELECTRICITY AT WPOFD STATION #2 FROM PARKS MAINTENANCE SHOP**

Discussion ensued.

Council Member Edwards made a motion to approve the estimate from Fogg Electric, Inc. for separating the electricity at the WPOFD Station #2 from the Parks Maintenance Shop, not to exceed \$2,975.00. Council Member Turner seconded the motion. After discussion and consideration, the motion passed unanimously by the following vote: **AYES:** Council Member Wagner, Council Member Turner, Council Member Wylie, and Council Member Edwards. **NAYS:** None. **ABSTAINERS:** None. **ABSENT:** None.

**J. RESOLUTION 20-017 – STATE INVESTMENT POOL TRANSFER OF FUNDS INTO THE GENERAL CHECKING ACCOUNT**

Discussion ensued.

Council Member Edwards made a motion to approve Resolution 21-017. Council Member Wylie seconded the motion. After discussion and consideration, the motion passed unanimously by the following vote: **AYES:** Council Member Wagner, Council Member Turner, Council Member Wylie, and Council Member Edwards. **NAYS:** None. **ABSTAINERS:** None. **ABSENT:** None.

**K. CONTROL #2021-03-04 – DAVIS – REQUEST TO ADDRESS THE COUNCIL REGARDING COMMUNITY GARDEN QUESTIONS**

Jack Davis was not present to address the Council regarding several Community Garden questions. Mayor Martin will contact Mr. Davis regarding his request.

**L. CONTROL #2021-04-01 – LEXA/NACCARATO – 86 MAIN STREET – ABANDONED UTILITY RECONNECTION FEE DISPUTE**

This item was moved to executive session.

**M. CONTROL #2021-04-02 – URBANIAK – 6369 HIGHWAY 2 – ABANDONED UTILITY RECONNECTION FEE DISPUTE**

This item was moved to executive session.

**N. CONTROL #2021-04-03 – URBANIAK – 6369 HIGHWAY 2 – REQUEST FOR THE INSTALLATION OF A STORM DRAIN, SIDEWALK, AND CURB**

Aleksander Urbaniak was present to address the Council regarding storm drain issues at his residence. Discussion ensued. Mayor Martin will reach out to the Idaho Transportation Department to discuss the issues with them.

**EXECUTIVE SESSION**

**UNDER 74-206 1 (f) Pending Litigation**

Council Member Turner made a motion to enter executive session under 74-206 1 (f) Pending Litigation at 7:58 pm. Council Member Edwards seconded the motion. After consideration, the motion passed unanimously by the following vote: **AYES: Council Member Wagner, Council Member Turner, Council Member Edwards, and Council Member Wylie. NAYS: None. ABSTAINERS: None. ABSENT: None.**

**RECONVENE**

Council Member Edwards made a motion to reconvene at 8:18 pm. Council Member Wylie seconded the motion. After consideration, the motion passed unanimously by the following vote: **AYES: Council Member Wagner, Council Member Turner, Council Member Edwards, and Council Member Wylie. NAYS: None. ABSTAINERS: None. ABSENT: None.**

Council Member Edwards made a motion to direct staff to send letters to all owners of property with utility connections deemed abandoned as discussed. Council Member Turner seconded the motion. After consideration, the motion passed unanimously by the following vote: **AYES: Council Member Wagner, Council Member Turner, Council Member Edwards, and Council Member Wylie. NAYS: None. ABSTAINERS: None. ABSENT: None.**

**ADJOURN**

Council Member Edwards made a motion to adjourn at 8:20 pm. Council Member Wagner seconded the motion. After consideration, the motion passed unanimously by the following vote: **AYES: Council Member Wagner, Council Member Turner, Council Member Edwards, and Council Member Wylie. NAYS: None. ABSTAINERS: None. ABSENT: None.**

Motion to approve minutes of 04/19/21: \_\_\_\_\_

Second: \_\_\_\_\_

SIGNED:

ATTEST:

\_\_\_\_\_  
James L Martin  
Mayor

\_\_\_\_\_  
Laurel Thomas, CMC  
City Clerk/Treasurer