



Rathdrum

City Council Minutes

March 11, 2020

6:00 p.m.

Location: City Council Chamber
8047 W. Main Street
Rathdrum, ID 83858
(208) 687-0261

WELCOME-PLEASE TURN OFF CELL PHONES- Thank You.

1) CALL THE MEETING TO ORDER

Meeting called to order at 6:00 pm

2) PLEDGE OF ALLEGIANCE

3) ROLL CALL

PRESENT: Councilor Hill, Councilor Laws, Councilor Rickard, Councilor Adams and Mayor Holmes.

ABSENT:

STAFF: City Administrator Duce, City Clerk Halligan, City Engineer/Public Works Director Jump, Police Chief McLean, Sergeant Ray, City Planner Siess, Recreation Supervisor Stevens and City Attorney Herrington

4) AMENDMENTS TO THE AGENDA

5) ACTION ITEM: CONSENT CALENDAR APPROVAL

- A) Special Council Minutes of February 26, 2020
- B) Regular and Special Bills as presented

City Administrator gave a brief presentation on the consent calendar

Councilor Rickard made a MOTION that we approve the Consent Calendar in its entirety. Motion seconded by Councilor Hill.

AYES: Councilor Rickard
Councilor Hill
Councilor Laws
Councilor Adams

NAYES: None

ABSENT:

Passed by all

6) CEREMONIES AND REPORTS

- 7) **VISITORS COMMENTS** – An opportunity to address concerns not on the agenda (No formal action allowed – 3-minute time limit per issue) issues may be placed on subsequent agenda. Comments regarding performance by city employees are inappropriate at this time and should be directed to the Mayor, either by subsequent appointment or after tonight’s meeting, if time permitting. Repeated comments of the same or similar topic will be considered out of order and not allowed.

Les Palocsay
6101 W Lofty Ridge St
Rathdrum, ID

You four City Council members are the eyes and ears and the voice of the residents of Rathdrum. I am in favor of traffic signals. I was told I could not talk about the alternative because it is on the agenda tonight. So, I will talk traffic signals.

In my informal survey 70% of the people I talked to preferred traffic lights over alternative methods as traffic control.

As you four are the eyes and ears of the City should have a survey from the people to see what they really would like.

8) OLD BUSINESS

9) NEW BUSINESS

- A) **ACTION ITEM:** Consideration of the Phone System Upgrade

City Administrator Duce gave a brief presentation on the phone system upgrade.

Councilor Laws made a MOTION that we approve the proposal for the new Phone System Upgrade as presented. Motion seconded by Councilor Rickard.

AYES: Councilor Laws
Councilor Rickard
Councilor Hill
Councilor Adams

NAYES: None

ABSENT:

Passed by all

- B) ACTION ITEM:** Consideration of Memorandum of Understanding and Construction Cooperative Agreement with the Idaho Transportation Department for SH41 widening project from Hayden Ave to Boekel Rd.

City Engineer/Public Works director Jump gave a brief presentation on the Memorandum of Understanding and Construction Cooperative Agreement with the Idaho Transportation Department for SH41 widening project from Hayden Ave to Boekel Rd.

At the February 12th City Council meeting, we provided a brief presentation about Idaho Transportation Department's (ITD's) financial participation request of the City of Rathdrum. We provided an itemized list of the financial components of Idaho Transportation Department's (ITD's) request, the project schedule and a few matters which we are still researching/discussing.

The City of Rathdrum's Financial Participation items are identified on Exhibit A. These items were thoroughly discussed with Idaho Transportation Department (ITD) representatives and we find them to be accurate. However, there were a few lingering questions which were unanswered when we made our February 12th presentation.

1.) This is a federal aid project. With this said, Idaho Transportation Department (ITD) is receiving federal monies to construct the project. The Idaho Transportation Department (ITD) participation on this project is 7.34% (92.66% federal monies). For the certain major intersection improvements, on the SH41 corridor, the City of Rathdrum is being asked to financially participate. Idaho Transportation Department (ITD) has informed us that the City of Rathdrum is ineligible for participating at the local share-federal share financial terms. Thus, the financial participation terms, as presented to the City Council on February 12th, remain unchanged.

2.) To avoid expensive future borings under the widened SH41 pavement with either water and/or sanitary sewer extensions, we were looking to get utility

casing pipes constructed as part of the project. As such, these utility casing pipe extensions are 100% Rathdrum's responsibility. The unanswered matters pertained to the direct benefit of property owners to develop their properties. Leon Duce has reached out to both Don Jacklin and Don Arestad about their respective interests in financially participating in the identified utility casing pipe extensions.

3.) The payment schedule has not yet been determined. Although we remain hopeful that Idaho Transportation Department (ITD) will allow us to re-pay our project costs under a 10-year payment schedule, it is recognized that these terms have not yet been approved by the State of Idaho's financial controller. The attached agreement includes language, under Section II, 2., provides for the ability to negotiate a mutually-agreement payment schedule.

The memorandum of understanding defines certain maintenance obligations for both the City of Rathdrum and Idaho Transportation Department (ITD). These items were thoroughly discussed with Idaho Transportation Department (ITD) representatives.

City Administrator Duce stated that he has had communication this afternoon. The landowners, Don Arestad and Jacklin Group both verbally said they were working toward an agreement to pay for those casings. One of those stipulations was that they become the owners of those casings not the City and not the Idaho Transportation Department (ITD).

I just got word from Damon which is the Director of District 1 Idaho Transportation Department (ITD), that that would be the way they see it. I asked for him to put that in writing so that they could put it in their file. Then the agreement that we would sign with those property owners would state in those agreements that it is their steel casings since they are paying for it.

Councilor Adams asked what is the future ramification for these casings if they are owned by the landowners and the City eventually extends out to there? Are they going to charge us to use them? Deed them over to the City?

City Engineer/Public Works Director Jump stated that when that property seeks incorporation, annexation we would make that a commitment that the ownership of those casing pipes would be then transferred over to the City of Rathdrum.

With appropriate clarification to the following items:

- Time to repay the amount
- Clarification if policy changes that we will pay the reduced amount
- Traffic light ownership

- Be able to pick and choose water & sewer casing pipes once the bids come in

Councilor Rickard made a MOTION that we approve the Memorandum of Understanding and Construction Cooperative Agreement with the Idaho Transportation Department (ITD) for SH41 widening project from Hayden Ave to Boekel Rd with the appropriate clarification on the following items: Time to repay the amount, Clarification if policy changes that we will pay the reduced amount, Traffic light ownership, and be able to pick and choose water & sewer casing pipes once the bids come in, and authorize the Mayor to sign the contract. Motion seconded by Councilor Laws.

AYES: Councilor Rickard
 Councilor Laws
 Councilor Hill
 Councilor Adams

NAYES: None

ABSENT:

Passed by all

- C) ACTION ITEM:** Consideration of the Professional Services Agreement with Lake City Engineering for Intersection Improvements at Meyer Road – Lancaster Road

City Engineer/Public Works director Jump gave a brief presentation on the Professional Services Agreement with Lake City Engineering for Intersection Improvements at Meyer Road – Lancaster Road

There is a commercial development project proposed on the southeast corner of Lancaster Road and Meyer Road. Through various annexations and platting processes, the City of Rathdrum has obtained/reserved public right-of-way from all 4 quadrants of the intersection. The obtained right-of-way was based upon a superimposed dual-lane roundabout footprint.

With the public right-of-way having already been obtained, recent accident history and a commercial development project being proposed at the southeast corner, we believe that it is now appropriate to make major intersection improvements. Further, we are considering that the commercial development contractor completes the Lancaster-Meyer intersection improvements with reimbursement from the City of Rathdrum’s Traffic Circulation Impact Fee Fund. We believe that there is mutual benefit in having these intersection improvements completed simultaneously with the commercial development project. Further, we believe that there is significant benefit with utilizing the same engineering consultant to design both the intersection improvements and the nearby/adjoining site development project (SE Corner)

Councilor Rickard made a MOTION that we approve the Professional Services Agreement with Lake City Engineering for Intersection Improvements at Meyer Road – Lancaster Road and authorize the Mayor to sign agreement. Motion seconded by Councilor Laws.

AYES: Councilor Rickard
Councilor Laws
Councilor Adams

NAYES: Councilor Hill

ABSENT:

Passed

D) ACTION ITEM: Consideration of the acceptance for Grant of Right-of-Way for unnamed roadway East of Corbin Crossing South

City Engineer/Public Works director Jump gave a brief presentation on the Grant of Right-of-Way for unnamed roadway East of Corbin Crossing South

Councilor Laws made a MOTION that we approve the acceptance for Grant of Right-of-Way for unnamed roadway East of Corbin Crossing South and authorize the Mayor to sign contract. Motion seconded by Councilor Hill.

AYES: Councilor Laws
Councilor Hill
Councilor Rickard
Councilor Adams

NAYES: None

ABSENT:

Passed by all

E) ACTION ITEM: Consideration of the Westwood Pine Preliminary Long Plat

City Planner Siess gave a brief presentation on the Westwood Pine Preliminary Long Plat.

The applicant is seeking approval of a preliminary long plat (major subdivision) to be known as Westwood Pines, consisting of 113 lots on approximately 50 acres of land. The primary purpose of the plat is to create a residential neighborhood consisting of 110 residential lots within the Residential R-2S (low/medium density residential) zone district, ranging in size from 7,540 SF to 21,143 SF in area - with the average lot size being 8,995 SF. The required minimum lot size is 7,500 SF in this zone. The project is to

be developed in phases, subject to market conditions, with public improvements anticipated to be started in spring of 2020.

The anticipated project phasing consists of:

1. Westwood Pines original plat will consist of 50 residential lots, the commercial C-2 and multifamily residential R-3 lots, and well lot. Subdivision infrastructure is anticipated to be completed by November 2020 with the first home within the subdivision to be completed by July 2021(subject to permitting). The applicant anticipates build-out of 2.67 homes per month, or 32 homes per year.
2. Westwood Pines 1st Addition plat will consist of 32 residential lots. Fencing along the northern boundary of the phase will be provided as discussed herein.
3. Westwood Pines 2nd Addition plat will consist of the remaining 28 residential lots. Fencing along the northern boundary of the phase will be provided as discussed herein.

Also included in the proposed plat are two (2) lots to be created within the Commercial C-2 (highway/service commercial) zone district and one (1) lot located within the Residential R-3 (multifamily residential) zone districts of approximately 8.8 acres. Within the commercial zone one lot of approximately 11,025 SF is to be dedicated to the City of Rathdrum for the purpose of well placement, and the remaining approximately 10.8- acres is a commercial lot.

Conditions of Approval:

1. Issuance of building permitting within the subdivision, inclusive of all zone districts, will be limited to 60 dwelling units until capital improvements are completed for the SH53-Meyer Road intersection.
2. Any non-residential development within the subdivision, inclusive of all zone districts, will require a new, updated traffic LOS analysis and conformance with City requirements derived therefrom, as applicable.
3. A Traffic Impact Analysis shall be completed per the requirements of Idaho Transportation Department (ITD) prior to connection of Cloverdale Street access to SH53. Such Traffic Impact Analysis shall be submitted to the City as well as any response and/or requirements from Idaho Transportation Department (ITD). The developer shall be responsible for providing any improvements identified as required by Idaho Transportation Department (ITD).
4. The developer shall donate (at no cost to the City of Rathdrum and/or ITD), all necessary public right-of-way and easements on the north-side of SH53 and east-side of Meyer Road adjacent to the proposal which may be required to provide traffic improvements for the development.

5. The developer shall re-construct Meyer Road, from SH53 to the property's northwest boundary. The improvements for Meyer Road shall be in accordance with the City's collector street typical roadway standards, as approved by the City Engineer / Public Works Director.
6. The new, temporary sewer force main alignment shall be contained within noted / platted vehicle access aisles where it crosses the City's cemetery property. The new, permanent sewer force main alignment shall be contained within the Cloverdale Street public right-of-way. Both the temporary and permanent sewer force main alignments shall be constructed as part of this project. The Cloverdale Street force main alignment shall terminate on the north side of SH53.
7. The developer shall be responsible for constructing a 16-foot wide all-weather vehicle access aisle, in accordance with City requirements, within the sewer force main alignment within the cemetery property.
8. The developer shall construct a temporary sanitary sewer lift station with the Westwood Pines development, at the developer's sole expense. The City shall provide for the required wet well volume and technical specifications for: the lift station components, including electrical controls, bypass pumping capabilities, emergency power requirement, odor control equipment, telemetry, wet well access capabilities, spray-liner requirements for the wet well, site layout of the lift station and wet well liquid level sensor devices. Further, the City will provide direction for the sewer piping depth (invert elevation) and pipe sizing upstream of the temporary sewage lift station. City financial participation pursuant to RCC 9-4-10, Credits and Reimbursements, may be available if upsizing of the system is determined necessary. Lastly, this temporary sewer lift station shall be integrated in the City's SCADA monitoring system. The temporary lift station shall be placed within an easement as specified by the City Engineer / Public Works Director and shall be owned and operated by the City of Rathdrum upon acceptance by the City Council.
9. The developer shall construct a 12-inch diameter water main in both the Dayton Avenue public right-of-way alignment (entirety of alignment) and Cloverdale Street. The Cloverdale Street 12-inch water main shall terminate on the north side of SH53.
10. Construction of the temporary sewer force main to serve the development will bring the public sewer within 200-feet of the Lion's Club property which will require such property to connect to the public system and abandon their private system within one year of City acceptance of the temporary force main. The developer shall be required to provide a lateral stub to service the Lion's property and is encouraged to coordinate with the Lion's Club regarding timing and payment of their connection to the City's system, including capitalization fees. In no case shall connections for the RV

park be allowed without written authorization of the Director. Pre-treatment or other provisions may be required.

11. The developer shall enter into a Development Agreement with the City which specifies property and term, project regulation and policies, conditions of approval (including improvements to be constructed, roadway drainage swales, landscaping / street trees, irrigation water service lines to roadway drainage swales and landscaped areas, maintenance of common area landscaping, fencing and roadway drainage swales, irrigation system casings, walkways and stormwater, street lights, streets, construction access, street closure, phasing, erosion sediment control plan, dedication of right of way, dedication of easements and sewer), improvement construction standards and procedures, performance guarantee, owner's warranty, and other City requirements as approved by the City Council.

12. The developer shall install a six-foot tall solid (wood or vinyl, with no gaps between slats) fence three-feet south of the northern boundary of the subdivision.

13. The developer shall comply with the rules and requirements of any agency with jurisdiction over the project, including those agencies which provided comment for this proposal, and all applicable laws, rules and regulations governing the project, whether specified herein or not.

Councilor Rickard made a MOTION that we approve the Westwood Pines Preliminary Long Plat with the recommended Finding of Facts, Conditions of Law and Conditions of Approval as found within the Planning Commission's recommendation and staff report dated March 4, 2020, finding that it is in accord with the City of Rathdrum Comprehensive Plan and Rathdrum City Code as conditioned. Motion seconded by Councilor Laws.

Councilor Hill stated that he needed to disclose that I had ex parte contact in the form of an email from a citizen that I have not responded to but the staff was CC'd on and have responded to the email. I have the ability to provide it to the Council and to ask for legal Council on how to proceed.

City Attorney Herrington stated that if you want to continue to vote on the issue you just disclose the ex parte contact that you have had and disclose whether or not it affects your ability to make a decision on the matter.

Councilor Hill stated that the information I obtained absolutely weighs on my judgement of this project. I think it information that the rest of the Council should be privy to and an opportunity to review themselves.

City Attorney Herrington asked Councilor Hill if he felt it was evidence that should be entered into the record.

Councilor Hill stated yes

City Attorney Herrington stated that the Council can decide whether or not to allow the evidence read into the record. Our code does provide that the Council can consider relevant evidence as it comes in.

Councilor Hill reclused himself from voting on this item and stepped down.

Council Adams asked if Planning and Zoning could add a condition at this point?

Councilor Laws withdrew her second

Councilor Rickard withdrew his motion.

Council Adams would like to see if they could put down a weed barrier fabric and some gravel in that 3-foot buffer behind their fence just to levitate any over grown weeds.

City Planner Siess stated that City Code does not contain any specific standards requiring them to do that.

Councilor Rickard made a MOTION that we approve the Westwood Pines Preliminary Long Plat with the recommended Finding of Facts, Conditions of Law and Conditions of Approval as found within the Planning Commission's recommendation and staff report dated March 4, 2020, finding that it is in accord with the City of Rathdrum Comprehensive Plan and Rathdrum City Code as conditioned. Motion seconded by Councilor Laws.

AYES: Councilor Rickard
Councilor Laws
Councilor Adams

NAYES: None

ABSENT:

Passed

Council Hill returned to Council

11) STAFF REPORTS

A) Public Works Reporting

B) Police Reporting

- C) Park and Recreation Reporting
- D) City Administrator

12)MAYOR'S REPORT/APPOINTMENTS

13)COUNCIL REPORTS

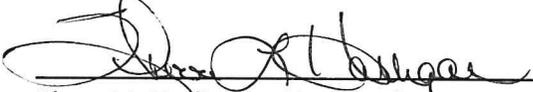
14)ADJOURN

Meeting was adjourned at 8:10 pm



Vic Holmes, Mayor

Attest:



Sherri L Halligan, City Clerk

Rathdrum City Hall is an ADA accessible building. Assistance for persons with disabilities will be provided upon 24-hours' notice prior to the meeting.