

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM**

May 20, 2014

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room May 20, 2014 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Amy Evans)	Members of Council Present
Woody McEvers)	
Kiki Miller)	
Steve Adams)	
Dan Gookin)	
Loren Ron Edinger)	Member of Council Absent

CALL TO ORDER: The meeting was called to order by Mayor Widmyer.

INVOCATION: Pastor Paul Peabody, Grace Bible Church, provided the invocation.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Councilmember Adams.

AMENDMENT TO AGENDA: **Motion** by Gookin, seconded by Adams to amend the agenda to add to Consent Calendar item 4, to also include the adoption of a fee for firefighter equipment rooms to the setting of the public hearing for June 17, 2014.

PUBLIC COMMENTS:

Jim Washko, Coeur d'Alene, stated that this week is EMS week and presented the Mayor and City Council with EMS memorial coins in appreciation of their support over the year.

Betty Strom, Coeur d'Alene, stated that the fence that runs on the north side of Forest Cemetery from Government way to Lincoln way is leaning and needs repair. She spoke to the Parks Department and found that \$15,000 a year was allocated for capital improvements toward Forest Cemetery and at that rate it would take three years to complete the fence improvements. She stated that the costs for plots in the cemetery should be enough funding to cover the costs of the fence for completing this summer. Interim City Administrator Troy Tymesen stated that there was over \$118,000 spent on the fence in 2010, and that the City found that it can buy the fence materials wholesale and use staff to install over several years at a 40% savings.

CONSENT CALENDAR: **Motion** by McEvers, seconded by Gookin to approve the consent calendar as presented.

1. Approval of Council Minutes for May 6, 2014.

2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for May 27, 2104, 2014 at 12:00 noon and 4:00 p.m. respectively.
4. Setting of a public hearing for proposed new fees for processing boundary line adjustments, Mill River lift station assessment, adoption of the 2014 Idaho Fire Service Organization Rate Book, and fees for firefighter equipment rooms to be held June 17, 2014.
5. Setting of a public hearing for the Community Development Block Grant Plan Year 2013 Consolidated Annual Performance and Evaluation Report (CAPER) to be held June 17, 2014.
6. Approval of Cemetery transfer from Kevin and Charla Hummel to Barry Higgins, lot CRE 07, Block 47, Section C Forest Cemetery.
7. Approval of Beer and Wine License for Cooperative Supply, Inc., 5831 N. Government Way, Donald Beck (new)
8. Approval of **Resolution No. 14-018** A RESOLUTION PROVIDING APPROVAL FOR AN ASSIGNMENT OF CABLE FRANCHISE NO. 3161 AND 3418 FROM TIME WARNER CABLE INC, TO COMCAST CORPORATION.
9. Approval of **Resolution No. 14-019** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVING THE DESTRUCTION OF HUMAN RESOURCES RECORDS, TEMPORARY AND SEMI-PERMANENT, IN ACCORDANCE TO THE RECORDS RETENTION MANUAL; APPROVING A MEMORANDUM OF AGREEMENT WITH HAUSER FIRE DEPARTMENT FOR THE PURCHASE OF PAGERS; ADOPTING THE 2010 TRAILS MASTER PLAN, AS AMENDED, TO IDENTIFY TRAILS IN THE ASPEN TRAILS SUBDIVISION; APPROVING A CONTRACT FOR CONSULTANT SERVICES WITH WELCH COMER FOR DRAINAGE UTILITY PROJECTS; AND APPROVING AN AGREEMENT WAIVING OPPOSITION TO ANNEXATION WITH DAVID AND JILL ZWYER – 712 N. TUSCAN LANE.

ROLL CALL: Adams Aye; McEvers Aye; Gookin Aye; Miller Aye; Evans Aye. **Motion Carried.**

COUNCIL ANNOUNCEMENTS:

Councilmember Gookin recently participated in rising of the flag by American Legion Post 14 new flag pole dedication and that there should be an article in Press soon regarding the returning of the dog tags from the old freedom tree project. Additionally, there will be a Memorial Day service and Veteran's day service at the Veterans Plaza in McEuen Park.

Councilmember Miller reminded citizens that the Coeur d'Alene Public Library is participating in the Seed Saver Project. The seed swap project was set up to encourage urban agriculture with seeds for plant varieties that do well in North Idaho depending, of course, on the conditions where the seeds are planted. Participants are invited to take the seeds they need and to contribute commercially packaged seeds that are less than five years old. Also, an experienced gardener will be at the Library on Tuesdays until the end of May, 11:00 a.m. to 1:00 p.m., to provide

advice. For more information, call the library at 769-2315. Additionally, the Spring Reading Program in the Seagraves Children's Library will be offered May 6-30. She encouraged citizens to call the library at 769-2315 for more information on programs for kids of all ages.

Councilmember McEvers stated that the Robert Singletary history series continues in the Library Community room, with the next discussion regarding the 1940's. He said that there would be a meeting regarding the skate park in the old Council Chambers at City Hall on May 21, 2014 to discuss future funding ideas. Additionally, the McEuen Park dedication will be held Saturday, May 23, 2014 at 11:00 a.m., with food to follow provided by the Downtown Association.

MAYOR ANNOUNCEMENT: Mayor Widmyer stated that Lake City High School and Coeur d'Alene High School recently competed in the State Track and Field event this past weekend and several students won state titles including: Lake City High School; Jerry Louie McGee, 400 Meters; Scott Cummings, Pole Vault; Nathan Newby, Jerry Louie McGee, Jake Finney, and Tanner Horton, 4 x 400 Relay; Jerry Louie McGee, Nathan Newby, Rikki McCaw, and Chris Baker, 4 x 200 Relay; Maddison Ward, 100 and 200 meters; and Coeur d'Alene High School Kaitlyn Gunnerson, 100 Meter Hurdles.

ADMINISTRATOR'S REPORT: Mr. Tymesen stated that the Third Street Boat Launch will be closed through Thursday, May 22nd, due to resurfacing the asphalt. Additionally, the BLM Blackwell Island boat launch will open Thursday, May 22, 2014. On May 7, 8 and 9th, Wes Somerton, Chief Criminal Deputy City Attorney and Police Detective, Nick Lowry attended the 2014 Idaho Domestic Violence Court Conference in Boise representing the City on the Kootenai County Domestic Violence Court Implementation Team. National speakers presented informational and timely topics and the breakout sessions were designed to coordinate Domestic Violence Court procedures and processes statewide. The fees for this valuable training, including travel, were provided by the Idaho Supreme Court. The City recognizes and celebrates their hard work over the last two years. The Employee Recognition Committee presented IT Design Administrator Brandon Russell with a much deserved Peer Award. Brandon's programming skills and efforts have created a very inviting and user friendly new website that the City can be proud of. Please congratulate Samantha Johnson, Legal Assistant in the Criminal Division of the City Attorney's office, and Sean Holm, Planner for the city who recently graduated from the University of Idaho Executive Masters of Business Administration program. Mr. Tymesen also congratulated Firefighter Scott Deitrich for being named the Firefighter of the Year by the Kootenai County Emergency Medical Services System (KCEMSS). It is time for the City's annual fire hydrant maintenance program. Chris Carper from B & C Fire Hydrant Detailing will be flushing and painting our hydrants. In doing so you may see water flowing from a fire hydrant and running down the streets, please do not be alarmed. During this project flushing the fire hydrants may cause temporary cloudiness in the water which can be remedied with simply running an outside sprinkler or faucet for a short amount of time. This project will run throughout the summer. If citizens have questions or concerns please contact the City of Coeur d'Alene Water Department at 769-2210. The City of Coeur d'Alene is seeking Lifeguards to supervise the public swimming areas of the Coeur d'Alene City Beach. Lifeguards need to be able to perform public safety, rescue and first aid functions. For a more detailed list of job duties and qualifications, visit the City's website and click on "Job Posting." The Coeur d'Alene Police Department is pleased to partner with Safe Kids of Kootenai County and Kootenai Health to

promote safe bicycle riding habits. Officers have been provided with coupons for a free McDonalds Happy Meal to distribute to children found wearing a helmet while riding their bicycle, skateboard or scooter. The City has partnered with iShoutOut which creates an opportunity to communicate with citizens via their smart phone. Please download the iShoutOut app to your smart phone, and then search "City of Coeur d'Alene" and click connect. Coeur d'Alene Mayor Steve Widmyer has established a direct telephone line for callers to leave a comment, idea or concern. To leave a message 24/7 with the mayor, call 769-2220, extension 503, or visit the city's website and click on the icon shown on the screen.

Appointment of Troy Tymesen as Interim City Administrator and Personnel Officer.

MOTION: Motion by Gookin, seconded by McEvers to ratify the appointment of Troy Tymesen as Interim City Administrator and Personnel Officer. **Motion carried.**

Discussion with Council regarding City Administrator recruitment options.

Mayor Widmyer stated that he wanted to bring this item forward to discuss recruitment options for the City Administrator position with the City Council. He stated that the City could begin an open recruitment in July with the intent to fill the position by October 1, 2014. Mayor Widmyer stated that the Interim City Administrator is amenable to an open recruitment and would throw his hat into the ring. Councilmember Gookin stated that he thinks that an open recruitment is a good idea and that if an internal candidate gets the job it would confirm they are the best fit for the job.

PUBLIC HEARING: A-3-14; Proposed annexation from County I to City C-17; 2772 W. Seltice Way.

Staff Report: Tami Stroud, Planner, stated that item A-3-14 is a request for the annexation of 2772 W. Seltice Way by Rivers Edge Apartment, LLC, with a C-17 zoning designation. There are four findings required for this annexation as follows: that the request is or is not in conformance with the Comprehensive Plan; that public facilities and utility are or are not available and adequate for the proposed use; that the physical characteristics of the site do or do not make it an acceptable request at this time; and that the proposal would or would not adversely affect the surrounding neighborhood. Ms. Stroud presented the surrounding zoning as C-17 and explained the current surrounding land uses.

Councilmember Gookin asked for clarification regarding the Comprehensive Plan designation as transitional versus stable established. Ms. Stroud stated that the Comprehensive Plan notes the area as transitional. Councilmember Gookin asked why this piece is coming forward for annexation versus the entire area of the old mill with a PUD. Ms. Stroud clarified that the piece requesting to be annexed tonight has one owner and the other parcel is owned by someone else, who has not requested annexation yet. City Attorney Mike Gridley stated that the City does have the authority to force annexation but has not used that authority in many years. Additionally, one problem with this area of land is that the railroad runs through the property. Councilmember Gookin stated that he would like to see a master plan of the area and it is difficult when individual pieces come in one at a time. Ms. Stroud clarified that the applicant was approved for

a special use permit at R-34 density, which does allow the applicant to build a residential development at that density. Councilmember Gookin asked if a sewer surcharge was applicable to this property. Ms. Stroud stated that the surcharge would apply and clarified that the applicant and city staff have a pre-application meeting in which the applicant is provided staff comments and estimated fees prior to the public hearing.

Applicant: Ray Kimball, Spokane Valley, Washington stated that he is a Civil Engineer and has been doing land development for 14 years. He is representing the owner, Lance Douglas, and is requesting annexation and a C-17 zoning. Mr. Kimball explained that originally the land was all owned by Marshall Chesrown, and when he was unable to develop the land Mr. Douglas ended up with two parcels, one that has already been annexed. Currently, Stimpson Lumber owns and controls the surrounding parcel and he hopes it will be annexed eventually; however, Mr. Douglas only has ownership of the area being requested for annexation. He stated that the utilities are adjacent to the property in Seltice Way, and the owner would be responsible to extend the lines to the property. He believes that with Seltice Way being an arterial, also known as old highway 10, they would need to include turn pockets as necessary, and all improvement would include a multimodal pathway. Mr. Kimball stated that he believes they are in conformance with the Comprehensive Plan goals and policies; specifically in regard to the River District area outlined to consist of multi-use areas of commercial zones and pockets of higher density residential. He stated that the C-17 development is urban in nature and consistent with Comprehensive Plan. Mr. Kimball stated that the properties around the property are also zoned C-17, which he believes is the correct zoning for the subject property.

Councilmember Gookin asked for clarification as to where the path would start and end. Mr. Kimball explained that it would go across the property frontage in accordance with the requirements of the City's Trails Master Plan. Councilmember Gookin stated that the C-17 zone carries many allowed uses and that the zone makes sense.

Opponent: Susie Snedaker, Coeur d'Alene, stated that she wanted to address the issue of compatibility. The "average terrain" is a term that is used for determining the allowable height on this property. The height of the land is 35 feet above the average terrain; therefore, this project is approved for 131 feet. At the hearing before the Planning Commission it was stated that one would not see this development from the freeway, and she is concerned about the direction in which the protection of views and vistas is determined. She stated that she does not believe it is compatible with existing properties. She believes the City Council must first determine what views and vistas are to be protected.

Councilmember Gookin stated that the action from the City Council is the annexation and zoning, not what is being built there. Ms. Snedaker stated that the C-17 zoning has an allowable height limit that could be utilized for discussion and that the Comprehensive Plan addresses views and vistas.

Public Comments:

Chet Gaede, Coeur d'Alene, stated he was on the Board of Directors for the Mill River Property Association and was recently appointed to the City's board to discuss the master planning of the

Spokane River area. He is concerned that the trail would not be connected to another trail system and that it is unknown what development will be there. He would like to see a PUD on this parcel similar to the recent annexation along the river (Washington Trust property). He expressed concerns about how the transportation plan connects into the future. The City should make sure this is compatible through a PUD.

Councilmember McEvers stated that the beginning of the Mill River development was very similar and that the City had to trust the developer because the City Council could not see what it was going to be either. Mr. Gaede stated that the City just formed a subcommittee to review the Spokane River corridor and make recommendations for this area and he believes that the requirement of a PUD buys the City some time to allow for that planning.

Rebuttal: Mr. Kimball stated that he would like to speak to the height allowed, as it would be less than half of Ms. Snedaker's comments and below the tree height. He stated that in the past the views and vistas of the property were not nearly what it is now and it would be even better into the future. He believes that with the submitted and approval of the special use permit for a project he does not think a PUD provides any benefit for a 3.5 acre parcel. The property is an island and Stimpson owns the surrounding property and their business is growing and processing trees, not real estate, so he hopes it comes into the city soon, but there is no guarantee. Tonight's question is should the parcel be in Coeur d'Alene and what is the proper zoning. Mr. Kimball believes C-17 zoning is consistent with surrounding zoning and land uses and does meet the Comprehensive Plan.

Motion by McEvers, seconded by Evans to approve the requested annexation and zoning from County I to City C-17; 2772 W. Seltice Way, to direct staff to negotiate an annexation agreement, and to develop the necessary Findings and Order and require the conditions from the Planning Commission.

DISCUSSION: Councilmember Gookin asked Ms. Stroud about the special use permit and why is it not an action tonight. Ms. Stroud explained that special use permits are approved by Planning Commission, with no further action required. She also clarified that a PUD may not accomplish what the City Council may want as a PUD is used to allow the developer to seek exception to requirements. Additionally, the special use permit was granted for an R-34 density and she explained that a C-17 zone allows multifamily development at an R-17 density and the special use permit allows residential development at an R-34 density. C-17 zoning does not have a height restriction, but R-34 multi-family would have a height restriction at 63 feet. Councilmember Gookin expressed concern regarding placing residential uses near existing industrial uses. Ms. Stroud stated that the Comprehensive Plan states that this area is in transition.

Councilmember McEvers stated that someone has to be first in developing the area and he will support it as a good beginning. Councilmember Adams stated that he agrees with Councilmember McEvers and it is difficult to see pieces coming in one at a time, but this development is ready to go. Additionally, Councilmember Adams stated that additional reasons for support are that the views and vistas will be below the tree line, the parcel is not riverfront property, and it will stimulate the economy. Councilmember Gookin stated that this is a tough decision because he is receiving community feedback regarding the large amount of apartments going in on Seltice Way,

and this annexation is only about C-17 zoning, not the apartments. He is concerned the City has not taken a more active role in the development on Seltice Way, and that there are no services such as a gas station. He is concerned with traffic congestion.

MOTION: Motion to amend the motion by Gookin, seconded by McEvers, to require the applicant put in sidewalks as negotiated in the annexation agreement.

DISCUSSION: Mr. Gridley stated that sidewalks could be a condition to be discussed with the annexation agreement negotiations. Councilmember McEvers stated that they have had recent discussions regarding the requirement of sidewalks and have to plan for infill and assume adjacent development will come forward. Councilmember McEvers stated that he would be fine with a path, but felt it is worth looking at it as some form of non-motorized transportation route for inclusion in the annexation agreement.

Motion Carried.

ROLL CALL ON MAIN MOTION: McEvers Aye; Miller Aye, Gookin Aye; Evans Aye; Adams Aye. **Motion carried.**

**Council Bill No. 14-1010
Ordinance 3486**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 17.05.1010 AND 17.05.1210 TO ALLOW RESIDENTIAL USES IN THE COMMUNITY COMMERCIAL AND NEIGHBORHOOD COMMERCIAL ZONES EXCEPT ON THE GROUND FLOOR; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

STAFF REPORT: Ms. Stroud stated that the Neighborhood (NC) and Community Commercial (CC) zones were approved in 2007, and they allowed for ground level residential uses, but do not allow for below-grade residential uses. This amendment would allow a below-grade residential uses, such as a basement apartment below an office.

PUBLIC COMMENTS: Mayor Widmyer called for public comments with none being received.

DISCUSSION: Councilmember Gookin stated that he met with staff regarding the NC and CC zones and found that there are only three areas and they are very small. He believes this type of use fits into those zones and it seems like an oversight from the initial zone creation.

MOTION: Motion by Gookin, seconded by Evans, to pass the first reading of Council Bill No. 14-1010.

ROLL CALL: Miller Aye; Evans Aye; McEvers Aye; Gookin Aye; Adams Aye. **Motion carried.**

MOTION: Motion by McEvers, seconded by Adams, to suspend the rules and to adopt Council Bill 14-1010 by its having had one reading by title only.

ROLL CALL: Miller Aye; Evans Aye; McEvers Aye; Gookin Aye; Adams Aye. **Motion carried.**

EXECUTIVE SESSION: Motion by Gookin, seconded by McEvers to enter into Executive Session as provided by Idaho Code 67-2345§ (f) 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.

ROLL CALL: Evans Aye; Edinger Aye; Adams Aye; McEvers Aye; Gookin Aye. **Motion Carried.**

The City Council entered into Executive Session at 7:27 p.m. Those present were the Mayor, City Council, Finance Director, and City Attorney.

No action was taken and the Council returned to regular session at 7:50 p.m.

MOTION: Motion by Gookin, seconded by Adams that, there being no further business before the Council, this meeting be adjourned. **Motion Carried.**

The meeting adjourned at 7:50 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, City Clerk