

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

July 5, 2016

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 July 5, 2016 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Loren Ron Edinger	)	Members of Council Present
Dan Gookin	)	
Kiki Miller	)	
Woody McEvers	)	
Amy Evans	)	
Dan English	)	

**CALL TO ORDER:** Mayor Widmyer called the meeting to order.

**INVOCATION:** Pastor Paul Van Noy with Candlelight Church gave the invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember McEvers led the pledge of allegiance.

**AMENDMENT TO AGENDA: MOTION** by Gookin, seconded by Edinger, to remove Item I(1) from the Agenda, Approval of the Installation of a Fenced Off-Leash Dog Park at Phippeny Park.

**DISCUSSION:**

Councilmember English said he can understand that it might be good to have more time to review this item, but he is very reluctant to remove it from the agenda once it has been advertised to the public. He has received input and there may be people at the meeting tonight that have come here specifically to address this item. Mayor Widmyer explained that council wants to take public comment tonight, but is not in a position right now to move this item forward.

Councilmember Gookin invited Parks Director Bill Greenwood to explain some of the reasons why the item is being pulled from the agenda. Mr. Greenwood said that he felt that not enough people heard about the proposal, or heard about it after the fact, and there were concerns that some people didn't receive the flyers that were distributed and didn't have an opportunity to attend the Parks & Rec Commission meeting. Three people came to that meeting and two statements were read into the record against the dog park. Mr. Greenwood would like to have the opportunity to address it later.

Mayor Widmyer asked if the money left by Ace Walden was specifically for Phippeny Park. Mr. Greenwood said that it was. He also noted that a gentleman had asked about a splash pad being

put in the park, but Mr. Greenwood noted that splash pads are expensive. They might be able to put some kind of water play apparatus in the park that would be about the third of the cost of a regular splash pad.

**Motion carried.**

**PRESENTATION: WWII LOCAL HISTORY**

Jim Shepperd, Local VFW Post #889, noted that February 20, 1945 was a very important time for a lot of reasons, but it is the day that they raised the flag on Iwo Jima. Mr. Shepperd said that you wouldn't think that would tie into Coeur d'Alene, but that night in Coeur d'Alene, Idaho there was an anniversary dinner for Post 889 and one of the soldiers from Fort Sherman [Joe Burzyshy], who was in the Spanish American war on the riverboats in the Phillipine Islands, was at the meeting. He was on a riverboat which was sunk by rifle fire and he swam over to the edge of the river and looked back and the flag was flying on the boat, so he swam back to the boat and removed the flag, folded it up, and brought it back to Coeur d'Alene. In 1945 he presented it to Post 889. Mr. Shepperd said that when he was serving as Quartermaster in 1993, someone broke the frame that the flag was stored in, and when they took everything out of the frame, they discovered the whole story. The flag has 13 stars, but not in a circle as was customary, which means that it was a flag from John Paul Jones, who fought in 1812, so what it was doing on a boat in the Phillipines is a mystery.

Another story that Mr. Shepperd shared concerned Bill Brainard who was killed in Iwo Jima on March 16th. Bill's mother wanted him to be buried in Coeur d'Alene. One day soldiers were eating lunch together under a big tent, and the solder stood up and said that he was from Brooklyn NY and asked if there was anyone there from Brooklyn. He commented that there were 2 million people in Brooklyn and he was the only one there, but there were ten soldiers from Coeur d'Alene, Idaho. He commented that he had never heard of Idaho until he got there.

Mr. Shepperd shared additional memories and recollections regarding his service during World War II.

**RECUSAL: Councilmember Evans recused herself from the vote to approve the Consent Calendar for the reason that her son, Maxwell Evans, is starting a Cycle Cab CDA pedicab business in town and the request for approval of the letter of agreement is on the Consent Resolution.**

**CONSENT CALENDAR: Motion** by McEvers, second by Gookin, to approve the consent calendar.

1. Approval of Council Minutes for the June 21, 2016 Council Meeting.
2. Approval of Bills as Submitted.
3. Approval of the Public Works Committee Minutes for the June 27, 2016 Meeting.
4. Setting of General Services and Public Works Committees meetings for July 11, 2016 at 12:00 noon and 4:00 p.m., respectively.
5. Setting of a Public Hearing on July 19, 2016 for V-16-4 – Vacation of the Davis Avenue Condominiums Plat (Book K of Plats, Page 165).

6. Approval of a Cemetery Lot Repurchase from Caren Devey; Lot 326, Block J., Section Riverview, Forest Cemetery Annex.
7. Approval of a Cemetery Lot Transfer from Stanley Kojac to Katie Loper, Lots 18A, 18B, and 18C, Block 38, Section G, Forest Cemetery.
8. **Resolution No. 16-034** - 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 APPROVAL OF A VOLUNTARY SEPARATION INCENTIVE PROGRAM AGREEMENT WITH CHRIS BATES AND WITH BRETT WALTON; APPROVAL OF AMENDMENTS TO THE CITY'S PERSONNEL RULES - RULE XXI, DRUG POLICY; APPROVAL OF A LETTER OF AGREEMENT WITH MAXWELL EVANS D/B/A CYCLE CAB CDA FOR COMMERCIAL USE OF THE CITY STREETS AND TRAILS FOR RECREATIONAL TRANSIT IN 2016; APPROVAL OF AN AGREEMENT WITH LAKE CITY CENTER FOR A PUBLIC SERVICE GRANT TO BE USED FOR THE MEALS ON WHEELS PROGRAM THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM; AND APPROVAL OF 2-HOUR PARKING LIMITATION ON FORT GROUNDS DRIVE.

**ROLL CALL:** English Aye; Edinger Aye; Miller Aye; McEvers Aye; Gookin Aye. **Motion Carried.**

**PUBLIC COMMENTS:**

Warren Merritt of the Post Falls Food Bank presented City Administrator Jim Hammond with a plaque in recognition of his outstanding service and dedication to the Post Falls Food Bank. Mr. Hammond has been an active member of the Post Falls Food Bank for a number of years, and for the last couple of years served on their Board of Directors.

Gary True said that he is a business property owner and resident of midtown. He noted that in 2008 the City redid the streets and sidewalks and at that time the business owners paid for some enhancements through a 10 year LID. Mr. True said that he has been addressing the issue for 8 year that the red in the concrete failed within the first few months. He noted that he has talked to engineers, city planners, and the city attorney and they all said they were working on a resolution to the issue, but this has been going on for 8 years. He wonders when and what is going to be done to rectify the situation. Mayor Widmyer asked Mr. True when was the last time he spoke to someone at the city. Mr. True said that he believes it was last week, and the person he spoke to was Dennis. He also noted that street light fixtures occasionally are damaged and repairs aren't being made for up to a year. He said that after eight years of talking nothing is being done and he doesn't want to pay his LID anymore until the situation is corrected. Mayor Widmyer assured Mr. True that the situation will be addressed. He confirmed the area of the problem is the 800 block across from Capone's.

Amber commented regarding the dog park at Phippeny. She noted that she goes to the park a lot and thinks from what she has observed that every square inch of the park is fully used. Personally, she has a community of yoga and potlucks and she has seen a church that goes to the

park pretty frequently. The park is really their solace in the city. She also commented that when there are well-behaved dogs off leashes, nobody has a problem. She thinks there is a better use for the space rather than a dog park.

Leo commented that he goes to the park 4 days a week doing yoga and managing a potluck and the parking area is almost always completely used. He feels that having a dog park would create more parking issues.

Councilmember Gookin asked Amber or Leo if they had any opinions about a splash pad. Leo said that the reason they and other people like Phippeny is the serenity. It is open and peaceful and the other parks don't have that. Amber commented that you don't have to worry about your child disappearing as the park is fully open so they can play.

Dustin Barch commented that the beauty of Phippeny park is the openness and the way it is used by the people in the neighborhood. Putting up a chain link fence would totally ruin the use and beauty of the park. If there are people that feel there is a need for a dog park, there is one a half mile away at McEuen, and a mile away at Cherry Hill there is another dog park. He also commented regarding the limited parking of nine off street parking spaces and noted that a dog park would make it a destination park which is not a good fit for the neighborhood. Mr. Barch said that this weekend there were people playing ball, and throwing Frisbees and footballs in the park. When he looks at the park, he sees the history of Coeur d'Alene.

Councilmember Gookin asked Mr. Barch what he thought about the splash pad idea. Mr. Barch said that there is a water park nearby, and if there was a splash pad it would become a destination park. His concern is what is going to be taken out for additional parking. If there are funds available, he would recommend repairing the sidewalk that surrounds the sidewalk, or replacing the five trees that were lost in the windstorm last year, or a permanent bathroom facility. He would like to see the park preserved going forward and doesn't see a need to spend money right now.

Georgette Burbank said that she lives about a block from Phippeny park and expressed her opposition to the dog park. She noted that her grandsons play basketball in the park and she can look out her livingroom window and see them. The park is too small to make part of it a dog park. She doesn't want to listen to barking dogs, and expressed concern about the smell and who is going to be picking up the messes and taking care of everything. She is also not in favor of the splash pad idea and noted that she is a registered voter and homeowner.

Sara Williams said that she was born a half block from Phippeny park and has lived in the neighborhood for the past 24 years. She loves the park exactly the way that it is, and noted that a dog park, even the size of the one at McEuen, is small for a large dog. She thinks that Phippeny would not be a good place for a dog park in that it is too small. She has never seen a dog-related problem in the park and really loves the trees and the plaques. She also likes the serenity of the park and said that it is always a place where she can go to relax. It has never been loud and crazy and she would not want to see it that way.

Sara Cavanaugh said that she lives right next to the park. Her property line shares the fence along where they want to put the dog park. She is greatly opposed to the dog park and noted that she has a dog who is in her backyard a lot and that sometimes other people take their dogs to the park and her dog spends the entire time barking. She has lived next to the park for 20 years and has enjoyed the serenity of the park and her three kids have all enjoyed the park the way that it is.

Eric Fromm said that Sara Williams is his girlfriend and he is concerned about a dog park going in next to her property, and what it might do for the property value because when you put in a dog park you oftentimes need to put in extra lighting and extra signage and it is already a pretty small park. There is not much in the way of parking and all of these issues seem to compound and to take a nice little out of the way community park and turn it into a destination situation, which would be counterproductive for the people who live around the park. He noted that Phippeny park is in between Cherry Hill park and McEuen park and anyone in the area has a park available to them already. The kids would probably really like a splash pad but he feels that that it would also be counterproductive to the community in that area.

Sara Williams commented that she has seen wedding receptions, birthday parties and renaissance events at the park, and it has been used for a lot of wonderful things that wouldn't happen if there was a dog park.

Eric Fromm said that currently the park is actually a "no dog" park and to change it from a "no dog" park to a dog park is a complete 180 and is a little bit baffling.

#### **MAYOR AND COUNCIL COMMENTS:**

Councilmember Miller commented that she recently went to Boise for the Association of Idaho Cities Conference and brought back a City Achievement Award presented to the Wastewater Treatment Plant for their tours during Water Awareness month. She also noted that she picked up some good tips on some visioning projects and the way that contract management is being done in other cities.

Councilmember Gookin commented that he thinks that Phippeny park needs a real bathroom, and that the "city of excellence" shouldn't have portapotties in its parks. The Ace Walden funds could be used to build a bathroom if it weren't for the city's own CAP fees which would have to be paid, and Councilmember Gookin noted that it is something that council could discuss.

Councilmember Miller said that she would like to see some input from the rest of the community and is pleased that a flyer will be placed and hopes that staff will use that input from the neighbors to see what should be happening in Phippeny as there may be something else that they could all be in agreement on.

Mayor Widmyer said that he has a long history with the area around Phippeny park and it is a tranquil park and an established residential neighborhood. He thinks that splash pads are great for more active parks, but they have to be well positioned, as well as dog parks. You have to be

careful when adding those types of elements in parks that are right next to abutting neighborhoods.

Councilmember English said that the idea of not charging CAP fees is an interesting discussion and he appreciates the benefit of hearing from citizens first-hand. He noted that he went to junior high and lived in the Phippeny park area for a lot of years. Phippeny park is a pocket park, and sometimes simple is good.

Mayor Widmyer said that the idea of plumbed bathrooms is one that they would have to have a discussion on because there are costs involved, including vandalism. That is one of the reasons they removed the bathrooms at Bryan playfield – vandalism and maintenance. If council chooses to go that direction for Phippeny, they can't just build the bathrooms and not include the dollars to maintain them.

Councilmember Edinger said that he remembers some years back when the city took over Phippeny Park that it was supposed to be a neighborhood park. He suggested that Mr. Barch get ahold of Mr. Greenwood regarding his suggestions and said that maybe there are some things they can do with Ace Walden's money rather than building a dog park, which he thinks is the wrong thing to do.

### **Council Bill No. 16-1013**

**AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM MH-8 (MOBILE HOME AT 8 UNITS/ACRE) TO R-12 (RESIDENTIAL AT 12 UNITS/ACRE), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- .91 ACRE PARCEL LOCATED AT 3045 N. FRUITLAND LANE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.**

**MOTION:** Motion by Gookin, seconded by English, to pass the first reading of **Council Bill No. 16-1013**.

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

**MOTION:** Motion by Edinger, seconded by McEvers, to suspend the rules and to adopt **Council Bill 16-1013** by its having had one reading by title only.

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

**RECESS:** Motion by Gookin, seconded by Evans, to recess to July 13, 2016 at 8:00 a.m. in the City Hall Council Chambers for public hearings regarding proposed amendments to the Urban Renewal Project Plans for the Lake and River Districts; and a workshop regarding the Fiscal Year 2016/2017 Budget and Impact Fee Development Plan. **Motion carried.**

The meeting adjourned at 6:46 p.m.

ATTEST:

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Steve Widmyer, Mayor

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Amy C. Ferguson, Deputy City Clerk