

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

JUNE 4, 2019

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, June 4, 2019 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

INVOCATION: Pastor J.O. Owens with Heart of the City Church provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the Pledge of Allegiance.

Proclamation for Alzheimer's & Brain Awareness Month – June 2019: Mayor Widmyer proclaimed the month of June as Alzheimer's & Brain Awareness Month. Patricia Christo, Outreach Coordinator; Leslie Woodfill, Events Coordinator and Joel Loiacono, Regional Director, Eastern Washington & Northern Idaho, accepted the proclamation and noted that their annual Awareness Walk will be held in Coeur d'Alene on September 28, 2019 in Riverstone Park for a walk to end Alzheimer's. Mr. Loiacono noted that 26,000 people in Idaho have Alzheimer's, with 85,000 caregivers giving 97 million hours of unpaid care. He noted that people can reduce their risk by making key lifestyle changes, such as engaging in physical activity and continued social engagement and good heart health. Additionally, if someone thinks a family member is showing signs of the disease, they should practice the ABC's -- assess the changes in Abilities, changes in Behaviors, and note changes in Communication. The most important thing is to begin conversations, and contact the local Alzheimer's association for help (<https://www.facebook.com/ALZWCWA/>).

Presentation regarding Chamber of Commerce Diamond Membership: Marilee Wallace, Vice President of Membership for the Chamber of Commerce, presented the Mayor with the City's Diamond Membership plaque and thanked the City for its support over the years.

Citylink Update: Chad Ingle, Program Specialist, Kim Riley, Program Manager, and Amber Conklin, Kootenai County Program Specialist, Grants Management & Transit, presented the Council with an update of the current routes and development of the transit center. Their goal is to increase capacity and service to citizens while striving for sustainability. Mr. Ingle noted that they have implemented a mobile app, called “ETA,” which enables riders to determine pick up locations and estimated times of arrival for busses. He noted a huge accomplishment of adding Google maps to the program to help passengers navigate through the system and plan trips. Additionally, the app will provide a single pay system that will aid in the movement toward collection of bus fees. Ms. Conklin noted that their four-pillar mission remains the same over the years, which is education/job training, employment, health care and recreation. She noted that the Riverstone Transit Center will be complete this August. As they look to the future, they hope to provide safe shelters for riders at specific locations and will be coordinating locations with local entities. Mr. Ingle noted that they have had 135,281 regular route riders this past year, 12,959 on the paratransit, and 2,129 through the ring-a-ride (senior) program. He noted that the average cost per trip on the regular bus line is \$3.58 versus the national average of \$4.68. The paratransit/ring-a-ride service has an average cost of \$25.03 through Citylink versus the national average of \$37.69. Ms. Riley provided information regarding the average transit costs per citizen per city, noting that they are asking for additional support from local jurisdictions for this year and 3% annually thereafter. Ms. Conklin thanked the community partners and the City of Coeur d’Alene. Councilmember McEvers asked if there is a current charge for people to ride the bus. Ms. Conklin clarified that there is no current fee; however, they are exploring options to pay via a smart phone one touch payment system. Councilmember English noted that he works for the Area Agency on Aging and can confirm that the bus service is very important to that portion of the community and the program needs support. Councilmember Miller asked if the large increase requested for this year can be spread over time. Ms. Riley noted that they need to increase their cash match to supplement the capital fund to catch up. Councilmember Gookin asked if they are asking the same level of increase of other municipalities. Ms. Riley confirmed they are asking the same level of increase for each city, based on its population.

PUBLIC COMMENTS:

Shane Greenfield, Coeur d’Alene, noted that it came to his attention that a couple blocks of residential streets in mid-town have become a “residents only” parking program. He spent some time observing the area and noted a resident on Montana Avenue confronting people in the area, including a Fed-Ex driver. As a Realtor, he was showing a building behind the Midtown Pub, while it was raining, and could not find adjacent parking. He does not believe there is a reason for residents-only parking as they all have available off-street parking. Mayor Widmyer stated that the City has purchased additional property abutting the Third Street parking lot in mid-town which will provide more public parking. Mr. Greenfield stated that this program opens the door for other residents to request the same program in their neighborhood, eliminating even more public parking. The Mayor said that the Planning Department has explained that it is a pilot program and parking is a controversial issue. Councilmember Gookin noted that he has received additional requests for other neighborhoods.

COUNCIL ANNOUNCEMENTS:

Councilmember Miller noted that last week she attended an exploratory meeting with representatives from the State Historical Preservation Office to discuss ways to get the community engaged. Additionally, the city will continue to provide Atlas Waterfront updates on the website, and citizens should look for a future meeting in July where the City and Ignite will host a meeting with developers/builders to solicit feedback on the future development. Presentations will include design standards, RFP process outline, and Q&A. She also noted that she has recently been contacted with similar parking fees questions; therefore, she is creating a document with frequently asked questions to be posted to the city web-site. She also clarified that parking was never guaranteed to be free during the McEuen Park discussions.

Mayor Widmyer requested the appointment of Gina Davis to the Urban Forestry Committee.

MOTION: Motion by Edinger, seconded by Evans to appoint Gina Davis to the Urban Forestry Committee. **Motion carried.**

CONSENT CALENDAR: **Motion** by McEvers, seconded by Evans, to approve the Consent Calendar, including **Resolution No. 19-018.**

1. Approval of Council Minutes for the May 21, 2019 Council Meeting.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for Monday, June 10, 2019 at 12:00 noon and 4:00 p.m. respectively.
4. Setting of a Public Hearing on June 18, 2019 for the CDBG 2018 Consolidated Annual Performance Evaluation Report (CAPER)
5. Final Plat approval for SS-19-02 – The Trails 3rd Addition
6. **RESOLUTION NO. 19-018** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT WITH CRESCENT FAMILY LIMITED PARTNERSHIP TO PERFORM SUBDIVISION WORK FOR UNIVERSITY CITY COMMERCIAL TRACTS AND ACCEPTANCE OF SECURITY (SS-6-17).

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

AUTHORIZATION TO OCCUPY THE CITY-OWNED SPACE LOCATED AT 214 N. 3RD STREET AND USE IMPACT FEES TO FUND CONSTRUCTION OF A POLICE SUBSTATION IN THIS LOCATION.

STAFF REPORT: Police Chief Lee White that in 2014 the Police Department received approval to lease space for a police substation (Station 2) at 1424 E. Sherman. Since that time, the Police Department has spent approximately \$21,000 annually to utilize the space. The substation has been an asset not only to the officers assigned to that section of town, but also to the community. In the past two years, walk-in traffic from the community at the location has dropped dramatically. Additionally, crime in the City has dropped, especially in this part of town. The patrol division now reports that very few members of the community come into the

building to engage the officers or report crimes. He recommended that the sub-station be moved from 1424 E Sherman to 214 N 3rd Street, as it may be better able to serve a larger section of the community, while being more financially conservative in a city owned property that is in close proximity to the current substation. The benefits of moving Station 2 from 1424 E Sherman to the parking structure at 214 N 3rd St. include the opportunity to engage a larger number of people on a more consistent basis, proximity to many of the major events that occur downtown, and increased visibility for people coming into the area. Both structures are of similar size (1040 sq. ft. on Sherman vs. 834 sq. ft. for the parking garage space). The new station would have two offices, a small break area, and a larger space for event coordination, meeting with community members, and report writing. Estimates to build out the space at 214 N 3rd St are \$95- \$110 per sq. ft. The department has approximately \$364,000 in impact fees that could be used for this purpose, and it would be a city-owned space.

DISCUSSION: Councilmember Gookin asked if there are plans to shut down the Fire Station 1 substation. Chief White noted that would be a discussion with the Fire Chief, as that site is in such close proximity to the proposed location it may make sense to close it. Councilmember English said that he felt that the move makes a lot of sense and noted that the street level access will make for easy visibility to the community. Councilmember Miller reiterated that the level of service on East Sherman will not dissipate due to the district system established by the Police Department.

MOTION: Motion by English, seconded by Edinger to authorize the Police Department to occupy the City-owned space located at 214 N. 3rd Street and to use impact fees to fund construction of a police substation in that location.

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

RESOLUTION NO. 19-019

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AMENDMENT NO. 2 TO THE SOLID WASTE SERVICES CONTRACT WITH NORTHERN STATE PAK, LLC, D/B/A COEUR D'ALENE GARBAGE.

STAFF REPORT: City Administrator Troy Tymesen noted that the Solid Waste Services Contract (hereinafter "Contract") with Northern State PAK, LLC, d/b/a Coeur d'Alene Garbage Services (hereinafter "CDA Garbage") was effective July 1, 2016, and CDA Garbage has fully performed in accordance with terms and conditions of the Contract since then. In May 2018, CDA Garbage requested an increase in the fees for single stream recycling and a modification in the type of recycling which must be accepted under the Contract. The City Council approved Amendment No. 1 to the Contract in July 2018. Amendment No. 1 was to be in effect for twelve (12) months. Now, almost twelve (12) months later, the recycling market continues to deteriorate, both in terms of cost and in terms of the allowed recyclable materials. Despite the continued deterioration of the recycling market, CDA Garbage is willing to continue to operate under the terms of the Contract and Amendment No. 1. The cost for this service over the past 10

months is \$157,095 or \$15,709 per month. The cost per ton today is at \$110 and ten months ago it was \$69. The plan is to continue the service and have this expense be paid from the Solid Waste Enterprise Fund. Amendment No. 2 encompasses the following terms: the City will pay CDA Garbage an additional fee for the disposal of recyclables. That fee will be CDA Garbage's net cost per ton (including hauling and MRF fees) in excess of \$20 per ton (i.e., CDA Garbage will pay the first \$20 per ton). In addition, the City's monthly fee is capped at \$25,000. If the fee equals or exceeds \$20,000 per month for three consecutive months, the parties will meet to discuss adjustments in the program to ensure the City's obligation will not exceed \$25,000 each month. The "net cost" will take into consideration any payments to CDA Garbage by the MRFs for the recyclables. Additionally, these fees will continue to be in effect until June 30, 2020, and the parties will meet prior to the expiration of the term to negotiate any further adjustment to the fee and the program itself. Over the past year, 140 tons of recycle material have been gathered and processed, and continue to be more expensive to process.

DISCUSSION: Councilmember McEvers ask for clarification regarding what portion the company is paying per ton. Mr. Tymesen confirmed that CDA Garbage pays the first \$20.00 of the \$110 per a ton cost. Councilmember McEvers asked if, in the long term, they will step away from recycling. Mr. Tymesen said that he is hopeful that recycling continues, and that the industry finds ways to use the material. One option would be for the City to only collect what is valuable on the market, or increase the fee to pay for the costs. Councilmember Edinger asked how long the contract is with CDA Garbage. Mr. Tymesen noted that it was a 10-year agreement with a five-year extension, and three years have passed on the original 10 years. Councilmember Gookin said that he thinks that the current single stream recycling system is a failure, and that separating out recycling would work better. He suggested that Mr. Tymesen continue discussions with the hauler to plan for the future costs.

MOTION: Motion by Gookin, seconded by English to approve **Resolution No. 19-019** approving Amendment No. 2 to the Solid Waste Contract with Northern State PAK, LLC, d/b/a Coeur d'Alene Garbage extending the agreement for recycling services.

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

PUBLIC HEARING: QUASI-JUDICIAL - EXCHANGE OF PROPERTY WITH SOCIETY OF ST. VINCENT DE PAUL IN COEUR D'ALENE, IDAHO, INC., OF CERTAIN PARCELS OF REAL PROPERTY KNOWN AS 1516 AND 1620 E. SHERMAN AVENUE, IN EXCHANGE FOR CITY-OWNED PARCELS AT 102 AND 106 EAST HOMESTEAD AVE., IN COEUR D'ALENE, IDAHO.

STAFF REPORT: City Attorney Mike Gridley reminded the Council that this item was introduced to the Council in May and tonight is the public hearing opportunity for public input on the project. The City owns real property located at 102/106 East Homestead in Coeur d'Alene. The two lots were consolidated in May 2012 in an effort to assemble land to allow St. Vincent's to seek HUD funding to build 14 housing units for low income individuals with disabilities. The lot consolidation combined 102 and 106 East Homestead into one property to allow additional low-income units to be built and meet the requirements of the Building Code

and Zoning Code related to square footage per unit, parking and setbacks. While there are two physical addresses, the County's GIS mapping and Assessor's Office show the full property under the parent parcel of 102 E Homestead. The City-owned properties on Homestead Avenue have a current estimated market value of \$437,000 to \$490,000. The Society of St. Vincent De Paul in the City of CdA, Inc. and the St. Vincent De Paul Salvage Bureau, Inc. own real property at 1516 East Sherman Avenue (Star Haven) and 1620 East Sherman Avenue (Sandman) in Coeur d'Alene. Both properties were formerly used as transitional housing. The Star Haven has a current estimated market value \$370,000 to \$472,410. The Sandman has a current estimated market value of \$418,000 to \$472,410. The City will pay Three Hundred Thousand Dollars (\$300,000) in addition to conveying the City-owned properties on Homestead Avenue that have a current estimated market value of \$437,000 to \$490,000. The City will receive two properties owned by the Society of St. Vincent De Paul in the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc. located at 1516 and 1620 East Sherman Avenue that have a combined value ranging from \$788,000 - \$944,820 (average of \$866,410).

Community Planning Director Hilary Anderson noted that there have been conversations since 2008 about revitalizations of East Sherman and a lot of interest within the community. She noted that Community Builders has been assisting in master planning the area and have analyzed the area of East Sherman, noting that the two property are within the priority area of future planning and use. The conveyance/exchange of this land is beneficial to the overall development and use of each owner's property as the exchange will give the City the opportunity to assist with revitalization efforts of East Sherman. She noted that some possible uses for the East Sherman properties that have been suggested include a possible food truck park which would provide an ongoing source of revenue. Additional suggestions highlighted were public parking lot(s); or leveraging the properties for development opportunities and using the RFP process to specify the type of development desired on the properties (such as affordable/infill housing – supporting the need for infill housing, and possibly an opportunity for CDBG assistance). Ms. Anderson said that it may also be an area for a year-round farmers market. The opportunities align with the ideas and priorities as identified by community members and Community Builders as outlined in the East Sherman planning documents. The City is open to additional community input for how to best use these properties to support revitalization and redevelopment efforts for East Sherman. The leadership group confirmed that all the ideas are great and felt a grassy lot could be an interim use as other opportunities are explored. Ms. Anderson noted that a draft master plan is ready for distribution and will be presented to City Council soon.

DISCUSSION: Councilmember McEvers said if this moves forward, the City should get input from the neighbors and businesses. Councilmember Gookin said that he believes it is a great deal for St. Vincent de Paul and thinks it is good for the City to get out of the rental business. His noted that his biggest concern is that this purchase was planned for and just popped up, and he expressed concern regarding the Homestead property value. Mr. Tymesen explained that the County Assessor's goal is to be within 10% of market; however, in this case the owner of the 14-unit building is St. Vincent De Paul, with a large encumbrance from HUD on the building, thus the reason for the 75-year lease. The goal was to preserve low-to-moderate income housing. Mayor Widmyer noted that the parcel of land is encumbered with a 75-year lease with a 25-year extension, so the land has no value to the City. Additionally, he felt the valuation on the 7-units was fair based on the income it can bring in. Councilmember Gookin asked when the City

approach St. Vincent on these properties. Mr. Tymesen explained that the properties were on market for several months and then the City approached them a couple months after they were listed. Councilmember Gookin asked if it was legal for the City to purchase without an appraisal. Mr. Gridley confirmed the City did not need to have an appraisal. Councilmember Gookin asked how additional costs and property remediation were going to be paid. Mr. Tymesen noted that they would be paid with the fund balance and staff is working on getting demolition estimates which may range from \$60,000 to \$80,000 for both properties. Councilmember Gookin expressed concern about rushing into this deal and reiterated his desire to have a plan of action and know all the costs and that he was uncomfortable moving forward. Councilmember McEvers noted that the City doesn't have to do anything with the property when it is bought and can plan for additional costs in the upcoming fiscal year budget.

PUBLIC TESTIMONY: The City Clerk swore in those that stated they would be giving public testimony.

Joe Morris, Coeur d'Alene, spoke in support of the exchange of property. He noted that in 2006 the Mullan Avenue historical preservation group began seeking the master planning of East Sherman. In 2013, he participated in the CDA 2030 process and East Sherman came forward as a priority again and he supported the grant from the Community Builders group. There was an incredible amount of community input and feedback provided; therefore, he thinks that there has been enough discussion and that a plan is always in draft form and it is now time for action. He believes this land trade would send the message that the City supports the development on East Sherman and the revitalization of that part of town.

Mike Kennedy, Coeur d'Alene, noted that he is a volunteer board member of St. Vincent de Paul and expressed his thanks to the City for bringing the offer forward. The properties have histories with uses that have exceeded their useful lives. St. Vincent took over Fresh Start on East Sherman and worked with the City to close it down and relocate its use to the HELP Center and was an example of good partnership with the City. He noted that St. Vincent owns approximately 300 units of housing within Coeur d'Alene, all of which house low to moderate income (LMI) people many of which are senior citizens and/or disabled. Mr. Kennedy noted that St. Vincent's tried to sell the property on the private market, and had a lot of showings but no offers, due to the amount of investment that would need to make the buildings work. Additionally, the only other persons interested were organizations that wanted to continue the transitional housing use. He believes that this is the time for the City to show leadership on East Sherman and he believes it would be a win for both groups while showing the community the City's commitment to East Sherman.

Kevin McCrummen, Coeur d'Alene, noted that for the last two or three years he looked to open a business in Coeur d'Alene and East Sherman was not a desirable location for him. He noted the history of crime and the presence of halfway housing was a deterrent to business relocation. He felt it was nice to see design options and said that he believes this is an opportunity to increase economic growth, livability, and move away from transitional housing.

Gail Hewett, Coeur d'Alene, spoke in support of the exchange. She noted that she is a commercial and residential property owner in the East Sherman area, and said that this has been

a blighted area and truly needs some help from the City, which will help others get engaged. Ms. Hewett said that she believes business owners will get engaged when they see forward momentum, and it will increase home and business values.

Karen Hanson, Coeur d'Alene, said that she is very split on the issue. She grew up with her family owning a hotel on East Sherman that is no longer there. She noted that she is in favor of revitalization of East Sherman. She is a Real Estate Agent, and had a client that wanted to look at the properties, but who felt they were overpriced and on the market for over 180 days. She said she wanted to make sure the City isn't over paying for the properties and that it should have a formal appraisal done. She questioned the previous lease on the Homestead property.

Stan Schedler, Coeur d'Alene, said that he owns a business on East Sherman that has been family owned since 1974. He confirmed that there has been a positive change in the amount of crime since Fresh Start and the transitional housing have closed. He stated that he likes the idea of taking tax exempt properties off the rolls and would even think it would be acceptable for the City to hold the property and resell it later. Mr. Schedler encouraged the Council to take the opportunity before them.

Shane Greenfield, Coeur d'Alene, said that he has lived within the downtown and mid-town areas since he was 13-years old and he was not allowed to ride his bike toward East Sherman and noted that those times have changed with crime reduction. He believes the area has changed with residential revitalization and this additional revitalization will help East Sherman. He commented that there are many ideas that came forward, any of which would be fantastic, and he encouraged the Council to take advantage of the opportunity and bring the property up to standards that the community would enjoy.

The Mayor closed public testimony.

MOTION: Councilmember Gookin made a motion to direct staff to obtain a professional purchasing appraisal to ensure that the City is not over-paying for the properties. **Motion died for a lack of a second.**

DISCUSSION CONTINUED: Mr. Gridley explained that the City did get a Broker's Opinion Letter that used comparable sales, that it is professional and he has confidence in the price valuation. He noted that a formal appraisal would be approximately \$3,000.00 and would take additional time to complete. Councilmember Evans said that she appreciated the testimony given and thinks it is a great opportunity and will be a huge benefit to East Sherman. Councilmember Gookin expressed concerns with it being an unplanned, unbudgeted project, and said that he believes it to be reckless. Additionally, he believes it is the worst time to buy, is concerned about negative transitional housing comments, and said that the City is not in the business of shutting down a legal business. Councilmember Edinger said that he has lived a couple blocks up from Sherman Avenue for approximately 60 years and believes it is about time for the City to improve that area of town.

MOTION: Motion by Evans, seconded by English to approve the exchange of property with Society of St. Vincent de Paul in Coeur d'Alene, Idaho, Inc., of certain parcels of real property

known as 1516 and 1620 E. Sherman Avenue, in exchange for City-owned parcels at 102 and 106 East Homestead Ave. and direct staff to complete the exchange of property pursuant to the terms of the applicable purchase and sales agreements.

ROLL CALL: Evans Aye; Miller Aye; McEvers Aye; Gookin No; English Aye; Edinger Aye.
Motion carried.

The Mayor call for a five-minute recess at 7:51 p.m. The meeting resumed at 8:04 p.m.

RECUSAL: City Attorney Mike Gridley noted that Mayor Widmyer had a conflict of interest on the Appeal hearing and has recused himself and turned the meeting over to Council President McEvers.

PUBLIC HEARING: QUASI-JUDICIAL - APPEAL OF THE APPROVAL OF SP-1-19: LOCATED AT 215 W. MILL, 1715,1705, 1719 N. GOVT WAY, 208 W. DAVIDSON; A REQUESTED SPECIAL USE PERMIT IN THE R-17 & C-17L ZONING DISTRICT FOR AN R-34 DENSITY INCREASE

STAFF REPORT: Associate Planner Mike Behary noted that the appeal was filed by Terry Godbout representing “We the People of CDA.” The project applicant is Ben Widmyer with Architect Miller Stauffer. The original hearing was held before the Planning Commission on April 9, 2019, with a unanimous approval vote of the Commission of 5 to 0. Mr. Behary explained that the City Council is being asked to hear an appeal of the Planning Commission’s approval of a special use permit to allow a density increase to R-34 that will allow a mixed-use development with commercial units located on the first floor and 43 residential multi-family units located above the commercial units. The project location is at the corner of Government Way and Davidson Avenue. Mr. Behary presented maps of the project area, and the site plan provided by the applicant. Mr. Behary noted that there are two findings for the R-34 request including that it must be in close proximity to an arterial, as defined in the Coeur d’Alene transportation plan, sufficient to handle the amount of traffic generated by the request in addition to that of the surrounding neighborhood; and the project and accessing street must be designed in such a way so as to minimize vehicular traffic through adjacent residential neighborhoods and be in close proximity to shopping, schools and park areas. Additionally findings are required for the special use permit to include that the proposal (is) (is not) in conformance with the Comprehensive Plan; the design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties; the location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities, and services. He presented related comprehensive plan goals and noted the proximity to arterials and shopping, schools and parks. He noted area special use permits and zone changes previously approved. He presented the staff recommended 11 conditions also recommended by the Planning Commission. Mr. Behary noted that the City Council could affirm the Planning Commission’s approval of the request, affirm with conditions, reverse, or remand the item back to the Planning Commission.

DISCUSSION: Councilmember McEvers asked if the Council would need to confirm all the Findings or none of them. Mr. Behary clarified that all the Findings must be met for the item to

be approved. Councilmember McEvers asked clarification about the allowance of the R-34 zone. Mr. Behary explained that that the property is zoned R-17 and C-17L and a special use permit allows for the R-34 density in either zone. Councilmember English asked about the proximity of schools to the project and what are the Council's responsibilities regarding the impact to the schools. Mr. Behary explained that as part of the Findings it is not about capacity of the school but, rather, it is the geography of the distance to a school.

The City Clerk swore in those that stated they would be giving public testimony.

APPELLANT: Terry Godbout, Coeur d'Alene, noted that there is a lot of objection in the community about this project. He explained that he represents a Facebook group of 800 members, with the goal of promoting transparency and honesty in government and citizen engagement. He expressed concern regarding the impact of higher density on schools. He noted that there was a letter from the School District received today talking about an increase in density from C-17 to R-34, which noted that the C-17 would increase the density on the lot by 420% and with the R-34 it would increase density by 860%, so Mr. Godbout said that schools should be taken into account. He read an email from Jeff Voeller, Director of Operations for District 271 noting that the parcel is within the Winton Elementary zone, which currently has 506 students, which is 108% capacity, and Bryan Elementary School, which is at 106 % capacity. Secondary students' capacity at Lakes Middle School is at 98% and Lake City High School is at 116% capacity.

David Lyons, Coeur d'Alene, explained that the R-34 designation is a zoning district noted within Chapter 17 of the City Code, and has fifteen subsections under that, each one a different zone code. The seventh one is R-34, so it is zoning. City Code 17.05.330 provides the option of granting the special use permit under this procedure; therefore, it means the City has a choice. There is no district called R-34, and no color code for it within the on-line zoning map. Mr. Lyons said that after a recent records request to the City it was added to the mapping tool. All of this demonstrates there is no district but a lucky project here and there that were fortunate enough to get the increase, and that he believes it is illegal spot zoning. He noted an Idaho Supreme Court ruling that states it is illegal to single out a use inconsistent with other zoning districts in Comprehensive Plan policies for the benefit of an individual property owner. He said that the project is on six lots and in order to be profitable the developer would have to make it five stories. He noted that 21 apartments can go there today with three stories; however, with the R-34 density they can double that. He believes there is no public need for a spot of super density as he believes there are plenty of lots that are C-17 that can be used for apartments. Additionally, Mr. Lyons said that he looked for information on ownership of the property and did not find the ownership information in the packet -- only the application which had Ben Widmyer's name listed. Upon additional research, he found a Warranty Deed at the Recorder's Office that listed four owners including the Mayor, and he felt that if that was known at the time of the hearing there would have been community outrage. Mr. Lyons noted that the city code gives the authority to create an application form to the Planning Director, and that the form required disclosure of the owners and they were not included; therefore, the application should be deemed illegal. He believes the City should reverse the Planning Commission's decision. Additionally, Mr. Lyon's noted that in December 2016, there was a request made for R-34 zoning next to O'Shay's on Lake Coeur d'Alene Drive. The applicant was an LLC and they did

not own the property until a year and a half later, which was purchased from John Stone. The current project consisting of six (6) lots is all referred to as one parcel and one project, and has conflicting zoning of the same project. He believes that City Code 17.01.020C would apply and stated that the more restrictive zone should apply, and that would be R-17 for the project. He said that he surmised that this would be an illegally zoned approval and noted that the Comprehensive Plan map demonstrates the area is Stable Established and Transition, as the four lots on Government Way are in Transition and the two on Davidson are Stable Established and should be maintained as Stable Established. He noted that the Comprehensive Plan notes that Transition areas should be handled with care and does not believe the approval of R-34 density is with care and that it is reckless and unnecessary.

DISCUSSION CONTINUED: Councilmember English asked for clarification regarding the Facebook group and if they are all City of Coeur d'Alene residents. Mr. Godbout explained that the new Facebook group has about 75% of members that may be residents of Coeur d'Alene but there is no formal way of knowing exactly. Councilmember Gookin noted that the appeal is of the Planning Commission decision and asked what the relevance of the application would have. Mr. Lyons explained that nowhere in the document does it state the owners, so he believes the application is materially insufficient. Mr. Gridley explained that there is no code or state law requiring the ownership information; however, the form asks for it and does not invalidate an application and can be amended later and would not go to the merit of the R-34 zoning. Mr. Lyons said that he felt that this documents unlays the whole proceeding and everything the Planning Commission did was based on the document. Councilmember Gookin asked for clarification regarding the action that is being determined tonight and the validity of the application to the findings noted. Mr. Gridley explained that this is an appeal of the Planning Commission decision and findings and whether or not they are appropriate for the evidence provided to them. Councilmember Miller clarified that this is for the consideration of a special use for height and density of units.

PUBLIC TESTIMONY:

Mary Jo Kringas, Coeur d'Alene, spoke in opposition based on the schools being at or over capacity, the apartment tower not being within neighborhood standards, and not enough parking. She noted that the development will take down 25 mature trees in a stable neighborhood, and believes that increasing the density on one parcel is unfair to the surrounding property owners. She said that the findings regarding the application missing ownership data is disturbing and the project would be a significant loss of charm to an established neighborhood.

Tom Tinney, Coeur d'Alene, said that he lives on the south side of the street, fourth house from the proposed development, and noted that all the lots in the neighborhood are small. He is concerned about the traffic and said that traffic on Davidson Avenue has already increased substantially over thirty-years and parking has not yet been a problem. He noted some concerns from Emma Avenue, such as parking that blocks mail boxes, and winter conditions that turn it into a one lane street.

Eric Swanbeck, Coeur d'Alene, said that he attended the Planning Commission meeting and that he wants protection of the beauty and aesthetics of the neighborhood. He provided testimony

that he is concerned with the parking layout presented with 96 spots -- 53 stalls for commercial and 43 for the residential units -- as people often have more than one car, boats and RV's. He is concerned that traffic will be a problem and likes that people from the hospital walk through the neighborhood and fears increased traffic will inhibit their safety. He also noted the potential crime increase to the neighborhood due to the building creating a wall to hide folks with bad intentions from view of the street. He said that he believes they should know if it is going to be affordable housing or for profit. He feels the Mayor's ownership would disallow the him from even making the request and would like denial of the density.

Hilary Chick, Coeur d'Alene, said that she lives a half block away and has dealt with the City numerous times due to her basement flooding, even after she installed a backflow device; therefore, she believes the line at Government Way and Davidson Avenue is not adequate for a large development. She also believes the development is too big, with five stories, for the location and a little greedy. She expressed concern with increased traffic, as they already experience traffic back up on Lincoln Avenue in the morning and evening during rush hour traffic.

Elizabeth Henkel, Coeur d'Alene, noted her opposition of the project, as she believes anything more than 17-units per acre is too much and there should not be an R-34 density allowed within the City. She also noted that the incompleteness of paperwork is incorrect and should not be accepted and it is not transparent.

Karen Hanson, Coeur d'Alene, expressed concern with the project burden on the utilities that are already over capacity, schools that are over capacity, and parking issues. She noted that in 2013 there was an article in the paper about the Mayor voting against an R-34 project in midtown as it would be a poor fit and dominate the neighborhood. She does not believe there is a need for five stories, and questioned parking spaces and placement for the snow removal. She noted that there is a bike lane on Government Way that should not be allowed to be removed. She requested the Council restrict approving any zone changes until the Comprehensive Plan is updated.

Elaine Price, Coeur d'Alene, spoke in opposition and noted that she does not feel that this development fits the area and is not management of growth. Even though the City is not allowed to charge impact fees for schools, overcrowding of the schools should be considered and agrees with prior testimony in opposition.

Jeff Connaway, Coeur d'Alene, spoke in opposition and believes it is out of scale and is concerned with the loss of trees and character of the neighborhood. He asked the Council to reverse the findings of the Planning Commission.

Sam Candill, Coeur d'Alene, noted that he recently built a new home in the area and there are two streets without sidewalks which in snow conditions makes the roadway get very narrow. He expressed concern that more cars on the street will cause a bigger issue and that the R-34 density would be too much for those streets in the neighborhood.

Shane Greenfield, Coeur d'Alene, noted that the City is growing and believes there is extremism in the testimony provided. As a Real Estate Agent, he knows there are people who move here

but cannot find housing. He believes the community needs more density, as it does help lower prices so people can live here. He noted a local teacher that lives outside of Spokane Valley, as they cannot find housing locally. He noted that the “We, the people of CDA” site removes people who disagree with them. He also noted that the town itself has traffic issues and are trying to catch up, but there is a need for housing for people. He requested the Council approve the Special Use Permit on the merits of the project.

APPLICANT: Mike Walker, Miller Stauffer Architects, said that he was speaking on behalf of the applicant. He noted that they have developed the project further and have changed the design from a five-story building to a four-story building. He reviewed the proximity to schools, shops, and surrounding uses. He explained that the current design includes 14 enclosed garage spaces, 59 parking spaces, and 2 handicap spaces with 1 van accessible, for a total 75 car parking spaces behind the structure as required by code. The access will be to the rear of the site rather than Government Way. He presented the updated site plan and explained the unit mix and presented a design drawing of the proposed development. He noted open patios with slight elevation from the street/sidewalk area. The benefits of an R-34 provides the developer with more flexibility and greater amenities and unit types. Peter Smith also spoke on behalf of the applicant and noted that the Planning Commission considered whether or not that the project met the Comprehensive Plan and whether it was compatible with the setting and existing uses and not testimony to the contrary. The public services and facilities are adequate via the evidence submitted in the staff report documents. He noted that the R-34 density is available when a property is zoned R-17 or C-17L and is intended to be within a Transitional zone. He said that there is no requirement that requires both the lots to be zoned the same. The code does require the development be in close proximity to an arterial and it abuts Government way so this requirement is met. Mr. Smith explained that the project is designed to minimize traffic to the residential neighborhood and there is proximity to schools shopping and parks. He noted that each of the factors called out in the Findings has been met and, therefore, the request should not be denied. He clarified that this is not spot zoning, and in 2015 the Idaho Supreme Court clarified that spot zoning is zoning that does not comply with the Comprehensive Plan and this project does. In reference to the schools, it is not an appropriate factor to consider the impact, as that is not called out in the code. Winton is over capacity; however, neighboring schools such as Bryan and Borah are not over capacity. In the Fall of 2020, a new elementary school will be built with 550 capacity. However, under the ordinance the consideration is about the proximity to schools. He noted what is currently allowable uses under C-17 and stated that there have been zero accidents at the corner of Mill and Davidson Avenues since January 1, 2015. The staff report notes that Government Way can handle the traffic. In regard to the application discussion, he said that the Planning Director creates the application and the title report included all the information. The Planning Commission considered the evidence required to be considered, not the applicant. Mr. Smith clarified that there will be an impact to traffic as it is a change of use.

DISCUSSION CONTINUED: Councilmember McEvers asked why they were proposing less parking now. Mr. Smith said that they originally needed 96 stalls to meet the commercial square footage, but since then they have pulled out more of the commercial and decreased the scale of building, which resulted in less required parking. Councilmember Gookin asked about traffic impact to the neighborhood. Mr. Smith noted that there will be more cars on the residential street, due to more people living in the apartments. Councilmember Edinger said he

has lived in the community a long time and some of those streets are pretty narrow and during the winter when cars are parked on both sides of the street only one car can drive down the middle. Councilmember Miller noted that one of the requests before the Council is that the application should be null and void as it was filled out improperly. Mr. Smith said that is not required by the code that the owner was listed and it was provided within the packet with the title report and is not a legal defect. Councilmember Miller questioned the argument about spot zoning. Mr. Smith said he believes that the argument for spot zoning fails as this project complies with the Comprehensive Plan and they do not have a rezone request and the district allows for a special use permit for additional density, so it does not meet the letter of the law for spot zoning. Councilmember Miller asked if the current design of the building is final and binding. Mr. Smith said that it was not and would have to go through the building permit process for finalization. Mr. Smith confirmed that an office building would be more impacting and the parking requirements would be higher to account for that. Ms. Anderson noted that the staff report information is accurate and that commercial does cause more trips than residential uses. Councilmember Gookin noted that traffic is not noted for Davidson and Mill Avenues in the staff report. Ms. Anderson said that the staff report does say that there is adequate capacity on Government Way. Councilmember Miller asked if there was a mechanism available for Council to direct that traffic exit a certain direction from the parking lot. Ms. Anderson said that would need be a discussion with the City Engineer regarding turn movements. Councilmember Miller asked if there was any consideration for parking on Government way. Ms. Anderson said that she felt there was not adequate room on that section of Government Way. Councilmember Edinger noted his concern about traffic in that area as it is already tough to get out on Government Way or the highway.

REBUTTAL: Mr. Godbout noted that Government Way has no stop signs, contains five traffic lanes, include the center turn lane, with no impediments to speed. The speed limit is 35 and he believes people speed through there regularly. He expressed concern with north bound traffic on Government Way and that the name of the owner was not available to the public, as the only way it was available was to make a public records request. He said he felt that if the question is on the application form, it should have been filled out appropriately. He reiterated that Mr. Voeller noted that there is no room at Bryan Elementary School and that he felt there was a huge change in the proposal and asked the item be remanded back to the Planning Commission. Councilmember Gookin said that the decision before the Council was the density request, not the project. Mr. Lyons clarified that the double zoning of the lots as C-17L and R-17 are not illegal, but it is a conflict and the R-17 zoning should take precedent. He commented that it violates the policies of the Comprehensive Plan as the Mill and Davidson lots are in the Stable Established area and the other Transition areas should be handled with care and this is not being a public benefit.

DISCUSSION: Councilmember Edinger asked if this is turned down can they come back. Mr. Gridley said the decision should be if the Planning Commission Findings were in error. If council finds that they are, the developer can come back again anytime. Councilmember McEvers asked if the item could be sent back to the Planning Commission and with what constraints. Mr. Gridley said if the Council finds that they have not met the proof and/or would like added conditions or to remand it with instructions to do something, they could do so. Councilmember Evans noted that if it is denied, it means the Council found error in the Planning

Commissions original Findings and the appellant had the burden of proof. Councilmember Miller noted that the issue about the name was not an issue and other applicants completed the form in a similar manner. Councilmember Gookin agreed that the name on the application was not relevant. Councilmember Miller asked for clarification regarding what the zoning code says regarding properties with two zoning classifications. Ms. Anderson explained that the proposed project is on property zoned R-17 and C-17L, both of which allow for the application of R-34, so it does not have a conflict. Councilmember Gookin said that if the project moves forward it will destroy the neighborhood, and that under Finding B8A the Council must find that the project is in conformance with the Comprehensive Plan and he does not believe that it meets the objectives to protect and preserve existing neighborhoods and that it is an inconsistent development and would be a high impact to the neighborhood. He believes that the Comprehensive Plan needs to address where the high density should go and requested that the City Engineer should be present for future meetings such as this. Councilmember Miller noted that the Comprehensive Plan states that an R-34 density has to provide for various housing needs of a changing population and that the neighborhood is on the cusp between Stable or Transitional areas. Ms. Anderson confirmed that the majority of the property is within the Transition area. Councilmember Evans said that she cannot find an error in the Planning Commission's decision.

MOTION: Motion by Gookin to reverse the Planning Commission decision to approve.
Motion died due to a lack of second.

MOTION: Motion by Evans, seconded by English to affirm the Planning Commission's decision approving SP-1-19: Located at 215 W. Mill, 1715,1705, 1719 N. Govt Way, 208 W. Davidson; a requested Special Use Permit in the R-17 & C-17L zoning district for an R-34 Density Increase.

DISCUSSION CONTINUED: Councilmember Gookin reiterated that he believes this approval will destroy the neighborhood. Councilmember Miller said that she hopes there is enough conversation and confidence in what the developer wants to do on the property and does not believe they can go against the Planning Commission's Findings. Mr. Gridley noted that there is already an underlying zone and that this is just a density request on top of that zone. Councilmember English explained that he is familiar with this area, as he was involved in the development of the Anchor House, and it is clear to him that this is a Transition area as demonstrated by the growth along Government Way now versus what it was in the 1980's; therefore, he will support the Findings of the Planning Commission. He said that he does believe the community needs more housing, especially studio and one-bedroom units, and the only way to get it is through density. Councilmember English said that there was talk about destroying a neighborhood, similar to when they proposed a boy's home on Government Way, and it has not proven to do so. Councilmember Miller said that within the "tomorrow view" section of the current Comprehensive Plan, it notes that it will be connected and enable higher intensity commercial and residential uses and it is expected to be a mixed-use area as a Transition area.

ROLL CALL: Evans Aye; Miller Aye; McEvers Aye; Gookin No; English Aye; Edinger Aye.
Motion carried.

ADJOURNMENT: Motion by Edinger, seconded by Evans that there being no other business this meeting is adjourned. **Motion carried.**

The meeting adjourned at 10:32 p.m.

Woody McEvers, Council President

ATTEST:

Renata McLeod, City Clerk