

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

April 20, 2021

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 April 20, 2021, at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Christie Wood) Members of Council Present
Dan English)
Kiki Miller)
Amy Evans)
Woody McEvers)

Dan Gookin) Members of Council Absent

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

INVOCATION: Pastor Bill Muck of Crossroads Community Church provided the invocation.

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

COEUR D'ALENE AREA ECONOMIC DEVELOPMENT CORPORATION UPDATE- Coeur d'Alene Economic Development Corporation (EDC) CEO Gynii Gilliam gave an update on the EDC's purpose. Ms. Gilliam spoke of their history, board of directors members, partnerships and other processes and services they provide. She stated their focus is on manufacturing, warehouse & distribution, professional services, tourism, recreation, and retail industries, with an emphasis on health services and information tech. She said because of the City's diversity, the area had little negative impact during the pandemic. She mentioned their 2019 and 2020 successes, and the 2021 project list. Highlights of upcoming priorities included 40+ relocation projects, 12+ business expansion projects, applying for state TRI (Tax Reimbursement Incentive) and /or other local incentives. She said moving forward the EDC would be looking at the projected population growth increase and how it affects housing, jobs, and the healthcare industry. She stated big challenges bring forward big rewards.

Councilmember McEvers asked about the name change from Jobs Plus to Coeur d'Alene EDC, with Ms. Gilliam explaining the Jobs Plus name was getting confused with job placement companies, and CDA EDC does not. Councilmember Wood asked about the housing shortage issue and if companies have brought forward any ideas in regards to building their own employee housing. Ms. Gilliam stated they are working with companies to partner with local developers to build the employee housing. Councilmember Wood asked what the City could do

to be more competitive. Ms. Gilliam stated the partnerships are working well and that the City should continue supporting education, transportation, and infrastructure.

Councilmember Miller stated she and Ms. Gilliam attended a meeting of the North Idaho Building Contractors Association (NIBCA) and housing was the topic of discussion. She gave an update on the Regional Housing and Growth Issues Partnership, that includes the cities of Coeur d'Alene, Post Falls, Hayden, Rathdrum, Kootenai County, and Kootenai Metropolitan Planning Organization (KMPO). The goal of the partnership is to provide solutions and the framework for implementing them to government officials and the community. They have a regional workshop scheduled for April 26, 2021, via Zoom. KMPO will host the Zoom meeting and post information regarding the group on their website at <https://www.kmpo.net/>.

FISCAL YEAR 2020-2021 ANNUAL AUDIT-Toni Hackwith of Anderson Brothers CPA's gave an overview of the annual audit conducted for fiscal year 2020-2021. Ms. Hackwith stated the audit is required by Idaho State Statutes and the primary purpose is to assure financial statements show a fair representation of the City's financial position as of a date certain. She gave an overview of the general fund revenues, expenditures, and fund balances for the years 2016-2020 to demonstrate trends. She explained why the general fund reserve balance is important and mentioned the Government Finance Officers Association recommends a minimum of two months of regular general fund operating revenues remain unassigned in the general fund. She stated the Water Fund showed a revenue decrease of 1% over the prior year, with operating expenses increasing by 5%. She said the Wastewater Fund showed a 5% increase in revenues and a 7% increase in operating expenses over the prior year.

Councilmember Wood asked what the fund balance percentage should be. Ms. Hackwith stated the recommendation is two (2) months of operating expenses and the total dollar or percentage would be determined by Council. Councilmember Wood asked City Administrator Troy Tymesen if there was a plan to address the water fund. He stated the depreciation factor and new administration building made an impact on the numbers. He said there was no debt in the Water Fund and they were looking to pay for the needed infrastructure in cash and collect the debt back over a twenty-year period without the use of financing. Mayor Widmyer mentioned the audit was available on the City's website. Council wished to thank the auditors and City staff for their work on the audit. Mr. Tymesen noted the City's overall fund balance grew in a year that was forecast to be reduced by \$1 million, and wished to thank Council and staff for their due diligence in a difficult year.

PROCLAMATION OF APRIL 30 AS ARBOR DAY-Mayor Widmyer proclaimed April 30, 2021, as Arbor Day. He noted that Arbor Day was enacted in 1872 as a special day for planting trees. Urban Forester Nick Goodwin accepted the proclamation and thanked the City for their support. Mr. Goodwin invited the community to celebrate Arbor Day on May 1, 2021, at 11:00 a.m. in McEuen Park for a tree planting, with a celebration in the pavilion at Noon wherein door prizes and free seedlings will be provided. He said the City will receive its 37th Tree City USA award this year, and will be planting trees on Tubbs Hill. The Seedling Program will be sending out a seedling to all 4th grade students in Lakeland School District. He also mentioned the Urban Forestry Division was hoping to have Arbor Day curriculum added to the school course next year.

PUBLIC COMMENTS: Richard Price, Coeur d'Alene, spoke in opposition to the proposed amendments to Municipal Code 9.22.010. He stated he was opposed to the Section 1 language in regards to disorderly conduct and asked how you define a "reasonable person".

COUNCIL COMMENTS: Councilmember Miller noted that she attended the Kootenai County State of the County Address sponsored by the CDA Chamber of Commerce. She mentioned they have concerns about recruitment issues due to housing costs and rapid growth. She also judged the Northwest Entrepreneurship Competition and said there was great talent in the community. Councilmember Wood stated the Committee met to review the RFQs for the Atlas project and she has asked ignite cda representative Tony Berns to present an update to Council at a future meeting.

CONSENT CALENDAR:

1. Approval of Council Minutes for the April 6, 2021, Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the April 12, 2021, Meeting.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services/Public Works Committee Meeting for Monday, April 26, 2021, at 12:00 noon.
6. Setting of a Public Hearings for May 18, 2021:
 - a. QUASI-JUDICIAL - ZC-1-21- A proposed zone change from R-12 to R-17; located at 2nd Street, South of Neider Avenue, Hickman Place Lot 2, Block 1; Applicant: Habitat for Humanity of North Idaho.
 - b. QUASI-JUDICIAL - ZC-2-21 -A proposed zone change from R-12 to R-17; located at 3135 Fruitland; Applicant: George Hughes.
 - c. QUASI-JUDICIAL - ZC-4-21 - A proposed zone change from R-1 to R-3; located at 3395 E. Fernan Hill Road; Applicant: Janet Daily.
7. Approval of a Cemetery Lot transfer from Bruce English to Janet Voorhees; lot 85, block 1, Section OP at Forest Cemetery.

As Recommended by the City Clerk

8. Resolution No. 21-025

- a. Acceptance of a Quitclaim Deed of a .10 acre lot north of the future Huetter Well site.

As Recommended by the Water Department Director

- b. Acceptance of a Water and Sewer Main Easement Grant Deed at the CDA Honda Auto Dealership (2785 W. Seltice Way).

As Recommended by the City Engineer

- c. Approval of a Law Enforcement Mutual Aid Agreement with Spokane Police Department.
- d. Approve the Submission for, and Acceptance of, a Grant from the Coronavirus Emergency Supplemental Funding Program for the Purchase of Personal Protective Equipment (PPE) and Reimbursement of Overtime Costs Associated with the Coronavirus Response in the Amount of \$38,000.00.

- e. Approval of the Abandonment of Water and Stormwater Easements on Property Owned by Active West, LLC.

As Recommend by the General Services/Public Works Committee

MOTION: Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including **Resolution No. 21-025**.

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

COUNCIL BILL NO. 21-1006

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING CHAPTER 9.22 ENTITLED "FIGHTING"; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

STAFF REPORT: City Attorney Mike Gridley gave an overview of the proposed ordinance changes and explained the City had experienced objectionable conduct, especially in the downtown area, that required an expansion of the current Municipal Code (M.C.) 9.22. He stated the proposed amendment would expand Municipal Code 9.22 to define and prohibit disorderly conduct. He mentioned the City Police Department and Prosecutor's Office support the amendment. He stated prohibited disorderly conduct occurs when a person willfully engages in violent, tumultuous or offensive conduct, or by threatening, traducing, quarreling, or challenging to fight another person, or fights with another person in a public place; or makes noise that is unreasonable, considering the nature of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances; or engages in violent, noisy or riotous behavior that would be frightening or offensive to a reasonable person who might be expected to be in the vicinity. He said unlike disturbing the peace, a police officer can cite the person based on conduct the officer witnesses without the officer's peace being disturbed. He said adopting the amendments would give law enforcement and prosecutors additional tools to deal with objectionable behavior in the City.

MOTION: Motion by English, seconded by Wood, to dispense with the rule and read **Council Bill No. 21-1006** once by title only.

DISCUSSION: Mayor Widmyer stated this was a citywide ordinance and does not only apply to the downtown area. Councilmember English concurred this code section was not just for the downtown area, it was citywide and would apply to noise issues as well. Councilmember Wood stated law enforcement deals with hundreds of laws and ordinances and use their best judgement on a daily basis. She mentioned Police Chief White brought bodycam footage for them to view of the unlawful activity happening, and the issues need to be addressed. She stated the City has a responsibility to keep the citizens safe and to ensure law enforcement has the tools to do their jobs, and therefore is supportive of the amendments. Councilmember McEvers asked about the term "community standards", with Mr. Gridley stating Council determines community standards

when adopting codes. Councilmember Miller asked about the term “negligent”, with Mr. Gridley stating it would be judged by normal or a reasonable person standard within the standard legal definition. Councilmember Miller asked about the definitions of “disturbing the peace” and “disorderly conduct”, with Mr. Gridley stating they are similar. He mentioned in current code a peace officer’s peace cannot be disturbed, nor can they be the victim, and require a witness statement to cite the offender. The proposed amendments allow the peace officer to be the victim and issue a citation as appropriate. Councilmember Wood stated this language has been used in other cities, with Chief Criminal Deputy City Attorney Wes Somerton stating he researched the code language in all 50 states in regards to disorderly conduct. He said fighting was added to the City’s Municipal Code years ago, and prosecutors are the only ones who have the authority to bring a matter to trial, or decide not to pursue it. He stated the language provides law enforcement the tools to deal with the issues that are happening in the community.

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

MOTION: Motion by English, seconded by Wood, to adopt **Council Bill No. 21-1006.**

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

LEGISLATIVE HEARING - V-20-01 VACATION OF A PORTION OF EXCESS SELTICE WAY RIGHT-OF-WAY ADJOINING THE SOUTHERLY BOUNDARY OF THE COEUR D’ALENE HONDA AUTO DEALERSHIP & TAX # 3599 IN THE CITY OF COEUR D’ALENE.

STAFF REPORT: Engineering Project Manager Dennis Grant noted the applicants, Famille Holdings LLC & KLSRMS LLC were requesting the vacation of excess right-of-way along their southerly property frontage on Seltice Way. The four (4) lane divided highway known as Seltice Way was originally constructed in 1926 as US Highway 10, with the portion from Coeur d’Alene to the Idaho/Washington boundary being replaced by I-90 in 1971. The right-of-way width adjoining the subject property varies in width from +/- 200’. Mr. Grant stated the vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 0.60 acres to the County tax roll. It would be a benefit to the municipality as tax revenue and to the land owners whose lots adjoin the strip of usable property. He said the purpose of this request was to vacate the unused portion of right-of-way along the north side of Seltice Way, East of Atlas Road. Seltice Way was recently reconstructed, widened and rebuilt. As part of this construction, a bike path was added along the north side of Seltice Way. The applicants were proposing to vacate a portion of Seltice Way, which is approximately one (1’) foot north of the current trail as shown on the exhibit. The request would not have any impact on future expansion of the Seltice Way corridor since the current project is complete. The Development Review Team was informed about this vacation and has no objection. Mr. Grant noted that he sent out 39 certified mailings with no comments returned.

DISCUSSION: Councilmember McEvers asked if the right-of-way process had been completed, with Mr. Grant stating it had.

Mayor Widmyer opened public comments and, with none being heard, public testimony was closed.

COUNCIL BILL NO. 21-1007

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF SELTICE WAY RIGHT-OF-WAY, GENERALLY DESCRIBED AS A PARCEL OF LAND ADJOINING THE SOUTHERLY BOUNDARY OF THE COEUR D'ALENE HONDA AUTO DEALERSHIP AND TAX NO. 3599 IN THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

MOTION: Motion by McEvers, seconded by Miller, to dispense with the rule and read **Council Bill No. 21-1007** once by title only.

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

MOTION: Motion by McEvers seconded Miller to adopt **Council Bill No. 21-1007**.

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

LEGISLATIVE HEARING - V-21-01 VACATION OF A PORTION OF UNDEVELOPED RIGHT-OF-WAY ADJOINING THE SOUTHERLY BOUNDARY OF TRACT 335 OF THE AMENDED PLAT OF HAYDEN LAKE IRRIGATED TRACTS IN THE CITY OF COEUR D'ALENE.

STAFF REPORT: Engineering Project Manager Dennis Grant noted that the applicant Donald Smock, was requesting the vacation of a portion of undeveloped right-of-way that adjoins the southerly boundary of his property in Tract 335 of the Amended Plat of Hayden Lake Irrigated Tracts. Mr. Grant noted the vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 12,574.5 square feet to the County tax roll. Although a minor amount, it would be a benefit to the municipality as tax revenue and to the land owner whose lot adjoins the strip of usable property. He stated the purpose of the request was to vacate a 20' foot strip of right-of-way originally dedicated for an irrigation line. He said the irrigation line was no longer needed and was controlled by the Hayden Lake Irrigation District. The additional right-of-way would be incorporated into the development of the adjoining property. All utilities are existing and in place, and there is no foreseeable use for this additional right-of-way. The Development Review Team was informed about this vacation and had no objection. Mr. Grant noted that he sent out 78 certified mailings with 1 comment returned.

DISCUSSION: Councilmember McEvers asked if this was an extension of the east side of Cornwall Street, with Mr. Grant stating it was.

Mayor Widmyer opened public comments and, with none being heard, public testimony was closed.

COUNCIL BILL NO. 21-1008

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF UNDEVELOPED RIGHT-OF-WAY LOCATED IN THE AMENDED PLAT OF HAYDEN LAKE IRRIGATED TRACTS, RECORDED IN BOOK C OF PLATS ON PAGES 66 & 67, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, IDAHO, GENERALLY DESCRIBED AS THAT TWENTY FOOT (20') WIDE STRIP OF LAND ADJOINING THE SOUTHERN BORDER OF TRACT 335 OF SAID PLAT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

MOTION: Motion by McEvers, seconded by Miller, to dispense with the rule and read **Council Bill No. 21-1008** once by title only.

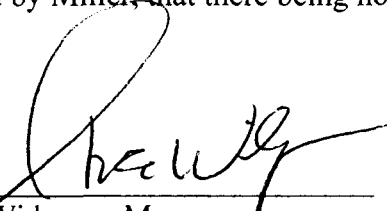
ROLL CALL: Evans Aye; Miller Aye; McEvers Aye; English Aye; Wood Aye. **Motion carried.**

MOTION: by McEvers, seconded by Miller, to adopt **Council Bill No. 21-1008.**

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

ADJOURNMENT: Motion by McEvers, seconded by Miller, that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 7:45 p.m.



Steve Widmyer, Mayor

ATTEST:



Sherrie L. Badertscher, Executive Assistant