

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

May 17, 2022

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 17, 2022 at 6:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

**INVOCATION:** Pastor Steven Findley with the Church of Christ at Coeur d'Alene provided the invocation.

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

**ELEVATE ACADEMY NORTH OPENING:** Marita Diffenbaugh, Principal and Tony Prka, Vice-Principal with Elevate Academy North presented a brief overview of "Elevate Academy North" stating that over the past (3) three years they have been working with the community to open this school. Explaining that this school is a combination of a middle school, high school, and a technical career school. The purpose is to bring students hope, opportunity, and community. The students they are seeking to support are the ones that have not found success in traditional school. The school is located south of Highway 41 and Prairie Avenue in Post Falls and will serve students in the surrounding areas of Hayden, Coeur d'Alene, and Post Falls. There are 240 students currently enrolled for its August of 2022 opening. Mayor Hammond asked if the school is chartered through the state, with Ms. Diffenbaugh responding that they are chartered through the State Idaho Charter Commission. Councilmember Wood asked what CTE programs they offer and if the curriculum aligns with KTEC and the High Schools in the case students transfer? Ms. Diffenbaugh explained that the first year will be 6<sup>th</sup> through 10<sup>th</sup> grade on year (3) they will offer grades 6<sup>th</sup> through 12<sup>th</sup>. The curriculum offered is hands on experience in production and service industries in hopes students will earn a certification prior to graduating. Some examples of the curriculum offered include culinary arts, automated manufacturing, construction, public safety, and business entrepreneurship with hopes to offer aerospace and aviation in the future.

**PUBLIC COMMENTS:**

Shirley Whitehead Freeman, moved from Oregon to Coeur d’ Alene in 2005, stated she bought her house at 3<sup>rd</sup> and Hazel Avenue from Troy Tymesen and also a boathouse located at lot 6 Coeur d’ Alene Lake from Clark’s Jewelers. Her grandfather clause was taken away for the boathouse and the police acted like it was her fault the boat was falling apart she stated the other boats on the lake go too fast which damaged her boat and made it unlivable. Ms. Whitehead Freeman explained that a note was left not to enter the unsafe boathouse and stated she was arrested when she was on the boat working to repair the damage. Two and a half years ago the 3<sup>rd</sup> Street house burnt down and Neil Foster of Prime Builder bid on the project with a completion date of December of 2020. Ms. Whitehead Freeman stated the city is understaffed because the building permit has not been approved yet for the 3<sup>rd</sup> Street property.

**MAYOR AND COUNCIL COMMENTS:**

Mayor Hammond requested the confirmation of the appointment of Shannon Sardell to the Historic Preservation Commission and Mary Lee Ryba to the Arts Commission.

**MOTION:** Motion by Evans, seconded by McEvers to appoint Shannon Sardell to the Historic Preservation Commission and Mary Lee Ryba to the Arts Commission.

**Motion carried.**

**CONSENT CALENDAR:** Motion by Miller, second by Evans, to approve the consent calendar.

1. Approval of Council Minutes for the May 3, 2022, Council Meeting.
2. Approval of Minutes from the May 9, 2022, General Service/Public Works Committee Meeting.
3. Setting of the General Service/Public Works Committee Meeting for May 23, 2022.
4. Approval of Bills as Submitted.
5. Approval of Financial Report.
6. **Resolution No. 22-023:** A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO APPROVING THE FOLLOWING: A REQUEST TO APPROVE THE DESTRUCTION OF RECORDS OF THE POLICE AND MUNICIPAL SERVICES DEPARTMENT IN ACCORDANCE WITH THE CITY’S RECORDS RETENTION SCHEDULE; THE PURCHASE OF A LEMUR S DRONE FOR THE POLICE DEPARTMENT; CHANGE ORDER NOS. 1, 3, 4, AND 5 TO THE AGREEMENT WITH PETRA, INC., FOR THE NEW SEWER COLLECTION BUILDING FOR THE WASTEWATER DEPARTMENT AND GRANT OF EASEMENT TO BEAR WATERFRONT, LLC, FOR A ROAD AND PARKING EASEMENT FOR INGRESS, EGRESS, AND PARKING, OVER AND UNDER CITY PROPERTY NEAR TILFORD LANE AND N. BEEBE BLVD.

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

**Motion Carried.**

**QUASI-JUDICIAL PUBLIC HEARING: A-3-22 - A +/- 3.2 ACRE PROPOSED ANNEXATION FROM COUNTY AG SUBURBAN TO CITY R-12; LOCATION: 3511 & 3522 N. 15TH; APPLICANT: 15TH STREET INVESTMENTS, LLC.**

**STAFF REPORT:** Associate Mike Behary explained that the applicant 15<sup>TH</sup> Street Investments, LLC. is requesting annexation of 3.91 acres zoned from County Agricultural-Suburban to City R-12 (Residential 12 units/acre). The applicant has requested R-12 zone for the site and has applied for a PUD and a 16-lot subdivision, designed for duplex units. The applicant is proposing that the 16 proposed buildable lots will have access to a private road within the development and the private road will have a single access connection to 15<sup>th</sup> Street. Mr. Behary noted that there are four findings required for the annexation as follows: that the request is or is not in conformance with the Comprehensive Plan policies; that public facilities and utilities are or are not available and adequate for the proposed use (she noted that stormwater will be addressed as the annexation develops and the applicant will be required to submit a landscape plan for approval to prevent double access); 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 with regard to traffic, neighborhood character and/or existing land uses. He presented the surrounding zoning, land uses, and applicable Comprehensive Plan objectives and provided staff input regarding the finding categories including traffic.

**DISCUSSION:** Councilmember McEvers asked what is an auto court, with Mr. Behary stating that it is like an RV Park which is allowed in the R-12 zone but not allowed in the place type future land use plan. Councilmember English asked for clarification if the property is a county pocket surrounded by the city and if there are still two parcels to the north and south that are still county? Mr. Behary responded that is correct. Councilmember Gookin asked if the setbacks for front yard 20', side yards 10', and rear 25' would be enforced? Mr. Behary stated if they did straight zoning without a PUD and built a standard subdivision those setbacks would apply; however, if it is a PUD, it could allow for different setbacks. Mr. Behary stated the applicant does have an application for a PUD that is scheduled on the Planning Commission agenda for June 14, 2022. The request is for duplex housing 16 lots and 32 units and the PUD would modify the setbacks. Councilmember Gookin asked if the road was private and if the Fire Department approved it? Mr. Behary noted that tonight's discussion is in regards to the zoning and annexation. The Fire Department will provide comments at the PUD hearing in June.

Mayor Hammond opened public comment with the clerk swearing in those who gave testimony.

**APPLICANT:** Drew Dittman, Lake City Engineering, Coeur d'Alene, stated he is representing the owner and that the requested annexation parcel is a county pocket surrounded by the city, located off of 15<sup>th</sup> Street and the request is to annex (2) two of the (6) six parcels. Mr. Dittman stated that the proposed zoning is for R-12 and is a good fit based on the adjacent surrounding R-12 zoning and within the comprehensive plan, it is designated as compact neighborhood and mixed-use low which are both compatible with the R-12 zoning designation.

Councilmember Gookin asked what is in the southeast corner of the property currently? Mr. Dittman responded there is a home, which they intend to keep. Councilmember Gookin said he

has concerns about a fire truck access to the property on the private road. Mr. Dittman stated tonight's meeting is to discuss the annexation, with the City Attorney, Randy Adams, adding that the Fire Department will address any concerns at the Planning Commission meeting for the PUD and subdivision request in June. Mr. Dittman stated this project has had a project review meeting and the Fire Department has reviewed it with no concerns at this time. Councilmember Gookin asked what was the reasoning for the PUD was, with Mr. Dittman stating it will allow for different lot sizes and configurations and reduced side yard setbacks to 5 feet. The front and rear yard setbacks would not be reduced. Councilmember Gookin asked if density would be increased? Mr. Dittman stated it is not permitted to increase density through a PUD request. Councilmember Miller stated that within the application narrative one of the items sighted was community identity and that this request provides affordable low income or workforce housing, and asked for clarification. Mr. Dittman replied that it was not and explained that it is hard to determine what affordable is; however, through the PUD process it allows for a more affordable housing product through private streets and reduced setbacks and that is the intent of this request to provide a product that will meet the needs of the community.

**PUBLIC COMMENT:** Cody Funk, Coeur d'Alene signed up in favor and did not speak.

**MOTION:** Motion by Gookin, seconded by Evans to approve A-3-22 - A +/- 3.2 acre proposed annexation from County Ag Suburban to City R-12; Location: 3511 & 3522 N. 15th; Applicant: 15th Street Investments, LLC.. and to develop the necessary Findings and Order.

**DISCUSSION:** Councilmember Gookin stated he is concerned with the 5-foot setback between the houses but it is a good proposal and is in support. Councilmember Miller stated we could do more and need to continually try to make an effort to control the occupancy of the product we are increasing and that is the only way we are going to address this housing crisis.

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

**QUASI-JUDICIAL HEARING: ZC-1-22 - A PROPOSED ZONE CHANGE FROM R-12 TO R-17; LOCATION: 525 E. MCFARLAND AVENUE; APPLICANT: BETHEL BAPTIST CHURCH, INC.**

**STAFF REPORT:** Senior Planner Sean Holm presented the staff report, including a review of surrounding land use and zoning, Comprehensive Plan policies for consideration, physical characteristics, and neighborhood character. He noted that the subject property is located north of 4th Street I-90 off-ramp, west of 7th Street, south of Borah Elementary School, commonly known as 525 E. McFarland Avenue. Mr. Holm noted that the following findings will need to be determined: that this proposal (is) (is not) in conformance with the Comprehensive Plan; that public facilities and utilities (are) (are not) available and adequate for the proposed use; that the physical characteristics of the site (do) (do not) make it suitable for the request at this time; that the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses. Staff reviewed these findings and find they are adequate to meet this request.

**DISCUSSION:** Councilmember McEvers asked if city taxes are collected since this is church property? Mr. Holm stated it is his understanding that religious institutions do not pay taxes and would be a question for the applicant. Councilmember Gookin asked if this is (2) two lots they are joining into (1) one lot, with Mr. Holms stating there are (2) two parcels that share a property line down the center. Councilmember Gookin asked why on the map the parcels are different colors. Mr. Holm explained the Future Land Use Map shows the current use which the parcel to the east in blue is the civic use (church) and the parcel to the west in yellow is a parking lot. Councilmember Wood asked what the potential density would be? Mr. Holm stated the current zoning is R-12, which requires a minimum lot size of 7,000 feet with 50 foot of frontage and would be able to have 6 duplex lots, yielding 12 units. If the lots are consolidated and zoned R-17 they could get up to 23 total multi-family units at 2,500 sq feet per lot. Councilmember Wood asked if Borah Elementary was contacted to see if there would be any impact on the school? Mr. Holm said they had been informed and no comments were received. Councilmember Miller asked how the parking lot would be affected for the church. Mr. Hohm explained if the zone change were approved the church would retain 82 stalls which is 67 in excess of the 15 stalls that are required for the church use.

**APPLICANT:** Neil McClellan spoke on behalf of Bethel Baptist Church Inc., stating the current taxes are \$5.74 per lot. In regards to the concern of traffic, it was observed that on the southside of the street there are no cars currently. This property is an urban neighborhood and fits the walkability requirement, is close to the school, and has parks within a mile. The intent is to combine the two properties and sell them as one parcel to build a possible apartment complex.

**PUBLIC COMMENTS:** Mayor Hammond opened public comments, with none being heard, public comments were closed.

#### **COUNCIL BILL NO. 22-1004**

**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 R-12 TO R-17, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: 525 E. MCFARLAND AVENUE; 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 McEvers, seconded by Wood, to dispense with the rule and read **Council Bill No. 22-1004** once by title only.

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

**MOTION:** Motion by McEvers, seconded by Evans, to adopt **Council Bill No. 22-1004.**

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

**LEGISLATIVE PUBLIC HEARING: V-22-02, VACATION OF A PORTION OF MOUNTAIN AVENUE RIGHT-OF-WAY ADJOINING THE NORTHERLY BOUNDARY LINE OF LOT 13, BLOCK 24 OF THE LAKE SHORE ADDITION PLAT.**

**STAFF REPORT:** City Engineer Chris Bosley noted that the applicant, Mathew and Nichole Piekarski, are requesting the vacation of a portion of right-of-way adjoining the northerly boundary line of Lot 13, Block 24 of the Lake Shore Addition plat (1104 E. Mountain Avenue). The requested right-of-way was originally dedicated to the City of Coeur d'Alene in 1907. The purpose of this request is to be able to meet set back requirements to accommodate a future remodel of the existing garage. The right-of-way can be incorporated into the development of the adjoining property. Therefore, the vacation of the portion of right-of-way adjoining the parcel would not impact the City and would be a benefit to the property owner, and add 852 square feet to county tax rolls. Mr. Bosley noted that he sent out 41 certified mailings and received 6 comments with 5 in favor and 1 neutral.

**DISCUSSION:** Councilmember McEvers asked if sidewalks are currently on Mountain Avenue, with Mr. Bosley stating there are no sidewalks. Councilmember McEvers asked if sidewalks would be required if a shop/garage is built? Mr. Bosley stated it is required to add sidewalks if you are within 300 feet of another sidewalk when a structure is added.

**PUBLIC COMMENTS:** Mayor Hammond opened public comments, with none being heard, public comments were closed.

**COUNCIL BILL NO. 22-1005**

**AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF MOUNTAIN AVENUE RIGHT-OF-WAY LOCATED IN THE LAKE SHORE ADDITION AS RECORDED IN BOOK "B" OF PLATS, PAGE 128, INSTRUMENT #27341, RECORDS OF KOOTENAI COUNTY, IDAHO, GENERALLY DESCRIBED AS THAT STRIP OF LAND ADJOINING THE NORTHERLY BOUNDARY OF LOT 13, BLOCK 24 OF THE LAKE SHORE ADDITION; 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 Evans, seconded by McEvers, to dispense with the rule and read **Council Bill No. 22-1005** once by title only.

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

**MOTION:** Motion by Evans, seconded by McEvers, to adopt **Council Bill No. 22-1005.**

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

**LEGISLATIVE PUBLIC HEARING: V-22-03, VACATION OF A PORTION OF VENEER ROAD RIGHT-OF-WAY ADJOINING THE SOUTHWESTERLY BOUNDARY LINE OF LOT 1, BLOCK 4 OF THE ATLAS WATERFRONT FIRST ADDITION, AND LOTS 5, 6 & 7, BLOCK 6 OF THE ATLAS WATERFRONT SECOND ADDITION.**

**STAFF REPORT:** City Engineer Chris Bosley noted that the applicant, Ignite CDA, is requesting the vacation of a portion of right-of-way adjoining the southwesterly boundary line of Lot 1, Block 4 of the Atlas Waterfront First Addition, and Lot 5, 6 & 7, Block 6 of the Atlas Waterfront Second Addition. The requested right-of-way was originally dedicated to the City of Coeur d'Alene in 2020. Due to the planned wall construction that is a part of the Atlas Waterfront Second Addition, the wall would be located in the Veneer Road right-of-way. This would have been addressed during the Atlas Waterfront First Addition plat, but the property to the northeast was not a part of the original plat. This proposed right-of-way configuration is more practical and symmetrical now that this area, to the northeast, has been added to the Atlas Waterfront Second Addition Plat. An easement will be granted to the City of Coeur d'Alene for future construction of the wall and the maintenance of the wall will be the responsibility of the Homeowners Association. The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 946 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 lots adjoin this strip of usable property. Mr. Bosley noted that he sent out 6 certified mailings with no comments returned.

**PUBLIC COMMENTS:** Mayor Hammond opened public comments, with none being heard, public comments were closed.

**COUNCIL BILL NO. 22-1006**

**AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF VENEER ROAD RIGHT-OF-WAY LOCATED IN THE ATLAS WATERFRONT FIRST ADDITION AS RECORDED IN BOOK L OF PLATS, PAGE 519, RECORDS OF KOOTENAI COUNTY, IDAHO, GENERALLY DESCRIBED AS THAT STRIP OF LAND ADJOINING THE SOUTHWESTERLY BOUNDARY OF LOT 1, BLOCK 4 OF THE ATLAS WATERFRONT FIRST ADDITION, AND LOTS 5, 6, AND 7, BLOCK 6 OF THE ATLAS WATERFRONT SECOND ADDITION; 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 Evans, seconded by Wood, to dispense with the rule and read **Council Bill No. 22-1006** once by title only.

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

**MOTION:** Motion by Evans, seconded by Wood, to adopt **Council Bill No. 22-1006.**

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

**LEGISLATIVE PUBLIC HEARING: V-22-04, VACATION OF A PORTION OF ATLAS ROAD RIGHT-OF-WAY ADJOINING THE EASTERLY BOUNDARY LINE OF LOT 1 & 2, BLOCK 1 OF THE ATLAS WATERFRONT FIRST ADDITION.**

**STAFF REPORT:** City Engineer Chris Bosley noted that the applicant, Atlas Mill 10/12 Investment LLC, is requesting the vacation of a portion of right-of-way adjoining the easterly boundary line of Lot 1 & 2, Block 1 of the Atlas Waterfront First Addition. The requested right-of-way was originally dedicated to the City of Coeur d'Alene in 2020. The purpose of this request is to vacate the unused portion of right-of-way along the west side of Atlas Road. This vacation allows the developer to construct concrete stairs and a retaining wall on private property, rather than within the City right-of-way. The right-of-way can be incorporated into the development of the adjoining property. Therefore, the vacation of the portion of right-of-way adjoining the parcel would not impact the City and would be a benefit to the property owner, and add 4,142 square feet to county tax rolls. Mr. Bosley noted that he sent out 10 certified mailings with no comments returned.

**DISCUSSION:** Councilmember Miller asked if the streets, curbs, and gutters are already in, with Mr. Bosley stating that they are in place. Councilmember McEvers asked if this is currently the right-of-way for the trail and if this proposal is a trade for the westside of the trail? Mr. Bosley explained that it is and stated it runs down the west property line of the entry to the development and the border of the adjacent development to the west.

**PUBLIC COMMENTS:** Mayor Hammond opened public comments, with none being heard, public comments were closed.

**COUNCIL BILL NO. 22-1007**

**AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF ATLAS ROAD RIGHT-OF-WAY LOCATED IN THE ATLAS WATERFRONT FIRST ADDITION AS RECORDED IN BOOK L OF PLATS, PAGE 519, RECORDS OF KOOTENAI COUNTY, GENERALLY DESCRIBED AS THAT STRIP OF LAND ADJOINING THE EASTERLY BOUNDARY OF LOT 1 AND LOT 2, BLOCK 1 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 English, to dispense with the rule and read **Council Bill No. 22-1007** once by title only.

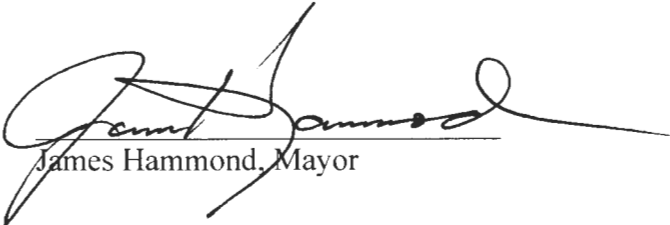
**ROLL CALL:** Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye; McEvers Aye.  
**Motion carried.**

**MOTION:** Motion by McEvers, seconded by English, to adopt **Council Bill No. 22-1007**.

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


**RECESS:** Motion by Gookin, seconded by McEvers to recess to June 2, 2022, at 9:00 A.M. in the Library Community Room, located at 702 E. Front Avenue for a Pre-Budget Workshop.  
**Motion carried.**

The meeting adjourned at 7:36 p.m.



James Hammond, Mayor

ATTEST:



Kelley Setters  
Deputy, City Clerk