

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

April 4, 2023

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 on April 4, 2023, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

INVOCATION: Reverend Terese Fandel with the Community of the Holy Spirit led the invocation.

PLEDGE OF ALLEGIANCE: Councilmember Wood led the pledge of allegiance.

PRESENTATIONS:

PROCLAIMING APRIL 1-7, 2023, THE WEEK OF THE YOUNG CHILD - Mayor Hammond read and presented the proclamation to Idaho AEYC Board Member Denise Ohrt. Ms. Ohrt thanked the Mayor and Council for the proclamation.

PROCLAIMING APRIL 15-22, 2023, INTERNATIONAL DARK-SKY WEEK - Mayor Hammond read and presented the proclamation to James Fillmore, International Dark Sky Association Delegate. Mr. Fillmore thanked the Mayor and Council for the proclamation and said it helped raise awareness, yet increased efforts were needed to preserve and protect night skies and encouraged the passage of lighting restrictions.

PROCLAIMING APRIL 2023 FAIR HOUSING MONTH – Mayor Hammond read and presented the proclamation to Jared McFarland, of the Coeur d'Alene Regional Realtors. Mr. McFarland accepted the proclamation and thanked the Mayor and Council.

PRESENTATION OF CONNECT KOOTENAI - Greta Gissel, Executive Director of Connect Kootenai, formerly CDA2030, thanked the Mayor and Council for the opportunity to provide an update on the work they have been doing in the community. She said Connect Kootenai was rebranded from CDA2030 as their efforts were county wide. She said they were a neutral connector and resource for organizations to partner with in order to help them in their efforts to cultivate ideas, make connections, or move actions forward. She said there were seven (7) focus areas which included Housing and Growth, Community and Identity, Education and Learning, Environment and Recreation, Growth and Development, Health and Safety, and Jobs and Economy. She said they had worked with organizations on 19 goals, 46 objectives, and 134 actions. She mentioned a few of the projects had included the Performing Arts Center Market and Feasibility Study, East Sherman District Revitalization Plan, Keep the Beat (FCPR, AED, and First Aid training), Vision for the Health Corridor, and the Our Gem Collaborative. She noted the City's Comprehensive Plan was created with CDA2030 and Connect Kootenai's priority focus, as conveyed as an action item in the City's Comprehensive Plan, was a focus on housing. She mentioned the City's state-mandated comprehensive plan update was a 27-month process and a joint effort with a multitude of volunteer hours. She said they were entrusted with the Regional Housing and Growth Issues Partnership (RHGIP) and held monthly housing and growth meetings and quarterly partnership synergy meetings. She mentioned Councilmember Kiki Miller had started RHGIP over two years ago and she hoped to match her passion on the housing issues. She noted they had developed a local worker housing toolkit which included cohousing, land trusts, deed restrictions, and tax incentives to list a few. She said they would like to hear from the City on which Comprehensive Plan action items they'd like to move forward. She thanked their valued supporting partners for helping Connect Kootenai create a better tomorrow.

DISCUSSION: Mayor Hammond said he looked forward to Connect Kootenai's continuing progress. Councilmember Miller asked how Ms. Gissel would like Council members to provide information, with Ms. Gissel responding they may send her information via email, or invited Council to attend their meetings on the 2nd and 4th Mondays at 3:00 p.m. Councilmember English said ignite cda had been involved in the Performing Arts Center Market and wondered what had happened to the project, with Ms. Gissel responding a feasibility study had been completed but the project didn't pencil out just yet. Councilmember Wood asked if there were there any discussions on rental units or was the focus solely on home purchasing? Ms. Gissel said rents had declined slightly and they would be completing another survey in May on current rents. Councilmember Wood said she would like to see a partnership explored between community leaders from the City, North Idaho College, School District 271, and Kootenai County in order to build workforce housing.

PRESENTATION BY THE TUBBS HILL FOUNDATION - George Sayler, Tubbs Hill Foundation Board member, thanked the Mayor and Council for the opportunity to provide an update on the activities of the Tubbs Hill Foundation. He played a short video <https://www.youtube.com/watch?v=3yjbi-YN1u8> on Tubbs Hill. He said the Tubbs Hill Foundation was formed in 1981, was a non-profit organization, and was committed to the preservation of Tubbs Hill in its natural state. He mentioned their annual report was available on their website at www.tubbshill.org. He said their meetings were held monthly on the 2nd Thursday at 10:00 am in the Library Community Room, and he encouraged everyone to attend their upcoming Town Hall meeting on April 20, at 7:00 p.m.

Mayor Hammond thanked Mr. Saylor for the presentation and update. Councilmember Wood mentioned most of the Foundation members were retirees and the work they did to preserve Tubbs Hill was labor intensive, and thanked them for their time and contributions.

Mayor Hammond requested the appointment of Bill Irving to the Pedestrian and Bicycle Advisory Committee.

MOTION: Motion by Evans, seconded by McEvers, to appoint Bill Irving to the Pedestrian and Bicycle Advisory Committee. **Motion carried.**

CONSENT CALENDAR: Being considered routine by the City Council, these items will be enacted by one motion unless requested by a Councilmember that one or more items be removed for later discussion.

1. Approval of Council Minutes for the March 21, 2023, Council Meeting.
2. Approval of General Services/Public Works Committee Meeting Minutes for March 27, 2023.
3. Approval of Bills as Submitted.
4. Setting of General Services/Public Works Committee Meeting for April 10, 2023.
5. Approval of the Outdoor Seating Permit for 505 Sherman Ave. Establishment: Rivaura Estate Vineyards and Winery. Owner: Reece Hewett.
6. **Resolution No. 23-021** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: WASTEWATER DEPARTMENT POLICY #720, RESIDENTIAL-LOW MONTHLY SEWER RATE QUALIFICATIONS; DECLARATION AS SURPLUS OF A 1999 GMC 6500, 2005 DODGE 1500, 2005 CHEVROLET, 2005 CHEVROLET, 1996 BANDIT WOOD CHIPPER, 1990 CHEVROLET 2500, 1990 GMC 2500, AND A 1991 KUBOTA L2250 TRACTOR FROM THE STREETS & ENGINEERING DEPARTMENT AND AUTHORIZING THE SALE OF THE SURPLUS VEHICLES AT AUCTION; AND AN AGREEMENT WITH COEUR D'ALENE PUBLIC GOLF CLUB, INC., FOR A STORMWATER FACILITIES EASEMENT.

MOTION: Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including **Resolution No. 23-021**.

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

PUBLIC COMMENTS:

Chet Gaede, Coeur d'Alene, said he attended the CDA2030 Envision CDA meetings. He noted they were told the goals of the committee were community involvement and implementation of the updated comprehensive plan. He thanked the Mayor and Council for supporting CDA2030 and listening to the citizens in the community.

Sarah McCracken, Coeur d'Alene, said she was a Board member of Connect Kootenai, and on behalf of the Board, she thanked Council for their ongoing support.

Justin O'Connell, Coeur d'Alene, said there were issues with affordable housing in the community.

Robert Knutson, Coeur d'Alene, said he would like additional information on the parameters of accepting and/or rejecting bids, and were there any impacts to other City services when City staff were completing work which was normally done by outside contractors?

Suzanne Knutson, Coeur d'Alene, said she appreciated having the consent calendar on the overhead projector. She requested the consent items be read out loud so that those which may have vision impairments or other disabilities would have a better opportunity to participate in Council meetings.

RESOLUTION NO. 23-022

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REJECTING ALL BIDS FOR THE REPLACEMENT OF THE LOWER BLACKWELL BOOSTER STATION.

STAFF REPORT: Terry Pickel, Superintendent of the Water Department requested that Council reject bids for the replacement of the Lower Blackwell Booster Station in favor of a redesign and partial in-house construction by the City prior to rebidding. He said the 2012 Water Department Comprehensive Plan Update identified areas of deficiencies within the existing public water system that would require future improvements and staff had been working through various projects in order to keep up with the City's extensive growth and water demand. He said one deficiency currently on the schedule for replacement was the existing Lower Blackwell Booster Station. He noted the station was originally constructed as part of a private water system that the City inherited in 1993. He said the station was undersized and sat on a very small lot that was not conducive for replacement with an appropriately-sized structure and related appurtenances. He mentioned it was coupled with the issue of a deteriorating transmission main running through a very steep residential lot with no existing easement, and it was determined it would be prudent to seek a better location. He said that through an agreement with a local developer, the Water Department acquired a suitably-sized lot and an easement for a new transmission main to supply Fairmont Loop and Lakeview Heights. He noted the transmission main had been installed, staff and the consultant finished design, and the proposed project had been bid. He said that per the consultant's recommendation during the budget process for the 2023 fiscal year's budget, an amount of \$1,400,000.00 was allotted with an anticipated cost of \$1,224,725.00 for station construction, and a fifteen percent (15%) contingency of \$183,709.00. He noted that during design, it was determined that costs were increasing due to supply chain issues and sharply rising costs of materials and labor, and would likely exceed the original budget. The engineer reevaluated the costs and set an estimate of \$1,600,000.00, plus the \$200,000.00 contingency. He mentioned construction would likely take two (2) fiscal years to complete. At the time, staff felt comfortable with moving forward with the bid and adjusting the 2024 FY budget to compensate. He said bids were opened on March 23, with the lowest responsive bid of \$1,996,538.00 by TML Construction, which was considerably higher than the estimated costs by the City's consultant. He said the Lower Blackwell Booster Station supplied water to approximately 88 residents on Fairmont Loop, Lake View Heights Drive, Riverwood Road and Jacobs Loop, and the majority of the customers

did not reside within the current City limits. He noted that given the total consumption for the Blackwell system for 2022, at current rates, it would take approximately 145 to 150 years for the City to break even on the return on investment (ROI), and although staff never expected to achieve an ROI, they did not anticipate such an exorbitant bid result. Therefore, staff's recommendation was to reject bids, redesign the station to better fit the topography, alter the site grades by terracing, have City crews complete some of the below ground piping as done with the Best Hill Booster, and rebid the project at a later date. He said by City staff completing the work, it was anticipated that the future bids could be brought back below the original budgeted amount. He noted with further repairs to the existing station, customer service should not be impacted by the delay. He requested City Council reject the bids for the replacement of the Lower Blackwell Booster Station in favor of redesign and partial in-house construction by City forces prior to rebidding which would amount to savings of approximately \$750,000.00.

DISCUSSION: Councilmember McEvers asked if the City was required to build the new booster station and was pre-fabricated materials looked at, with Mr. Pickel responding the City was required by law to provide water services to the location and that pre-fabricated panels were not considered safe for water station applications. Councilmember McEvers asked if the properties being served by the new booster station could be assessed a surcharge in order to pay for the upgrades, with Mr. Pickel responding it could be considered. Councilmember English asked City Attorney Randy Adams if the City could accept the bid and have City staff complete some of the work, with Mr. Adams responding it could be done yet the contractor would have to agree to the changes in the scope of work. He noted there was a set amount of time allowed to accept or reject the bid. Mayor Hammond suggested Council reject the bid as there may be problems down the road if the contractor was not in agreement with proposed changes to the scope of work and contract.

MOTION: Motion by McEvers, seconded by Miller, to approve **Resolution No. 23-022** – Rejecting All Bids for the Replacement of the Lower Blackwell Booster Station.

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

RESOLUTION NO. 23-023

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF AND AWARDING THE CONTRACT FOR THE 2023 CHIPSEAL PROJECT TO POE ASPHALT PAVING, INC., IN AN AMOUNT NOT TO EXCEED \$639,000.00.

STAFF REPORT: Todd Feusier, Superintendent of the Streets and Engineering Department requested Council award a contract for the 2023 Chipseal Project to Poe Asphalt Paving, Inc., as the low bidder. He said chipseal was a good way to preserve roads for up to ten (10) years. He noted preparations would begin in May, and that 80 miles of chipseal had been applied since 2016. He said ideally chipseal should be applied within two (2) years of new asphalt placement. He mentioned this year's chipseal project was advertised for bids in March, 2023, and identified the streets on the exhibited map which would be chip sealed in the current fiscal year. He said bids

were opened on March 15, and two (2) responsive bids were received from Road Products LLC, in the amount of \$729,680.00, and Poe Asphalt Paving, Inc., in the amount of \$639,000.00. He noted the overlay/chipseal program was a budgeted item, and to ensure pricing, the Notice of Award must be issued within 30 days, with construction likely to occur in late July. He asked Council to award the contract to Poe Asphalt Paving, Inc., in the amount of \$639,000.00.

DISCUSSION: Councilmember McEvers asked why the streets took such a beating, with Mr. Feusier responding that there were several factors involved such as: increased traffic, freezing night temps with daytime warming, drainage problems due to the swelling due to freezing and thawing, and sometimes the roads should have been built better. Councilmember Wood noted some of the targeted streets were fairly new and how were the streets prioritized for chipseal? Mr. Feusier said there was a rating system used by staff and that some roads had deteriorated prematurely as they were not built correctly, which is why they were now a priority. Councilmember Wood asked if the chipseal project was using the Lake District Urban Renewal District (URD) funds which had been returned to the City with the Lake District's closure, with Mr. Tymesen responding the project was budgeted in the Streets and Engineering Department and that the Lake URD funds were a part of the City's Fund Balance. Councilmember English asked if any improvements were planned for the Super 1 entrance off Kathleen Avenue at US-95, with Mr. Feusier responding Idaho Transportation Department (ITD) had the right-of-way and had decided not to place a median island, yet by law, the double yellow lines at the site indicated no turns. Mayor Hammond noted the City was behind on street maintenance and it was important to approve the contract as the roads needed attention, and the City would be making more of an effort to maintain them while they were still in decent shape.

MOTION: Motion by Evans, seconded by Wood, to approve **Resolution No. 23-023** – Awarding a Contract to Poe Asphalt and Paving, Inc., for the 2023 Chipseal Project in the amount of \$639,000.

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

RESOLUTION NO. 23-024

A RESOLUTION OF THE CITY OF COEUR D'ALENE, IDAHO, AUTHORIZING THE RECORDING OF A LIEN IN THE AMOUNT OF \$16,500.00 AGAINST PROPERTY LOCATED AT 113 E. INDIANA AVENUE, COEUR D'ALENE, IDAHO, TO ENABLE THE CITY TO RECOVER THE COST OF ABATEMENT AND DEMOLITION OF A DANGEROUS BUIDLING ON SAID PROPERTY UPON THE SALE OF THE PROPERTY.

STAFF REPORT: Ted Lantzy, Building Official of the Building Department (Department) requested Council approve the filing of a lien against property located at 113 E. Indiana to ensure the cost of abatement and demolition fees were repaid to the City upon sale of the property. He said the building had been vacant for several years after the owner, who could no longer care for himself, was moved to a nursing home. He said that shortly after the owner left, transients began camping in the yard and later broke out several windows to gain entry into the residence. He noted Code Enforcement was contacted and the home temporarily secured. He said in April of 2021, the

Department received complaints from the neighboring daycare that bricks from the decaying chimney of the house were falling into their yard, and transients were again entering the building. Inspector Keith Clemans contacted the owner's sister Judy Poole about the safety issues, and Ms. Poole, who had power of attorney, hired a contractor to board up the broken windows and remove the chimney. He said the Department received calls again in January of 2023, that more windows were broken, transients were again entering the building, roof shingles were continually blowing into the neighboring daycare, and the large tarp which previously covered the roof had partially blown into the neighboring daycare. He said extensive damage was observed to the roof structure due to inadequate protection, and Inspector Clemans contacted Ms. Poole who informed him, she would not put any more money towards repair or maintenance of the home. Inspector Clemans informed her the City may have to tear the building down if the hazardous conditions were not taken care of, and she said she was not opposed to that solution. He said a notice to abate was filed with Kootenai County on February 3, 2023, and a copy of the notice was posted on the building and a copy sent to Ms. Poole with instructions for appealing the decision. He noted that in conversations with Ms. Poole, she indicated she had no wish to appeal and approved removal of the building. He said that once the allotted time for appeal had passed, staff contacted Cannon Hill, and Big Sky Construction for demolition quotes. He noted Cannon Hill's proposal came in at a reasonable price, they had an opening available, and the home was removed on March 13, 2023. He said the Uniform Code for the Abatement of Dangerous Buildings, adopted by the City in Municipal Code § 15.09.010, provided the process for demolishing a building and imposing a lien, and staff had followed the process. He mentioned the financial cost to the City was \$16,400 for asbestos testing, removal of the structure, cleaning the lot, capping water and sewer, and a \$100 abatement fee was charged for staff time. He noted the demolition of the structure improved the safety of the neighboring daycare and surrounding community, and eliminated the opportunity for transient habitation. He requested Council approve the filing of a lien against the property in the amount of \$16,500.00, which was related to the cost of abatement and demolition of a dangerous building.

DISCUSSION: Councilmember McEvers asked when there were problems with construction or foundation work, was there any responsibility on the builder/contractor to correct the issues? Mr. Lantzy said there were in some instances, yet many times the issues became apparent many years after construction. He noted hill site standards had improved since the 1990's. Councilmember English said the lien was a fair and appropriate option for the abatement and demolition of the property.

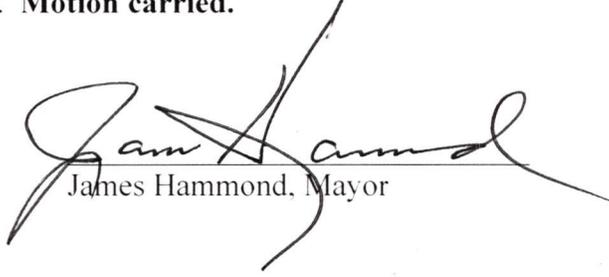
MOTION: Motion by English, seconded by McEvers, to approve **Resolution No. 23-024** – Authorizing the Filing of a \$16,500.00 Lien Against Property Located at 113 E. Indiana Avenue Relating to the Cost of Abatement and Demolition of a Dangerous Building.

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

ADJOURNMENT: Motion by McEvers, seconded by Miller, that there being no other business this meeting be adjourned. All in favor. **Motion carried.**
The meeting adjourned at 7:47 p.m.

ATTEST:


Sherrie L. Badertscher
Executive Assistant


James Hammond, Mayor