

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

January 19, 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 January 19, 2021, at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

INVOCATION: Pastor David Bond with Compel Community Church provided the invocation.

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

PUBLIC COMMENTS:

David Lyons, Coeur d'Alene, spoke regarding the proposed planning code amendments. He felt that there were several substantial amendments that were not just housekeeping items. Specifically, there is a change proposed that gives the Planning Commission the power over R-34 density with no Council oversight. He believes that the Planning Commission should only have authority over a density increase in R-17, C-17, or C-17L. He felt that developers want height that is allowed in the R-34 zone, which would be up to 64 feet. The developer needs the R-34 zoning in order to get the 64 feet height, which can only be granted by the City Council, unless this code is approved. He noted the example of the old Social Security building, that was requested to be R-34 in the middle of Garden District, that was approved by the Planning Commission, but the Council reversed that decision. He provided an example of the Rivers Edge development, wherein many citizens throughout the community spoke against the project, but under the new code none of those people would be able to appeal. He requested the Council reject sections 3 and 4 of the proposed Council Bill.

Stewart Howe, Sandpoint, complimented the City on how they are handling the mask issue. He likes the kindness and sensibility he has seen in the community.

COUNCIL COMMENTS:

Councilmember Miller noted that she recently attended a meeting with ignite and Rotary regarding the Sherman Park. They are outlining who is responsible for what and expect that improvements will be completed within the 2021-2022 season. Additionally, the local Red Hot Mommas dance group were invited to perform during the virtual inaugural parade.

Councilmember McEvers noted that the Mayor walked 300 miles and earned \$1,000 during the competition, which he donated to the Lake City Senior Center. The Mayor noted the competition was a walking challenge from Blue Cross of Idaho.

Renata McLeod introduced Sherrie Badertscher, who is the newly hired Executive Assistant in Administration and invited Council to stop by and introduce themselves when they are at City Hall.

City Administrator Troy Tymesen noted that the City is collecting data regarding the wind storm that took place on January 13, 2021. The community has helped in many ways, especially reporting outages and trees that have fallen. The City continues to move trees out of the road and have opened 90% of City roads to date. The cemetery has had many trees fall and is currently closed due to unsafe conditions. Staff is working on determining the level of damage to the dike road and securing the levee. He noted that two (2) buildings were damaged; Fire Station No. 1 and the Jewett House. The insurance adjuster is expected to come out this week. City crews have picked up approximately 100 truckloads of debris. Mr. Tymesen noted that the Water, and Parks and Recreation Department employees are all working to cut up the trees and assisting with clean-up in addition to the Streets Department. Councilmember Wood thanked staff for the communication during this event and noted that the college is willing to assist where they can.

Mayor Widmyer asked for confirmation of the appointment of Jim Windisch to the Library Board.

MOTION: Motion by Evans, seconded by McEvers to appoint Jim Windisch to the Library Board. **Motion carried.**

CONSENT CALENDAR:

1. Approval of Council Minutes for the January 5, 2021 Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the January 11, 2021 Meeting.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services/Public Works Committee Meeting for Monday, January 25, 2021 at 12:00 noon.
6. Setting of a Public Hearings:
 - a. February 2, 2021 - V-20-07, Vacation of a portion of undeveloped right-of-way adjoining the southerly boundary of Tract 328 of the Amended Plat of Hayden Lake Irrigated Tracts in the City of Coeur d'Alene.

- b. February 16, 2021- Community Development Block Grant Annual Action Plan for Plan Year 2021.
- 7. Approval of SS-20-14c, Mill Place Townhouses, Final Plat.
- 8. **Resolution No. 21-004** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE APPROVAL OF AN AMENDMENT TO PERSONNEL RULE 27 – FLSA EXEMPT EMPLOYEES; AND APPROVAL OF AN UPDATED CORONAVIRUS (COVID-19) POLICY REGARDING PAID LEAVE SPECIFICALLY RELATED TO THE PANDEMIC.

MOTION: Motion by McEvers, seconded by Miller, to approve the Consent Calendar as presented, including **Resolution No. 21-004**.

DISCUSSION: Councilmember McEvers asked if the City was requiring staff to get the vaccination and/or if it would change any leave coverage. Ms. Tosi explained the vaccination is not in the policy and the City is not mandating the vaccinations.

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

COUNCIL BILL NO. 21-1001

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO: 16.05.050, 16.25.050, 17.02.030, 17.05.330, 17.05.455, 17.05.560, 17.06.015, 17.06.660, 17.06.830, 17.07.320, 17.07.945, 17.08.945, 17.08.955, 17.09.125, 17.09.340, 17.09.472, 17.09.710, 17.44.050, 17.44.090, 17.44.170, 17.44.220, AND 17.44.225, TO REVISE THE DEFINITION OF "AFFECTED PERSON OR AGGRIEVED PARTY," TO CLARIFY THE APPEALS PROCESS, AND TO MAKE VARIOUS TECHNICAL CHANGES FOR CONSISTENCY AND CLARIFICATION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

STAFF REPORT: Community Planning Director Hilary Anderson explained that the City's Subdivision and Zoning Ordinances need regular review and updates to ensure consistency. The proposed edits to Title 16 and Title 17 are housekeeping edits that will clean up inconsistencies with regard to how the appeal process works and clean up old references to a male planning director. There are also proposed amendments to clarify performance standards in some of the zoning districts. There are also inconsistencies between the Zoning Ordinance and the Commercial Design Guidelines with regard to landscape buffering when adjacent to a residential use versus a residential zone. Staff is bringing forward updates to clean up these sections of the Municipal Code and the Commercial Design Guidelines. She noted that the Planning Commission heard both items at the December 8, 2020 meeting and unanimously recommended approval. Title 16 amendments include that the appeal timing will be based on the date of mailing the notice of decision rather than date of publication. Title 17 amendment highlights included that the aggrieved or affected party definition is being clarified using language from the State Statutes related to standing for an appeal; clarifying the R-34 zoning district to make it

clear that it is only available through the special use permit process and that it does provide the increased height in addition to the increased density; and clarifying that schools are not relevant if it is an adult only apartment complex, but park proximity would be a consideration; clarifying the maximum height for a single-family home built in an MH-8 zoning district. Several clarifying site performance standards for C-17 including side and rear setbacks and allowing for horizontal mixed-use projects to have setbacks associated with the various uses. Additional clarifications to height standards for ADUs and buffer yard regulations were made. Commercial Design Guideline amendments include Residential/Parking Lot screening that the buffering is required when a site abuts a residential district or residential use. Ms. Anderson noted that the code approved in 1982 referenced the multi-family height allowance, which was not clearly noted in the code and this will make it clear within the special use permit process.

DISCUSSION: Councilmember Wood asked why they are proposing to change the appeal period to the date of the mailing, as there is no means to know when it is received. Ms. Anderson noted that it is changed in other places in the code and the appeal period is based on the date it is mailed out. Deputy City Attorney Randy Adams noted that publications can get expensive and under the proposed code we are mailing the decision to the applicant. Ms. Anderson noted the timeline for the appeal is 10 days. Councilmember Gookin suggested the language be changed to say the appeal must be made within 10 days of the letter being mailed out and questioned how this would benefit the public. Ms. Anderson noted that it is equally the same as those that are interested in the project are already following its progress. Councilmember Gookin and Mayor Widmyer suggested they include an announcement at the beginning of the meeting, where an appeal would be applicable and what the appeal process would be. Councilmember Wood explained that most people believe that citizens throughout the community have a stake in the projects, which is why she doesn't want to eliminate others' option to appeal. Councilmember English felt that someone should have standing in order to make an appeal, as there is a difference between those that are within so many feet of the project versus those on the other side of town. He felt that there is a separate issue regarding the height standard and felt there are a lot of concerns for development that have more height allowance. Councilmember Miller questioned the reference to the City in the code and asked whether it was meant to be the City Council or Planning Commission. Ms. Anderson clarified that the reference to the City means Planning Commission as they have the authority to approve the special use permits. Councilmember McEvers asked if there is a reason for the change to the appeal language. Ms. Anderson noted that there have been appeals over the years that have raised a flag and felt like this code should be reviewed. The Local Land Use Planning Act language is what staff is recommending in this code. Ms. Anderson explained that within the current code anyone in the city could file the appeal, including someone who is a competitor or has a disagreement with the developer. She reiterated that the language proposed comes from the Local Land Use Act. Councilmember Wood noted that she appreciates seeking consistency throughout the code; however, there are times when Council doesn't agree with the proposed changes. She noted that the City Council could determine the merit of the appeals and the citizens would not appreciate the standing being determined by the city, as there could be city-wide traffic flow issues, etc. Councilmember Gookin noted that he doesn't like the fact that it removes the Council's ability to have a say and doesn't believe there is a flaw in the code.

MOTION: Motion by Gookin seconded by Miller to table this item.

DISCUSSION: Councilmember Wood concurred with tabling this item, but appreciates efforts by staff. Mayor Widmyer questioned if they could pull out the sections of the code that need to be re-written and approve the rest. Councilmember Evans asked if it would be helpful if just the appeal portion was tabled. Ms. Anderson confirmed it would be helpful to move the other amendments forward. Councilmember Miller agreed that they could bring the other items forward and later determine what they wanted to do with the appeal and affected party sections. Mayor Widmyer asked why the appeal doesn't start from the date the decision is made. Mr. Adams noted that the Local Land Use Planning Act speaks to the mailing of the notice to the applicant but Council could make a change to what they would like within their appeal process. Mayor Widmyer requested that the date of the decision be included in the future code amendment. Councilmember English said he would like to see the Council vote on this item tonight.

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

DISCUSSION: Ms. Anderson asked for more clarification. Councilmember Gookin noted that he would like additional information as to why the changes are being recommended with examples. Councilmember Evans asked if the Association of Idaho Cities could provide additional guidance. Councilmember Wood would like to stay with the current code language. Mayor Widmyer suggested that the item be brought back the second meeting in February.

RESOLUTION NO. 21-005

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION I(F) OF THE COMMERCIAL DESIGN GUIDELINES (C-17& C-17L) OF THE CITY OF COEUR D'ALENE.

STAFF REPORT: Ms. Anderson reiterated this amendment clarifies the buffer yards adjacent to residential zones.

DISCUSSION: Councilmember Gookin asked to confirm that site guidelines are the only change to residential use. Ms. Anderson confirmed that was the only change.

MOTION: Motion by Evans, seconded by McEvers to approve **Resolution No. 21-005**.

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

RECESS: Motion by McEvers, seconded by Evans to recess to February 1, 2021 at 5:30 p.m. in the Library Community Room, located at 702 E. Front Avenue for a workshop regarding

Envision Coeur d'Alene, Comprehensive Plan Update. **Motion carried.**

The meeting adjourned at 6:57 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, CMC
City Clerk