

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

June 5, 2018

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 5, 2018 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

INVOCATION: The invocation was provided by Pastor J.O. Owens from the Heart of the City Church.

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

CONSENT CALENDAR: **Motion** by McEvers, seconded by Evans, to approve the consent calendar.

1. Approval of Council Minutes for the May 9, 2018 workshop and the May 15, 2018 Council Meeting.
2. Approval of Bills as Submitted.
3. Approval of the Public Works Committee Meeting Minutes from the meeting held on May 21, 2018.
4. Setting of General Services and Public Works Committees meetings for June 11, 2018 at 12:00 noon and 4:00 p.m. respectively.
5. Approval of Firework Stand Permits (10 locations)
6. Approval of a Cemetery Lot repurchase from Janet Kleinsmith for lot 30, Block F, Section Riv, of the Forest Cemetery Annex (Riverview)
7. Setting a public hearings for June 19, 2018
 - a. V-18-2, Vacation of a Portion of Seltice Way Right-of-Way Adjoining the Northeasterly Boundary of Lot 3 & 4, Block 1, Glacier Northwest
 - b. V-18-03, Vacation of Right-of-Way, the North 41' of Lot 4, Block 1, Ann's Addition in the City of Coeur d'Alene
8. **Resolution No. 18- 031**
 - a. Approval of a School Resource Officer Contract for School Year 2018-19 with North Idaho College.

- b. Approval to declare One Used 250 HP Electric Motor and one Used 350 HP Electric Motor as Surplus Properties and Authorization for Water Department Staff to Dispose of the Motors at Auction or Through a Scrap Metal Dealer
- c. Approval to declare various pieces of used assets, including vehicles, to be deemed surplus and authorization to auction
- d. Authorization to reject Bid for Seltice Sidewalk Project

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

PUBLIC COMMENTS:

Jeff Crowe, Coeur d'Alene, noted that the city's government education broadcasts formally viewed on Channel 19 can now be viewed on Spectrum Channel 1301. He noted that he was in line for an hour at Spectrum Cable, where there were a number of senior citizens expressing frustration about connecting the new required box. He asked that city staff be patient with those customers if they call in for assistance and noted that that it will take a bit of time to load the box.

COUNCILMEMBER ANNOUNCEMENTS:

Councilmember Gookin thanked Streets and Engineering Superintendent Tim Martin for working on the timing of the lights along Northwest Boulevard.

COUNCIL BILL NO. 18-1010

AN ORDINANCE AMENDING SECTIONS 4.25.100, 4.30.020, 5.17.010, 5.17.020, 5.17.040, 5.44.010, 5.44.020, 5.44.030, 5.44.040, 5.44.050, 5.44.060, 5.44.070, 5.44.080, 5.44.100, 5.44.110, 10.60.010, 10.60.020, 10.60.030, 10.60.040, 10.60.050, 10.60.060, 10.60.070, 10.60.090, 10.60.100, 10.60.120, 10.60.130, AND 10.60.140, COEUR D'ALENE MUNICIPAL CODE; ADDING NEW SECTIONS 4.25.105, 4.30.025, 4.30.027, 5.17.070, AND 5.44.025 TO THE COEUR D'ALENE MUNICIPAL CODE; AMENDING THE TITLE OF CHAPTER 4.30, COEUR D'ALENE MUNICIPAL CODE; AMENDING THE TITLE OF CHAPTER 10.60, COEUR D'ALENE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF OTHER CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

STAFF REPORT: Municipal Services Director Renata McLeod presented a request of proposed amendments to Municipal Code Chapters 4.25, 4.30, 5.17, 5.44 and 10.60. Ms. McLeod explained that a few years ago, the council requested that staff meet with event sponsors to discuss code amendments and review the option for more than one event per day. Over the past few years staff (Police, Fire, Parks, Municipal Services, Streets, Administration and Legal) have had many discussions and sought input from major event sponsors (Downtown Association, Chamber of Commerce, and North Idaho Trail Foundation) resulting in some proposed code amendments to help clarify the codes and bring them into compliance with state law. Staff is

proposing code amendments that address housekeeping items, compliance with Idaho Code, clarity and consistency, and more than one event per day, if staffing is available. There are several sections of the Municipal Code that provide specific rules regarding to public property, private property and the service of alcohol off premise. There will be some costs associated with codification of the amendments. Additionally, the State Code sets forth the fee for the catering permit at \$20.00 per day. Staff plans to bring forward a fee public hearing request to include the expedited fee at an additional cost of \$50.00 above the state-established fee. Ms. McLeod clarified that since the Public Works Committee meeting staff has added appeal language where it was needed to clarify that any denials may be appealed to a public hearing officer. Additionally, language is proposed to be added regarding the public safety plan requirement to allow it to be waived by the Police Chief, Fire Chief, or their designee, as it was staff's intent to review the request and determine the need for a safety plan. She presented a summary of the proposed code amendments as follows:

- Chapter 4.25 – pertains to parks and public property regulations and clarifies that exceptions to this chapter will be authorized pursuant to the parade and special events process (same process as required by M.C. 10.60 spelled out within the section for clarity).
- Chapter 4.30 – pertains only to public property, clarifies that events expected to have over 1,000 participants shall follow the procedure of Chapter 10.60 (by the addition of the same language as new section 4.30.025). Clarifies that one event is allowed “per venue” per day and that fees are set by resolution. Clarifies that the City may enter into contracts for series of events.
- Chapter 5.17 - Brings the City into compliance with Idaho State Code which allows for up to five days at a festival or convention. Change to require five days’ notice rather than three (so that we have a bit more time to include police and fire on new locations and/or large events) and provides for a method to approve through expedited process. If the applicant wanted an expedited review, they could do that for an additional administrative fee. Applies to beer, wine and liquor served off of their licensed premise.
- Chapter 5.44 Outdoor Assemblies – clarifications for private properties and that it is not just music assemblies; clarifies that fees and security are set by resolution; requires a public safety plan; and clarifies crowd control requirements.
- Chapter 10.60 Parades and Special Events/public assemblies in our streets and rights of way– Housekeeping amendments to definitions, exceptions, and application sections; new allowance for two medium impact events or one medium and one low or two low impacts per day depending on staffing available; clarifications for denying permits; housekeeping clarifications to the permit application section; clarification to the violation section.

DISCUSSION: Councilmember Miller noted she that has been involved in events throughout the community for over 30 years and noted that she does not have a conflict of interest in reference to these code changes. Councilmember McEvers asked if this request included any fee increases tonight. Ms. McLeod clarified that this request does not include any fee increase, and that any increases would need to come forward through a public hearing process. Councilmember McEvers asked about the denying of a permit and the timing for a hearing. Ms. McLeod explained that the City must respond to the request within a set period, such as seven days, and set a hearing in front of a hearing officer. Councilmember Miller asked about how the newly developed areas that include new parks would be handled under the code. Ms. McLeod explained that any public street closure would fall under Chapter 10.60 and would come through

the Municipal Services Department, and if it is a park facility it would come through the Parks Department. Parks and Recreation Director Bill Greenwood noted that the Municipal Services Department and Parks Department work closely together if an event includes both a park facility and street facility, especially since the departments are located across the hallway from each other. He noted for large events other departments would be involved in the review and approval. Councilmember Miller asked for clarification regarding the policy versus the code regarding stakeholder notification and coordination. Ms. McLeod noted that the stakeholder involvement is through standard operating procedures at a staff level and includes the area large businesses such as the Resort and Downtown Association.

MOTION: Motion by Edinger, seconded by Miller, to dispense with the rule and read **Council Bill No. 18-1010** once by title only.

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

MOTION: Motion by Gookin, seconded by Miller, to adopt **Council Bill 18-1010**.

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

COUNCIL BILL NO. 18-1011

AN ORDINANCE AMENDING SECTIONS 5.08.020, 5.08.050, 5.08.060, 5.08.070, 5.08.100, 5.08.160(A)(6) AND (7), 5.12.040, 5.12.050, 5.12.055, 5.16.020, 5.16.050, AND 5.15.060, COEUR D'ALENE MUNICIPAL CODE, TO AUTHORIZE THE CITY CLERK TO ISSUE BEER, WINE, AND LIQUOR LICENSES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

STAFF REPORT: Deputy City Clerk Kelley Setters presented a request for Council approval of amendments to Municipal Code Sections 5.08.020, 5.08.050, 5.08.060, 5.08.070, 5.08.100, 5.08.160(A)(6) and (7), 5.12.040, 5.12.050, 5.12.055, 5.16.020, and 5.16.050 regarding issuance of Beer/Wine/Liquor Licenses. Ms. Setters explained that over the years, the Municipal Services staff has experienced several delays in the issuance of beer/wine/liquor licenses due to the restrictive language in the Code. Because all changes to a license must first be approved by the City Council, a simple change of ownership can cause a business to delay its opening and/or prevent the serving of alcoholic beverages until the next Council meeting date. There is nothing currently in the Code that allows staff to approve simple ownership changes or to issue a temporary permit when the business already has its county and state permits. Additionally, there is no provision for the City Council to deny permits if the Municipal Code requirements have been met, so the approval is simply providing the Council a heads up that a license has been transferred and/or a new business is opening. Ms. Setters explained that the plan is to continue to inform the Council of approval and changes by a heads up email. The proposed changes

would expedite license issuance to businesses who have already received approval from the state and county.

DISCUSSION: Councilmember Gookin asked for clarification regarding how the Heads Up email process works and noted that it is not a code requirement. Ms. Setters explained that the Heads Up process is an internal communication system that staff uses to share information with the City Council. Councilmember Gookin asked why staff did not recommend a temporary permit approval rather than full approval. Ms. Setters noted that would work with a 10-day temporary permit to get them through to the next Council meeting. Councilmember Gookin noted that this is essentially an administrative task. Ms. Setters concurred and noted that the applicants still have to meet the existing code requirements. She also noted that there were three times this year in which businesses were delayed opening, due to Council meeting dates. Mayor Widmyer noted that many delays occur due to businesses procrastinating, as they know that they need to get their business permit in on time. Ms. Setters noted that a county and state permit must be in place before the City approves their license. Councilmember English expressed support of the code change as these approvals are a routine function and he trusts staff to follow the code requirements and believes this is good customer service. Councilmember Miller clarified that applicants must have their state and county license, so there would be no reason for City denial, and this amendment would expedite the approval.

MOTION: Motion by English, seconded by Evans, to dispense with the rule and read **Council Bill No. 18-1011** once by title only.

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

MOTION: Motion by English, seconded by Evans, to adopt **Council Bill 18-1011**.

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

COUNCIL BILL NO. 18-1012

AN ORDINANCE EXCLUDING FROM AND DECLARING THE SAME TO BE SEPARATE FROM THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED AS TRACTS A AND B OF THE PLAT OF SHEFOOT, TOGETHER WITH A PORTION OF SECTION 6, TOWNSHIP 50 NORTH, RANGE 3 WEST, BOISE MERIDIAN; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE.

STAFF REPORT: Senior Planner Sean Holm explained that the applicant, Randall Smith, has requested the City to exclude an approximate 0.23 acre tract (including a small portion of the Right-of-way) associated with 1925 & 2005 E. Nettleton Gulch Road. He noted that the subject property was annexed in 2006 and was intended to be a 5-lot subdivision in an R-3 zoning district. A portion of Nettleton Gulch right-of-way was part of the annexation request at the time. The timing of these requests coincided with the “great recession” and the property was

subsequently split into 2 parcels and 2 tracts after annexation in 2007. The tracts, which are the subject of this request, were initially provided to gain a second access to the subject parcel and provide a city water line extension (since abandoned). The remaining Shefoot Plat will remain in the city limits, including an existing home, and gains access and utilities via the terminus of E. Satre Avenue (west side of plat). After these land use actions were completed, the property was sold to various parties and the 2 tracts conveyed to the applicants. Mr. Smith is seeking to build a shop on Tract "B" due to topography constraints on his parcel located in the county. Staff is not sure of the intention of the co-applicant, but it makes sense to have the property associated (contiguous) with the home be either all in the city limits or all out. Because neither Tract "A" nor "B" has a home on it, the applicants have requested de-annexation for consistency.

DISCUSSION: Councilmember English asked if this de-annexation would create a pocket of land outside the city limits. Mr. Holm noted that the existing city limits have an existing hole in that area and this land would be added to that area.

MOTION: Motion by McEvers, seconded by Miller, to dispense with the rule and read **Council Bill No. 18-1012** once by title only.

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

MOTION: Motion by Edinger, seconded by Miller, to adopt **Council Bill 18-1012**.

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

RESOLUTION NO. 18-032

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF, AND AUTHORIZING A CONTRACT WITH, EVERGREEN SKATEPARKS, LLC, FOR THE COEUR D'ALENE SKATEBOARD PARK.

STAFF REPORT: Trails Coordinator Monte McCully noted that the Coeur d'Alene Skatepark was removed during the reconstruction of Memorial Park in order to make room for new amenities in the park. The new location for the skatepark was identified 200 feet north closer to Northwest Boulevard. The new location allows for a larger and more functional skatepark to be built. The City held a bid opening on April 30, 2018, and received one Bid from Evergreen Skateparks, LLC. The original estimate to rebuild the park was \$400,000. Originally, ignite cda earmarked \$200,000 towards the rebuild of the skatepark, with the remaining \$200,000 to come from a federal grant. However, the City was not awarded the grant and ignite agreed to allocate another \$150,000, with the Parks Department approved to fund the remaining \$50,000. The total amount of money available for the project is \$400,000 and the bid came in under that amount at \$356,500. Ignite has also paid \$12,650 for design of the project. It was decided that the savings should equitably benefit both ignite and the City, and, therefore, the funds for the Skatepark project will come from the following sources; ignite cda to pay \$334,575.00 and the Parks Capital Improvement Fund to pay \$34,575.00 for a total of \$369,150.00.

DISCUSSION: Councilmember Gookin asked when the project is expected to be completed. Mr. McCully said that he believes that the contractor will begin construction on June 18 and it should be complete by September 2018. Councilmember McEvers noted that interested parties will be meeting on site at 6:00 p.m. tomorrow night to review the site.

MOTION: Motion by McEvers, seconded by Miller to approve **Resolution No. 18-032**, Approval of a Contract with Evergreen Skateparks, LLC.

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

(QUASI-JUDICIAL HEARING) APPEAL OF THE DENIAL OF A STREET TREE REMOVAL BY JEFF WOHLERT, 509 E. GARDEN AVENUE

The City Clerk swore in all those who provided testimony.

APPELLANT: Jeff Woehlert explained that he filed his appeal due to the fact that the tree poses a nuisance by disrupting the sidewalk. He has been in contact with a sidewalk contractor, who said they would not guarantee their work as designed by the City Engineer. The Contractor noted that the only way to fix the sidewalk, without harming the tree, is to raise the sidewalk above the level of the front lawn and then continue that height along the front walkway. He believes the age of the tree is 84 years and feels that it does not have a long life expectancy. Mr. Woehlert did not want to have to do all the work and spend all the money and have the tree die 5-10 years down the road. He researched methods of determining the age of the tree, which he conducted based on the circumference of the tree. His research indicated that the species of tree would only live 70 years in an urban environment. This tree has not produced seedpods in two seasons, which is another indicator of age. It is his belief that the tree has reached its life expectancy. He proposes that the tree be removed and replaced.

DISCUSSION: Councilmember McEvers asked Mr. Woehlert if he replaced the tree that was removed with the installation of his driveway. Mr. Woehlert clarified that he did not as there was not enough room to add another tree.

PUBLIC TESTIMONY:

Larry Marble, representing the owner next door, his mother, at 501 East Garden, noted that tree is very large. He noted that one branch is estimated to weigh over 12,000 pounds and it hangs over their apartment house. He fears for when it will fall and cause injury to life and property. He supports Jeff's request and encourage council to approve his appeal.

STAFF REPORT: Urban Forester Katie Kosanke noted that the Urban Forestry Ordinance requires Committee members to inspect tree removal permit requests and make recommendations regarding removal of public trees. The city's tree inspection form prompts inspectors to evaluate tree health, condition, site, and nuisance factors. Ability to mitigate these concerns is considered. Tree benefits are also taken into account such as environmental benefits,

wildlife values, and contributions to the streetscape, neighborhood and overall urban forest. She noted that six committee members inspected this tree and all recommended retention. Mr. Woehlert, owner of 509 E. Garden Ave, requested removal of a honeylocust tree within the Garden Avenue right-of-way between the curb and the sidewalk abutting his property. Previously the Urban Forestry Committee approved removal of one honeylocust tree at this location for installation of a driveway and that tree was removed in February 2018. Reasons cited for removal of the remaining tree included sidewalk conflicts, leaf litter/nuisance issues and concern the tree may be near the end of its life expectancy. The committee inspected the tree and considered the request. The committee found the tree to be in good condition and recommended mitigation of the site conflicts. The tree is lifting the sidewalk causing it to slope to the north and there is also a slight lift that has been patched. The committee recommended working with the streets/engineering department to make deviations to the sidewalk when it is repaired in order to preserve the tree. The urban forester met onsite with engineering staff and there are ways to repair the sidewalk without removing the tree and limiting root loss (including an option to prevent root loss entirely). Commonly tree/sidewalk conflicts are repaired all over town and at this location the sidewalk problem is minor. In regard to the leaf litter and nuisance issues, cleaning up leaves is part of living in close proximity to trees. Many people throughout Coeur d'Alene preform these activities so that all reap the positive benefits of having trees line city streets. This tree has been a part of the Garden Ave scenery for some time. The owner had concerns about leaf litter and perhaps gutters designed for landscapes near trees would work best here. In regard to concerns that the tree is nearing the end of its lifespan, it is in good condition and is not showing any signs of decline or any indication that it is nearing the end of its life expectancy. The committee thought the tree was much younger than 84 years old (age stated by the abutting property owner), however they did not feel that taking a core sample of the tree to determine age was necessary, since the tree is in good condition and because core sampling causes damage. Committee members are sympathetic to the above issues regarding this tree; however, they did not feel that there is sufficient reason to remove an otherwise healthy tree from the public right-of-way. This home is located within the Garden District, known for tree lined streets. This area of town is identified in the Comprehensive Plan as a Historical Heart neighborhood; a characteristic listed is increasing the numbers of, and retaining existing street trees. Additionally, seedpods not being produced could simply be a variation of the tree. The Committee did not see enough reasons to remove tree and she concurs with their findings.

DISCUSSION: Councilmember McEvers asked if the City pays for the pruning of street trees. Ms. Kosanke noted that the City does have a cost share program, and clarified that the homeowner is responsible for the maintenance of the trees. She believes that this specific homeowner has participated in the program and has met their limit for a three-year period. Councilmember McEvers asked if the owner pays for the sidewalk improvements. Ms. Kosanke confirmed that there is also a cost share program for the sidewalk. Councilmember McEvers feels like this requirement is a catch 22, in that it is a city tree but the owner has to pay, and we do not allow them to remove and replace. Councilmember Gookin asked if this tree is on the approved street tree list. Ms. Kosanke confirmed the tree is an approved tree. Councilmember Gookin noted that the picture of the tree demonstrates that it has bifurcation and wondered if that was healthy. Ms. Kosanke noted that it does have two predominate trunks but no indication of stress at the connection of the trunk. When the tree was pruned they reduced a lot of weight toward the trunk going toward the house. Discussion ensued reading proper punning and trunk

strength for various species of trees. Councilmember Gookin asked why the first tree was removed. Ms. Kosanke noted that the first tree was removed to allow the installation of the driveway, and commented that the tree was healthy. Councilmember Gookin asked if the first removal affected the decision of this tree removal. Ms. Kosanke verified it was not a deciding factor in this decision. Councilmember Miller asked for clarification regarding the engineering mandate for saving the tree and sidewalk disruption. Ms. Kosanke explained that when the sidewalk inspector met on site there were many deviations noted that would allow for saving the tree and this is a minor sidewalk disruption. Councilmember Miller asked for clarification regarding the qualifications of the people who conducted the tree inspection. Ms. Kosanke noted that members of the Urban Forestry Committee that conducted the inspection included a couple of certified arborists, a forest pathologist, entomologist, and other people with a forestry background. Councilmember Miller clarified that in their expertise the committee members did not think that age was a leading factor. Ms. Kosanke concurred that age was not a standard to determine removal, rather when a tree is in decline and it is readily apparent. Councilmember Edinger asked about the liability of a tree or branch falling on the neighbor's property. City Attorney Mike Gridley noted that under the Act of God situation, it would be your own homeowners insurance unless there is something that is known in advance, such as tree disease.

REBUTTAL: Mr. Woehlert asked Ms. Kosanke what she meant when referring to signs of decline over a long time. Ms. Kosanke noted that it is hard to predict, but would expect it to be in decline for many more years, possibly 20 or more years. Mr. Woehlert asked about the tree suckers on every branch and why that would not be an indicator of old age, disease, or stress. Ms. Kosanke explained that trees will put out suckers for many reasons, maybe stress, and some do it no matter what. She noted that when you see them where there is die back and all that is left is sprout, then that would indicate decline but that was not observed on this tree. Mr. Woehlert said that he feels the situation is frustrating because he is concerned about the repair of the sidewalk and the large branch over the master bedroom window and does not want to be liable for any harm to anyone else. He explained that the process is frustrating as he has to pay for all the repairs and if the tree does die then he will have to have the tree cut down and the roots would damage the new sidewalk. He noted that the cost share program does not come close to the cost of the repairs and maintenance. He hired an arborist to tell him what he can do to the tree to repair the sidewalk, and the arborist noted that within the drip line he cannot prune any roots, and it would require a higher grade of the front yard.

MOTION: Motion by McEvers, seconded by Gookin to approve the appeal of Urban Forestry Committee Denial of a tree removal request at 509 E. Garden Avenue by Jeff Woehlert and direct staff to prepare the Findings and Order.

DISCUSSION: Councilmember McEvers said that he agrees with much of what was said by Mr. Woehlert and agrees that it is important to protect trees. However, the City plants over 100 trees every year and has a leaf pick up program. The point about trees hanging over the house is scary and the Urban Forestry Committee is in place to care for the trees. He believes that it is the right thing to do to allow the homeowner to remove the tree. Councilmember Gookin said that he loves trees too but understands arborists can have conflicting opinions and he is concerned about the split trunk. He also noted that the homeowner is willing to replant the tree and improve his property. Councilmember English said that he does appreciate the issue and is familiar with

area. There are many benefits and tradeoffs for living with large trees. He noted that the group of Urban Forestry Committee members are experts in the field and had a strong consensus to deny the removal and he trusts their opinion. He believes that allowance of the tree to be removed for the driveway is the compromise.

ROLL CALL: Evans No; English No; Edinger No; Miller Aye; McEvers Aye; Gookin Aye.
Motion carried with the Mayor voting in the affirmative.

(LEGISLATIVE HEARING) FRANCHISE AGREEMENT WITH MOBILITIE

STAFF REPORT: City Attorney Mike Gridley explained that Mobilitie has approached the city to obtain a franchise agreement that would allow it to construct and maintain a telecommunications system in the city's rights-of-way. The requirements of the proposed franchise agreement with Mobilitie are similar to those in other city franchise agreements with Intermax, Fatbeam, Time-Warner and Avista. The proposed franchise would be for 10 years. The financial impact would be similar to other franchise agreements. In exchange for the use of the city's rights of way, Mobilitie will pay to the city five percent (5%) of its annual gross revenues derived from the operation of its telecommunications system to provide telecommunication services in the City. Mr. Gridley noted that there would be some staff time involved in reviewing the location of their facilities and issuing building permits as the system is constructed. This would probably not be a significant financial impact.

PUBLIC COMMENT: Steven Burke, Coeur d'Alene, explained that he worked for Mobilitie over the past three years. They are one of the largest providers of infrastructure, and just provides the bandwidth to lease to providers. In the Coeur d'Alene area, Sprint will be sending out the signal through a lease with Mobilitie. They currently have Franchise Agreements in place with Avista, CenturyLink, and Frontier throughout the states of Idaho and Washington. They are only looking at one site on Ironwood Drive and would be utilizing infrastructure already in place. The device will be a canister on top of pole, which will extend the pole approximately 7 feet and look stealthy, as it blends into the pole.

DISCUSSION: Councilmember McEvers asked for clarification regarding the services Mobilitie provides and how the revenue will be received by the City. Mr. Burke explained that they are not licensed with FCC to provide telecommunication services. Mr. Gridley explained that Mobilitie leases equipment to a company, then Mobilitie gains revenue, of which 5% from that revenue would come to the City.

COUNCIL BILL NO. 18-1013

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, IDAHO, GRANTING A NON-EXCLUSIVE FRANCHISE TO MOBILITIE, LLC, TO CONSTRUCT, OPERATE, AND MAINTAIN A TELECOMMUNICATIONS SYSTEM, WITH ALL NECESSARY FACILITIES, WITHIN THE CITY OF COEUR D'ALENE, IDAHO; SETTING FORTH PROVISIONS, TERMS AND CONDITIONS ACCOMPANYING THE GRANT OF THIS FRANCHISE; PROVIDING FOR CITY REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE AND USE OF THE TELECOMMUNICATIONS SYSTEM; PRESCRIBING PENALTIES FOR THE VIOLATIONS OF ITS PROVISIONS; AND SETTING AN EFFECTIVE DATE.

MOTION: Motion by Evans, seconded by Miller, to dispense with the rule and read **Council Bill No. 18-1013** once by title only.

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

MOTION: Motion by Evans, seconded by Miller, to adopt **Council Bill 18-1013**.

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

(LEGISLATIVE HEARING) CDBG CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) PLAN YEAR 2017 AND UPDATED PLAN YEAR 2018 ACTION PLAN

STAFF REPORT: Community Development Specialist Michelle Cushing explained that she is requesting two action items, the first being the approval to submit the Plan Year 2107 CAPER and the second being the amendment Plan Year 2018 Action Plan. She noted that the City of Coeur d'Alene receives an annual direct allocation of HUD CDBG funds. Every year the City is required to complete a CAPER, as well as an AAP, allowing the public two weeks to share public comment. Two weeks of public comment were held between May 21, 2018 and June 5, 2018. Today's Public Hearing was advertised to the public in the following ways: Coeur d'Alene Press notice, website updates, and emails to 139 community stakeholders. The CAPER provides an overview of past year project outcomes and spending priorities. The 2018 AAP outlines how the City intends to spend its CDBG funds and fulfill its program reporting requirements. The Draft 5-Year Consolidated Plan was approved by the Mayor and City Council on January 16, 2017. Pursuant to the City's 2018 grant award allocation being 20% greater than expected, the City is required to provide an opportunity for public input regarding the updated 2018 Annual Action Plan budget.

DISCUSSION: Councilmember McEvers asked if the administration line item has to be 20%. Ms. Cushing explained that it does not have to be 20%, but, rather, that is the federal cap and the city has averaged 18%. Councilmember Miller asked for clarification regarding the next community grant cycle. Ms. Cushing explained that the Action Plan is due in June, and the Plan

Year began April 1 and runs through March 31. She noted that funds might be received by August, but can be as late as October. Councilmember Miller asked if there had been discussion with entities regarding the East Sherman area. Ms. Cushing noted that the city did receive public comments regarding east Sherman development and that there has been discussion with the Planning Department and the City Council could suggest funds to focus in the East Sherman area in the next Plan Year development. Additionally, property owners within the East Sherman area may request a community grant for a specific project or property that qualifies under the HUD program. Councilmember Edinger expressed appreciation for the funding of the Lake City Center Meals on Wheel program. Mayor Widmyer asked for clarification between the EMRAP and sidewalk funds for private homeowners to fix sidewalks. Ms. Cushing explained that homeowners can apply for sidewalk projects and that City is working on area sidewalks. Municipal Services Director Renata McLeod noted that the City Streets Department is a partner regarding the sidewalk line item and they have been using their resources in the downtown area and have not been able to work on the LMI Census area that has been pre-qualified. Staff is working together to find an area around their Lakeside Avenue project this summer that is within the environmental review qualified area.

Mayor Widmyer called for public comments with none being received.

MOTION: Motion by Evans, seconded by Miller to approve the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) in review of its Plan Year 2017 and the Updated Annual Action Plan (AAP) for Plan Year 2018.

Motion carried.

(LEGISLATIVE HEARING) – CONVEYANCE OF 3.7 ACRES OF CITY-OWNED LAND TO RIVER’S EDGE APARTMENTS, LLC IN EXCHANGE FOR 3.8 ACRES OF LAND OWNED BY RIVER’S EDGE APARTMENTS, LLC.

STAFF REPORT: Mr. Gridley explained that the City owns a 3.7 acre portion of the former BNSF right-of-way that bisects property owned by River’s Edge Apartments, LLC (RE). RE (also known as Atlas Mill Development Corp.) owns a 3.8 acre triangle shaped piece of property that fronts on Seltice Way and is adjacent to the Atlas Mill Waterfront property that the City owns. The City and RE are proposing to exchange these properties for the mutual benefit of each party. The properties are similar in size and value. The ultimate exchange will be governed by the terms of the Memorandum of Understanding (MOU) between the parties. If the terms of the MOU are not met then either party can cancel the proposed land exchange. The exhibit to the staff report shows the properties that will be exchanged. He noted that the council expressed their intent to convey the property on May 15, 2018. This hearing action item would allow the mayor to execute deeds but it will not happen until the items within the MOU are met, which allows the RE group to submit their proposals for the property to the City.

DISCUSSION: Councilmember Gookin asked for clarification regarding the current density versus the possible future density. Community Planning Director Hilary Anderson noted that the current density available was approximately 469 units, while the new density possible would be 870 units. Councilmember Miller clarified that tonight’s action would provide approval for the Mayor to enact deeds if both parties get what was agreed to in the MOU. However, at any point

this could go back to the beginning or be null and void. Mr. Gridley confirmed that was correct. Councilmember Miller noted that the Planning Department staff, the public, and the Planning Commission will be looking out to insure the city's needs are met. Mayor Widmyer noted that items such as the forty-foot wide easement and where it starts would be determined at the planning public hearings. Mr. Gridley confirmed, they will be discussing part of the design, and insure it will be on useable flat property based on discussions with the engineering firm this afternoon. Mayor Widmyer asked if the annexation agreement would need to be amended. Mr. Gridley confirmed that would be the case, and would ensure that collaboration with the Department of Lands would take place and they will make it something that works well for the community.

PUBLIC COMMENTS:

Chet Gaede, Coeur d'Alene, noted that after the last meeting Councilmember Edinger asked "what would the people in Mill River think about this?" Mr. Gaede wanted to clarify that he supports the project, and the MOU; however, he doesn't like it because right now there is a nice open field and in the future there will not be. However, he supports it because you have to compare the options you have. He believes density should be in our cities, not out on the prairie. He knows he will lose the view shed along Seltice Way, but would lose it anyway if built to zone density allowed by right. He encouraged staff and the public to give council their opinions and not be swept up in the MOU. He encouraged the City to go forward with a lot of care and thanked the Council for their hard work.

Sherry Robinson, Coeur d'Alene, noted that it is too early to talk about width of the trail so she will wait until later to give her input.

DISCUSSION: Councilmember Gookin noted that the increase in density will increase traffic; however, the waterfront is an important asset to protect.

RESOLUTION NO. 18-033

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN EXCHANGE OF REAL PROPERTY WITH RIVER'S EDGE APARTMENTS, LLC, (A/K/A ATLAS MILL DEVELOPMENT CORP.), PURSUANT TO THE INTENT TO EXCHANGE APPROVED AT THE MAY 15, 2018, CITY COUNCIL MEETING.

MOTION: Motion by McEvers, seconded by Edinger to approve **Resolution No. 18-033**, Conveyance of 3.7 acres of city-owned land to River's Edge Apartments, LLC in exchange for 3.8 acres of land owned by River's Edge Apartments, LLC.

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

MOTION: Motion by McEvers, seconded by Evans to enter into Executive Session pursuant to Idaho Code 74-206A(1a) Considering a labor contract offer or to formulate a counteroffer.

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

The City Council entered into Executive Session at 8:15 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Council returned to regular session at 8:40 p.m.

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

The meeting adjourned at 8:40 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC, City Clerk