

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

October 7, 2014

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 October 7, 2014 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

CALL TO ORDER: The meeting was called to order by Mayor Widmyer.

INVOCATION: Pastor Sean McCartin from Life Center CDA Church provided the invocation.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Councilmember Adams.

STORMWATER POLLUTION PREVENTION PRESENTATION – Engineering Assistant Program Manager Kim Harrington introduced Bryan Clark. Mr. Clark stated that for his Eagle Scout project he created a public service announcement regarding stormwater pollution, which he played for the City Council. Ms. Harrington stated that the public service announcement will air on CDA Channel 19. Mayor Widmyer thanked him for his work.

ROAD MASTER AWARDS PRESENTATION - Doug Chase, Local Highway Technical Assistance Council, stated that Russ Grant and Travis Galloway completed their Road Master Program and presented them with certificates and awards. Mr. Chase explained that Road Master is the level after Road Scholar and includes 80 hours of class time.

DOMESTIC VIOLENCE AWARENESS MONTH PRESENTATION - Deputy City Attorney Wes Somerton explained that October is National Domestic Violence Awareness month. He serves on the Idaho Supreme Court sub-committee on domestic violence. Mr. Somerton stated that one out of three women will be a victim of domestic violence, and that 85% of victims are females, which is reflective of what he sees in our community. He clarified that the City's prosecuting attorney's office conducts prosecution of domestic violence cases and also provides education to families throughout the process. Staff will make contact with victims within 24-48 hours of the incident. They look to see if they can convict with the evidence and without victim testimony, and seek to serve justice; not just convictions. They train on best practice methods of investigation and courtroom behavior and work with advocacy groups. The

domestic violence court will be continued under Judge Peterson, in which he will receive all domestic violence cases within Kootenai County. This special court includes treatment with sentencing and regularly held status updates. Mr. Somerton thanked the Mayor and Council for their support of the City Attorney's office programs and law enforcement programs.

Councilmember McEvers asked how success is measured in this program. Mr. Somerton said some measurements would include lowering the recidivism rates and/or if they have provided resources to a family that de-escalated violence.

NATIONAL COMMUNITY PLANNING MONTH PROCLAMATION – Planner Lori Burchett accepted the Proclamation as read by the Mayor. Ms. Burchett stated that Coeur d'Alene is a great place to live and the environment, art, parks, and intangible aspects draw people into the soul of the community. She explained that planners help create places and vitality in a community. She encouraged residents to be a part of the process and participate in the planning Open House on October 29, 2014 from 11:30 a.m. to 3:30 p.m. in the Library Community Room. Additionally, the city is conducting a photo contest entitled "What Makes a Place Great" all month long. She encouraged residents to submit their photos about what they feel best represents the City and makes this a great place to live or visit. Pictures can be sent to Keith Erickson at kerickson@cdaid.org.

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

1. Approval of Council Minutes for September 16, 2014.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for October 13, 2014 at 12:00 noon and 4:00 p.m. respectively.
4. Setting of public hearing for Appeal of Special Use Permit at 370 E. Kathleen Ave., Suite 800, for a proposed commercial recreation within a C-17L Zone, by Dehm Investments.

As Recommended by the Planning Director

5. Approval of **Resolution No. 14-042** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVING SS-2-3, ACCEPTANCE OF FINAL PLAT; PUBLIC IMPROVEMENTS, APPROVAL OF MAINTENANCE / WARRANTY AGREEMENT, APPROVAL OF SECURITY OF PEREIRA 3RD ADDITION; APPROVAL OF CONSULTATION AGREEMENT WITH PATRICK SULLIVAN; APPROVAL OF CONSULTATION AGREEMENT WITH RICHARD FIELDS; APPROVAL OF CONSULTATION AGREEMENT WITH GREGORY WILLETTE; APPROVAL OF A MEMORANDUM OF AGREEMENT FOR PUD-2-14 (RIVIERA WALK); LETTER OF AGREEMENT WITH MAGNUSON, MCHUGH & COMPANY, PA TO CONDUCT THE 2013-14 FISCAL YEAR AUDIT; APPROVAL OF THE SURPLUS 2002 PONTIAC BONNEVILLE SEDAN #402 FROM THE WASTEWATER DEPARTMENT; AND APPROVAL OF BENEFIT PLAN CHANGES AND RENEWAL RATES.

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

COUNCIL ANNOUNCEMENTS:

Councilmember Gookin said that he had attended the grand opening of Person Field and helped install playground equipment. Additionally, he attended the Four Corners Project meeting and that he would like to see more energy going into the BLM property.

MAYOR ANNOUNCEMENTS: Mayor Widmyer asked for the appointment of Roberta Larsen to the Arts Commission.

MOTION: Motion by Gookin, seconded by Adams to approve the appointment of Roberta Larsen to the Arts Commission. **Motion carried.**

ADMINISTRATOR'S REPORT: Interim City Administrator Troy Tymesen stated that members of the Fire Department held their annual Fill the Boot campaign on Saturday, September 27th and raised over \$20,000 for the Muscular Dystrophy Association. The gubernatorial debate held last Friday has been posted to the City's website. It is located on the city's home page at www.cdavid.org, and then by clicking on the TV icon on the right side. The 19th Annual Mayor's Awards in the Arts will be held tomorrow, at 6:00 p.m. at the Hagadone Event Center. Honored this year will be Jeni Riplinger for Education in the Arts, Stephen Shortridge for Excellence in the Arts, and Ruth Pratt for Support of the Arts. The event will be presented by the City of Coeur d'Alene Arts Commission and will be free and open to the public. Earlier this year, the police department had received Council approval to apply for a Federal Community Oriented Policing Services (COPS) grant in order to hire three police officers. The city was unsuccessful in receiving this grant. The Police Department was seeking a \$375,000 Federal Community Oriented Policing Services (COPS) grant to fund the new officers. The new police officers would have brought the total number of officers to 75. The new grass at McEuen Park continues to grow greener with lots of TLC from the city's Parks Department. This week crews spread 100 cubic yards (the equivalent to about six dump truck loads) of fertilizer onto the popular park. Specifically, the Parks Department used "Coeur d'Green," a by-product of the city's wastewater utility. The compost is made from de-watered biosolids from the treatment plant that are mixed with wood chips. Mr. Tymesen expressed thanks to the Wastewater Department for their support in helping to beautify City parks. In recognition of National Community Planning Month in October, the city of Coeur d'Alene is sponsoring a "What Makes Places Great" photo contest all month long. Send us photos that you feel best represent the city and make this a great place to live or visit. Your pictures can be sent to Keith Erickson at kerickson@cdaid.org. Categories are "Environment," "Architecture," "People," and "Community Life." Winners will be named in early November in two categories: Youth (younger than 18) and Adult. Winners in both categories get a free lunch for two with Coeur d'Alene Mayor Steve Widmyer. There will also be a People's Choice Award for a gift card to Vault Coffee on Sherman Avenue. For further details, visit the city's web site at cdaid.org. For information, contact Keith Erickson at 769-2359. The city of Coeur d'Alene continues to make great strides toward expanding and improving its trail system with an energetic focus on connecting neighborhoods with schools, parks, business districts and downtown. Recently, through a cooperative effort involving Greenstone Homes and the city's Parks and Street departments, a new section of trail was built in northwestern Coeur d'Alene that connects neighborhoods in that rapidly growing part of the city to a vast and ever-expanding citywide trail

network. Further west, a new section of trail runs along Atlas Road south to Seltice Way and will soon extend east on Seltice Way and connect to both the Centennial Trail and Prairie Trail. Building Inspector Keith Clemans was recently awarded a graduation certificate from the Kootenai County Emergency Operations Center. Mr. Clemans currently serves on the Debris Management team which has been recognized for their organizational skills and efforts by the State. He received a diploma for his time volunteering to assist in preparing for manmade or natural emergencies or disaster that may strike in Kootenai County. The Office of Emergency Management works with county departments, local governments, volunteer organizations and the private sector in and around North Idaho to develop disaster preparedness plans, and provide training and exercise activities. After the recent mock disaster exercise, the Emergency Operations Center was recognized as the best in the State with multiple requests for their in-house developed Standard Operating Procedure. Mr. Clemans' volunteer time is supported by our City leaders which includes a yearly full mock disaster exercise, and several specific training days throughout the year. There is a new question on CityPoll: "Have you hiked Tubbs Hill in the past year?" Each month, a CityPoll question is posed on the city's website so the city can learn how the community feels about a particular issue. Responses will be reviewed by city staff and changes will be used in leadership strategic planning as guidance to assure we are offering the best possible services to our citizens. Additionally, Coeur d'Alene Mayor Steve Widmyer has established a direct telephone line for callers to leave a comment, idea or concern. To leave a message 24/7 with the mayor, call 769-2220, extension 503, or visit the city's website and click on the icon shown on the screen. Library events include teen movie night on October 10 and Novel destination and Star Wars day on October 11.

Councilmember Gookin asked if the City were moving forward with the hiring of the officers. Mr. Tymesen stated that he is working with the Police Chief to bring a plan forward. Mayor Widmyer asked what amount was needed for this budget year. Mr. Tymesen stated it would be approximately \$150,000. Councilmember Adams asked when the plan would come forward to the Council. Mr. Tymesen stated that January would be the first revenue opportunity and the Chief is looking at reorganization opportunities.

RESOLUTION NO. 14-043

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A JOINT POWERS SUBSCRIBER AGREEMENT WITH ICRMP TO FULLY INSURE THE CITY OF COEUR D'ALENE FOR LIABILITY AND PROPERTY DAMAGE AND REJECTING THE ADDITIONAL TERRORISM COVERAGE AND SHARE IN THE COVERAGE PROCURED FOR ALL ICRMP MEMBERS.

STAFF REPORT: Mr. Tymesen stated that this agreement confirms the City's new insurance carrier, Idaho Counties Risk Management Program (ICRMP). The premium will be approximately \$336,868 and a 5% reduction will follow after certain staff training occurs. The terrorism risk premium is an additional \$5,000.

MOTION: Motion by Edinger, seconded by Adams to approve **Resolution No. 14-043** a Joint Powers Subscribers Agreement with ICRMP and exclude the terrorism coverage.

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

CITY LOGO ADOPTION FOR CITY HALL/GENERAL GOVERNMENT.

STAFF REPORT: Mr. Tymesen stated that the proposal tonight would not eliminate certain logos, such as CDA Channel 19, Wastewater's logo on most drain covers, or police, fire, and Library logos. The proposal tonight is to accept the logo drafted by the NIC students with input from the community and staff. He presented examples of a third version of the logo and reiterated that this would be a very slow transition, and integrated as letterhead is used up and vehicles are turned over.

DISCUSSION: Councilmember Gookin stated that he discussed the idea of branding several years ago with Mayor Bloem, as he felt that the City needed branding. He believes that branding will require the hiring of a professional, and he hopes there will be funding for rebranding later. Councilmember Miller stated that if it is not a branding campaign and this might provide a more modern look, there should not be a lot of time or funding allocated to it. Councilmember McEvers stated he liked the use of college students and felt that it has a bit of the community in it. Councilmember Evans clarified that she likes the old logo and wondered if it would disappear. Mr. Tymesen confirmed that the old logo would be transitioned out.

MOTION: Motion by Gookin, seconded by Adams to adopt a new logo, as presented, for City Hall/General Government use. **Motion carried.**

RESOLUTION NO. 14-044

A RESOLUTION OF THE CITY OF COEUR D'ALENE, IDAHO, AUTHORIZING THE CITY'S CLAIMS/CODE ENFORCEMENT/RISK MANAGER, TO REPRESENT THE CITY IN SMALL CLAIMS TRIALS.

STAFF REPORT: City Attorney Mike Gridley explained that this is a housekeeping matter that would allow a city representative who is not a lawyer in small claims matters. This would formally designate who has been and will continue to represent the City. Mr. Gridley stated that there are less than a dozen small claims cases each year.

DISCUSSION: Councilmember Miller asked if it were typical to send non-lawyer. Mr. Gridley stated that by statute they cannot have an attorney representative in a small claims court.

MOTION: Motion by McEvers, seconded by Edinger, to approve **Resolution No. 14-044** authorizing the Claims/Code Enforcement/Risk Manager to represent the City in small claims trials.

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

ZC-2-14 [R17 – NC] 602 E. GARDEN / DAVID RUCKER “THE OLD CENTRAL SCHOOL SITE.”

MOTION: Motion by Gookin, seconded by Edinger to approve the Findings and Order for ZC-2-14; 602 E. Garden Avenue R-17 to NC (Neighborhood Commercial). **Motion carried.**

**COUNCIL BILL 14-1019
ORDINANCE NO. 3495**

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-17 (RESIDENTIAL AT 17 UNITS/ACRE) TO NC (NEIGHBORHOOD COMMERCIAL), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 0.50 ACRE PARCEL AT 602 E GARDEN, AND MORE COMMONLY KNOWN AS “THE OLD CENTRAL SCHOOL SITE”; 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 Evans to pass the first reading of **Council Bill No. 14-1019.**

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

MOTION: Motion by McEvers, seconded by Edinger to suspend the rules and to adopt **Council Bill No. 14-1019** by its having had one reading by title only.

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

COST SHARING SEWER EXTENSION DEMONSTRATION PROJECT – 700 BLOCK OF NORTH 20TH STREET.

STAFF REPORT: Wastewater Superintendent Sid Fredrickson explained there is a pocket of homes on N. 20th Street that were not connected to city sewer and there is no historical information as to why. Currently one parcel has a septic tank that has failed. In the past the city has stated that the extension of the sewer line to those parcels would be at the cost to the homeowner. After analyzing the site, Mr. Fredrickson would like to do a pilot project by splitting costs with the property owners. The three property owners on the street have signed letters of agreement to connect to the city sewer within one year of the line installation. Staff is looking at a city-wide GIS mapping of how many pockets of septic may still exist within the city limits and will bring additional recommendations to the Council at that time.

DISCUSSION: Mayor Widmyer clarified that Wastewater is paying \$11,250, and will collect \$9,975 back in capitalization fees, with \$1,275 out of pocket. Mr. Frederickson stated that the purpose of the capitalization fee is centered on the capital improvement program for the collection system and the plant improvements. Mayor Widmyer also clarified that those residents are not paying sewer fees at this point so payback will be short term when they begin paying those fees.

MOTION: Motion by Gookin, seconded by Adams to approve staff move forward with a cost sharing sewer extension demonstration project for septic tank abatement involving three lots at the 700 block of North 20th Street. **Motion carried**

PUBLIC HEARING: ZC-3-14 – ZONE CHANGE OF 3615 N. FRUITLAND, FROM R-12 to R-17

Mayor Widmyer read the rules of order for this quasi-judicial hearing. No conflicts of interest were disclosed.

STAFF REPORT: Planner Sean Holm stated that this is a request for a zone change that was appealed from the Planning Commission discussion on August 12, 2014. The parcel is located at 3615 Fruitland Lane. Four findings must be made including; that the proposal is or is not in conformance with Comprehensive Plan policies; that public facilities and utilities are or are not available and adequately serve the property; the physical characteristics of the site do or do not make it suitable for the 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 use. He provided a conceptual site plan, and explained the land use and area zoning maps. There are two recommended conditions from the Engineering Department.

DISCUSSION: Councilmember Gookin asked what a transition or buffer means as referenced in the Comprehensive Plan. Mr. Holm stated that it can be used as a transition between commercial and other zoned property and explained that multifamily means more than a duplex. Councilmember Edinger asked why the Planning Commission voted to deny the request. Mr. Holm said that the Commission felt that R-17 did not fit the neighborhood. Councilmember Adams asked if the developer could build this project with 10 fewer units at the current zoning. Mr. Holms stated that the current zoning would allow 22 units and 35 units could be built at R-17. Councilmember McEvers asked if zoning could be conditional based on the plan presented. Mr. Holm stated that some cities do some proposals with the zoning but not the City of Coeur d'Alene and clarified that it has been done through a special use permit. Councilmember Evans asked for clarification regarding the Comprehensive Plan reference to the neighborhood density of 8 residential units per acre. Mr. Holm explained that the R-8 density is intended for the entire Fruitland area not specific to one parcel.

Mayor Widmyer called for public testimony.

APPLICANT: Ray Harding stated that he is working with Engineer Steve Syrcle on this project. He provided a map of the area and past zone changes. He is interested in developing at the requested density as Coeur d'Alene has been called one of the top ten places to live, and he would like to create affordable senior housing. Mr. Harding stated that 25% of the city population is seniors. He explained that to the north of the proposed development there are 21 units of town homes with large yards. He believes this concept would be a transition and improvement to this area. He reiterated that the property has utilities available. There are services within the area such as US 95 and medical facilities, shopping, etc. The Chamber of Commerce is receiving phone calls for housing for seniors. He believes the conceptual plan demonstrates that he can meet all of the city requirements such as ingress and egress. Additionally, the "Walkscore" demonstrates the ease of walking to area stores and he believes this housing will enhance the neighborhood.

Councilmember Gookin asked how many units Mr. Harding wants to develop. Mr. Harding stated that with ingress and egress it would be approximately 30 units and that 1.5 parking stalls would be required per unit for the development. Councilmember McEvers asked if the units are single level. Mr. Harding confirmed that they are one level with seniors in mind.

Steve Syrcle, Coeur d'Alene, stated that he has history with this property, as he was proposing a development in 2008 as townhomes. He likes this plan, and reiterated that the infrastructure is there and that the development could comply with utility and infrastructure requirements.

Richard Sasher, Coeur d'Alene, stated that he is a nine year resident of North Idaho. He recently turned 65 and is presently living on reduced income so affordable housing is important to him, and he stated that he is in favor of this project. It appears the concern surrounding the development is the density. He believes that if there is a reduction in the number of units then it might not be financially viable for the developer to create the development.

Eddie Keith, Coeur d'Alene, stated that he is the owner of the parcel that he purchased in 2006. He bought the parcel for the purpose of senior housing and it was zoned mobile home. He believes that the whole area needed some improvement. Since the area is referred to as an area of transition, providing services and housing for seniors would fit. There are a lot of mature trees on the lot, and they intend to save many of them. He has seen the area of transition and growth over the years. He believes affordable housing is needed in this community. He can walk from his property to Golden Corral in 90 seconds, 2 minutes to Fred Meyer, and the property is 9/10th of a mile to the Kroc Center.

Aaron Curti, Coeur d'Alene, stated that his family owns the property on Clady Lane and he thinks it is a great idea to develop the land for senior housing. The one fear is that once the property is re-zoned it is easier to get other zones approved abutting the R-17. He acknowledged that there is not a lot that can be done at R-12 density with the cap fee costs, but he cannot be certain that this will be developed.

Rachel Link, Coeur d'Alene, stated that she has helped with the plan for development. She reiterated that the developer was under oath when giving his presentation and this is what they are planning to do with the property. She did find the most current housing has waiting lists.

She clarified that the Comprehensive Plan states that the city envisions this area as a commercial corridor with adjacent multi-family uses. She provided information regarding growth rates of the community and demographics.

APPLICANT REBUTTAL: Mr. Harding stated that he is under oath and the proposal is sincere. He asked the Council to approve the zone change request.

Mayor Widmyer asked what the projected rents would be. Mr. Harding stated that rents will have to be under \$800/month and there are grants available. Councilmember McEvers asked if a PUD would work for this development. Mr. Syrcle stated that the Meadows project was a large project and a PUD made sense. The land size for this project would not be large enough to support a PUD. Councilmember Evans thanked the developers for their work; however, the city needs to look at land use and density to determine if the zone is changed and what could happen if this development does not go through. Mayor Widmyer asked for clarification as to whether or not this project could be brought back as a PUD. Mr. Holm stated that a PUD would set forth what would be required to be developed on the land. Councilmember Gookin asked if the zone change approval would make it easier for property to the south to change. Mr. Holm said that findings would be required but like zones do become clustered. Councilmember Miller asked how long a PUD process would take. Mr. Holm clarified that the applicant would need to prepare documents and clarified that the reason to do a PUD would be a tool for the city and the developer to negotiate items, and to provide exceptions to code requirements. Mr. Harding clarified that he is trying to incorporate a recreation building into the project, as well as trying to include two parking stalls per unit to provide additional visitor parking.

Hearing no other requests to testify, Mayor Widmyer closed public testimony.

DISCUSSION: Councilmember McEvers stated that the project looks like a great place to live with one level units, walkability, and likes the density and location. Councilmember Gookin mentioned the overall density for the Fruitland Lane area in the comprehensive plan is R-8, but adjacent uses should be compatible and land uses are transitional, and this proposal fits in. Councilmember Adams stated that this is a great project and good use of a smaller lot; it will be affordable housing and meets part of the visioning project.

MOTION: Motion by Adams, seconded by McEvers to approve the requested zone change from R-12 to R-17, for property located at 3615 N. Fruitland, and direct staff to prepare the Findings and Order and including the two Engineering Department conditions.

DISCUSSION: Councilmember Edinger expressed concern regarding the developer's claims to be affordable housing and housing for seniors. He believes there are a lot of units being developed. He stated that he is concerned with parking and felt that a PUD should be considered. Councilmember McEvers stated that he was not concerned who the target of the housing was, as anyone could benefit from one bedroom, one bath units with no stairs.

ROLL CALL: McEvers Aye; Miller Aye, Gookin Aye; Evans Aye; Edinger No; Adams Aye.
Motion carried.

ADJOURNMENT: Motion by Gookin seconded by Evans that, there being no further business before the Council, this meeting be adjourned. **Motion Carried.**

The meeting adjourned at 8:31 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk