

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

December 19, 2017

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, December 19, 2017 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

Woody McEvers) Member of Council Absent

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

INVOCATION: Michael Maksimowicz with Ignite the World Ministries gave the invocation.

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

OATH OF OFFICE: City Clerk Renata McLeod gave the Oath of Office to Troy Tymesen for the position of City Administrator. Mayor Widmyer thanked Jim Hammond for his years of service and welcomed Mr. Tymesen to his new role with the City.

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

1. Approval of Council Minutes for the November 30, 2017, December 5, 2017, and December 7, 2017 Council Meetings.
2. Approval of Bills as submitted and reviewed for accuracy by Finance Department
3. Approval of the Financial Report
4. Setting of Public Works and General Services Committee meetings for December 26, 2017 at 12:00 noon and 4:00 p.m. respectively
5. Approval of SS-17-11c – Interlake Condominiums Project Amendment No. 1, Final Plat
6. **Resolution No. 17-073 - 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 APPROVAL OF FINAL PLAT, AND ACCEPTANCE OF IMPROVEMENTS, A MAINTENANCE/WARRANTY AGREEMENT, AND SECURITY FOR THE TRAILS 2ND ADDITION [S-5-14]; AND APPROVAL OF**

FINAL PLAT AND SUBDIVISION IMPROVEMENT AGREEMENT, AND
ACCEPTANCE OF SECURITY FOR PARK DRIVE [S-3-17].

DISCUSSION: Councilmember English requested that he and Mayor Widmyer be reflected in the November 30, 2017 Minutes as ignite cda board members present in addition to their City Council roles.

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

PUBLIC COMMENTS:

Chet Gaede, Coeur d'Alene, thanked the City and its staff for the Spokane River proposal as he felt they were receptive to public input. He feels the project has evolved nicely.

Dennis Hinrichsen, Coeur d'Alene, expressed concern regarding his Spruce Avenue neighborhood watch. He has tried to engage the City several times to keep the neighborhood character; however, he believes the City will not uphold its ordinances and/or codes. He noted several incidents regarding neighborhood dogs running at large and general harassment he has experienced. He feels that the police should have canvassed the neighborhood to seek additional input.

COUNCIL ANNOUNCEMENTS:

Councilmember Gookin noted that the student representative, Joe Morrison, from the CDATV Committee is in the studio tonight. He is the son of the City's Fire Department Battalion Chief John Morrison. Additionally, he noted that at the recent KMPO meeting there was discussion regarding a regional traffic management center and possible funding. This center would be located in a centralized location in the County that would deal with specific roadway intersections in order to respond in real time to traffic congestion. He felt it would be a valuable item when funded. He also noted that the US 95 and Ironwood lanes that do not currently align will be addressed in the future.

The Mayor requested the appointment of Richard Colburn, Tom Messina, Scott Razor, Steve James, Kris Pereira, and Justin Miller to the International Board of Appeals.

MOTION: Motion by Edinger, seconded by Evans to approve the appointments of Richard Colburn, Tom Messina, Scott Razor, Steve James, Kris Pereira, and Justin Miller to the International Board of Appeals. **Motion carried.**

DISCUSSION REGARDING THE TRANSIT CENTER: Councilmember Gookin noted that the Transit Center Design Committee recently met. He wanted to verify that he was presenting the desires of the City Council, as his understanding was that the City wanted a lobby and restrooms to be located within the facility. He showed photos of a covered bus stop with a glass enclosure, as well as another option that would be heated and covered with a maze-type entrance, but would not have the glass enclosure all the way to the ground. The building would still have

the restrooms that would be constructed in a manner that one would not be able to barricade themselves within it, similar to the City's parks restrooms and would be entered from outside. Councilmember Miller asked what Chief White's comments were in regards to the glass enclosed stop. Councilmember Gookin noted that he wanted them to remain see-through so they could see if people were in there and expressed concerns about the parking lot and also wanted to make sure that law enforcement could see between cars. Councilmember English conveyed that he felt the enclosures were better than nothing, but a poor substitute for lobby space with indoor bathrooms. He noted that the glass enclosures would be a great addition for some of the existing bus stops, like Ramsey Road, but not at the main transit center. He would like to see a reasonable lobby and indoor bathroom. Councilmember Gookin explained that the building would be for office space for people being interviewed for the paratransit system and not a place for customers to buy tickets. Councilmember English noted that with such a large parking lot it is reasonable to seek a lobby. Councilmember Evans asked if this feedback was a time sensitive issue. Councilmember Gookin confirmed that the County has the funding and needs to move forward with design, which means they need to determine if the funds go to outdoor waiting areas or within the building itself. Councilmember Evans expressed her desire to have a comparison of the pros and cons with available options with the funding constraints. Mayor Widmyer concurred that he would like to see examples of what similar-sized cities have done. Councilmember Gookin noted that Spokane Valley has an example of an unheated unit. Councilmember Gookin explained that the building concept does not include space for interaction with riders, only office space, a breakroom for the drivers, and it could include a lobby but they do not know at this time. However, both options solve the issue of keeping people out of the weather and the cost will determine what can be built. Councilmember Gookin will report back to the full Council as the design moves forward.

RESOLUTION NO. 17-074

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR THE WASTEWATER TREATMENT FACILITY PLAN.

STAFF REPORT: Capital Program Manager James Remitz explained that the Facility Plan is a planning document that provides the City with a long-term master plan for ultimate expansion of the facilities, while identifying a program for immediate upgrade of the plant for permit compliance and to meet near-term capacity requirements. Completion of an approved Facility Plan also allows the City to pursue various funding options including the low-interest State Revolving Loan program administered by the Idaho Department of Environmental Quality. It is anticipated that the recommended plan will satisfy the City's wastewater treatment management needs for the next 10 to 20 years. HDR Engineering has a long history of providing planning and design services for the City's AWTF. They performed both the 2000 Facility Plan and the 2009 Amendment to the 2000 Facility Plan, and are well-qualified to perform this comprehensive Facility Plan. He noted that they went through an RFQ procedure and ranked HDR as the top ranked in qualifications.

MOTION: Motion by Evans, seconded by Gookin to approve **Resolution No. 17-074**, approving Professional Services Agreement with HDR Engineering, Inc. for preparation of a

comprehensive Facility Plan for the City of Coeur d'Alene Advanced Wastewater Treatment Facility (AWTF), for a total cost not to exceed \$350,000.00.

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

RESOLUTION NO. 17-075

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ENTERING INTO A RECREATION OR PUBLIC PURPOSES LEASE FOR BLM CORRIDOR PROPERTY DESCRIBED AS T. 50 N., R. 4 W., B.M., TRACT 44, WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT.

STAFF REPORT: City Attorney Mike Gridley noted that the land subject to this lease is owned by the federal government but has been used by BNSF Railway or its predecessors for over 100 years. When the railroad abandoned its spur line to Coeur d'Alene the rail property between Garden Avenue and through Riverstone reverted to control by BLM. The land is 28.69 acres in size and has no structures on it except for the large blue warehouse building that is now owned by the City stretching from the four-corners to Riverstone. In 2013, the City Council approved an application to lease the land for public recreation. Since 2013, many people from various entities have worked on the Four Corners/BLM Corridor Master Plan ("the Plan") that was required by the lease application procedure. The Plan is incorporated into the lease and the City is required to develop the land in accordance with the Plan. Deviation from the Plan will require approval from BLM. There is no lease payment required since the land will be used for public recreation. The City will need to fund the improvements proposed in the Plan; however, there is no deadline or date as to when the improvements must be completed. The City will need to maintain the land but that is limited to mowing and weed control until the Plan improvements are constructed.

DISCUSSION: Mayor Widmyer asked for additional information regarding the next steps after the agreement is finalized. Mr. Gridley noted that this property is being leased to City under the Recreation and Public Purpose Act, and if the City wanted to acquire the property, the City would need to be gifted the land through an Act of Congress, which would give the City more flexibility. He noted that the congressional process can be a bit complicated and the City would need to keep talking to elected officials to request them to bring it forward. However, it is uncertain how long that process would take. He thanked the local state staff and the BLM staff that have helped finalize the Lease. Councilmember Evans thanked Mr. Gridley for his work in bringing this lease to a conclusion.

MOTION: Motion by Edinger, seconded by English to approve **Resolution No. 17-075**, approving a Recreation or Public Purposes Lease with BLM.

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

APPROVAL OF THE ARTS COMMISSION’S RECOMMENDATION TO SELECT ART PIECE “COEUR” BY JASON SANCHEZ, AND TO APPROVE ITS LOCATION WITHIN THE NEW MEMORIAL PARK PLAZA.

STAFF REPORT: Deputy City Administrator Sam Taylor explained that the Arts Commission issued a call to artists on May 31, 2017 seeking a major art piece to be placed within the traffic circle at the intersection of Fort Grounds Drive, Park Drive, and Garden Avenue. Placement of art work within this traffic circle is called for within the Four Corners Master Plan and continues the City’s traditional placement of artwork within its traffic circles and roundabouts which can help keep motorists’ vision focused toward the appropriate “site triangle” to their left to look for oncoming traffic already in the traffic circle or roundabout. The Commission selected local artist Jason Sanchez’s piece, “Coeur.” The piece is a steel and bronze sculpture that appears to be water flowing upward toward the sky – representing the waters of Lake Coeur d’Alene – with a bronze heart adorning the top (referred to as the “heart of Coeur d’Alene”). The heart is intended to have the names of the City founders, the U.S. Constitution or the Idaho State Constitution etched upon it. The piece is approximately 20 to 24 feet high and 12-15 feet across. After the selection of “Coeur” some residents of the Fort Ground Neighborhood raised concerns about artwork within the traffic circle and specifically argued it was difficult to navigate for large vehicles and the art might be hit. Some residents who spoke simply said they disagreed with art in the circle regardless of any circumstance. While staff does not believe the art would be hit (it would have been within a curbed internal landscaping area outside of a vehicle apron), the Arts Commission unanimously recommended that the City Council approve the selection of “Coeur” and seek a different location. The Arts Commission recommended the piece be placed within the new Memorial Park plaza that is being constructed as part of the Phase II improvements. Mr. Taylor explained the art selection process and the public input provided. He felt that the new location would provide the opportunity for people to get close to the large piece and explore the art directly.

DISCUSSION: Councilmember Miller noted that within the City there is another piece entitled “Coeur” located at the Chamber building and wondered if the title would be a conflict. Mr. Taylor noted that the Arts Commission did not have that discussion but did not think it was a conflict. Mr. Gridley explained that there is no copyright issue with a title. Councilmember Gookin noted that the Fort Ground neighborhood had an extended discussion on the piece and wondered why the piece didn’t express something about the history of the military fort since it was going to be the entrance to the Fort Grounds. He felt that the City should be more aware of its art collection and that it is crucial for the collection to be managed and have goals for future acquisitions. He noted that the Art Master Plan is out of date as it was created in 2006 and that it is time to update the plan. Councilmember Evans noted that she is the liaison to the commission, it is their desire for more historical pieces, and that they want to ensure a balance between other pieces. Councilmember Gookin noted that he would be in favor of a position to manage the collection, give feedback to the Council, and build the collection. Mr. Taylor noted that there is interest in updating the Master Plan in order to provide a better vision and strategic implementation plan. He noted that it is important to keep the diversity in the art collection. Mayor Widmyer suggested the Commission provide follow up to the Council early next year.

MOTION: Motion by Evans, seconded by Gookin to approve of the Arts Commission’s recommendation to select art piece “Coeur” by Jason Sanchez, and to approve its location within the new Memorial Park Plaza. **Motion carried.**

A-4-12 ANNEXATION OF 1354 SILVER BEACH ROAD; OWNER SCOTT AND CAROL STEPHENS -PURSUANT TO COUNCIL ACTION ON AUGUST 7, 2012.

STAFF REPORT: Planner Tami Stroud noted that the City Council approved the annexation of this property on August 7, 2012, with the R-5 zoning, but the annexation process was never finalized. The property owners, the Stephens, recently completed the outstanding items, as requested by the approval of the annexation in 2012, and are now in the process of selling the property. The Stephens and the buyers are motivated to have the property annexed into the City. Ms. Stroud explained that the background of the request stems from the applicant’s desire to sell the home; however, the building was built too close to the property line and was not compliant with the County code. The sale could not occur without a Certificate of Occupancy, which the County would not issue due to the non-compliance with its Code. The home met the then current City setback requirements. During the 2012 City Council public hearing, there was discussion regarding the lack of public utilities on the property. The Minutes note that Mr. Stephens would have to connect to sewer as required by the City and Panhandle Health policies, and that Mr. Stephens would have to resolve the outstanding issues with the County and lack of a Certificate of Occupancy before finalizing the annexation. Additionally, it was noted that the City would not be obligated to provide Mr. Stephens water or sewer. Ms. Stroud demonstrated the water and sewer connection points closest to the property are approximately 3,000 lineal feet for water and 6,000 lineal feet for sewer. The City’s policy is to follow Panhandle Health district’s requirement that if a property is within 200 lineal feet from a connection, it would be required to connect.

DISCUSSION: Councilmember Gookin asked if the water agreement between the two properties would be binding to future owners. Ms. Stroud confirmed that it would be binding.

RESOLUTION NO. 17-072

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN ANNEXATION AGREEMENT WITH SCOTT AND CAROL STEPHENS FOR PROPERTY LOCATED AT 1354 SILVER BEACH ROAD.

MOTION: Motion by Gookin, seconded by Edinger to approve **Resolution No. 17-072**, approving an Annexation Agreement Scott Stephens for 1354 Silver Beach Road.

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

COUNCIL BILL 17-1038

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, A +/- .234 ACRE PARCEL LOCATED AT 1354 SILVER BEACH ROAD, CONSTITUTING A PORTION OF SECTION 20, TOWNSHIP 50 NORTH, RANGE 3 WEST, BOISE MERIDIAN, AS SPECIFICALLY DESCRIBED IN EXHIBIT "A" HERETO; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

MOTION: Motion by Gookin, seconded by Miller, to dispense with the rule and read **Council Bill No. 17-1038** once by title only.

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

MOTION: Motion by Gookin, seconded by Evans, to adopt **Council Bill 17-1038**.

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

AUTHORIZE THE ALLOCATION OF \$50,000 FROM THE PARKS CAPITAL IMPROVEMENT FUND FOR THE NEW SKATE PARK AND ACCEPT IGNITE CDA FUNDING.

STAFF REPORT: Parks and Recreation Director Bill Greenwood explained that they did not receive a grant that they had applied for to cover the needed funding for the skate park. He asked ignite for additional funding needed in the amount of \$150,000, and they agreed to provide the additional funding for a total project cost of \$400,000.

MOTION: Motion by Edinger, seconded by Evans to the allocation of \$50,000 from the Parks Capital Improvement Fund for the new Skate Park and accept ignite cda funding.

DISCUSSION: Councilmember Gookin thanked Mr. Greenwood for following through on this project. Councilmember Miller noted that one of the issues with receiving the grant was that the signing of the BLM Lease was not completed. She hopes there are future opportunities for funding now that the BLM Lease has been finalized. Mr. Greenwood hopes for savings within the project that could go toward a bowl element.

Motion carried.

DISCUSSION REGARDING WATER-BASED BUSINESSES WITHIN COEUR D'ALENE.

STAFF REPORT: Mr. Greenwood noted that the Parks and Recreation Commission has reviewed the concept of water-based businesses and recommends that the City not allow those type of businesses and wanted to seek Council input. He explained that over the years there have been requests for additional commercial spaces within the waterfront corridor. Those requests have not come to fruition due to the lack of space available. Additionally, there were concerns about creating conflicts with the general public and the current vendors. He noted that the City's commercial docks have nine bays with five different vendors, as well as one food vendor at Independence Point beach. Each of these businesses works within our jurisdiction and complies with regulations and stipulations of their lease agreement with the City. The creation of a water-based business would be difficult to manage, and would require other departments to assist in that management given the nature and location of this type of business.

DISCUSSION: Councilmember Edinger noted that the Parks and Recreation Commission did not want to have additional businesses, as the area is busy enough with the current leases. Councilmember Gookin noted that he would be in favor of regulations; however, believes that the water-based business will eventually come forward as we are a lake city. Councilmember Miller concurred that it will eventually have to be addressed as our community is a place with water recreation and staff should consider addressing how it will be managed sooner rather than later. Mr. Greenwood noted that safety is the issue and they were not able to get a safety plan submitted from the Tarzan boat. Councilmember Miller noted that this limits someone new coming in and tourists will want to have this recreational option.

MOTION: Motion by Edinger, seconded by Evans to not allow water-based businesses within the city limits.

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

(LEGISLATIVE PUBLIC HEARING) THE ADOPTION OF THE 2015 INTERNATIONAL BUILDING CODE WITH AMENDMENTS, AMENDMENTS TO THE 2012 INTERNATIONAL RESIDENTIAL CODE, THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE (COMMERCIAL PROVISIONS) WITH AMENDMENTS, THE 2012 INTERNATIONAL ENERGY CONSERVATION CODE (RESIDENTIAL PROVISIONS) WITH AMENDMENTS, THE 2015 INTERNATIONAL EXISTING BUILDING CODE WITH AMENDMENTS, AND THE 2017 IDAHO STATE PLUMBING CODE WITH AMENDMENTS.

STAFF REPORT: Deputy City Administrator Sam Taylor explained that the State legislature has mandated jurisdictions currently issuing building permits and performing building code enforcement adopt the updated code prior to January 1, 2018, per Idaho Code 39-4116. This legislation is a continuation of the State's attempt to establish uniformity and consistency of building codes and promote health, safety and welfare of the occupants of homes, businesses, institutions, and entertainment establishments. Through this process, the City is required to

ensure it adopts those codes as set out by the State, and local amendments can be made in certain areas to help ensure a community's requirements reflect its on-the-ground conditions. Good cause exists to propose amendments to the code adopted by the State Building Code Board. Most of the building departments within our area are consistent with the adoption and amendments within the proposal. The goal of providing for these amendments is to ensure that most local jurisdictions adopt the same standards, which will provide consistency for the development community regardless of what part of Kootenai County they are working in, and establishes a basis for regulatory authority. Staff is not recommending any major changes, through the local amendment process, that are different from past code adoptions. For instance, the City already has modified standards related to snow loads and fire protection. Those local standards are well-known to our development community and are not being modified with this proposal. The proposal before Council continues these amendments and they need to be recognized in this re-codification. In some cases, the new 2015 code books may have changed the section references for these processes versus the 2012 manuals, and so the proposal ensures those updated references are reflected in the City's code. Sections of the City's code related to minimum reinforcement of structures for both residential and commercial construction has been edited to provide clarity; although the requirements themselves have not changed from the previous code language. The intent is to make sure that section is better understood so that staff is providing enhanced customer service.

DISCUSSION: Councilmember Gookin asked for clarification on what the State recommend for adoption, and what would happen if the City does not adopt it. Mr. Taylor noted the specific sections of the code and that if they are not adopted there is potential the City's ability to issue permits could be revoked and/or there could be potential lawsuits. Mr. Gridley noted that the Attorney General could seek an injunction. Councilmember Gookin asked what was going on in Boise regarding the potential of not adopting the code. Mr. Taylor clarified that the state authorized cities to adopt the 2015 International Building Code but to keep the 2012 Residential Code. Boise wanted to adopt the 2015 Residential Code and the Attorney General's office said that it would be against state code to adopt.

Mayor Widmyer called for public comments and, with none being heard, public comment was closed.

COUNCIL BILL NO. 17-1039

AN ORDINANCE AMENDING SECTIONS 15.08.005 AND 15.12.010 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO ACCOUNT FOR THE RECENT ADOPTION, WITH AMENDMENTS AND REVISIONS, OF UPDATED VERSIONS OF UNIFORM CODES BY THE STATE OF IDAHO; 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.

MOTION: Motion by Gookin, seconded by Evans, to dispense with the rule and read **Council Bill No. 17-1039** once by title only.

DISCUSSION: Councilmember Gookin wanted to clarify that building codes are about public safety, and allow people to know that buildings are safe and that it has been inspected. He believes it is important to provide that protection for the citizens of Coeur d'Alene.

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

MOTION: Motion by Gookin, seconded by Evans, to adopt **Council Bill 17-1039.**

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

ADJOURNMENT: Motion by Miller, seconded by English that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 7:27 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC, City Clerk