

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

December 15, 2015

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 15, 2015 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 Gookin)
Kiki Miller)
Steve Adams)
Woody McEvers)
Amy Evans)

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

INVOCATION: Pastor Paul Van Noy with Candlelight Church provided the invocation.

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

LEVEE CERTIFICATION UPDATE– NORTHWEST BOULEVARD PRESENTATION: Engineering Services Director Gordon Dobler updated the Council on the last phase of the Levee Certification that included the need to remove trees on Northwest Boulevard in front of the North Idaho Museum. This came about due to the construction of the required FEMA wall near the Museum. The old FEMA wall was on the south side of the Museum and cannot be replaced across the road due to utilities in the street. Therefore, the new wall approved by FEMA will be behind the sidewalk in front of the Museum. He estimated 10 trees would have to be removed to accommodate the wall. They are working to retain a vegetative strip next to the sidewalk. Mr. Dobler expects the project to start in April or May and finish before Ironman. Once the wall is installed, the City can expect certification in the fall. Councilmember McEvers asked why the City could not use the same style fence as used along the seawall. Mr. Dobler explained that FEMA requirements are different from the Army Corps. Based on elevation of the area around the Museum, FEMA would not allow the old wall style. Councilmember Edinger expressed frustration with the requirement from FEMA without any additional funding. Councilmember Gookin said he was concerned about tree removal, but understands there are no other options due to FEMA requirements. Mr. Dobler explained that there will be a fee in lieu of replacing the trees and the Urban Forestry Committee will determine an appropriate location for the replacement trees. Councilmember Miller requested Mr. Dobler to make additional efforts to inform the public regarding the tree removal.

WIND STORM UPDATE PRESENTATION: Police Chief White and Fire Chief Gabriel presented information regarding the recent windstorm and emergency response. Chief Gabriel thanked the Street and Parks Departments for their response. He noted that emergency services began receiving calls on November 17, 2015 at approximately 1:47 p.m. and concluded at 2:21 a.m. They had to prioritize what were urgent 911 calls and what was not and could not respond to every electrical line down call. The emergency operations center was open through the event and throughout the next day. Tree removal could not occur during the storm, as it was unsafe for staff. Chief Gabriel noted that the Street Department starting getting calls around 4:15 p.m. the day of the event and had all trees clear by 2:30 p.m. the next day, which included 139 trees from streets and 9 in alleys. The Police Department noted 12 damaged structures by 5:30 p.m. The Police Department also called in additional staff that aided in getting a good assessment of closed streets and open emergency routes. There were 126 calls for service by 9:00 p.m., handled by 16 officers.

Chief White presented lessons learned, which included a need to find alternative methods of notification as power was lost, so television broadcast was not effective. Social media appears to be one of the best resources. The School District 271 message system also worked great for those that have children within the District. They learned that the Nixel system does not have enough Coeur d'Alene resident subscribers. Since the storm, they have reactivated an idea about a multi-agency coordination center (MACC). He explained that a MACC is basically a room where all the decision makers for each agency/department gather to coordinate activities and respond appropriately and insure that there is not a duplication of efforts. On December 9, 2015, another expected storm event gave public safety staff an opportunity to test the capabilities and identify needed equipment. Chief White noted that the County's emergency management team was helpful in coordinating after-event items.

Councilmember McEvers asked if mutual aid falls apart in the midst of an event. Chief Gabriel clarified that when the City is overwhelmed, they would not be able to help outside of the City. Councilmember Gookin said that he visited the MACC and had concerns regarding notification to people that are not computer savvy and wondered if they considered use of AM radio. Chief White felt that radio notification would be an option during a preplanned event. Chief Gabriel noted that the press releases are sent to all media, including KVNI Radio, and that he will ask if they can broadcast the alerts on an AM station. He also noted that Police and Fire have a shared radio frequency; however, the Street Department staff does not. Chief White explained they would have to operate a secondary radio channel and purchase radios and software. He felt that it would not always help expedite matters, as the MACC would include a Street Department staff person, who could better liaison to their staff. Taking an officer away from their emergency radio frequency causes other potential problems. Chief White noted that other agencies he has worked with had this capability and never used it because of the need for police officers to stay on the emergency radio frequency. Administrative staff are the best people to pass along the information, which can be done from the MACC. Councilmember Gookin said he talked to the Engineering Department who noted that they could provide battery backups for key intersection lights. Chief White thought that would be great to identify the most important intersections for battery backups. Councilmember Gookin noted that he is very proud of how the City officials handled this storm and is glad they are working together.

CONSENT CALENDAR: Motion by Miller, second by Adams, to approve the consent calendar.

1. Approval of Council Minutes for December 1, 2015.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for December 21, 2015 at 12:00 noon and 4:00 p.m. respectively.
4. Setting of Public Hearing for January 19, 2016: ZC-5-15 - (Quasi-Judicial) Ron Ayers: 1808 Northwest Blvd.; Proposed zone change from R-17 to C-17
5. Setting of Public Hearing for February 2, 2016: A-3-15 - (Legislative) Harmony Homes, LLC: 2810 & 2960 W. Prairie Avenue; Proposed annexation from County Agricultural to City R-8
6. Approval of Annual Road and Street Finance Report for year ending September 30, 2015
7. **Resolution No. 15-067** - 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 S-5-14, APPROVAL OF THE FINAL PLAT, SUBDIVISION AGREEMENT & SECURITY, PARTIAL ACCEPTANCE OF IMPROVEMENTS, AND MAINTENANCE/WARRANTY AGREEMENT & SECURITY APPROVAL FOR THE TRAILS SUBDIVISION; APPROVING S-3-12, ACCEPTANCE OF IMPROVEMENTS AND APPROVAL OF MAINTENANCE / WARRANTY AGREEMENT & SECURITY OF COEUR D'ALENE PLACE 25TH ADDITION; APPROVING THE DECLARATION OF SURPLUS STREET DEPARTMENT EQUIPMENT INCLUDING A 1994 CHEVROLET PICKUP, A 1998 F150, AND A 2004 F150; APPROVING AN AGREEMENT WITH THE COEUR D'ALENE URBAN RENEWAL AGENCY D/BA IGNITE CDA FOR FINANCING OF IMPROVEMENTS FOR THE FOUR CORNERS PROJECT – MULLAN ROAD; AND APPROVING AN PROFESSIONAL SERVICES AGREEMENT WITH THE IDAHO DIVISION OF BUILDING SAFETY FOR ELECTRICAL PLAN REVIEW AND INSPECTION SERVICES.

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

MAYOR AND COUNCIL COMMENTS:

Mayor Widmyer noted the passing of John McHugh, who served as a Councilmember from 1962-1969 and as Mayor from 1970-1974. He expressed condolences to his wife Mary Ann and their family.

Councilmember McEvers wished the community a Merry Christmas.

Councilmember Gookin wished the community Happy Holidays and Merry Christmas.

Mayor Widmyer read a letter from First Christian Church regarding their \$50,000 donation to the Police Department for a K-9 dog, training, and vehicle. He thanked them for their very generous donation to the City.

RESOLUTION NO. 15-068

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ADOPTING AN INVESTMENT POLICY.

STAFF REPORT: Finance Director Troy Tymesen noted that the current investment policy was adopted in 1987 and some governmental accounting policies and procedures and state codes have changed. The primary proposed changes include state code changes and the addition of a five-year limitation on investments. After five years, the Council would need to reapprove the investment. The old policy states that the investment must be in a brick and mortar bank building within the state of Idaho, which is very limiting. He noted that he would continue to seek a better yield on investments.

MOTION: Motion by Gookin, seconded by McEvers to approve **Resolution No. 15-068**, approving an updated City investment policy.

DISCUSSION: Councilmember McEvers asked how the City has money to invest and the purpose of that investment. Mr. Tymesen explained that funds are needed at year-end to meet payroll as the City awaits the last payout of the property taxes; otherwise, the City would need to borrow money. Additionally, he explained that the City has various funds such as a very old Police Retirement Fund and the Cemetery Perpetual Care Fund.

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

RESOLUTION NO. 15-069

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO APPROVING AGREEMENTS FOR MOORING DOCK; PUBLIC PARKING LOT MANAGEMENT FOR THE MCEUEN PARKING FACILITY AND 3RD STREET BOAT LAUNCH; PUBLIC PARKING LOTS MANAGEMENT; AND ON-STREET PARKING WITH DIAMOND PARKING, INC. WHOSE ADDRESS IS 605 FIRST AVENUE, SUITE 600, SEATTLE, WA. 98104-2224.

STAFF REPORT: Mr. Tymesen explained that Diamond Parking, Inc. was selected, by a subcommittee of the City's Parking Commission, as the most responsive entity to a Request for Proposal (RFP). The City has an enterprise fund entitled the "Parking Fund" that is used for these contracts. The four contracts proposed are needed to manage the city parking facilities, including moorage and on-street parking. The City has contracted with Diamond Parking, Inc., for parking services since 1992. In September of 2002, the City did a request for proposals (RFP) and Diamond Parking submitted the only proposal. The proposal included a three-year contract with two additional three-year renewals. Mr. Tymesen noted that he would be bringing forward a proposal for pay stations for Memorial Field. He noted that the pay stations are getting more use and fewer complaints. He affirmed that he is comfortable that they can create the revenue to pay for the management. Mr. Tymesen explained that he has researched the use of gates and found they do not always work as intended. In Spokane, they installed gates at the

Convention Center parking lot and set up a pay by credit card only system. They found that if cards were not accepted, people would drive through the gate, or if the gate was unresponsive while leaving, they would damage the equipment to get out. He noted that Spokane has removed the gate and changed it to a pay station system. One of the benefits of the pay stations at the McEuen parking facility is that it offers free flow exit, so no lines are forming upon exiting during large events.

MOTION: Motion by Gookin, seconded by Edinger to approve **Resolution No. 15-069**, approving agreements with Diamond Parking for enforcement services at the mooring dock; public parking lot management for the McEuen Parking Facility and 3rd Street Boat Launch; public parking lots management; and on-street parking.

DISCUSSION: Councilmember Gookin asked what options there were for the launch fee collections. Mr. Tymesen explained that collection is currently on the honor system. This contract includes management of a monthly pass, and they will work on better enforcement at the launch and look at electronic options. He noted that the City of Hayden has a good boat launch system. Councilmember Gookin asked for an update regarding collections. Mr. Tymesen confirmed the money is due to the City, that the process of collection needs to be improved, and is included in the contract. He believes that they need more teeth in the collection from repetitive non-paying offenders, such as putting a lock on the wheel for non-payment and consider raising fees. Councilmember McEvers asked for information regarding how ticket fines are collected for boat moorage. Mr. Tymesen explained that it is very difficult to find boat owners for collection. He noted that boat moorage fees collected is consistent with past years' collections. Councilmember McEvers noted that ticket fines are not consistent for boat parking, car parking and on-street parking violations. Mr. Tymesen clarified that boat and trailer parking should be a double fee as it takes two spaces. He reminded the community that the parking lot south of City Hall is still free and has boat trailer stalls. Councilmember Edinger asked how the fee is paid for launching a boat at the Third Street boat launch. Mr. Tymesen explained that there is a pay box at the launch with signage asking people to pay for launch, which is enforced by the honor system. He has asked Diamond to resolve low collections and provide options regarding how to monitor it better. Councilmember McEvers what is Diamonds incentive to ensure higher collections. Mr. Tymesen explained that there are some Federal regulations regarding commercial profit on public land so the City has to proceed cautiously. Diamond will be looking at a method to provide evidence that people have paid the launch fee.

Mayor Widmyer noted that he has utilized kiosks where the space number is entered and you do not have to take a receipt back to vehicle. He would like that type of a system at Memorial Field. He also would like staff to explore if faster internet would speed up people waiting in lines. Councilmember Evans reminded citizens that the lag time increases as more incorrect buttons are pushed. Councilmember Miller asked if staff could consider options for a drive up kiosk for the elderly and/or persons with small children. Councilmember Miller expressed concern that the agreement may not give the City more control as the only applicable clause for lack of performance is termination and/or a thirty-day notice of the parties. There are no penalties for lack of performance and no other parking contractors in the region.

Mr. Tymesen clarified that the Third Street launch is a non-commercial launch, as commercial activity is prohibited by Land and Water Conservation Fund regulations. Mayor Widmyer noted that citizens can purchase a five or seven-day parking pass for the covered parking at the McEuen Parking Facility for a reasonable fee, and it might be especially nice during the winter months for employee parking. Councilmember McEvers noted that on-street parking is only enforced until 5:00 p.m. and thought it might be good to look at extending that period.

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

A-4-15 (LEGISLATIVE); KERR PROPERTIES, LLC – ZONING IN CONJUNCTION WITH ANNEXATION COUNTY AGRICULTURAL SUBURBAN/COMMERCIAL TO CITY C-17; +/- 9.8 ACRE PROPERTY LOCATED AT THE SOUTHWEST AND SOUTHEAST CORNERS OF PRAIRIE AVENUE AND RAMSEY ROAD.

STAFF REPORT: Planner Tami Stroud presented the annexation request of Kerr Family Properties, LLC for a 9.8-acre parcel, currently zoned at County Ag-suburban requesting City C-17 (Commercial) zone. She clarified the original request was for 34 acres, including 24 acres of R-8 property. The applicant withdrew the residential 24 acres and is only requesting annexation of the 9.8-acre parcel. The parcel is located near the intersection of Prairie Avenue and Ramsey Road. She presented maps demonstrating the location, land use, and area zoning. Ms. Stroud explained that the four findings that must be determined include: that this proposal is or is not in conformance with the Comprehensive Plan policies; that public facilities and utilities are or are not available and adequate for the proposed use; that 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 uses. She reviewed the applicable Comprehensive Plan goals and objectives related to the findings and staff recommendations.

Mayor Widmyer called for public comments and the Clerk conducted the oath for each of those testifying.

Applicant: Drew Dittman with Lake City Engineering stated that he was representing the property owner. He reviewed the location and the area abutting the city limits. He believes it is an infill annexation request and believes that it is in accordance with the Comprehensive Plan. He noted that this area is labeled as a transitional area. Additionally, he reviewed the existing area zoning and believes that the several nodes of existing commercial use demonstrate that this parcel is a good placement for commercial zoning. He noted that the parcel is at the intersection of two major roadways with a signalized intersection.

Dave Patzer stated that he is the owner of the property and reiterated that the only item they are working on is a gas station/convenience store. Later development might include a quick food service. The portion requested for annexation at this time allows them to move forward with development of the corner property.

Josh Priano explained that he lives at 7495 Barbie Street, which is behind the church. He was seeking information about what can and will be placed on the property. He is concerned about additional traffic on Ramsey Road, noise, lights, etc.

Applicant Rebuttal: Mr. Dittman reiterated the proposed use is currently a gas station. He noted that the City Engineer estimated 20,000 trips a day on Ramsey Road, which is under the traffic threshold for a five lane major arterial of 36,000 trips per day, which is what Ramsey Road is rated.

Public testimony closed.

DISCUSSION: Councilmember McEvers asked for clarification regarding the difference between what the Planning Commission was presented and the current request. Ms. Stroud explained that the Planning Commission recommended approval of the original request, which included the additional 24 acres. Since the applicant lowered the request, it is allowable to move forward with the Planning Commission recommendation. Councilmember McEvers asked for clarification regarding water rights on the property. Mr. Dittman explained that if there were any water rights they would likely be released in the annexation agreement. Councilmember Gookin asked if the annexation agreement would address open space/trails and parks. City Attorney Mike Gridley explained that there are certain city requirements for parkland and it would be included in the negotiations for an agreement. He clarified the agreement will come back to the Council for approval and it is appropriate for Council to let staff know what they would like included in the agreement. Councilmember Gookin asked Mr. Dittman what they plan for development of the property. Mr. Dittman noted that the existing coffee stand will stay and that they are planning a convenience store/gas station for two acres at the corner. No other plans are prepared at this time. Mayor Widmyer noted that the existing coffee stand was an allowable commercial use in the County, therefore annexing into the City at C-17 would continue an existing zoning. Councilmember McEvers felt that this was a natural progression for the area. Councilmember Gookin clarified that the allowed noise and uses for the commercial zone are different from a light manufacturing zone. Ms. Stroud also noted that buffering would be included with commercial design guidelines. Mayor Widmyer requested that Mr. Kerr keep the neighbor, Mr. Priano, apprised of the development.

MOTION: Motion by McEvers, seconded by Adams to approve the requested annexation and zoning from County Agricultural Suburban/Commercial to City C-17; +/- 9.8 acre property located at the Southwest and Southeast corners of Prairie Avenue and Ramsey Road and adopt the Findings and Orders from the Planning Commission.

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

MOTION: Motion by McEvers, seconded by Gookin to enter into Executive Session as provided by Idaho Code 74-206 Sections (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

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

The City Council entered into Executive Session at 7:41 p.m. Those present were the Mayor, City Council, City Administrator, Finance Director, and City Attorney. Council returned to regular session at 8:00 p.m.

ADJOURNMENT: Motion by McEvers, seconded by Gookin, that there being no other business this meeting be adjourned. **Motion Carried.**

The meeting adjourned at 8:00 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC
City Clerk