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

October 6, 2020

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 6, 2020 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor
Woody McEvers 
Dan Gookin 
Christie Wood 
Dan English 
Kiki Miller 
Amy Evans 

Members of Council Present

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

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

PUBLIC COMMENTS:

Tonya Osterson, Coeur d’Alene, noted that she has lived here for 26 years, and that she has written letters to the FCC regarding Ramsey Road wireless facilities. She stated that she measured the pulse microwave radiations and it topped out at 8 MHZ. Additionally, their machine did not drop until they were 200 feet away. She believes Verizon is in violation of City’s Ordinance and federal standards. She expressed concern regarding the residential buildings around the towers. Ms. Osterson believes that the electromagnetic pollution is causing chronic illnesses. She requested a new ordinance be put in place.

Mayor Widmyer noted that the City has received various comments in the past regarding wireless issues and noted that the City’s Legal Department has deemed that the City Council does not have jurisdiction on this issue. Deputy City Attorney Randy Adams noted that generally this is not a city matter, as the City is limited to mostly aesthetics. Councilmember Gookin asked what the consequence is for violating the City’s code. Mr. Adams noted it could be a remedy to seek an injunction.

Jim Cook, Coeur d’Alene, noted that he lives on East Coeur d’Alene Avenue and asked the Council to be transparent as to the plans for the location of the wireless transmitters. He noted that he talked with a surveyor for Avista to assess the condition of poles where the transmitters will be located, so that leads him to believe there is a plan that should be made available. He requested the Council convince the community of the safety of these items. He noted that a Wall
Street Journal article recently discussed that many cities are saying no to 5G. He encouraged the Council to take time and study the issue and be informative with the public.

Johnathan Jordan, Coeur d’Alene, noted that he has lived here for 16 years. He provided a copy of certain Idaho Code sections that refer to the armed military presence, such as what took place in Coeur d’Alene. He believes allowing people to be an armed presence within the city leads to unauthorized individuals upholding law and they should be charged with a felony. He believes that local leadership have only made statements to encourage these acts and he demands they denounce these groups and that community leadership should discourage vigilantism. Mayor Widmyer noted that he has not encouraged these groups. Mr. Jordan noted an article written by Craig Northrup in the Coeur d’Alene Press. The Mayor noted that the statement in the Press was that no laws were broken according to legal and law enforcement, which was not an encouragement of the activity and that they enforced laws that were on the books. He clarified that law enforcement closely monitored the situation. Mr. Jordan felt the laws have been cherry picked.

Jannette Laster, Coeur d’Alene, is the Executive Director of the Human Rights Education Institute, and noted that they have formed a business consortium and invited the Council and city staff to attend their first gathering. She expressed concern about protecting polling places based on social media feeds. Councilmember English stated that he does not think anyone has to worry about polling location, as he firmly believes the County election staff would seek back-up from law enforcement if needed.

COUNCIL COMMENTS:

Mayor Widmyer requested confirmation of the appointments of John Bruning, Denise Jeska, and Mike Fuller to the Pedestrian & Bicycle Advisory Committee, and Kim Torgerson to the Childcare Commission.

DISCUSSION: Councilmember

MOTION: Motion by English, seconded by Evans, to appoint John Bruning, Denise Jeska, and Mike Fuller to the Pedestrian & Bicycle Advisory Committee, and Kim Torgerson to the Childcare Commission. Motion carried.

CONSENT CALENDAR:

2. Approval of Bills as Submitted.
3. Cemetery Lot Repurchase from Sandra Kay; Lot 7, Block 46, Section E of Forest Cemetery
4. Cemetery Lot Repurchase from Paulette Gaffney; Lots 16B, 16C, Block 39, Section G, Forest Cemetery
5. Approval of SS-20-09 – Cash Cow Place Final Plat

MOTION: Motion by McEvers, seconded by Gookin, to approve the Consent Calendar as presented, including Resolution No. 20-052.

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

RESOLUTION NO. 20-053

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ARCHITECTS WEST, INC., FOR ARCHITECTURAL SERVICES FOR RENOVATIONS TO THE WASTEWATER COLLECTIONS BUILDING TO BE USED AS THE WASTEWATER TREATMENT OPERATIONS BUILDING AND DESIGN OF A NEW COLLECTIONS BUILDING AT THE COMPOST FACILITY.

STAFF REPORT: Wastewater Project Coordinator Mike Becker explained that originally constructed in 1972, the existing Wastewater Treatment Operations Building (Building “A”) was designed to facilitate a treatment plant one-fourth the size it is today (2019 Facilities Plan). AWTP operations have clearly outgrown this building. On June 18, 2019, the City executed a Professional Services Agreement (PSA) with Architect’s West, Inc., (AW) for designing the renovations to Building “A.” The work was scheduled for some time in FY 2020-2021. Because of the existing building’s limited footprint, conceptually this meant essentially creating a 2-story building with an unfinished basement at an estimated cost of $2.3 Million. Staff budgeted accordingly. Then COVID-19 occurred, pausing the progression of this project and giving staff an opportunity to consider other options. Staff concluded that building a new Sewer Collections Facility next to the Compost Facility and modifying the existing Collections Building (Building “B”) to be used as the Wastewater Treatment Operations Building was a viable option. Under this option, Building “A” would be abandoned and slated for demolition at a later date. The new plan will likely cost about the same as the original plan, but would offer O&M savings and other long-term benefits to the City. Staff requested AW to provide its costs for the change in conditions and additional services required for the new plan. Therefore, staff is requesting an approval of an Addendum to the Professional Services Agreement with Architects West, Inc., for Design Improvements to the Collections Building for use as the Wastewater Treatment Operations Building, and design of a new Sewer Collections Building at the Compost Facility at an additional cost of $29,587.
DISCUSSION: Councilmember McEvers asked for clarification of the function of the collection division. Mr. Becker noted that the collections crew maintains and services emergency calls on 222 miles of sewer pipe. They do need heated space for the apparatus vehicles for winter response and they are on call 24 hours. Councilmember Wood asked for clarification regarding the new project costs. Mr. Becker noted the original estimate was $2.2 million and this new project would be approximately $3,000 more. Mayor Widmyer noted that this appears to be a two-piece project with a remodel and a new building construction, and that this request is for the architectural portion. Mr. Becker confirmed there is a budgeted line item for a two-year project, so this additional cost will be added to the end of the project. Mayor Widmyer asked what the timeline is for the project. Mr. Becker clarified that the new building would come first, then the remodel and both projects should be completed by the end of next fiscal year.

MOTION: Motion by Gookin, seconded by McEvers, to approve Resolution No. 20-053, approving Amendment No. 1 to the agreement with Architects West., Inc. for design improvements for the Wastewater Treatment Operations building and a new sewer collections facility.

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

RESOLUTION NO. 20-054

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, APPROVING REGULATIONS FOR THE ISSUANCE OF A TEMPORARY CHILDCARE LICENSE.

STAFF REPORT: Deputy City Clerk Kelley Setters noted that at the September 21, 2020, Childcare Commission meeting, the Commission recommended approval of a temporary license program and an amendment to the Childcare Facility Ordinance related to outdoor play areas. This recommendation was based, in part, upon a survey conducted by the United Way Task Force (UWTF), in partnership with Idaho AEYC, which looked at options for the improvement of local systems in early education and care. One of the ideas resulting from this survey was that the City of Coeur d’Alene potentially could help facilities that have taken on extra children during the COVID-19 emergency by creating a temporary license similar to an existing State program. The temporary license would be valid until January 29, 2021. In conjunction with this temporary license, the City would not enforce the requirement for ten (10) hours of continuing education or the completion of the safe sleep course for school-aged childcare. All other requirements, including safety inspections, TB Tests, and background checks, would remain unchanged. While the sewer cap fee will not be collected for a temporary daycare use, it will be collected for permanent facilities. The Childcare Commission also determined that an amendment to the Municipal Code was needed to allow flexibility for the facility occupancy to exceed the playground occupancy outdoor play area. The current City code requires thirty-five (35) sq. ft. of interior space per child, while the outdoor play area requirement is seventy-five (75) sq. ft. per child. This requirement has become problematic during the pandemic as some
facilities are hard-pressed to find the large lots needed to accommodate the play area required for an increasing number of children needing childcare. Under the proposed code amendment, the provider would submit plans and/or schedules on how they will utilize playground shifts to ensure that all children are getting adequate outdoor time on the playground. The City Clerk or Designee would approve the plan to expedite the approval process. All facility safety inspections would remain the same. The current outdoor play area requirements limit the capacity of daycares in areas of town where lot sizes are smaller, such as the downtown area. In addition, the COVID-19 pandemic has placed pressures on daycares throughout the City by increasing the number of parents who require daycare for their children, especially during school schedule adjustments. Allowing children to use an outdoor play area in established shifts with adequate supervision is considered a reasonable means of addressing space limitations and the increasing need for childcare facilities. The temporary license is also a reasonable means of addressing the additional pressures caused by the pandemic.

DISCUSSION: Councilmember McEvers asked if the outdoor space was used during the winter. Ms. Setters confirmed that the outdoor space is used year-round and explained the difference between the indoor space versus the outdoor space and the fire code maximums.

MOTION: Motion by McEvers, seconded by English, to approve Resolution No. 20-054, approving a temporary Childcare License program for a 12-week permit.

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

COUNCIL BILL NO. 20-1014

AN ORDINANCE AMENDING SECTION 5.68.030, COEUR D’ALENE MUNICIPAL CODE, ENTITLED “BUSINESS LICENSES AND REGULATIONS, CHILDCARE FACILITIES,” TO PROVIDE FOR A TEMPORARY EXCEPTION TO THE REQUIREMENT OF 75 SQUARE FEET PER CHILD OF OUTDOOR FENCED PLAY AREA IF A PLAN FOR OUTSIDE PLAY IN SHIFTS IS APPROVED BY THE CITY CLERK OR DESIGNEE; PROVIDING FOR THE REPEAL OF THE FOLLOWING SECTIONS OF THE CITY 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.

MOTION: Motion by Gookin, seconded by McEvers, to dispense with the rule and read Council Bill No. 20-1014 once by title only.

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

MOTION: Motion by Wood, seconded by McEvers, to adopt Council Bill 20-1014.

ROLL CALL: McEvers Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye. Motion carried.
RESOLUTION NO. 20-055

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT FOR FINANCING OF CONSTRUCTION - LACROSSE AVENUE IMPROVEMENT PROJECT WITH COEUR D’ALENE URBAN RENEWAL AGENCY, DBA IGNITE CDA.

STAFF REPORT: City Engineer Chris Bosley explained that the Atlas Mill Site traffic study, completed in January of 2019 by Welch Comer and Associates, recommended a third access point to the Riverstone area as a mitigation measure to reduce traffic congestion. Specifically, the recommendation called for Lacrosse Avenue to extend from Beebe Boulevard to Northwest Boulevard with a traffic signal installed at Northwest Boulevard. Previously, the Four Corners/BLM Corridor Master Plan also called for Lacrosse Avenue to extend from Northwest Boulevard to Lakewood Drive, providing access to future park amenities. Recently, Active West began construction of a residential subdivision extending east of Beebe Boulevard, connecting to Lakewood Drive, setting the stage for extending the street to Northwest Boulevard and completing the conceptualized connection. On October 16th, 2020 ignite cda approved a contribution of up to $1.8 Million for the design and construction of Lacrosse Avenue upon approval from City Council, design would be completed this fall/winter with construction beginning in spring of 2021. Completion of Lacrosse Avenue will provide another ingress/egress to the Riverstone development, provide future park access, and reduce traffic congestion in the area. This project will help to fulfill a recommendation of the Atlas Mill Site Traffic Study and the Four Corners/BLM Corridor Master Plan. The $1.8 Million in funding is anticipated to cover design and construction of Lacrosse Avenue, with the exception of water, sewer, and stormwater improvements, which may be covered by the respective departments valued at approximately $234,500.

DISCUSSION: Councilmember Gookin asked about whether the road would be a one way or private street condition after Lakewood Drive. Mr. Bosley noted that it will not be one way or private, it will have traffic calming measures such as on-street parking. Councilmember Gookin asked if the items listed as city service improvements are within their respective budgets. Mr. Bosley noted that he is unsure; however, there is stormwater funding and he is talking with water and wastewater. He clarified that if those items are not funded they would have to come in at a later date. Wastewater Superintendent Mike Anderson noted that they have annual budget dollars set toward general upgrades to their collection system, so they might be able to fund $81,000. They are meeting next week to talk about what projects need to be funded. Councilmember McEvers asked what the purpose of the sewer line project would be at that location. Mr. Anderson thought there might be some issues with angles and turns in that area and believes there are bottle necks within that area. Mr. Bosley noted that he has worked with wastewater regarding the sewer line placement and future needs in that area. Councilmember Gookin noted that private individuals who develop parcels should be paying for the extension. Mr. Bosley noted that there are some parks in the area for micro soccer and public restrooms are being requested. Mayor Widmyer asked for staff to follow up with more details via email to Council after the meeting. Councilmember Evans asked if this plan honors the Bureau of Land Management (BLM) master plan so no modifications are needed to that plan. Mr. Bosley noted
that this is their accepted plan and they will need to communicate any proposed changes to BLM. Councilmember Evans questioned if BLM should be contacted first. Mr. Bosley noted that this is just a conceptual drawing and the next step would be to work with all the entities. Mr. Bosley noted that if funding is accepted, the next step would be to hire an engineer to complete the design, which would be completed this winter so that they could do construction in the spring and spend funds before the Lake District sunsets. Councilmember Gookin felt that one of the functions of urban renewal is to prime the development, so he believes they should pay for the sewer and water improvements. Mayor Widmyer asked if they should wait for the next meeting to approve this item. Mr. Bosley reiterated that the construction of the infrastructure items are not necessary to this project and that getting the road built is the main project.

MOTION: Motion by English, seconded by Wood to approve Resolution No. 20-055, approving an Agreement with ignite cda for financing the construction of Lacrosse Avenue Improvements.

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

COUNCIL BILL NO. 20-1015

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADDING A NEW CHAPTER 15.40, GROUND DISTURBANCE, TO THE COEUR D'ALENE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF REPORT: City Engineer Chris Bosley explained that the City does not currently have a permit specifically for ground disturbing activities. Permits for site development (which may include asphalt paving, underground utilities, etc.) or building construction cover ground disturbing activities, but not all ground disturbing activities require those permits. In the past, ground disturbing activities have been identified by inspectors, reported by concerned members of the public, or gone largely unnoticed. By implementing a permit for these activities, City inspectors will be aware of proposed ground disturbing activities so they may ensure best management practices are used to reduce erosion and sediment issues. Enforcement of sediment and erosion control violations is required by our Municipal Separate Storm Sewer System (MS4) permit for stormwater discharge into the lake and river. Currently, the Environmental Protection Agency (EPA) governs over MS4 permits, but the Idaho Department of Environmental Quality (IDEQ) will be accepting that responsibility this year. By initiating a Ground Disturbance Permit program, City inspectors will be aware of ground disturbing activities so they may ensure best management practices are used to reduce erosion and sediment issues. A minor cost in staff time is associated with receiving permit applications, issuing permits, and inspecting construction sites. At this time, permits would be issued at no charge. A nominal fee will be requested for this permit with the next fee updates. He introduced Jamie Brunner, the Chairperson of the Kootenai County SEEP program.
Ms. Brunner noted that she works for the Idaho Department of Environmental Quality as Coeur d’Alene Lake Management supervisor. She explained that the goal of the program is to continue to protect water resources. She noted that there is a need to manage the water shed area that is approximately 3,700 square miles. Events that happen within that area can affect water quality in that entire area. She noted that construction sites have quick moving sediment and pollutants that wash from sites through stormwater runoff. She explained that sediment erodes fish scales and affects their vision for food and predators. The urbanization of land increases impervious surfaces, which causes an increase amount of runoff. In addition to soil some of the follow items are included in the run off: fertilizer, fuel, oil, and detergents. Primarily phosphorus and nitrogen are concerns. Ms. Brunner expressed concern regarding the effects of those nutrients in the lake which cause harmful algae blooms and low dissolved oxygen levels that stress fish. She concluded that SEEP is an educational program and discusses best practices. They offer a three-year certification and have certified 887 people since 2007.

Mr. Bosley clarified that there is a current code that all soil needs to be kept on site and that the City has site development permits for large subdivisions and building permits for individual homes. However, there is a grey area where a developer doesn’t have approval but wants to remediate site and get it ready to develop and there is no permit required. The City then receives complaints of mud tracking, and the city has no prior knowledge of the site activity. The goal is to educate property owners on keeping sediment out of the city’s stormwater system and manage it on their own site. Other jurisdictions charge fees based on soil amount moved; however, he would propose no fee until the next fee update is brought forward, at which time he would propose a $50.00 fee. This allows for the city to be notified and the city can provide education to the property owner regarding mitigation options. The DEQ is primary on the City’s MS4 permit and they often see issues and call the city. This program will give the City an identified method to work with property owners.

DISCUSSION: Councilmember McEvers noted that some of the mitigation includes the silt fences and the hay around the storm drain or existing projects. Mr. Bosley confirm those are some mitigation options used by those that are educated on storm water. Councilmember Gookin questioned if a demolition permit was required if someone was removing concrete from a site. Mr. Bosley clarified that concrete below grade would not require a demolition permit rather a building demolition would. Councilmember Gookin questioned how much land is available to be developed that this would apply to and how the program would be enforced. Mr. Bosley noted that the disturbance permit would be for parcels that are one acre or larger. One example of where this would apply is the site in which a Motel recently burned down. Councilmember Wood felt that the SEEP presentation was important to demonstrate the need for this type of permit. She asked if there would be a database and if there is enough staff time to manage it. Mr. Bosley noted that it would be managed through the existing permit program and that the public works inspectors are out each day and would stop and talk to developers regarding run off.

MOTION: Motion by McEvers, seconded by Evans to dispense with the rule and read Council Bill No. 20-1015 once by title only.

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

MOTION: Motion by McEvers, seconded by Evans, to adopt Council Bill 20-1015.

DISCUSSION: Councilmember Gookin will oppose this as it will not be enforced and he does not believe we need more rules. Councilmember Wood expressed support of the code as she believes that if the City can do one more thing to educate people on their site disturbance and protect our water source we should.

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

COUNCIL BILL NO. 20-1016

A SUPPLEMENTAL ORDINANCE OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE ISSUANCE AND SALE OF THE CITY’S SEWER REVENUE BOND, SERIES 2020, IN THE PRINCIPAL AMOUNT OF $20,500,000 TO PROVIDE FUNDS NECESSARY TO FINANCE IMPROVEMENTS TO THE CITY’S WASTEWATER SYSTEM; RATIFYING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND AMENDMENT THERETO; PROVIDING FOR THE SALE OF THE SERIES 2020 BOND TO THE STATE OF IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY; PLEDGING REVENUES FOR PAYMENT OF THE SERIES 2020 BOND; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

STAFF REPORT: Wastewater Superintendent Mike Anderson noted that in 2015, City Council approved Resolution 15-047 accepting a loan offer from the State of Idaho Department of Environmental Quality (DEQ) Clean Water State Revolving Fund in the amount of $20,000,000 for the design and construction of the City of Coeur d’Alene Wastewater Department’s Tertiary Treatment Phase 2 project. This loan was amended in 2018 for an additional $500,000 to fund an overhead crane for servicing the TMF equipment installed during this project. The installation of this equipment was necessary to meet the requirements set forth in the National Pollutant Discharge Elimination System (NPDES) discharge permit issued in 2014 by the United States Environmental Protection Agency (EPA). Funding of this project via this low interest loan with no pre-payment penalties has placed the Wastewater Utility in the favorable position of meeting treatment requirements and minimizing the financial impact by distributing the cost over 20 years. American Iron & Steel (AIS) requirements as well as Disadvantaged Business Requirements (DBE) are intended to benefit our community on a macro scale as well. The total loan amount of $20,500,000 will be paid in biannual installments over 20 years at an interest rate of 2.75%. Following a rate analysis, it was decided that funding this project via a low interest rate SRF loan would place the department in an advantageous position and allow the Wastewater Fund to maintain its cash reserves. Funding of this loan was incorporated in the 2017 Wastewater Rate Study and this action allows the closing of the loan. He presented an overview of the treatment processes that have been improved with the tertiary treatment membrane process paid for out of the funds.
DISCUSSION: Councilmember English questioned the 20-year loan timeframe. Mr. Anderson clarified that they have had a construction loan for five years and now it is a project closeout and the loan term is 20 years. Councilmember Gookin noted he watched the new Wastewater video, which demonstrates the washing of equipment and he wondered where the water goes thereafter. Mr. Anderson clarified that all water from equipment and stormwater is filtered back to the plant to run through processing, and they ensure that it does not go into the lake. Councilmember Gookin thanked wastewater staff for what they do and being good stewards of the lake.

MOTION: Motion by McEvers, seconded by Evans, to dispense with the rule and read Council Bill No. 20-1016 once by title only.

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

MOTION: Motion by McEvers, seconded by Evans, to adopt Council Bill 20-1016.

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

RECESS: Motion by McEvers, seconded by Gookin, to recess to October 7, 2020 at 11:00 a.m. in the Library Community Room, located at 702 E. Front Avenue for a workshop with the Planning Commission regarding Envision Coeur d’Alene, Comprehensive Plan Update. Motion carried.

The meeting adjourned at 7:43 p.m.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, CMC
City Clerk