

A CONTINUED MEETING
OF THE COEUR D'ALENE CITY COUNCIL
HELD ON MAY 20, 2013
IN THE LIBRARY COMMUNITY ROOM,
701 E. FRONT AVENUE

The Coeur d'Alene City Council met in a continued session on May 20, 2013 at 12:00 Noon at the Library Community Room, there being present upon roll call a quorum of the Council.

Sandi Bloem, Mayor

Steve Adams) Members of Council Present
Dan Gookin)
Loren "Ron" Edinger)
Woody McEvers)
Deanna Goodlander)
Mike Kennedy) (arrived at 12:05)

STAFF PRESENT: Wendy Gabriel, City Administrator; Doug Eastwood, Parks Director; Tim Martin, Street Superintendent; Mike Gridley, City Attorney; Gordon Dobler, City Engineer; Jon Ingalls, Deputy City Administrator; Wayne Longo, Police Chief, Steve Childers, Police Captain; Troy Tymesen, Finance Director; Michael Kempton, Parks Department; Tami Stroud, Associate Planner, Bill Greenwood, Assistant Parks Superintendent, Monte McCully, Trails Coordinator, Sid Fredrickson, Wastewater Superintendent, Jim Markley, Water Superintendent and Renata McLeod, City Clerk.

WORKSHOP - TRANSFER OF PROPERTY ALONG COEUR D'ALENE LAKE DRIVE FROM ITD: The Mayor welcomed the audience and stated the purpose of the meeting was to discuss the option of a property transfer from the Idaho Transportation Department (ITD) of Coeur d'Alene Lake Drive. She explained that this meeting was a workshop that is intended to allow Council and staff discussions; therefore, there will be no public comment period.

City Administrator Wendy Gabriel stated that Jim Coleman, the Vice Chair of the Idaho Transportation Board and various other state department representatives were present and available to answer question throughout the workshop. She provided an outline of the topics to be discussed to include the following: the draft agreement and negotiable terms; property interest to be acquired; jurisdictional issues; annexation and the area of city impact (relative to the road only); city utilities; private dock access; risks (slide area and bridge maintenance); potential partnerships; maintenance costs; public access; hydroplane races; advantages/disadvantages; and questions and discussion.

Ms. Gabriel stated that prior discussions of the draft Maintenance Agreement centered around a possible endowment of part of all of the \$3 million, to be provided by ITD. ITD does not have restrictions for the funds; therefore, an endowment would be allowable. ITD has agreed to remove the bridge and maintain the bridge until the point in time they remove the bridge. ITD will maintain and monitor the equipment that is sunk into the lake. Idaho Parks and Recreation

(IDPR) will continue to maintain the parkway; however, the City would enter into its own agreement with IDPR. Maintenance of signal at 23rd street should be included in the agreement. ITD will be responsible for some of the risk of a slide, currently referred to as a catastrophic event that closes one or more lanes of travel. The assumption is that emergency relief funding would be included in such an event. Another option is to change the catastrophic language to state that ITD would be responsible for any slide that closes a lane of traffic at any time.

Ms. Gabriel discussed the property interest along the roadway and stated that some property is owned in fee and some property is held through a perpetual easement. She clarified the jurisdictional issues by stating that just because the land is acquired by the City it does not mean it is regulated by City codes. The land would not be within the city limits, so the City would not have jurisdiction over fire, EMS, or police; however there are mutual aid agreements for emergencies. Staff would recommend annexation of the roadway and in fee property so that city laws can be upheld in those areas.

Councilman Gookin asked for clarification as to how this 5-mile street does not equal a shoestring annexation. City Attorney Mike Gridley stated that a shoestring annexation would be an annexation of a piece of land (the shoestring) to get to another parcel that does not directly abut the City. Councilman Edinger asked for clarification of what staff is recommending the City annex. Ms. Gabriel stated that it would be the entire corridor, the roadway, the property the trail is on, and the property to the water. Councilman Edinger asked if the annexation would be done prior to the proposed hydroplane races this year. Ms. Gabriel stated that if ITD accepts the terms of the agreement, the agreement would be effective after Labor Day weekend to avoid the issues with races. Councilman McEvers clarified that if the City annexes the properties, the City rules would apply, if the City accepts the land (without annexing) the County rules apply. Ms. Gabriel stated that the advantage to annexing is that the rules are what the Council would want to apply, as any issues would come before the Council. Mr. Gridley stated that one argument for local control is that the state currently has a lot of jurisdiction over this land and they are far removed, the County is the next level and they are a little removed, but the City would give local control over issue such as parking along the roadway.

Councilman Adams stated that he has spoken with a property owner regarding easements, how that would be affected by the City annexing. Mr. Gridley stated that the City would take whatever the state gives the City. If there were an existing agreement between the property owner and the state, the City would inherit that and could not change that agreement. There could be issues with encroachment permits crossing the trail area, as ITD issues those currently. There are different types of ownership with different rights. Councilman Gookin asked if there were any known issues with easements along the road with existing property owners. Mr. Coleman stated this has been an issue for ITD for many years. Approximately 2 years ago, a case went to Idaho Supreme Court then legislation was passed that does not allow the right-of-way to inhibit riparian upland rights. Lakefront rights cannot be prohibited. Mr. Coleman stated that it is easier to deal with the City regarding encroachment than the state, as the state is bound by rules and regulations in Idaho code that are necessary applicable to a local jurisdiction. Additionally, disposal of property and granting of encroachments are very encumbered at the state level, but the City can hold a hearing and abandon right-of-way. Due to the fact that this road is primarily local road, it is the policy and desire of the Transportation Board to get the

property under local control. This is a process they are doing throughout the state. Councilman Edinger stated that East Side Highway District (Eastside) has connecting roads to Coeur d'Alene Lake Drive, and wondered why ITD did not make the proposal to Eastside. Mr. Coleman stated that many years ago, there was an offer to Eastside, negotiations went on for a lengthy period of time and they could not come to a conclusion. Mr. Coleman clarified that he does not know the terms discussed; however, it is ITD's method to provide some funding within the transfers but he does not know the amount. Councilman Kennedy asked how any potential state surplus would affect ITD and the ability for the City to ask for more money. Mr. Coleman stated that ITD does not get any money from the state General Fund, so any surplus would not be provided to ITD. ITD is funded through gas tax and car registration and each year revenue has gone down.

Ms. Gabriel presented the current area of city impact map and clarified that staff will be recommending an adjustment to the area of city impact to exclude some areas around the roadway, that are not expected to ever be provided City services. The fear expressed previously that this is an annexation land grab would be minimized, as that area concern would no longer be within the area of city impact, if adjusted per staff recommendations. Availability of City utilities is another reason that the City would not annex these areas, as it would be very expensive to run utilities to those areas since the City utilities stop at the beach house. Hillside properties would require lift stations and it would be very costly for a developer to pull utilities any further. Private dock access is another area of concern noted, as stated previously there is nothing the City could do, or want to do to prevent access. The City could create vehicle pull off areas to create safe corridors for access to the waterfront for loading and unloading.

Ms. Gabriel noted the risks include the bridge and believes the risk can be mitigated through the agreement. The slide area is another noted risk that can be mitigated through ITD stepping in if a catastrophic slide occurs. She noted that partnership with other agencies would occur. She noted that one reason ITD brought this option to the City is that in one exchange, to one entity, that is in the business of maintaining parks and roadways. The City does bring in other entities to help in their endeavors. As an example, IDPR is willing to continue maintenance of the parkway; if they ever decide otherwise the City have the capability to do so. Plowing can be partnered with Eastside, as they can plow areas that are convenient to us, and Eastside could plow areas convenient to them (such as Lake Coeur d'Alene Drive). Councilman Edinger asked how much it costs IDPR to maintain the Centennial Trail and restrooms. Ms. Gabriel stated that she was not sure, but the City projection is about \$15,000. The City would include keeping the trail open year round, including plowing the trail during the winter, and IDPR does not plow in winter.

Ms. Gabriel stated that the Agreement states that the City would be responsible for routine maintenance such as plowing, overlay, and ditch work. The City Engineer will present information regarding when an overlay is due. The road was built to highway standards, not City standards, so it will hold overlay longer than a city street, which is currently estimated to be 5-10 years. Mr. Martin provided some of the history regarding how the City snow plan is implemented. During a snow event, the Street Department begins by aggressively plowing arterials, then hills and downtown. They use all operators and mechanics during a snow event. They have no history of plowing Lake Coeur d'Alene Drive, so they can only estimate what it would take. They would look to partners at Eastside to help him. Currently it takes

approximately 6.5 hours to plow all City arterials. He would plan to pick up Lake Coeur d'Alene Drive at the tail end of the atrial plow utilizing dump trucks. ITD vehicles are newer, computerized, and larger (approximately \$250,000 to \$350,000) and they utilized depreciation of those vehicles in estimating their costs. The City utilizes vehicles longer and they depreciate longer; therefore, City costs are estimated lower. Additionally, he clarified that he estimates costs based on the number of times an area is plowed and then divides costs accordingly. Costs include deicer, sand, and overtime; however, he stated that he could only estimate the need for 11 plows. The costs associated for the 11 plows would be \$6,000, and numbers will fluctuate depending on snow weight, etc. He clarified that ITD provided numbers in 2010 that included vegetation management, which the City contracts to Kootenai County at \$77 a mile, which would add an additional \$800. Patching four to five patch 10 to 20 feet long, striping similar costs to ITD. He mentioned his partnership with ITD for Victoria Drive and the possibly of an agreement for Coeur d'Alene Lake Drive plowing. The City could pick up the area along Ponderosa Golf Course in exchange for their plowing of Coeur d'Alene Lake Drive. Councilman Gookin asked for clarification as to how much it would cost the City to patch and stripe the roadway. Mr. Martin stated that it would be approximately \$6,296 for striping once a year and approximately \$2500 a year for patching. Councilman Gookin asked if the City could use beet juice deicer in that area. Mr. Martin stated that they could, and clarified that the only area they do not use beet juice is the southern part of town.

City Engineer Gordon Dobler stated that he has visually rated the road several times. Based on a rating system between 0-100, with 100 being a brand new road, an overlay would be need at a rating of 40-50; Coeur d'Alene Lake Drive would be rated at 60-70. This fair rating is due to the original design as a highway. There are sections of the road that will need an overlay inside five years; however, the rest of the road can last least 10 years without an overlay. Cost for an overlay is based on whole road, which would be \$1.5 million today, but he does not see the need for a current overlay. Based on the City's system for budgeting overlay, it would add \$17,000 a year to the overlay budget, which would be his recommendation. Councilman Gookin stated that concerns were raised about rocks falling off cliffs and asked how the City would budget for that circumstance. Mr. Dobler stated that he did not see anything alarming, and that it would be a maintenance cost. Mr. Martin stated he periodically gets calls from Cherry Hill and he would respond to it on an as needed basis.

Parks Director Doug Eastwood presented a map and video regarding the property area including a waterside demonstration. The map colors indicate the type of land ownership that ITD currently has. The green outlined property is owned in fee by ITD as the upland property owner. He stated that the Rutledge Trail Head included the possibility of an at-grade crossing when the bridge is removed; and could be a possible future boat launch site. Currently this area has a trailhead, a vault toilet, and parking. There is a potential land trade with Department of Lands, ITD, and a private property owner in order for a future boat launch to be possible on the east of the current marine. He noted that there would be approximately 130 parcels included the land transfer from ITD. The upland property owners have riparian rights to the water, which include easements crossing the trail. Loading and unloading areas would be worthwhile to explore options, as well as view corridors, observation decks, and/or fishing docks. IDPR may not be able to maintain the area into perpetuity; therefore, the City should be prepared for it to take over maintenance at some point. An estimate of potential review that could be generated in the

steamboat trail area would be \$40,000 to \$60,000. The existing trail has been maintained through a Joint Powers Agreement. Councilman Edinger asked if IDPR wanted to turn maintenance over to the City. Mr. Eastwood clarified that it was past administration that sought the City to take over maintenance due to budget constraints, the current administration is willing to continue maintenance. Councilman Edinger asked if the City took over maintenance would the Parks Department need to hire more people. Mr. Eastwood stated that they do have a multi-agency agreement, so the City would trim edges of trail and assist with some irrigated areas and that would take approximately 60-80 hours per year. The City would sweep once a month May – October, at approximately 160-200 hours a year, and have someone in the area every other day at 3-4 hours for litter pickup and to monitoring of the area. He believes that could be covered by seasonal workers paid out of revenues. Additionally, the vault toilets would cost approximately \$2,000 for service. He mentioned the condition of the trees is bad with wind damage, branches broken, decay, etc. and should be included in capital improvements. He felt the Urban Forestry Committee could provide a master plan for the area. Mr. Eastwood clarified that the Veteran's Bridge pull out area has a small existing area. The Redman Hill area could be a location for public mooring docks/day use on the west side. The slide area property is owned by ITD up to the water's edge and the area above is patched annually. Booths Landing has some property line issues that should be settled in court by November. The Beacons Point turn out has nice waterfront access to beach and Osprey Point access point has parking and a beach area. Higgens Point boat launch has parking and overflow parking, and is approximately 5 acres with overnight moorage and day use picnic areas.

Councilman Gookin asked if the little pockets were large enough for the City to build access. Mr. Eastwood stated that they were, especially the area near the Rutledge Trail head, in partnership with ITD, private property owner, and IDPR. Land downhill from ITD upland areas could be options for view areas, day use docks, access points. The corridor is wider in some parts than others and should be master planned to ensure the 5-mile water front corridor is as pristine as possible into perpetuity. The area widens near the Veteran's Bridge turn out point and could be an opportunity for day use/mooring docks. He stated that if the City were the landowner, they could take a deeper look at opportunities to enhance existing sites. Councilman Edinger stated that areas are already being used by the public, so the City would only gain a small amount from owning the area. Mr. Eastwood stated that he does not believe it is being used to its highest and best use and once it starts to deteriorate people will complain to the City, as our citizenry uses that area. Mayor Bloem asked for clarification as to the percentage of parkland the City should own per population stated in the parks master plan. Mr. Eastwood stated that there is a ratio of 4 acres of parkland per 1000 population. The City is currently at 4.5 acres per 1000 population; however, one should look to build out population of 90,000 and understand that less acreage is and will be available over time. Additionally the Master Plan talks specifically to water front access and directs to acquire as much as possible. Councilman Gookin this area is already being maintained by IDPR and is concern that City ownership of this land would not provide any revenue/property taxes. Mr. Eastwood stated that there are revenues generated from the area. Councilman Kennedy asked what the next step is in this process. Mayor Bloem clarified that purpose for the workshop was for Council to be able to ask staff questions, clear up facts, and determine what the advantages of ownership would be. She encouraged Council to use this opportunity to get answers to their questions so that staff may bring this forward for a decision in the near future.

Councilman Goodlander asked for clarification of the future purpose of the ITD property along the northeast edge of the road. Mr. Coleman stated that ITD has no long-term plans for the property. The original purpose for acquisition of the property was for use of a freeway, and over the last 6 years ITD has been facing lower revenues and higher needs, and this has not been a priority. ITD may dispose of the property in the future. Councilman Goodlander asked if there is a possibility to negotiate property acquisition of the upland property. Mr. Coleman stated that some areas are important for the maintenance of I-90, so they would not be interested in disposing of those parcels. When ITD disposes of property, they have to offer to the abutting property owners first. Councilman Edinger asked for clarification of the location and plan for a boat launch east of the Beach House and if there are any current plans. Mr. Eastwood stated that the only item looked at was a conceptual plan near the Rutledge Trail head east of the marina.

Councilman Kennedy if there could be additional language added to the agreement to clarify that is not the intent of the City to annex the abutting property owners. Mr. Gridley stated that they could not do that, as the City cannot bind future council. Mayor Bloem clarified that there is potential revenue from use income on this property. Mr. Eastwood stated that his revenue estimates were based on what IDPR is making at the moorage and use of the property based on what the City currently charges and estimates that would be \$40,000 to \$60,000. Mayor Bloem asked for clarification regarding what happens to the hydroplane races in the future, if the City annexes the property. Mr. Gridley stated that it would depend on what property they use and what permits they seek as the existing Ordinance prohibits issuing any permits and that they would be prohibited from using any property owned by the City. Additionally, there is authority under state law to annex into a body of water approximately 1,000 feet; in that case, they would be subject to prohibition in that area. Councilman Gookin stated that he felt the Council needed to know about the easement issues, not access to the water but points along the road into private property where there could be a lawsuit. Mr. Gridley stated that there are no pending lawsuits. Councilman Gookin stated that he is concerned that when the inherit easements, they inherit problems too.

Ms. Gabriel clarified that this item would not be heard at tomorrow night's Council meeting, but would be placed on the June 4, 2013 Council meeting.

ADJOURNMENT: Motion by Kennedy seconded by Gookin, to adjourn the meeting. Motion carried.

The meeting adjourned at 2:02 P.M.

Sandi Bloem, Mayor

ATTEST:

Renata McLeod
City Clerk