

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

January 3, 2023

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 on January 3, 2023, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

Dan Gookin) Members of Council Present
Dan English)
Woody McEvers)
Amy Evans)
Christie Wood)
Kiki Miller)

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

INVOCATION: Bob Albing of Lutheran Church of the Master led the invocation.

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

ANNOUNCEMENTS:

Mayor Hammond requested the appointments of Anne Anderson and Michael Weir to the Historic Preservation Commission.

MOTION: Motion by Evans, seconded by McEvers, to appoint Anne Anderson and Michael Weir to the Historic Preservation Commission. **Motion carried.**

CONSENT CALENDAR:

1. Approval of Council Minutes for the December 20, 2022, Council Meeting.
2. Approval of Bills as Submitted.
3. Setting of General Services/Public Works Committee Meeting for Monday, January 9, 2023, at 12:00 noon.
4. Approval of Cemetery Repurchase from Michelle Ketchum; Section N, Block 5, Lot 26, Forest Cemetery.

As Recommended by the City Clerk

5. S-6-14 Lilac Glen – Acceptance of Subdivision Improvements.

As Recommended by the City Engineer

6. **Resolution No. 23-001** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE PURCHASE OF ARMORCAST

METER BOXES FROM H.D. FOWLER CO., INC., FOR THE METER CHANGE OUT PROGRAM.

DISCUSSION: Councilmember English asked that dollar amounts for cemetery repurchases be listed on future agendas.

MOTION: Motion by McEvers, seconded by Miller, to approve the Consent Calendar as presented, including **Resolution No. 23-001**.

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

PUBLIC COMMENTS:

Vikki Conway, Coeur d'Alene, stated those that live in Indian Meadows like the quiet neighborhood. She said they could coexist with the Coeur Terre development and suggested traffic be opened up onto Huetter Road by changing it to four lanes, and adding an egress onto Huetter Road, north of Armstrong Farms.

Charles Scriptor, Coeur d'Alene, stated the City Council and Design Board were there to protect the citizens of the community, and felt the decisions made by the Design Board on the project were slanted in favor of developers. He said he was concerned with traffic and snow removal for the Garden Lofts project.

Don Gardiner, Coeur d'Alene, stated he had concerns with potential traffic impacts in his Indian Meadows neighborhood. He said his family exercises their horses in the area and increased traffic would be dangerous.

JoAnn Curtis, Coeur d'Alene, stated she lived in Indian Meadows and moved there due to the uniqueness of the neighborhood and the large lots. She asked for reconsideration of the egress points. She noted Atlas Road was already difficult to navigate.

John Hough, Coeur d'Alene, stated the Garden Avenue project's proper flow of traffic was not addressed. He referenced the Rich & Associates Parking Study that had been completed for the Midtown project. He said that hotels and motels normally had one (1) car to park, where condos generally had more than one. He was concerned with on-street parking as employees that work at the government buildings near the project park on the street all day. He stated he wasn't opposed to the project but asked that parking issues be addressed.

Steve Retano, Coeur d'Alene, stated he lived at Indian Meadows and it was a quiet neighborhood. He was concerned with increased traffic through his neighborhood.

Patty Retano, Coeur d'Alene, stated she has lived in Indian Meadows for twenty years and it is a quiet and safe neighborhood. She was concerned for those that live on the streets that were proposed to be opened up as it may affect home values and may bring more crime along with increased traffic.

Suzanne Knutsen, Coeur d'Alene, stated she was a resident of Indian Meadows and read a letter by her friend Ron Magee. He noted the approved Comprehensive Plan and that Council had the ability to amend it. He asked Council to look closely at the Comprehensive Plan and zoning and make amendments as needed in order to protect the property rights of current residents.

Councilmember Gookin inquired if there would be a site visit to Indian Meadows with Mr. Tymesen responding it would not be legal to do so as the annexation would come forward as a quasi-judicial public hearing. Councilmember Wood asked if a workshop would be held, with Mr. Tymesen responding because it would be a public hearing it would not be lawful to hold a workshop and reminded Council, they could table a decision at the hearing if more information or additional time was needed to make a decision. Mr. Adams noted because it was a public hearing, no information could be discussed outside of the hearing process.

APPEAL HEARING OF THE DESIGN REVIEW COMMISSION DECISION FOR THE GARDEN LOFTS AND TOWNHOUSES BY JACQUELYN DOYLE.

STAFF REPORT: City Attorney Randy Adams said that on or about August 4, 2022, Monte Miller, Miller Stauffer Architects, on behalf of the property owner, 512 N. 1st, LLC, filed an application for Design Review, requesting approval of a 34-unit condominium building flanked by two 5-unit townhomes, The Garden Lofts (Project). Design Review was required for this Project pursuant to Municipal Code § 17.09.320. The Project is located on six (6) vacant lots between 1st Street and 2nd Street on the south side of Garden Avenue, which lots are zoned Downtown Core (DC) and located in the DO-N infill overlay district. Parking for the condominiums are to be below the building, with access from the alley between 1st Street and 2nd Street, and private garages would be provided for the townhomes. The applicant sought Floor Area Ratio (FAR) bonuses for Exterior Public Space (.5) and Public Art/Water Feature (.5) for the condominium building, and a FAR bonus for Upgraded Building Materials (.2) for the townhomes. The height of the condominium building was 39 feet 6 inches, with the top of the elevator shaft being 43 feet 6 inches above grade, and the height of the townhomes were 40 feet. The maximum height in the DO-N infill overlay district was 45 feet. No design departures were requested. The Design Review Commission (DRC) conducted the first meeting on the application on October 27, 2022, and approved the Project without requiring the optional second meeting. Mr. Adams explained the Council's review of a DRC decision may only be based on the record that was developed before the DRC, no new evidence, materials, or public testimony may be taken or presented to Council at the appeal hearing. He said the appellant had the burden of showing, by a preponderance of the evidence, that an error was made by the DRC and that the appellant was prejudiced by the DRC's error. He noted objections to the development in general, or to its height, intensity, parking, or traffic impacts were not grounds for redress on appeal because they were not design review criteria. He said basic zoning standards and allowances in the code were to be presumed correct and were not subject to the appeal. He noted the appellant had raised eight (8) issues in the appeal and only four (4) issues were under the DRC's purview: 1. Quorum- Handout was in error as current code states four (4) member in order to meet a quorum. 2. Floor Area Ratio (FAR) Bonuses- Calculations were based on three (3) buildings yet City code states basis is on entire amount of the property. Applicant requested one minor amenity bonus by using upgraded materials (stone and brick) and one (1) major bonus item which included exterior public space and

public art or a water feature. Mr. Adams clarified that the intent of the code was to give an example of stone or brick, not to limit the options to stone or brick. 3. Property Lines- Minimum setbacks of at least 10 feet and no more than 20 feet as proposed in project. 4. Massing standard (3 levels)- Three (3) distinct levels shown on plans of the project.

APPELLANT: Jacquelyn Doyle said the memo in regard to the DRC quorum was a problem as it hadn't been updated and suggested other things may need to be addressed. She noted in relation to the FAR bonuses the project showed no brick, stone, or other upgraded materials. She said the design used concrete and panel construction and felt the developer was getting the benefit of the FAR bonuses without actually using upgraded materials. In regard to the 2% open space, she said they were using the entire parcel for calculations yet there would be 11 townhouses on separate parcels in addition to the condo parcels. She noted the 2% open space was equal to the minimum 10' setback. She said the applicant was getting .5 bonus for public art or a water feature which was supposed to be 1% of the entire cost of the project and the three (3) proposed basalt pillars should be questioned if they met that amount. She stated 80% of the condos were one (1) bedroom with one (1) parking space and felt the parking spaces were not realistic. She was concerned with the minimum setbacks, no available area for snow storage, and not enough room in the alleyway which was also to be used for parking access. She was concerned that the massing requirement had not been met. She stated the massing, concrete, and no upgraded materials would be detrimental to her neighborhood which included the Roosevelt Inn. She asked that the bonuses be looked at more closely.

APPLICANT: Monty Miller, Miller Stauffer Architects, said the project did not ask for any variances or departure from design guidelines and complied with all the zoning ordinance requirements. He said the condos were 37' high, and the maximum allowed was 45'. He noted the townhomes across the street from the project appear to be over 45'. He said the project was within the downtown core boundaries and the intent of the Downtown Overlay-Northside was to create a transition between downtown core and residential areas. He showed pictures of the intent for the open area and noted there was a 10' setback from the right-of-way along Garden Avenue. He said they intended to have water features on both ends of the project on the Garden Avenue side for the public art element. He noted that in regard to using upscale materials, they had included architectural panels, metal sidings, and wood soffits. He said the project complied with the parking code with two (2) garage parking spaces per townhome, and that the parking garage included storage and bike parking. He said the alley would be paved and 20' wide, and there was snow storage space available in two (2) areas on either side of the townhomes.

APPELLANT REBUTTAL: Ms. Doyle said she did not see massing (3 levels) in the project's design and asked that the bonuses allowed be reviewed, and to please look closely at parking.

DISCUSSION: Councilmember Gookin asked how someone may be prejudiced by a DRC decision, with Mr. Adams explaining there would be an opportunity for prejudice on many items such as massing if the standard wasn't met it could block light, obstruct view, etc. Councilmember Gookin asked if the project had been reviewed by the Planning Commission or was it allowed by right, with Mr. Adams responding it didn't require Planning Commission approval. Councilmember English inquired if the DRC procedural memo had been updated, with Mr. Adams responding it had been recommended that staff update it. Councilmember McEvers asked when

had the design review codes last been updated, with Mr. Adams responding it had been a while, possibly more than 9-years. Councilmember Wood asked about the FAR bonuses and if they were incentives to developers to go the extra mile with improved design, with Mr. Adams responding that was the intent and there was some discretion for the final look of a project. Councilmember Gookin asked if the townhomes would be platted separately, and did it affect the calculation of bonuses, with Mr. Adams responding he wasn't sure on the platting, yet the code stated bonuses were calculated on the entire property as long as all parcels were owned by same person. Councilmember Gookin asked the applicant if he liked the design review process, noting he would like to remove it as it added extra work to a project. Mr. Miller concurred with getting rid of the requirement and that the process added more time and energy to their projects and they would continue to bring good products forward. Councilmember Wood asked Mr. Miller to clarify the public areas and how they will be identifiable to the public. Mr. Miller explained there was 640 sq foot of public space on each end of Garden Avenue, which did not include the driveway, and it was located adjacent to pedestrian travel along the Garden Avenue sidewalk, which should be clear it is open space. Councilmember Wood asked how much would be spent on public art. Mr. Miller said the idea would be a kinetic type of art and a water feature, and based on the overall project cost they have budgeted \$111,215.00, but no art had yet been commissioned, and he suspected it might cost more. Councilmember Wood asked if stone or brick could be used, with Mr. Miller responding they had tried to add it to the bottom of the building but it was not aesthetically pleasing and decorative concrete made more sense for the project. Councilmember McEvers said this was his first time hearing an appeal of a DRC decision and wondered what the intent of design review was, and that the appellant had brought forward relevant issues. Councilmember Gookin said parking and other items needed to be addressed with a code update. Mayor Hammond noted that parking was an issue and remained a challenge. Councilmember Wood said she would like clarification and future discussion on FAR bonuses in regard to using stone and brick. Mayor Hammond noted that design review was very subjective. Councilmember Miller said she appreciated Ms. Doyle bringing the issues forward and noted parking and snow removal would be challenging in the area. She also thanked Mr. Miller and his team for their work on the project. Councilmember Evans thanked Ms. Doyle for sharing her concerns and thanked the City team for mediating meetings between the parties. She also requested the outdated Design Review Commission material be followed up on.

MOTION: Motion by Gookin, seconded by English, to affirm the decision of the Design Review Commission.

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

Mayor Hammond called for a five-minute recess at 7:48 p.m., and called the meeting back to order at 7:53 p.m.

COUNCIL BILL 23-1000

AN ORDINANCE AMENDING SECTION 2.72.010 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, CHANGING THE ANNUAL SALARIES OF MAYOR AND COUNCIL MEMBERS AS FOLLOWS: MAYOR SALARY SHALL BE SET AT \$38,400 AND COUNCIL SALARY SHALL BE SET AT \$15,000 DOLLARS EFFECTIVE JANUARY 1, 2024; BOTH TO INCLUDE AN ANNUAL COST OF LIVING INCREASE BASED ON WHAT IS NEGOTIATED FOR EXEMPT STAFF MEMBERS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF (Pursuant to Council Action of December 20, 2022)

DISCUSSION: Councilmember Wood clarified that the increase would affect the seated Council in 2024. Councilmember Gookin said the Mayor's salary was set very low, and he liked the escalator in the ordinance, yet he didn't need the money and would be voting against the motion. Councilmember English asked Councilmember Gookin to consider taking it for the people who may be elected and that he could donate the increase if he so desired. Mayor Hammond said he was concerned that those who may be well qualified can not serve for the salary amount provided, as they could not afford to leave their jobs. He noted that in order to recruit qualified people they would need to be compensated fairly for their time.

MOTION: Motion by Wood, seconded by McEvers, to dispense with the rule and read **Council Bill No. 23-1000** once by title only.

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

MOTION: Motion by Wood, seconded by English, to adopt **Council Bill 23-1000**.

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

RESOLUTION NO. 23-002

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING A TITLE VI COMPLIANCE PLAN FOR THE CITY OF COEUR D'ALENE IN ACCORDANCE WITH THE CIVIL RIGHTS ACT OF 1964 AND RELATED LAWS, EXECUTIVE ORDERS, AND REGULATIONS.

STAFF REPORT: Municipal Services Director Renata McLeod said Title VI was enacted as part of the Civil Rights Act of 1964. She noted that it states "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." In 2000, Title VI was further defined to require federal agencies and recipients of federal assistance to assess and address the needs of limited English proficient persons

seeking to access programs and activities. She said the City of Coeur d'Alene, as a recipient of federal assistance for various projects, was required to adopt a Title VI Compliance Plan. She said over the past eight-years, the City had worked with Russ Riviera, ITD Civil Rights Compliance Officer, and in 2018, the City received a letter noting that it was required to have annual reviews and on-going monitoring of Title VI compliance for use of federal-aid highway funds. She noted at that time, the City had drafted a Title VI Compliance Plan based on the template supplied by ITD, which was acceptable to Mr. Riviera. On December 21, 2022, the City was notified that a new compliance officer had been assigned to the City. The officer, Connie Rozean, had notified the City that she was in the process of collecting data from many cities, which data included whether or not the cities had adopted an approved Title VI Compliance Plan. As noted, while the City has a draft Plan, it is the City Attorney's recommendation that the Plan be formally approved by Resolution of the City Council. The City's status must be reported to Ms. Rozean by January 9, 2023. She said in addition, the city engineer had reviewed the draft Plan and had provided inputs based on his understanding of the requirements for ITD funded projects included in the plan.

DISCUSSION: Councilmember Gookin asked if the entire plan must be approved or may they pick items from the list, with Ms. McLeod responding all items were required by the state to be included in the Plan.

MOTION: Motion by Gookin, seconded by McEvers, to approve Resolution No. 23-002, Approving the City Title VI Compliance Plan.

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

RESOLUTION NO. 23-003

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE ON-CALL PROFESSIONAL CONSULTANT SERVICES LIST ESTABLISHED THROUGH THE STATEMENT OF QUALIFICATIONS PROCESS PER IDAHO CODE § 67-2320

STAFF REPORT: City Engineer Chris Bosley requested Council approve the On-Call Professional Consultant Services List established through the Statement of Qualifications (SOQ) process. He said a notice of request for statement of qualifications for professional services consultants was published November 18, and 25, 2021, and the City of Coeur d'Alene assembled a City staff selection committee to determine a consultant roster list within each of several categories (professional engineering, architectural, landscape architecture, construction management, land surveying and related services). He noted the recommended list was being provided to Council for approval per Idaho Code § 67-2320. The list would allow the City to select professional consultants for projects less than \$50,000 directly from the approved list or to conduct formal interviews depending on the project. He noted the list was effective for five (5) years, ending on December 31, 2026, and each contract which falls within the parameters of the Code would be entered into pursuant to the City's adopted Purchasing Policy for goods and services. He said the City had utilized the SOQ process to select consultants for small projects for many years, and utilizing a preapproved list of professional consultants enabled the City to be

assured of the expertise of the professional hired. He noted it also expedited project time lines within the authority provided by Idaho Code.

DISCUSSION: Councilmember Wood said she had reviewed the list and qualifications and it appeared in most cases there were roughly five (5) companies per area of expertise and asked how consultants were rotated for project awards, with Mr. Bosley responding the department strove to give each of the consultants a project and many were chosen based on their expertise. Councilmember Miller asked if Idaho State Statute dictated how the City advertised for the submissions and how often must it be updated, with Mr. Bosley responding there were Idaho laws that set the rules on advertising for SOQs and the maximum duration was five-years.

MOTION: Motion by McEvers, seconded by English, to approve Resolution No. 23-003, Approving the on-call Professional Consultant Services List.

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

RESOLUTION NO. 23-004

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH DESIGN WEST TO PROVIDE ARCHITECTURAL SERVICES FOR THE STREETS & ENGINEERING DEPARTMENT REMODEL PROJECT

STAFF REPORT: Streets and Engineering Superintendent Todd Feusier requested Council approve the agreement with Design West to provide architectural services for the Streets & Engineering Department's Remodel Project. He said the facility was constructed in 1990, with no significant upgrades since construction, and was occupied by department personnel and equipment. He noted that currently, several of the department staff were housed in a separate building which could make communication and coordination challenging. He said upgrades to the facility were necessary to bring the building into compliance with current life-safety codes for the planned occupancy and to provide adequate office space for department staff. He said approval of the agreement was the first step in the remodel project, and the purpose of the agreement for architectural services was to develop construction drawings and specifications for full improvements to the building including offices, meeting rooms, restrooms, and similar related support spaces for the Streets & Engineering staff. The services would include architectural, structural, mechanical, and electrical engineering services, but did not include civil or geotechnical engineering services. He said the selected architect would provide a vicinity plan, site plan, building code compliance diagrams, floor plan, reflected ceiling plans, exterior elevations, building sections, interior elevations, and related construction details. He noted that Design West was one of the architectural firms on the City's approved On-Call Professional Consultant Services List for small projects.

DISCUSSION: Councilmember McEvers asked if the expansion included parking for equipment, with Mr. Feusier responding they would add office space for staff and would lose a small amount of parking, with no equipment storage additions. Councilmember Wood asked if funds had been

approved in the department's budget, with Mr. Feusier responding they had been included in this year's budget.

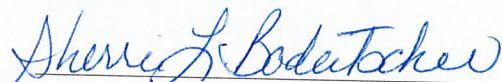
MOTION: Motion by McEvers, seconded by Miller, to approve Resolution No. 23-004, Approving an Agreement with Design West to provide architectural services for the Streets & Engineering Department Remodel Project.

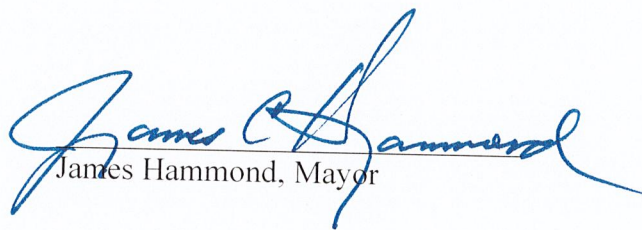
ROLL CALL: Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye.
Motion carried.

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

The meeting adjourned at 8:12 p.m.

ATTEST:


Sherrie L. Badertscher
Executive Assistant


James Hammond, Mayor