

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

January 18, 2022

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 January 18, 2022 at 6:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

**INVOCATION:** Pastor David Bond with Compel Community Church provided the invocation.

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

**PUBLIC COMMENTS:**

Linda Putz; Coeur d'Alene, spoke in opposition to the acceptance of American Rescue Plan Act (ARPA) funding. She noted that the rules included with the funding require that the recipient must comply with Section 603, Guidance Issued, and all other applicable statutes and executive orders. Additionally, it requires all sub-contractors and sub-grantees to adhere to these orders. The orders may be contrary to what Idahoans hold near to their heart. She noted several executive orders pertaining to schools, vaccinations, and mask wearing, and worries about fines if they don't comply. She expressed concern that these are tax dollars that our great grandchildren will be responsible for. She asked the Council to pause and allow for a thorough read through of the rules and requested outside legal counsel to provide the opinion.

Kindra Martin, Naples, noted that last week the Governor in Arizona refused to dictate masks at schools and IRS notice 144-c places the fear of COVID and control over Americans. She felt that the economy and soaring inflation creates a welfare state and expressed a fear for the loss of constitutional rights. The Treasury will take action to retake the debt if rules are not complied with. She noted counties in Texas and Missouri that are turning down the money. She asked the Council who has asked for them to take the money.

Karen Elkins, Coeur d'Alene, puts out a magazine and noted that Idaho is on the 2030 agenda list, and feels this is an issue for the freedom of the people and humanity. She does not believe

the government has the right to mandate a vaccine or a mask. She encouraged Council to look outside of mainstream media.

Randy Neal, Coeur d'Alene, said in reviewing the agenda from the previous meeting, he felt that it does not adhere to public meeting laws. Any decision that was made is null and void and the Council must remedy that. On page 194/195 of the ARPA document it states large projects must be in proportion to the harm, which means that an enlargement of a building to socially distance would not qualify for these funds. He hopes the Council will listen to the people as they are well informed.

Ralph Passwater, Coeur d'Alene, noted that Executive Order 13994 states its purpose is to further the public's understanding of COVID, and expressed the right of freedom of speech. Such an example of doctors being suspended due to the treatment of patients against government recommendations. He asked the Council to reconsider acceptance of the funds.

Kim Ickler, Post Falls, mentioned a Newsweek article noting that the federal government was created by the state and that states must retain the authority for taxing decisions. Each dollar of federal money ends up with local tax increases when the federal money runs out. She expressed concern about being forced to comply with federal mandates or having to pay the money back. She questioned the need for the money. She noted the area vaccine rate as under 45%, noting that those who haven't been vaccinated will not.

William Lee (AKA Garth Brooks), Coeur d'Alene, noted that the people who have gathered are of different socio-economic back grounds and diversity and these are they people that vote and who this money will affect. In the last workshop there was a violation of the open meeting law and he stated he talked to Mr. Tymesen at the workshop and expressed his concern. Any action that is taken should be spelled out on the agenda, and felt it should be properly agenzized.

Laura Ruddick, Coeur d'Alene, asked if the adoption of the money is right, not popular, \$8.6 million for a population of approximately 55,000, equals \$156.36 per person, which she feels is a sellout. She believes the money is a trojan horse. Entities in Texas, and Sherriff Wheeler in Bonner County, said no to the ARPA money, noting money is being requested to be paid back in Arizona as they would not mandate masks at schools. The Governor noted a budget surplus and she felt that money should be what the state uses and asked the Council to reconsider accepting this money.

Don Ickler, Post Falls, noted that what Coeur d'Alene does affects him and groups of people that will be required to wear masks because of this. He moved here from Gresham, Oregon 16 months ago, as it turned into a pit because of the liberal policies forced on the people. He moved here for freedom and requested the Council send the money back.

Caleb Putz, Hayden, noted that ARPA expenditures must be used for COVID losses or to stem the spread of COVID. He reviewed several options for funds noted within the policy. He noted that a police facility is not allowed under these rules. Reduction in general revenue must be proven in order to fund the police facility. He noted that on pages 191-199 it references capital

expenditures, negative economic impact, and noted that increased reporting requirements will be made for projects over \$1 Million.

Roger Ruddick, Coeur d'Alene, asked the Council to preserve our autonomy and requests reconsideration of the acceptance of these funds.

Rachelle Ottosen, Rathdrum, spoke in favor of giving the ARPA funds back, and noted that governments are getting more tyrannical and believes acceptance of the funds gives up autonomy and requested Council vote to rescind the funds.

Kathrine Hoekendorf, Coeur d'Alene, noted that President Reagan has been quoted as saying that the nine most terrifying words are "I am from the government and I am here to help." She noted that one does not know the number of strings attached to these funds. On Pages 262/263 it talks about contractors hired, and they should be hired from the underserved community, and she questions who decides that. Please keep the sovereignty of our City and contractors and asked them to reconsider not taking the money.

Diane Sheridan, Coeur d'Alene, stated as a business owner she would not be advised to ever sign a contract that she didn't know what the terms were and asked the Council to refuse these funds.

Dana Hoekendorf, Hayden, noted that what the City of Coeur d'Alene does affects those around it. He requested the Council abstain from accepting the money as there may be a mandate in the future that you don't want to comply with. Local government gives us a direct say in decisions and voices to be heard.

Marc Salazar, Kootenai County, stated that if the money is not needed, the City should not take it. He believes that the people don't want to be beholden to President Biden. He moved here to be free of the chains of the federal government.

Tom Schaffer, Hayden, noted that federal subsidies always come with strings. Every dollar spent now is on top of the already huge national debt and this gives away local rights. He expressed frustration being under the thumb of the federal government over the past two years.

Donny Ray, Coeur d'Alene, noted that he served in the Airforce and he is thankful and blessed for his freedoms; however, there is an agenda out there and he believes the money isn't benefiting anyone. He asked the Council to stand with them.

David Hoekendorf, Coeur d'Alene, stated that the community is being yanked around due to federal health associations and stimulus money is causing a burden on generations to come. He expressed concerns regarding the strings attached. He asked the Council to say no.

Julie Depose, Hayden, noted that there is a multi-lateral section in the ARPA Act that in accepting the funds you agree to follow the provisions of the Foreign Assistance Act of 1961, to support the priorities and objectives of the united nations global response plan of COVID-19 and expressed concern that this will be held over the Constitution.

Shannon Rustler, Post Falls, noted that the basis is money, yet the City is getting an amazing amount of money due to the growth. but you need to pay attention to the reason the growth is coming with their businesses.

Drew Darrall, Coeur d'Alene, stated that it doesn't sound like the City needs the money, if we do need the money, we should fire the ones in charge of the budget.

Josiah Cunningham, Hayden, noted he is new to the area and noted that he is an Army veteran and questioned why law enforcement was here to protect us, and he believes it is to protect their right to choose and requested the Council do the same.

Kathleen Nearings, Kootenai County, hasn't researched the issue and thanked the City for their service and does not envy the Council having to make the decisions. She has lived in the area since the 1980's, and her dad died in the second world war for our freedom. She stated that she resents the break down in decorum this evening.

Teri Salazar, Kootenai County, she noted that she is a transplant from another state. She expects the Council to be strong and have the community's interest in mind. She does not want the Council to take the money. She said the CDC noted in prior years that masks were not effective and the vaccine still does not prevent illness.

Tamara Canning, Coeur d'Alene, said she was born here and generations of her family are from here. She thanked the Council for their service. She noted that she is new to politics and felt the Council should consider what they are hearing and what they experience out in the real world. She questioned the motives of Council and why this is good for anyone.

Kurt Hoekendorf, Kootenai County, felt that local control is important and being a state is not subject to the federal government, the federal government is subject to state. The strings are huge and we should contemplate this and be non-compliant and the state either makes it on our own or it doesn't. He didn't agree with taking the money.

Shawn Jackson, Coeur d'Alene, noted that he attended the Monday meeting, and one of the proposals was to expand the police station. He noted that there is a lot of wealth in this area and we are a community that supports our police department. He believes the community could find the funds easily if they knew that it was needed, without putting our hand out to the federal government. The citizens stand with the police.

**RECESS:** Mayor Hammond called for a recess called at 7:14 p.m., with the meeting continuing at 7:25 p.m.

#### **MAYOR AND COUNCIL COMMENTS:**

Councilmember Miller noted that she attended a regional webinar regarding housing solutions with the Housing and Growth Issues Partnership Group and found some new resources and they have added some new members. They will continue to meet monthly. They have recently received an E-mail regarding a mobile home park asking how the City would be able to help.

She has received information from a company called Rock USA that specializes in helping to organize owners of the homes to become owners of the property so they have control over their rents and leases.

Councilmember Gookin thanked everyone for showing up. One of the issues in government today is that citizens don't feel like they have been heard. He said he had some questions for staff regarding items brought forward. He noted that all federal government funds come with the same rules and restrictions. City Attorney Mike Gridley confirmed it is boiler plate language and it generally includes anti-discrimination and civil rights language. One of the big recipients of federal funds is law enforcement and they are monitored closely. Councilmember Gookin noted that there was a comment made that the person in charge of the budget should be fired, noting that would be the City Council.

Councilmember English stated when we get to the discussion on the ARPA item, he will speak his mind and he has been writing grants for 50 years and the federal grants all have the standard language regarding following rules and regulations. If we take the ARPA money, which he thinks they should, sub-contractors have to follow the same rules.

**CONSENT CALENDAR:** Motion by McEvers, second by Evans, to approve the consent calendar.

1. Approval of Council Minutes for the January 4, 2022, and January 10, 2022, Council Meetings.
2. Approval of Bills as Submitted.
3. Approval of Financial Report.
4. Setting of General Services/Public Works Committee meeting for Monday, January 24, 2022 at 12:00 noon.
5. Approval of a Cemetery Lot Repurchase; Teresa and Steven Hicks, Section J, Block J, Lot 625, Forest Cemetery Annex (Riverview).
6. **Resolution No. 22-003-** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING A UTILITY EASEMENT FOR SEWER LINE FROM PRAIRIE POINT, LLC; APPROVING THE FINAL PLAT, A SUBDIVISION IMPROVEMENT AGREEMENT, A LANDSCAPE AGREEMENT, AND SECURITY WITH GREENSTONE-KOOTENAI II, INC., FOR COEUR D'ALENE PLACE 35TH ADDITION; AND APPROVING THE FINAL PLAT, ACCEPTING IMPROVEMENTS, AND APPROVING A MAINTENANCE/WARRANTY AGREEMENT WITH GREENSTONE-KOOTENAI II, INC., FOR COEUR D'ALENE PLACE 34TH ADDITION

**DISCUSSION:** Councilmember Miller noted that in reference to the previous meeting minutes she had forwarded a spreadsheet containing a list of committees and it needed some amendments, so she has updated that list and will make it available. Additionally, she has received comments that she made a mistake in repeating the oath, and she has verified with City Clerk Renata McLeod, that it was a choice you could either swear to the oath or repeat the oath, either way is accurate.

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

**AMERICAN RESCUE PLAN ACT (ARPA) FUNDING - Reaffirmation of action taken on January 10, 2022**

**DISCUSSION:** Councilmember Wood noted that the City of Coeur d'Alene would not commit to further Presidential Executive Orders when accepting these funds and understands they may come with some restrictions on how the funds can be spent.

**MOTION:** Motion by Wood, seconded by English, to accept federal funds under the American Rescue Plan Act of 2021, in the amount of \$8,659,329, and does not commit to future orders of the government.

**DISCUSSION:** Councilmember Gookin asked why are bringing this item forward again. Mayor Hammond explained that it did not get stated as an action item on the workshop agenda, so it is being revisited as an action item. Councilmember Gookin noted that he did not vote for this the first time as it is inflationary, the money doesn't have anything behind it which makes things worse. Additionally, he does not believe the City was underfunded last year. Councilmember McEvers asked Mr. Gridley to clarify the information heard tonight regarding the federal strings. Mr. Gridley clarified that it is standard language in grants and existing federal laws and there is no existing mask mandate or vaccine mandate. If the law changes in the future is a different question, and each change could be carried out or challenged. Some of the recent orders, such as OSHA rulings, have been overruled. Additionally, the City does not run the schools or the health district. He reiterated that the Council has flexibility to challenge future executive orders. Councilmember McEvers asked for clarity regarding the rule change that occurred on Monday. Mr. Tymesen explained that the Federal Government determined that any funds under \$10 Million doesn't have to follow the same rules as it qualifies as lost revenue and the local entities can do the best with the dollars without the qualifying categories. Councilmember Gookin noted that it would be nice if some of those items funded would have something to do with COVID, such as assisting families, businesses, and nonprofits. Councilmember Miller noted that there was discussion about repayment and questioned if the \$10 Million qualifying amount would waive that possible repayment. Mr. Gridley noted that it is theoretical rather than a reality, as they normally don't change the rules and then have you pay it back.

Councilmember Miller clarified that they are discussing the acceptance of funds but not identifying line items tonight. Councilmember English noted that he voted in favor of accepting the funds last week, and he appreciated the public input, but hasn't seen anything to change his mind. Councilmember Wood noted that some of the misinformation is that our budget is just fine. She noted that the City hasn't taken a tax increase in over 5 years, and that it manages the budget carefully. However, the City dipped into fund balance by \$1 Million to pay for public safety needs and they did not fill all the positions that were needed. In regards to the police station expansion, if the City took a 3% tax increase it would equal \$450,000, so imagine the taxes they would have to take to fund the \$4.5 Million station police expansion. She is still in favor of accepting the funds.

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

**MOTION:** Motion by Wood, seconded by Evans, to approve the expenditure of up to \$4,500,000 for the Police Station Expansion.

**DISCUSSION:** Councilmember Wood noted that there was a lot of discussion at the workshop. Councilmember Miller clarified the amount was the ceiling and that once engineering and architecture was complete it would come back to the City Council.

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

### **RESOLUTION NO. 22-004**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING THE CITY OF COEUR D'ALENE CLASSIFICATION AND COMPENSATION PLAN.

**STAFF REPORT:** Human Resources Director Melissa Tosi explained that the Payroll Coordinator Position was reclassified in 2017 to a level 12, as at that time they had very limited help from Human Resources (H.R.) with compensation and wage items. In 2019, Council approved a new full-time position in H.R. and that position focused on compensation, deductions, specialty pay, and additional benefits. Some of the duties from the Payroll Coordinator have transitioned to H.R., since the current Payroll Coordinator has resigned, they have reviewed the duties and reviewed the position with Ameriben and found that our position was leveled high and it was recommended to place the position back to a pay grade 11. This will be an 8% reduction so it would be within the current market. If approved there would be no change to the current employee, as changes would be made at the time of the new recruitment.

**DISCUSSION:** Councilmember McEvers asked if there would be some budget savings. Ms. Tosi noted that there would be a 8% savings, equaling approximately \$3,500 per year. If there is an internal candidate placed in the position they would require a 10% increase, so there may not be an overall savings. Councilmember McEvers questioned lowering the pay in the current job market. Ms. Tosi noted that they are also looking at the internal equity, and when the position was a paygrade 12 it had no help, and the goal of the H.R. Specialist position was to take the pressure off and limit the focus to payroll, taxes and benefits. Ameriben Consulting was considering bringing the position down two pay grades, but felt that it needed to be at least an 11 to bring it equal to the H.R. Specialist position. Councilmember English felt that it is appropriate to review all jobs for fine tuning, even if it is only one level and agreed with this request.

**MOTION:** Motion by McEvers, seconded by Miller, to approve **Resolution No. 22-004** – Approval of amendments to Personnel Rule 1, entitled General Provisions and to amend the Classification and Compensation Plan to amend the position of Payroll Coordinator, pay grade 12 to Payroll Specialist pay grade 11.

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

**RESOLUTION NO. 22-005**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING FUNDING AGREEMENTS WITH IGNITE CDA FOR THE MUSEUM OF NORTH IDAHO PROJECT AND FOR SEVEN LAKE DISTRICT PROJECTS FOR 2022.

**STAFF REPORT:** City Administrator Troy Tymesen explained that ignite cda, the Coeur d'Alene urban renewal agency, provides funding for qualified projects within the urban renewal districts established by Council. The Museum of North Idaho (MNI) leases City property south of Coeur d'Alene City Hall and has relocated the historic White House to that property. MNI is in the process of renovating the White House to serve as the new home for the museum. The City has agreed to work with MNI to oversee the design and construction of improvements to the site, including landscaping, fencing, parking, and utilities, as identified in Exhibit "A" to the proposed Agreement for Financing of Construction. ignite cda has approved a contribution of \$700,000.00 for the improvements, and ignite cda and City staff have worked together to draft an Agreement for Financing Construction. The Lake District (District), ignite cda's original redevelopment district, will close shortly. Accordingly, the City has identified seven (7) projects within the District which can be completed prior to the closure, totaling \$565,000.00. These include a shade element and sidewalks in McEuen Park, the Fire Department Boat Garage, fiber conduit to Atlas Park, stair improvement near the Coeur d'Alene Public Library, deck replacement at the Harbor House, and tree wells/irrigation in the Grand Plaza at McEuen Park. ignite cda and City staff have determined that these projects will promote redevelopment that is consistent with the goals of the urban renewal plan.

**DISCUSSION:** Councilmember McEvers asked for clarity that the \$700,000 requested for the Museum is going toward ground work not in the building, with Mr. Tymesen confirming it is ground work and an exterior drive. Councilmember McEvers asked if the Harbor House deck was original, with Mr. Tymesen confirming it was original to the project and that it is deteriorating in the sun and splintering. Councilmember Gookin asked when the Lake District will close. Mr. Tymesen noted the Lake District closes this calendar year. Councilmember Gookin asked why we aren't funding these projects directly. Mr. Tymesen noted that when it involves a public asset, the City is the contract owner, we supply receipts and comply with permits, and they fund after the fact. Councilmember Gookin noted that tax increment financing money is raised through the improvements to benefit everyone, like rehabilitating an old mill site. Mr. Tymesen explained that part of the role of the agency is to do public improvements. Councilmember Gookin felt that funds going to the Museum, which is a nonprofit, constitutes giving them a government gift. Mr. Tymesen noted that the improvements are being done to public land, and confirmed the improvements will be done on City-owned land. Mayor Hammond noted that there is value to the land improvements, noting tourism benefits from a strong Museum. Councilmember Gookin said he is concerned about the large amount of funding.



**MOTION:** Motion by McEvers, seconded by English, to approve **Resolution No. 22-005;** Approval of Agreements with ignite cda for the Museum of North Idaho Project and for seven (7) Lake District projects for 2022.

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

**QUASI-JUDICIAL PUBLIC HEARING - ZC-7-21- A PROPOSED ZONE CHANGE FROM R-12 TO C-17; LOCATED AT 455 W. CHERRY LANE; APPLICANT: CDA ENTERPRISES, LLC.**

**Council Bill No. 22-1000**

**AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO C-17, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 0.366 ACRE PARCEL OFF OF CHERRY LANE AND WEST OF HIGHWAY 95, COMMONLY KNOWN AS 455 W. CHERRY LANE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.**

**STAFF REPORT:** Associate Planner Tami Stroud presented the staff report, including a review of surrounding land use and zoning, Comprehensive Plan policies for consideration, physical characteristics, and neighborhood character. She noted that the subject property is located at 455 W. Cherry Lane (off of Cherry Lane and west of Highway 95) with a zone change request from R-12 to C-17. She noted that a zone change request for the subject property was denied without prejudice by the City Council on September 21, 2021, with guidance to the applicant to talk to the neighbors to address their concerns. The applicant has met with the neighbors and they have expressed approval of the request. Ms. Stroud noted that the following findings will need to be determined: that this proposal (is) (is not) in conformance with the Comprehensive Plan; that public facilities and utilities (are) (are not) available and adequate for the proposed use; that the physical characteristics of the site (do) (do not) make it suitable for the request at this time; that the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses. Ms. Stroud noted that the design guidelines would require a 10' vegetative buffer strip between the abutting property to the West and the owner has agreed to add a fence.

**DISCUSSION:** Councilmember McEvers asked if the buffer strip of 10' is normal. Ms. Stroud confirmed that a vegetative buffer is required but not a fence, yet the owner has agreed to install the 6' fence. Councilmember Wood asked about the neighborhood conversation. Ms. Stroud noted that the property owner is present and following the previous Council meeting he met with several of those who attended the meeting and the owner of Gross Donuts. They discussed the condition of the existing sidewalk and an extension of the sidewalk, the buffer yard required, and

the curb cut and location. City Engineer Chris Bosley agreed to the movement of the curb cut. Councilmember Gookin asked if sidewalks will be installed and confirmation that the zone requires the buffer not the fence, with Ms. Stroud confirming. She noted that Council can include a condition if need be. Councilmember Gookin noted that they could have asked for a neighborhood commercial or limited commercial zone.

**PUBLIC COMMENTS:**

Paul Delay, owner, noted that his brother met with the neighbors and thinks the process worked nicely, as they came on board and felt the neighbors were fearful of the removal of the donut shop. The long-term lease made sense because of the owner, but thinks it will be a relatively small new use(s) as the expansion will only be 1,000 to 1,500 square feet, once the new drive through is installed for the donut shop. They don't know for sure what they will place there, but they will be limited once the drive through is expanded. Mr. Delay confirmed that they are in support of all the conditions.

Councilmember Gookin asked why they chose C-17 zoning. Mr. Delay noted it was to provide them with greater flexibility since they don't have a tenant ready. Councilmember Wood thanked them for working with the neighborhood.

**MOTION:** Motion by English, seconded by McEvers, to dispense with the rule and read **Council Bill No. 22-1000** once by title only.

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

**MOTION:** Motion by English, seconded by Wood, to adopt **Council Bill No. 22-1000**.

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

**QUASI-JUDICIAL PUBLIC HEARING – A-6-21 -A PROPOSED ANNEXATION OF PUBLIC ROAD RIGHTS-OF-WAY OF A STRIP OF LAND VARYING IN WIDTH, BEING A PORTION OF THE PUBLIC RIGHTS-OF-WAY OF GOVERNMENT WAY AND AQUA AVENUE; APPLICANT: CITY OF COEUR D'ALENE.**

**STAFF REPORT:** Community Planning Director Hilary Anderson explained that the subject public rights-of-way are located in the unincorporated area of Kootenai County within the City's Area of City Impact (ACI). The subject land is adjacent to the City limits on the south on Government Way, along with portions adjacent to the south side of Aqua Avenue, and also a portion of the City limits are located on the west side of the Government Way. The land is public rights-of-way and is not required to have a zoning classification since it is all intended to remain as public roadways. There is no owner listed because the roadways are dedicated to the public. The public road rights-of-way are within the unincorporated County boundary as noted above and maintained by Lakes Highway District. If annexed, they would remain public but the maintenance responsibilities would shift to the City from the Highway District. The subject

public rights-of-way are currently in the Lakes Highway District's jurisdiction. In 2013, the City entered into an Intergovernmental Agreement with Lakes Highway District to actively pursue annexation of this area (see attached Intergovernmental Agreement, page 5). The Lakes Highway District Board has reviewed this request and has indicated that this proposed annexation is consistent with the agreement and that the proposed public road rights-of-way should be in the City's jurisdiction. The City Engineer is also in agreement with the proposed annexation of the subject public road rights-of-way. Findings that will need to be determined include: that this proposal (is) (is not) in conformance with the Comprehensive Plan; that public facilities and utilities (are) (are not) available and adequate for the proposed use; that the physical characteristics of the site (do) (do not) make it suitable for the request at this time; that the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.

**DISCUSSION:** Councilmember Gookin asked if there will there be annexation fees. Ms. Anderson confirmed that there is not a fee since there is no change of use and it is from one public entity to another. Councilmember Gookin noted that the Streets and Engineering Director, Todd Feusier, noted it would only add about 5-minutes to the plow times and maintenance will be minimal. Mr. Feusier noted that the Highway District recently helped with the chip seal and painting of lines, so there is no immediate need for maintenance. He explained that they already have to go through Wilbur Avenue and turn around at Aqua Avenue. Councilmember McEvers noted it is interesting that it is shown as having varying width. Ms. Anderson noted that right-of-way is not always paved at 60'.

**PUBLIC COMMENTS:** Mayor Hammond called for public comments, and hearing none closed the public comment period.

**MOTION:** Motion by Evans, seconded by McEvers, to approve A-6-21 - A proposed annexation of Public Road Rights-of-Way a strip of land varying in width, being a portion of the Public Rights-of-Way of Government Way and Aqua Avenue; Applicant: City of Coeur d'Alene, and to develop the necessary Findings and Order.

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

#### **COUNCIL BILL NO. 22-1001**

**AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF THE NORTHEAST QUARTER OF SECTION 26 AND A PORTION OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 51, NORTH, RANGE 4W, BOISE MERIDIAN; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.**

**MOTION:** Motion by Evans, seconded by Miller, to dispense with the rule and read **Council Bill No. 22-1001** once by title only.

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

**MOTION:** Motion by Evans, seconded by Miller, to adopt **Council Bill 22-1001**.

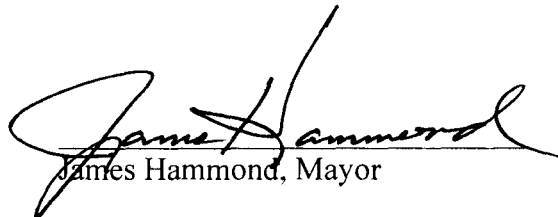
**ROLL CALL:** McEvers Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye.  
**Motion carried.**

**RECESS:** Motion by McEvers, seconded by Evans, to recess to January 25, 2022 at 3:00 P.M. in the Library Community Room, located at 702 E. Front Avenue for a workshop regarding Envision CDA, the Coeur d'Alene Comprehensive Plan. **Motion carried.**

The meeting adjourned at 8:43 p.m.

ATTEST:

  
Renata McLeod, CMC  
City Clerk

  
James Hammond, Mayor