

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

July 19, 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 on July 19, 2022, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

INVOCATION: Pastor Pace Hartfield with One Place Church provided the invocation.

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

MAYOR AND COUNCIL COMMENTS:

Councilmember Gookin noted that he would like to discuss the Atlas Mill site Urban Renewal District (URD) and the remediation of Mount Hink at the next Council meeting. He explained that he would like to consider modifying the plan so Council could have input on what to do with the Mount Hink area.

Councilmember Miller noted that the City's Building Official Ted Lantzy spoke at the North Idaho Building Contractors Association (NIBCA) meeting today regarding updated building codes and expressed that he did a great job representing the City.

Mayor Hammond requested the confirmation of the appointments of Warren Bakes and Jim Lien to the Parks and Recreation Commission.

MOTION: Motion by Gookin, seconded by McEvers, to appointment Warren Bakes and Jim Lien to the Parks and Recreation Commission. **Motion carried.**

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

1. Approval of Council Minutes for the July 5, 2022, Council Meeting.
2. Setting of the General Service/Public Works Committee Meeting for July 25, 2022.

3. Approval of Bills as Submitted.
4. Approval of **Resolution No. 22-030**: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE USE OF THE COOPERATIVE PURCHASING PROGRAM OF SOURCEWELL, INC., FOR THE PURCHASE OF A CUSTOMIZABLE PRECAST RESTROOM FROM CXT, INC., AS A REPLACEMENT FOR THE PERSON FIELD RESTROOM, AND RATIFYING THE PURCHASE THEREOF.

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

PUBLIC COMMENTS:

Justin O'Connell noted he was taken aback by the event fee discussion and expressed worry about Libertarians posing as Republicans. He noted that the entrepreneur spirit of government as it relates to event fees, and expressed concern and worried about the City potentially selling beer and wine and contracting for private security. He noted that Ketchum, Idaho introduced a restrictive funding policy for all events on city property, and it was managed through a contract. Central planning required all funds accrued during events go back to city coffers. He noted that the Ironman model would be embraced by taxing the rich. He expressed concern about ruining the town.

Emily Boyd, stated that she is the Director of Downtown Association. She explained that the downtown area is a nationally accredited main street. The events play a crucial role in the downtown businesses, create a sense of community, bring in over 150,000 people each year from all over the world, and sets our community apart from other communities. Impact varies between businesses; however, events can bring an average increase of 35% of sales to small business with some businesses noting doubled sales on event days. Increasing fees could cause constraints to the downtown businesses if events were unable to be held and asked that the Council keep in mind the benefits to the downtown businesses.

Linda Coppess, President and C.E.O. of the Coeur d'Alene Chamber, expressed appreciation for the Council support of the 4th of July event and to all the departments supporting the event. Specifically, she thanked the Council for entering into the agreement for the shared event parking revenues, noting costs are increasing, and they had a decline in sponsorship dollars, so the revenue increased the funding toward the community fireworks and some of the rising costs. She noted the events provided benefits to the business community and community members at large and understands it's a complicated topic and suggested that event parking fees could be charged for other special events to increase revenue.

Bill Green thanked the Council for their service. He noted that he had recent communication with the CDA School District (District) and encouraged the City to communicate and bridge build with the District. He suggested the City and District discuss how government and schools can work together since growth is bringing in more students to the schools. He suggested the City and District host a joint meeting to talk about those goals.

RESOLUTION NO. 22-031

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AMENDMENT NO. 1 TO THE ENGINEERING CONSULTANT SERVICES AGREEMENT WITH KELLER ASSOCIATES, INC., FOR ENGINEERING DESIGN AND CONSTRUCTION CONSULTANT SERVICES FOR THE BLACKWELL BOOSTER STATION LOCATED ON SOUTH FAIRMONT LOOP.

Staff Report: Water Department Assistant Director Kyle Marine explained that the Blackwell Island public water system was originally constructed as a privately owned system supplied by a well, as the single water source. In 1973, the system requested to be supplied by the City through a wholesale agreement and consequently a transmission main was installed across the river to what is now the Blackwell Marina. The Blackwell system was further expanded in the County for many years. The residents became disenchanted with the private water company and requested direct service by the City in approximately 1992. In 1993, the City was forced by court order to acquire, operate and maintain the Blackwell System as a part of the City's public water system. The Water Department has been struggling with the many deficiencies of the system and are working to improve reliability within budget constraints. The existing booster station, located on a very small parcel at another location, is undersized, failing and does not have the necessary dedicated easements for replacement of water transmission infrastructure. This, and the need to construct a new booster station while the existing booster station is still operating in order to maintain water supplies to the county residents in the area, necessitated procurement of another location. Unfortunately, the steep topography of the area and the lack of available property renders typical construction almost nonexistent. Through a recent development the Water Department was able to negotiate and acquire property fronting an existing water transmission main and street infrastructure for this purpose. Keller Associates, Inc., entered into an engineering consultant services agreement with the City on August 30, 2021, for the amount of \$104,093.00, for the preliminary work on the Blackwell Booster Station project. Keller Associates, Inc., has submitted a proposal for completion of the project engineering services in the amount of \$227,280.00, bringing the total contract price to \$331,373.00. Staff anticipates, with approval of this contract, to get design and bid services done in fiscal years 2022/2023 and 2023/2024.

DISCUSSION: Councilmember English noted that the site is outside the City limits and asked if it will be annexed. Mr. Marine noted that the City was forced to accept the system in the 1970's, and it has failed, so we need to continue to maintain it. He noted that no other water district in the area was willing to take it over as it would be too costly for them. Councilmember McEvers asked if this would include an expansion, with Mr. Marine clarifying that this is just for the benefit of existing customers. Mayor Hammond asked if the core line is being replaced, with Mr. Marine explaining that the new booster station will use the new transition line, so that the old line can be used as a backup as long as possible. Councilmember Miller noted that she thought that there was a land swap that had something to do with the line. Mr. Marine confirmed that they entered into an agreement with a developer to add three (3) more services in exchange for the parcel for the station and the booster line. Councilmember Miller asked if that means

there is potential for more requests. Mr. Marine noted that the City is not obligated to serve any new customers.

MOTION: Motion by McEvers, seconded by English, to approve **Resolution No. 22-031**, approving Amendment No. 1 to the engineering consultant services agreement with Keller Associates, Inc., for engineering design and construction consultant services for a new Booster Station located on S. Fairmont Loop.

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

RESOLUTION NO. 22-032

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING CONTRACT AMENDMENT NO. 1 TO THE ENGINEERING CONSULTANT SERVICES AGREEMENT WITH J-U-B ENGINEERS, INC., FOR ENGINEERING DESIGN AND CONSTRUCTION CONSULTANT SERVICES FOR THE NORTHEAST WATER STORAGE FACILITY AND INFRASTRUCTURE IMPROVEMENTS LOCATED ON THOMAS LANE.

Staff Report: Water Department Assistant Director Kyle Marine noted that the 2012 Water Comprehensive Plan Update identified the needs for additional water storage as the City continues to grow. On May 3, 2016, the City entered into a contract with J-U-B to assist with identifying possible tank locations and proposed builds using topographical information and the hydraulic study to determine suitable sites. As possible new tank locations were identified, J-U-B helped with a rough draft and layout of tank design along with the negotiation to purchase property. With the recent increase in growth and water demand, staff believes an accelerated schedule is needed to prevent impending water pressure and quantity issues. After identifying different sites, the City struck an agreement to purchase property at the end of Thomas Lane in 2021. This project may be broken into two (2) phases due to its complexity. One phase will be the design, bid and construction of the tank site, and the second phase will be the design, bid and construction of the transmission main. The consultant has developed the next scope of work and relevant contract for design and construction services with this project in mind. J-U-B has submitted a proposal for completion of the project Phase I engineering services for \$1,322,000. The proposal for Phase I includes: Geotechnical evaluation of the property, tank site base pad development, design of the new transmission main, bid award, and construction management of the road, trail and tank site preparation. Phase II will consist of bidding out and awarding the construction of a one-million-gallon tank along with roughly 7,500 feet of transmission main down Thomas Lane to 15th Street. The engineer's cost estimate for construction is approximately \$7,710,000 to \$9,474,000, not including engineering. The current FY 2022 budget line item is \$1,500,000.00. Staff anticipates, with approval of this contract, to get design and bid services done fiscal years 2022-2023 and 2023-2024.

DISCUSSION: Councilmember McEvers clarified this is not a well, only a tank to hold water and transmission line, and wondered if it would cheaper to add a well. Mr. Marine noted that the prairie holds the aquifer and pushing the water into town does not provide the needed pressure

and the City would need many wells for this service, so the tank is better suited to balance the water. Mayor Hammond asked how many gallons this tank will hold with Mr. Marine noting it will hold 2 million gallons. The Mayor noted that the necessity for this tank had been identified a while back.

MOTION: Motion by McEvers, seconded by Evans, to approve **Resolution No. 22-032**, Approval of Amendment No. 1 to the engineering consultant services agreement with J-U-B Engineers, Inc., for engineering design and construction consultant services for a new Northeast Water Storage Facility and Infrastructure Improvements located on Thomas Lane.

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

COUNCIL DISCUSSION REGARDING SPECIAL EVENTS

Staff Presentation: Municipal Services Director Renata McLeod provided an overview of the City Codes related to events within the City limits of Coeur d'Alene, specifically Municipal Code (Code) Chapters 4.25; 4.30; 5.44, and 10.60. Additionally, she provided the list of the annual events and their ratings of high, medium, and low impact. She noted there were ten high impact special events on the streets and approximately seven (7) high impact events in the parks, with four (4) connected to the special events that impact the streets. She noted that the Code was most recently amended in 2018. City Attorney Randy Adams explained the constitutionality of the event subject matters and how the City can legally charge fees. He clarified that the general rule is that a fee for service must be reasonably related to, and not in excess of, the actual costs associated with serving that event. He clarified you can't charge a fee for the anticipated response to what the speech may be as it must not be a content-based fee. He noted that the City can issue guidelines within the Code for a fee reduction/waiver. Ms. McLeod provided an overview of the staffing costs associated with high impact event days. She provided options of entering into contracts for high impact events and amending internal processes.

DISCUSSION: Councilmember Wood asked for clarification regarding the large-scale events and the assessment by Police and Fire and need for a lot of public safety coverage. Mr. Adams noted that you could look at the number of people attending the event, not because of its content. In a recent situation, where there were people outside of the event protesting, the courts don't want those costs imposed on those putting on the event because it is a controversial message. The City must look at who is sponsoring the event and impose fees according to their event. Councilmember Wood clarified then, there are some events that the tax payers just have to absorb that expense that is unavoidable, with Mr. Adams confirming that would be the cost of doing business as a governmental entity providing police protection. Councilmember Miller asked if any of the items discussed could be addressed in a contract, with Mr. Adams confirming that a contract could be utilized to address issues.

Councilmember McEvers clarified the reason they wanted to talk about this is that the taxpayers are subsidizing the cost of the events. Councilmember Gookin noted that the community likes the events and the Council wants to have them here and doesn't want to the cost to continue to raise at the cost of the taxpayers. He likes the idea of a contract event and amounts negotiated,

but doesn't want to price everyone out of town. He felt that fees should be raised as the costs are going up and give the taxpayers a break, and renting out parking lots is another option to raise revenue. Mayor Hammond noted that there is a balance that needs to occur, and some of the taxpayers have invested in businesses and need the events to be profitable and the taxes support activities that support businesses. He also noted that within the northwest you would not find cities our size that have a viable downtown. Our downtown is inviting, one can enjoy the culture and ambiance due to the events. He noted that as Council considers the fees and wanting the events, it is not fair to put the cost of protests onto the events. The Mayor noted that the Council should differentiate between a gathering of the people and events that bring in commercial vendors. Councilmember Miller stated that this subject did come up a long time ago and Council has talked about it a number of times. She has been on the organizer side and knows how hard it is to make the event pencil out, but she doesn't think all events are created equal as they are non-profit, fundraiser, or vendor paid. She is in favor of having contracts for high impact events, and within the contract there are a lot of things to put in place such as parking, private services, and she would like to see a better analysis of staff time. Councilmember Miller suggested that the City should consider limiting any new high impact events. She counted 60 medium and low impact events during the summer and would like to give the community a break. In the past we were working to put Coeur d'Alene on the map and we are known now, so it is time to look at a multiple layer approach for contracts and say what serves us all best on a case-by-case basis. Councilmember Gookin noted adding a measurement of a public event such as public versus a non-profit in the contract. Councilmember Miller doesn't think the language needs to be in there but during negotiation you could work it all out, such as a community event like the 4th of July versus an event where the vendor is outnumbering the citizens. Mr. Adams noted that there will always be a subjective element and it would be good to combine codes into one place. Councilmember English felt this was a good discussion and good to have some structure around things but wanted to caution the Council not to over react to something that happens once in a while and keep things in context. Just because an event drew a controversial topic it should not be penalized for that, and we should not write a new rule book. He noted that he was born and raised here and believes the events are the community's values and what we have evolved into. He noted he is generally happy with what we do and doesn't want to over analyze and over structure everything. Councilmember Wood requested staff to get data from other resort communities our size and what they charge. Councilmember Miller would like to see high impact events as contracts and supports doing an assessment of where the fees come from and add in the time card code. Mayor Hammond summarized that the Council would like staff to further review the contract idea and fees should change with inflation annually. Councilmember Evans thanked Mr. Adams for the whitepaper and research he provided, noting that the City of Seattle calculates police fees into six (6) categories to use as calculations and it can be complicated.

MOTION: Motion by Gookin, seconded by English, to direct staff to update the code to combine all related sections into one chapter, research the viability of contracts for high impact events, and increase the fee schedule. **Motion carried.**

LEGISLATIVE PUBLIC HEARING: V-22-05 - VACATION OF A TEN-FOOT STRIP OF RIGHT-OF-WAY ADJOINING THE WESTERLY BOUNDARY LINE OF LOT 5 AND LOT 6, BLOCK 4 OF THE KAESMEYER ADDITION PLAT (316 S. 18TH STREET).

STAFF REPORT: Engineering Project Manager Dennis Grant noted that the applicant, John Hutchins, Unio West LLC, is requesting the of a ten-foot (10') strip of right-of-way adjoining the westerly boundary line of Lot 5 and Lot 6, Block 4 of the Kaesmeyer Addition plat (316 S. 18th Street). The requested right-of-way was originally dedicated to the City of Coeur d'Alene in 1907. The purpose of this request it to allow the lot to be more consistent with the typical sixty-foot (60') right-of-way of a street south of Sherman Avenue. The right-of-way can be incorporated into the development of the adjoining property. Therefore, the vacation of the portion of right-of-way adjoining the parcel would not impact the City and would be a benefit to the property owner, and add 800 square feet to county tax rolls. Mr. Grant noted that he sent out 51 certified mailings and received 1 comment in opposition of the request.

DISCUSSION: Councilmember Gookin asked for clarification that this request is not within the street, with Mr. Grant confirming it is not, that it is within the right-of-way and the property owner will be required to install a sidewalk. Councilmember Miller noted that a citizen contacted her and wanted to clarify that this will not change what type of structure can be built on the parcel. Mr. Grant confirmed the zoning is still R-12 and this action is just taking the property out of the city right-of-way.

PUBLIC COMMENTS: Mayor Hammond opened public comments.

Marshal Teredo noted that he received the meeting notice and didn't understand what the vacation was for and felt the information was vague. He explained that there were a lot of neighbors trying to understand the implications of the actions, which was not provided in the notice. He believes the owner is going to develop this property and worried about the disruption to the neighborhood and asked for the Council to postpone the hearing.

Councilmember Gookin asked if there is anything the owner would do on the property that would not be a deal breaker. Mr. Teredo said he would not have a problem if it doesn't affect the safety of the street.

Ryan Bosch noted he is a neighbor in the area and has an Accessory Dwelling Unit (ADU) in his back yard. He also develops property and builds homes and understands a vacation means the City is relinquishing rights to the land. He believes the City is gifting it to a developer. He likes that the road right-of-way is oversized as he has lived at this location since the 1980's and it is why they like living there. He has a special needs daughter and is concerned about street safety. He noted that there have been seven (7) new houses on the street and they have not requested the vacation of the right-of-way. He asked if the City could place conditions on the vacation, such as that the City's vacated property cannot be used for more density. He felt a bigger house would be alright on the parcel but would not want to see more units.

Todd Butler noted that he requested the same vacation last year and was denied, but wanted to give support for this request as he feels everyone on the street should take advantage of the vacation process. He does not believe the property owner making this request is asking for anything special, as this is a process that is within the code and if the City doesn't need the right-of-way, it can grant a vacation to the abutting property owners. It does not change the street. There are several nonconforming houses on the street and it would have zero impact on safety and encouraged the City to improve the request.

Mr. Grant noted that the letter is required per state code and that it does raise concerns for people. Additionally, the state code does not allow the City to condition a vacation, and confirmed the street will stay the same. The content of the letter could have some additional information such as the zoning and more explanation, as it was very simplified. Councilmember Gookin asked if the Council can determine what the use will be as part of the approval. Mr. Adams stated that they cannot, the only consideration is if the City has a use for the property. Councilmember Wood asked how soon the applicant would need to put in the sidewalk. Mr. Grant stated it would be required with the building permit.

COUNCIL BILL NO. 22-1009

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, VACATING A PORTION OF 18TH STREET RIGHT-OF-WAY LOCATED IN THE KAESMEYER ADDITION, RECORDED IN BOOK B OF PLATS AT PAGE 129, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, IDAHO, GENERALLY DESCRIBED AS THAT TEN-FOOT (10') WIDE STRIP OF LAND ADJOINING THE WESTERLY BOUNDARY OF LOT 5 AND LOT 6, BLOCK 4 OF SAID PLAT; 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 Wood, seconded by Miller, to dispense with the rule and read **Council Bill No. 22-1009** once by title only.

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

MOTION: Motion by Wood, seconded by English, to adopt **Council Bill No. 22-1009**.

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

QUASI-JUDICIAL PUBLIC HEARING: A-2-22 A PROPOSED +/- 5.9-ACRE ANNEXATION FROM COUNTY AG TO R-5; APPLICANT: ASPEN HOMES & DEVELOPMENT, LLC; LOCATED AT 1808 N. 15TH STREET.

STAFF REPORT: Associate Mike Behary explained that the applicant Aspen Homes and Development LLC is requesting annexation of 5.9 acres zoned from County Agricultural-Suburban to City R-5 (Residential 5 units/acre). The subject site obtains its access off of 15th Street. The subject site is adjacent to the city limits on the west and south sides and will be

subject to the Hillside Ordinance. The applicant is proposing is proposing to build a 25 multifamily unit project that will consist of three buildings. The applicant intends to build on the gently sloping area portion of the property that directly abuts 15th Street. The applicant has indicated that the area they intend to build on has slopes less than 5%. The remainder of the property has significant slope and the applicant is proposing to keep this as a designated open space area. The overall density of the proposed development is 4.23 units per acre. Mr. Behary noted that there are four (4) findings required for the annexation as follows: that the request is or is not in conformance with the Comprehensive Plan policies; that public facilities and utilities are or are not available and adequate for the proposed use; that the physical characteristics of the site do or do not make it an acceptable request at this time; and that the proposal would or would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character and/or existing land uses. He presented the surrounding zoning, land uses, and applicable Comprehensive Plan objectives and provided staff input regarding the finding categories including traffic and a list of 14 items recommended to be included in the annexation agreement.

DISCUSSION: Councilmember Gookin noted that on the annexation map it appears there are two (2) different lots. Mr. Behary noted that the developer has indicated which portion of the lot will be an open space tract, the development being on one lot, and the open space a separate lot. Councilmember Gookin asked if this was required, with Mr. Behary noting it is not needed but they could do a dedicated easement and just wanted to indicate it would not be developed and be left as open space. Councilmember Gookin noted the place type is listed as single family, but in the narrative, it notes multi-family. Mr. Behary noted that the Planning Commission approved a Planned Unit Development (PUD) as a multi-family development, noting the site plan is approved with conditions, which would have to go back to Planning Commission if amendments were requested. Councilmember Miller clarified this is not a developer agreement, the open space would be private. Councilmember Wood noted that the photo indicates the land next to it is owned by the City. Mr. Behary clarified it was owned by the Eagles as their event center. Councilmember Gookin asked about the flood plain. Mr. Behary noted that there is some portion of the front lot that would be within the flood plain. Councilmember Wood clarified it has only 1.3 buildable acres with 25 units, with Mr. Behary clarifying it is a 5.9-acre parcel in total.

Mayor Hammond opened public comment with the clerk swearing in those who gave testimony.

PUBLIC COMMENTS:

APPLICANT: Gordon Dobler with Dobler Engineering, Coeur d'Alene, stated he is representing the owner and that they originally requested a R-17 Zone from the Planning Commission as only a portion of the lot is buildable, as the sloped area will need to be open space. The Planning Commission was not comfortable with the R-17 density. They want to provide multi-family housing and because the original proposal didn't lock down the open space, they suggested moving forward with the PUD, as the PUD would lock in the site plan with the open space as natural space and changed to an R-5 density. The site plan lays out the development and sets conditions. Mr. Dobler noted that without the PUD, the developer could not lay out the units. He noted that the PUD goes hand and glove with the density and he presented the site plan layout. He explained that 15th Street is a collector street and there are

several duplexes and apartments along the street and believes R-5 is the right zone. The items to be included in the annexation agreement are amenable to the owner and he feels it should be annexed and noted the property already uses City services such as streets and stormwater.

DISCUSSION CONT: Councilmember McEvers asked if the only ingress/egress will be off of 15th Street, with Mr. Dobler noting that it will have a separate access from the Eagles driveway. Councilmember Miller noted that there was another development up the road that has more acreage and less units. Mr. Dobler noted that it has about the same acreage but this project proposes fewer units. Councilmember Miller asked if the units will be for sale or rent, with Mr. Dobler noting that they are all apartments at this time. Councilmember Miller asked if there was any consideration to provide for local workforce housing, with Mr. Dobler stating not at this point.

Lynn Fullbrook, noted she is opposed to the request and shares a property line to the north of this development. She expressed concerns about building townhouses and apartments. She noted that at the June Planning Commission meeting Mr. Dobler was asked if the neighbors to the north were notified and Mr. Dobler stated that they had discussions and that is not true. She is worried that their concerns will not be heeded in the development, since the developer has already been dishonest in their comments. She noted that the traffic count is estimated at 160 trips per day and she already has access issues on 15th Street when turning left at 7:00 a.m. The development plan shows adequate parking but there are cars parked on the street up the road which affects the bike lane and when snow is removed how will a single drive work for this project. There are two (2) main services impacted by increased traffic, the Fire Station and Avista Utility. This type of mixed housing adds to the congestion of the area. She expressed concern about the power line and the height of the buildings and how it will affect their property. She would like a 6' fence abutting their property not just trees. She hopes the Council considers their concerns and postpones this project. She is a public service employee and doesn't see this as a retirement home with the development being approved.

APPLICANT REBUTTAL: Mr. Dobler noted that a lot of the concerns raised were covered within the PUD at the Planning Commission level such as landscaping, access, and noted the Fire Department has approved of the onsite turn around. The traffic is based on apartments and town homes, noted the type of construction was common walls, not condominiums, so it should be classified as all apartments. He noted the traffic count estimate of 160 per day equals one car every three minutes, and 15th Street handles 13,000 cars today and the future design does include a left turn pocket. Councilmember Gookin asked if at the Planning Commission meeting, Mr. Dobler had stated he spoke to the neighbors to the north, with Mr. Dobler stating he does not recall saying that and has not talked to the neighbors to the north. Councilmember McEvers asked if there is wiggle room to include the fencing as requested by the neighbor. Mr. Dobler noted that the trees are within the PUD and exceeds requirements; however, the developer would include fencing as part of the annexation agreement conditions.

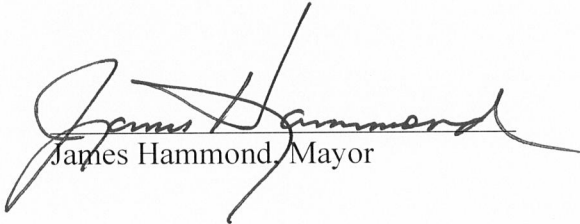
MOTION: Motion by McEvers, seconded by Evans, to approve A-2- 22; A Proposed +/- 5.9-Acre Annexation from County Ag to R-5; Applicant: Aspen Homes & Development, LLC; Located at 1808 N. 15th Street, including the recommendations for the annexation agreement and the fencing around the north parcel and to develop the necessary Findings and Order.

DISCUSSION: Councilmember Gookin noted that the PUD is not presented to the Council and he questions the parking, however, the renters cannot park on the street on 15th Street. He feels that it does not blend with the Comprehensive Plan and they squeezed all the density in the front part of the lot, so it looks more like R-32 and can't support this annexation. Councilmember Wood agreed that the density is too much, even if it were 15 units in a little over an acre. Councilmember McEvers stated that he thought it was the perfect place for density, up against the mountain, a block from the freeway access, and 15th Street being able to handle the increased traffic. The park and Fire Department are already impacting the one neighbor and R-5 feels right, so he will support the request.

ROLL CALL: Gookin No; English Aye; Wood No; Evans Aye; Miller No; McEvers Aye.
Motion Carried with the Mayor voting in the affirmative.

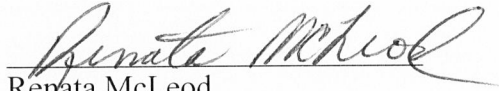
ADJOURNMENT: Motion by McEvers, seconded by Gookin, that there being no other business, this meeting be adjourned. **Motion carried.**

The meeting adjourned at 8:10 p.m.



James Hammond, Mayor

ATTEST:



Renata McLeod
City Clerk