

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

July 1, 2014

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 July 1, 2014 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Woody McEvers) Members of Council Present
Kiki Miller)
Steve Adams)
Dan Gookin)
Amy Evans)
Loren Ron Edinger) Member of Council Absent

CALL TO ORDER: The meeting was called to order by Mayor Widmyer.

INVOCATION: Pastor Paul Van Noy, Candlelight Church, provided the invocation.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Councilmember Adams.

PRESENTATIONS:

Student Representative Experience: Steve Anthony introduced Gabbi Olscamp as the outgoing student representative for the Arts Commission, who served for two years. Gabbi Olscamp stated that she was a student from Coeur d'Alene High School and enjoyed being the student representative to the Arts Commission. She felt that she learned things she wasn't expecting to learn until after college, such as the political side of art, and creating a call to artist. She has been interested in art and considered herself an artist since 1st grade. She thanked the City Council for her experience. Ms. Olscamp stated that she is going to the University of Idaho and will start with some general studies.

Proclamation: Parks Day July 12, 2014: Mayor Widmyer presented the Proclamation for Parks Day to Urban Forestry Coordinator Katie Kosanke. Ms. Kosanke presented the itinerary for the Parks Day event which will start at McEuen Park with a side event on Tubbs Hill. This year the Kid's Day in the Park event will be combined with the Park's Day event. Volunteer Bob Hallock helped to come up with the concept of Parks Day and she thanked him for his continued service. She thanked the main sponsors who are Avista Utility, Contractor's Northwest, Inc., Waste Management, and Greenstone Homes and stated that there were many other sponsors and volunteers that make the event a success.

McEuen Park Update: City Engineer Gordon Dobler stated that the McEuen Park construction is in the final stages and the construction crew is demobilizing. Hydro-seeding is expected to be completed this week with elevator inspections due next week. The sundial piece will also be commissioned this week. The project budget was approximately \$140,000 under the original budget. Councilmember McEvers stated that he filmed a lot of construction throughout the park project. As he filmed, he would often run into Mr. Dobler on site, who was always willing to explain what was going on and the “why” behind it, which he appreciated. Councilmember Miller asked if Mr. Dobler would be the staff person for warranty item issues. Mr. Dobler said that items going forward would go to Bill Greenwood.

Quarterly Budget Update: Deputy Finance Director Vonnie Jensen presented a quarterly update regarding the Fiscal Year 2013/2014 budget, which included the status of the City’s financial position as the budgeting process moves forward for fiscal year 2014/2015. She would like input regarding the type of information the City Council finds beneficial and any suggestions regarding changes they would like to see in the budget process. At the next City Council meeting, she will present a Resolution setting the high water mark. She suggested the Council contact her with any questions they have as information is distributed. She said that the Front Avenue LID final assessment will be coming forward in the very near future. In the past 50% of the property owners paid their balance within the first 30 days, avoiding any interest. The Insurance Fund will need a sustainable cash flow whether or not the Council decides to stay self-insured or contract with a private insurance agency. Ms. Jensen reviewed the historical trend of foregone taxes, revenues, and expenditures. Councilmember Gookin thanked Ms. Jensen for the review and requested hard copies of her presentation in advance of the meeting in the future. Mayor Widmyer stated that there are several new councilmembers involved in the budget process and encouraged them to contact Ms. Jensen or Mr. Tymesen in advance of the budget workshop.

PUBLIC COMMENTS:

Doyles Wholesale Sound Study: Cynthia Palombi, Coeur d’Alene, stated that she is representing a group called Citizens for the Preservation of Neighborhoods. She highlighted a paragraph in the sound study noted on page 8, which stated that during the study there was one truck on the west side of the building and referenced that if it were at night it would have violated the noise ordinance. She asked the City Council to consider that during the presentation tonight.

David Polen, Coeur d’Alene, stated that he lives right behind the Doyles Wholesale property and has been suffering from the noise for years. The EPA’s definition of noise is anything that is considered a nuisance to the community and this has been a nuisance for years as he hears noise at night while sleeping with windows open. He said that during the study period there was no activity but wanted the Council to know there is activity on site now.

Kathy Hunt, Coeur d’Alene, stated that she lives next to Doyles and presented several pictures to the City Council to provide some historical reference to the new Councilmembers. She asked the Mayor and Council to consider that they have been going through this since 2004. In 2006 Doyles expanded into three shifts and the third shift causes the majority of the sound problems. She encouraged the Council to ask questions regarding the backup beepers, air breaks, banging

of the doors, and the refrigeration units. She mentioned that when Meadow Ranch was developed Mr. Gridley stated when industrial noise and light exceeds thresholds into residential zones, the businesses should shut down after 10:00 p.m. She lives above the brick wall, and all the wall does is project the noise back further and clarified that the west side of the building is where their fleet parks on the weekend.

Janet Robnett, Coeur d'Alene, stated that she represents Doyles Wholesale, and agreed that this has been an issue since 2004. She reiterated that in 2004 staff investigated with no violations. In 2007 a study was conducted and there were no violation and this study was done at the request of the neighbors and the city paid for it and found no violations. The neighbors requested this specific contractor, and no one was given notification of the study dates, which she noted was a normal workday. She clarified that operations do not occur on the west side of the building, and felt the results of the study speak for themselves. She stated that Doyles has done a lot to be a good neighbor and the wall was very expensive and they have also disabled the back-up beepers from the vehicles and deliveries do not occur at night. She believes enough is enough after 10 years and that it can now be said there is no violation and hopes everyone could move forward and accept the results of the study.

CONSENT CALENDAR: Motion by Gookin, seconded by McEvers to approve the consent calendar.

1. Approval of Council Minutes for June 17, 2014.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for July 7, 2014 at 12:00 noon and 4:00 p.m. respectively.
4. Approval of Beer and Wine License for TAF, LLC. d/b/a The Coeur d'Alene's; 1116 Ironwood Parkway, Troy Fausett (new)
5. Approval of Beer and Wine License for Blazin' Wings d/b/a Buffalo Wild; 405 W. Neider Avenue, Buffalo Wild Wing, Inc. et al. (transfer from Sully's Pub)
6. Approval of S-4-12, North Idaho College – Final Plat.
7. Approval of **Resolution No. 14-026** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVING AN AGREEMENT FOR S-2-03.M.1, LANDINGS @ WATERFORD 12TH ADDITION, FINAL PLAT, SUBDIVISION IMPROVEMENT AGREEMENT AND BOND SECURITY WITH MULLIGAN INVESTMENTS, LLC; APPROVING AN AGREEMENT FOR SS-5-14, INTERSTATE ADDITION, FINAL PLAT, SUBDIVISION IMPROVEMENT AGREEMENT AND SECURITY WITH INTERSTATE CONCRETE AND ASPHALT COMPANY; APPROVING A LEASE AGREEMENT WITH THE HINDERER CONCESSIONS FOR MCEUEN PARK HARBOR HOUSE CONCESSIONS FOR THE 2014 SEASON; APPROVING A CONTRACT WITH BUDDY'S BACKHOE SERVICE FOR THE 2014 OPEN TRENCH PROJECT; APPROVING AN AGREEMENT WITH HANDSHAKE PRODUCTIONS FOR THE SUMMER CONCERT SERIES IN THE CITY PARK; APPROVING AN AGREEMENT WITH NORTH IDAHO COLLEGE FOR EMPLOYMENT OF SCHOOL RESOURCE OFFICERS FOR THE DISTRICTS

FISCAL YEAR 2014-2015; AND APPROVING AN AGREEMENT WITH COEUR
D'ALENE SCHOOL DISTRICT #271 FOR EMPLOYMENT OF SCHOOL
RESOURCE OFFICERS THE DISTRICTS FISCAL YEAR 2014-2015.

ROLL CALL: McEvers Aye; Gookin Aye, Miller Aye; Evans Aye; Adams Aye. **Motion Carried.**

COUNCIL ANNOUNCEMENTS:

Councilmember McEvers stated that Robert Singletary conducted a recent presentation regarding Coeur d'Alene in the 1950. It appears that there were more photographs and stories for the earlier year and as the more current years come forward he is lacking photographs and stories (approximately 1960 forward.) He requested the community provide photographs and stories to the Museum to protect the history. Additionally, he was at the Ironman breakfast and the race participants commented on the high winds that caused hard work, but were very complementary of the volunteers. He also thanked the volunteers for making Ironman popular.

MAYOR ANNOUNCEMENT: Mayor Widmyer stated that he spoke with Councilmember Edinger today who said that he is recuperating and would be watching the meeting on T.V. tonight. Mayor Widmyer stated that he and Councilmember Miller will be participating in a fundraiser on the 4th of July from 1:00 p.m. to 7:00 p.m. at the City Park Band shell via a dunk tank, and encouraged the community to stop by and share in the event that supports the Lake City High School Jazz and Concert Choir. The Mayor asked for a motion to approve the appointment of student representatives.

MOTION: Motion by Gookin, seconded by McEvers to approve the appointment of the following student representatives: Maxwell Evans and Maya Burgess (Alternate) to the Parks and Recreation Commission; Ashley Kaitz, and Jade Douglas (Alternate) to the Arts Commission; Cole O'Brien (reappointment), and Christian Cousins (Alternate) to the Planning Commission; Cassidee Smidt and Sydney Jackson (Alternate) to the Library Board; Mary McKenna Sudahl and Jaguar Ashtiani (Alternate) to the Pedestrian Bicycle Committee; Timber Lockhart to the Urban Forestry Committee; and Riley Ellingsen (Reappointment) and Madeline Hennig (alternate) to the Natural Open Space Committee.

DISCUSSION: Councilmember Evans stated that Maxwell Evans is her son and that she has had discussions with the City Attorney who said that it is not a conflict and she is able to vote on this item.

Motion carried.

ADMINISTRATOR'S REPORT: Interim City Administrator Troy Tymesen stated that there were approximately 3000 volunteers that made the Ironman event work. The next big event is the 4th of July and he thanked the public in advance for helping to make it a safe event. He announced that motorists who park at the new parking structure adjacent to McEuen Park are reminded that they must obtain a ticket from the automatic pay stations. The first two hours of parking is free; however, motorists must still display a ticket in their vehicle indicating what time they arrived. Three parking pay stations are located at the Third Street Entrance, and at the

bottom of the stairs on 5th Street and 6th Street. May, 2014 was the busiest response month in the history of the Coeur d'Alene Fire Department as they responded to 713 emergency calls – the average for May is 572 calls for assistance. The Fire Department is also hosting the annual Idaho Technical Rescue Teams meeting this week, which brings members of all four State teams and staff from the Bureau of Homeland Security to our city to discuss funding, team responses, and standard operating guides. Summer Reading, “Fizz, Boom, Read,” has begun in the Seagraves Children’s Library on the lower level, and continues through July 30th when the Library will host a Science Fair and Extreme Science with Radical Rick. All programs, for ages newborn and up, are free and most do not require registration. Even if children do not attending programs, families are invited to visit the library for a Reading Log to keep track of the time children spend reading or being read to. For every three hours of reading time bring the log back to the library to collect a prize. For more information about the “Fizz, Boom, Read” summer program, call the Library at 769-2315. Municipal Milestones, a monthly e-newsletter covering city news and events, employees, departments at work, and other timely city information and issues, made its debut on Tuesday, June 10th. The newsletter will be emailed on the second Tuesday of each month. To view the newsletter and instructions for receiving a monthly email version, visit the city’s website www.cdaid.org, and click on the icon on the lower left corner. The Coeur d’Alene Arts Commission is seeking nominations for the 19th Annual Mayor’s Awards in the Arts. Please visit www.cdaid.org for nomination forms, noting that nominations must be submitted by September 1, 2014. For more information, call Steve Anthony at 769-2249, or email stevea@cdaid.org. Work on the new well at Hanley and Atlas continues. The well is expected to be completed this fall. The city of Coeur d’Alene is accepting competitive grant proposals for projects or services that benefit low-to-moderate income people or neighborhoods, and/or promote job creation/economic development. Any individuals, profit or nonprofit organizations, business, or governmental agencies may apply for the Community Development Block Grant (CDBG) Program funds. The workshop will be held July 11th. He requested that the community remember that fireworks and alcohol are prohibited within city parks and Tubbs Hill. Coeur d’Alene Mayor Steve Widmyer has established a direct telephone line for callers to leave a comment, idea or concern. To leave a message 24/7 with the mayor, call 769-2220, extension 503, or visit the city’s website and click on the icon shown on the screen.

APPROVAL OF A REQUEST TO EXCLUDE (DE-ANNEX) PROPERTY FROM CITY BOUNDARIES; 7635 N. RAMSEY ROAD.

DISCUSSION: Councilmember McEvers stated that this is a request for a property to be de-annexed from the City. Councilmember Gookin said that this property is a parcel located at 7635 N. Ramsey Road and was annexed in 2006 as part of a Planned Unit Development (PUD) that was never completed. Prior to the annexation a home was constructed and never received its Certificate of Occupancy from Kootenai County. The owner wishes to sell the property and is in need of a Certificate of Occupancy. Because the structure is complete, the City would need to obtain engineering reports and perform destructive testing to issue a certificate of occupancy. As such, the owner has elected to seek de-annexation and will attempt to obtain a certificate of occupancy from Kootenai County. Councilmember Gookin stated that he does not believe this property should have been annexed in the first place, as the construction did not match the plans and believes it should be de-annexed. The County will address the sewer issues. City Attorney

Mike Gridley stated that the City would not have look at those issues at the time of annexation, as they would have looked at whether or not the property should be in the city limits. Councilmember Miller stated that they would not be illegible for reimbursement of any fees paid previously and that if they re-annex they would go through the current process and pay any fees applicable.

MOTION: Motion by Gookin, seconded by McEvers to approve the Request to Exclude (De-Annex) Property from City Boundaries; 7635 N. Ramsey Road, and direct staff to prepare an Ordinance.

Motion carried.

RESOLUTION NO. 14-027

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH WELCH-COMER ASSOCIATES, INC. ITS PRINCIPAL PLACE OF BUSINESS AT 350 E. KATHLEEN AVE., COEUR D'ALENE, ID. 83815, FOR THE PURPOSE OF PREPARING THE FOUR CORNERS / BLM MASTER PLAN.

STAFF REPORT: Interim Parks Director Bill Greenwood stated that in May 2014 the City Council approved the proposal from Welch Comer and directed staff to negotiate an agreement. The final cost for the master plan is \$118,200. The Lake City Development Corporation has offered to fund 75% of the plan and the remaining 25% will come from partners within the area of impact for the Master Plan with the City's portion coming from the Parks Capital Improvement Fund and/or Parks Impact Fees.

MOTION: Motion by Gookin, seconded by McEvers to approve Resolution No. 14-027, approving an Agreement with Welch Comer for the Four Corners BLM Corridor Master Plan and funding.

DISCUSSION: Councilmember McEvers asked if park impact fees are divided by district. Mr. Greenwood stated that impact fees are for general park improvements.

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

DISCUSSION OF SOUND STUDY CONDUCTED BY JGL ACOUSTICS, INC. RE: DOYLES WAREHOUSE.

Mr. Gridley provided a history of the Doyles Wholesale site and a synopsis of the past and present sound studies; specifically, the recent study conducted by JGL Acoustics, Inc. There were no findings of violations of the City's sound ordinance. The neighbors have continued to raise complaints and Doyles has expanded their facility including an 8' wall to mitigate noise. This is a very quiet neighborhood that has noisy activities surrounding it. Approximately a year ago the city solicited experts in the field of sound studies, receiving four proposals. JGL was selected due to their background and reputation, and was the recommendation of the

neighborhood. There were discussions regarding when to do the study, and it was agreed that spring time would be best. Mr. Gridley stated that his office did ask the neighbors what is the noisiest time, and the neighbors stated that Wednesday and Thursdays are the busiest time. No additional contact was given to the neighbors or Doyles regarding the study timeline. The report documents that the sound study was conducted on May 28, 29, 2014. The loudest noises were noted with dogs barking and birds chirping, and that 99.9% of the time the sounds were lower than the 55 decibel night time maximum. Mr. Gridley stated that the study noted the activity on site during the study period and found no confirmed violations of the noise ordinance. After the study JGL stated the weather did not make an impact on the study, and that there was nothing he would do differently to study the facility. He did not recommend any changes to the property, although he recommended that if the trucks stayed 150 feet away from the wall they would likely never violate the 55 decibel limit. Mr. Gridley stated that based on the activities measured there were no violations of the noise ordinance. If the use changed and new violations occurred, they would be investigated.

Councilmember McEvers stated that he lives near a Safeway and he hears the dumpsters being dumped and the Commerce park development requires that the commercial noise should end at 10:00 p.m. Mr. Gridley stated the limits are still the same, with night time decibels of 55 decibels and daytime at 65 decibels. If there was a violation there would be code enforcement action and the City would work with property owners to mitigate the noise violations. Mr. Gridley reminded the Council that the residential zone was built in the County prior to their annexation into the City. Current annexations could negotiate mitigation within the annexation agreement. Councilmember McEvers clarified that the zoning for Doyles is light manufacturing, which the residential zone abuts and it was the case when they were annexed. Mr. Gridley clarified that the prior property owner was a commercial gravel pit that was determined to be heavy manufacturing and was relocated. Councilmember McEvers stated that the sound study found no violation and he hoped that this could be over.

Councilmember McEvers asked if the ingress/egress allows trucks to come in on both street sides. Tom Eshleman, General Manager of Doyles Wholesale, stated that the egress comes down the driveway and has an access once or twice a year off of Park Drive, but most of the traffic comes in through Dalton Avenue. Councilmember McEvers asked about the buffering to the North. Mr. Eshleman stated that there is also some grass and paving in the area to reduce dust and noise, and clarified that compressors for the refrigeration units have been moved inside the building. He further clarified that trucks park on the west side but are not running as they are empty at that time. Councilmember McEvers stated that Doyles has made a lot of effort. Councilmember Miller asked how far the building to the west with the blue roof is from the fence line. Mr. Eshleman stated that he thought it was over 150 feet and further explained that loading occurs during the day and not in the night time. He stated that there are over 100 employees at the facility and they want to stay in Coeur d'Alene.

Ms. Hunt stated there are over 40 neighbors involved in their group. Councilmember McEvers stated that it did not seem that the City could make any progress with the neighbors, and asked Ms. Hunt if she thought Doyles had made efforts to mitigate the situation. Ms. Hunt said that Doyles has cleaned up the property; however it is the noise that they complain about. She did speak to JGL who said the study should not be done in the snow or on rainy days. The spring

and summer are the most problematic times. She stated that they do run operations during the evening, and were already running refrigeration trucks this evening and they will run until the morning. She reviewed a log of noise issues she has encountered since May. Mayor Widmyer asked Ms. Hunt if there are vehicles on the Doyles site that are not louder than 55 decibels. Ms. Hunt stated that when it was a chain link fence the readings were in the high 50's and the wall has made a substantial difference. The neighbors conducted their own sound study and found the wall would project the sound up above the fence. She clarified that the vibration of the refrigerated units drives her crazy. She felt that there was no activity when the study was done and that is not fair. Councilmember McEvers stated that the city bought and conducted a study and that no violation occurred. Ms. Hunt suggested that the sound expert should have measured all the normal activity on the site.

Councilmember Gookin stated that he believes both sides are stating the truth, and clarified that the ordinance measures decibels, and that sounds can travel through the ground and our ordinance does not take that under consideration. He asked Mr. Gridley if there is anything that the City could use to address sound other than measuring decibels. Mr. Gridley stated that property uses are allowed by the underlying zoning, and this activity is allowed. He reiterated that the City hired the sound study professional the neighborhood wanted to hire and they said they would abide by the findings of the study. The City turned it over to the expert to conduct the study, waited until after snow was gone and it cost \$240.00 an hour to do the work. He reiterated if there was a new use that violated the noise ordinance the City would be working to enforce the code violation; however, there is no violation to enforce at this time. Mr. Gridley stated that other cities have different ordinances and that most use an average decibel measurement over a period of time rather than a one-time spike, while our does not allow for an average.

Councilmember Adams clarified an issue with a neighbors sprinkler and that it was not related to a time of use. He stated that he has lived in the neighborhood for 9.5 years and multiple people who have come to his home have commented on the quietness of the neighborhood. He stated that he has never had a problem with Doyles, he believes they have been good neighbors and have spent over \$100,000 to mitigate issues with the neighborhood. He does not believe that vibrations have been a problem with Doyles, only cars driving by with loud music. He reiterated that the neighbors stated that they would abide by the findings of the study. Councilmember Adams stated that he does not think there is anything else the City should do regarding the noise ordinance and asked the neighbors to please move forward.

EXECUTIVE SESSION: Motion by Gookin, seconded by Evans to enter into Executive Session as provided by Idaho Code 67-2345 (1) § (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

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

The City Council entered into Executive Session at 8:01 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Matters discussed were related to acquisition of property not owned by a public agency. Council returned to regular session at 9:32 p.m.

MOTION: Motion by Gookin, seconded by Evan, that there being no further business before the Council, this meeting be adjourned. **Motion Carried.**

The meeting adjourned at 9:32 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk