

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

January 16, 2018

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 16, 2018 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Kiki Miller)	Members of Council Present
Amy Evans)	
Loren Ron Edinger)	
Dan English)	
Woody McEvers)	
Dan Gookin)	

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

INVOCATION: Pastor David Bond with Compel Church gave the invocation.

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

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

1. Approval of Council Minutes for the January 2, 2018 Council Meeting.
2. Approval of Public Works Committee Minutes from the January 8, 2018 meeting.
3. Approval of Bills as submitted and reviewed for accuracy by Finance Department
4. Approval of the Financial Report
5. Setting of Public Works and General Services Committee meetings for January 22, 2018 at 12:00 noon and 4:00 p.m. respectively
6. Setting of a Public Hearing for February 6, 2018 - V-18-1, Vacation of a portion of Lee Court right-of-way adjoining the southerly boundary of the adjusted Lot 4, Block 2, Moen Subdivision
7. **Resolution No. 18-002:** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING: APPROVAL OF SOLE SOURCE PURCHASE OF PORTABLE RADIOS FOR THE POLICE DEPARTMENT; DECLARATION OF SURPLUS USED VEHICLES FOR THE STREET DEPARTMENT; AND APPROVAL OF A REDUCTION OF BOND FOR GARDEN GROVE SUBDIVISION IMPROVEMENTS.

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

PUBLIC COMMENTS:

Jesse Warburton, also known as “Brother Music,” said that he has been playing music downtown on the street next to his blue van. He had a great summer and fall last year and the people of Coeur d’Alene have lifted him to the highest point of his 55 years of playing music. He has found that the City of Coeur d’Alene does not have any precise ordinances involving street musicians or buskers and would hope that the council could address that issue so that he can feel comfortable here and the police are not called. He noted that it doesn’t enhance your way of performing when you have to answer a lot of questions from police. Mr. Warburton commented that Sandpoint changed their ordinance to 70 decibels within 50 feet. He noted that he likes Coeur d’Alene and doesn’t want to move to a big city and would rather do his music right here.

Councilmember Gookin asked Mr. Gridley where the City was at on the busking issue. Mr. Gridley said that it is one of the summer problems that fades in January but he hasn’t been aware of any conversations or instructions recently regarding doing anything about busking. He noted that the City does have an ordinance that prohibits amplified music that is plainly audible from 50 feet away, but he doesn’t think they are actively working on anything in regard to busking.

Mayor Widmyer said that the issue is amplification as amplification of music gets to be problematic. Mr. Taylor commented that the Arts Commission has had inquiries over the last year and a half regarding busking. The commission supports the idea of some type of system for street performers. The Arts Commission subcommittee will be working to discuss the idea of street performing to initially be educated on what the City can and cannot do. Mr. Taylor noted that there is case law regarding these issues. They will also want to ensure that the Downtown Association is part of that discussion to ensure that they are aware of what they can and cannot do. Mr. Taylor said that they want to find a balanced solution that will continue to promote the downtown in an adequate manner, and are hoping to begin the process within the next month.

Councilmember McEvers wondered where you could do the busking where it is not infringing on somebody else’s business. Mr. Taylor suggested that the subcommittee should start looking at amplified music. As of right now, he doesn’t believe it would be permitted. Mr. Taylor said that they will use their relationship with the Downtown Association to help guide those discussions.

COUNCIL ANNOUNCEMENTS:

Councilmember McEvers commented that on February 17th, at the Coeur d’Alene Resort, the skate park people will be doing a fundraiser. This is the next level of fundraising and is aimed at the community. Councilmember McEvers explained that skating is very individual and it is the community around the skaters, who have all been through it, who support and help each other. He noted that skating isn’t always the thugs, etc., and encouraged the community to support the fundraiser, and commented that a famous skateboarder will be coming to the event.

RESOLUTION No. 18-003

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH FCS GROUP, INC., FOR A WATER RATE STUDY.

STAFF REPORT: Terry Pickel, Water Superintendent, requested authorization to enter into a Consultant Services Agreement with FCS Group, Inc. for a Water Rate Study. He noted that per the Water Department standard practices, staff routinely schedules a rate study every 5 years. The last rate study was completed in 2012 along with the Comprehensive Plan Update, which is done every 10 years. Funding of \$60,000 for the proposed rate study is included in the current fiscal year budget. The only submission received during the Request for Proposals was from FCS Group, Inc. Their initial budget was for \$73,080. Through negotiations and minor revisions of the scope of services, the proposed budget was reduced to \$60,435. Staff should see a significant budget savings on other projects which will cover the additional cost with no budget amendment required. The study will be looking at water rates, classifications, boosted zones, rate structures, service outside city limits, and will also be looking at CAP fees to make sure that the City is charging for CAP fees properly.

DISCUSSION:

Councilmember Gookin asked about public involvement and noted that it doesn't look like there's any money for the consultant to come over and run a public comment forum. He asked Mr. Pickel to make sure that it is part of the process as it goes forward. Mr. Pickel assured the council that they plan on doing that as part of the project. He noted that FCS Group is working with Hayden and Post Falls so they will be over here occasionally, and he will try to work it out when they are here, or the department will take it upon themselves to present the information to the public.

Mr. Taylor asked for clarification from the council as to what they were hoping to receive back from the community related to the rate study so they can properly structure the forum. Councilmember Gookin responded that they are going to be doing something that will hit a lot of people as a surprise, so it would be nice to provide an opportunity for the public to hear what they have in mind, explain why the rates may possibly go up, when and for how long, and allow for public feedback. He noted that it is always good to hear what the public is thinking. Mayor Widmyer commented that they should probably receive feedback from the public forum before the public hearing.

Mr. Pickel commented that, typically, they have presented to the North Idaho Building Contractors Association (NIBCA) before they go out to the public. He also noted that education will be a big priority.

MOTION: Motion by McEvers, seconded by English, to approve Resolution No. 18-003, approving a Consultant Services Agreement with FCS Group, Inc. for a Water Rate Study.

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

AUTHORIZATION OF GRANT SUBMITTAL FOR SHERMAN AVENUE/LAKESIDE AVENUE TRAFFIC SIGNAL LHSIP GRANT.

STAFF REPORT: Chris Bosley, City Engineer, presented a request for approval to submit an application for a Local Highway Safety Improvement Program (LHSIP) grant to upgrade traffic signals on Sherman Avenue and Lakeside Avenue in downtown Coeur d'Alene. He noted that staff has been looking for ways to stretch tax dollars. The existing traffic signals in downtown Coeur d'Alene are outdated and in need of upgrades, with some signals being over 25 years old. Signal upgrades on Sherman Ave and Lakeside Ave are good candidates for this grant, which would improve traffic efficiency, pedestrian safety, and ADA compliance in our downtown. Mr. Bosley noted that they would be taking all of the electronics off of the existing poles, leaving poles there, and would work with the Downtown Association on painting the poles. Then they would install new signal heads and pedestrian push buttons. If the cabinets are good, they would leave them and put in new internals, or they would replace the cabinet itself. Mr. Bosley noted that it would help to improve ADA accessibility downtown and also help to move traffic through because they could get the signals to talk to each other and adapt to changing traffic patterns. He commented that they have issues here and there with the detection failing on the signals and are hoping that they can take care of all of those issues with the grant. The application is due on Thursday and Mr. Bosley noted that he would submit the application tomorrow if given the approval of council to do so.

Mr. Bosley explained that the City's obligation for the grant is \$84,190, which is the estimate of a 7.34% federal match, would give the City about \$1,147,000. The project wouldn't begin until 2020 so the City would not have to have the money until that point and would have time to get the funds into the budget cycle.

DISCUSSION:

Councilmember McEvers asked if, by doing something like this, if some of the traffic signals could be eliminated. Mr. Bosley said that it probably wouldn't be a good idea to eliminate some of them because the traffic pattern is dependent on them. He noted that the upgrades would definitely help the signals to communicate with each other and be able to move traffic better.

Councilmember McEvers commented that it seems like the funds would do a lot of good all over the city. Mr. Bosley responded that part of the application was to identify places that had some safety issues. The consultant that put the grant together had taken all of the pedestrian, bicycle and vehicle crashes and factored it in. Expanding out of the downtown area would reduce the cost/benefit ratio and make it less likely that the City would be awarded the grant. Mr. Bosley said they found that rolling Lakeside into the grant application doesn't affect the cost/benefit ratio too badly and they could get a good "bang for their buck." He confirmed that there were some left turn yellow flashing lights included in the plan.

Councilmember Miller asked if this would prohibit the City from receiving a similar grant for the East Sherman area, or as the parking garage comes online and there are more signals needed in that area. Mr. Bosley responded that this grant normally comes up every year, and if the City were awarded the grant, they would not be allowed to apply for this safety grant on these intersections for two years. The City can apply for the safety grant next year in other areas of the city.

Councilmember Gookin commented that when they had the consultant out for East Sherman, he recommended that they not have pedestrian push buttons downtown, but that it should just be on a timer. Mr. Bosley responded that some cities with high pedestrian traffic do provide pedestrian push buttons as a help for the pedestrians to cross the road, but it does slow down vehicle traffic.

Councilmember Gookin wondered if the council would be creating an obligation for a future council since they don't have to spend the money until 2020. Mayor Widmyer commented that the future council always has the option of turning it down. Councilmember Gookin proposed that if the council wants to approve the grant application, that they actually put the money in next year's budget and just not spend it and just keep rolling it over. Mr. Gridley commented that Article 8, Section 3 of the Idaho Constitution has language about expenditures that exceed revenue that year. He commented that he thinks that they can enter into longer term agreements or contracts as long as they don't exceed anticipated revenues.

Councilmember Gookin said that there has been talk about changing the traffic direction on Sherman and Lakeside, to make them one-way streets. He asked how that would impact the grant if that came to fruition. Mr. Bosley responded that each of the signals would have to be reconfigured with the heads on the right side, etc. He assumes that it could be accomplished, but it wouldn't be free. He also commented that he doesn't know how likely that is to happen in the near future.

Councilmember Edinger asked Mr. Bosley when they would hear if the City had received the grant. Mr. Bosley responded that it would be a couple of months from now.

Councilmember English expressed his support for anything that would help with the traffic flow downtown.

MOTION: Motion by Miller, seconded by Edinger, to authorize grant submittal of a LHSIP Grant for Sherman Avenue/Lakeside Avenue traffic signal. **Motion carried.**

RESOLUTION NO. 18-004

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ESTABLISHING FEES FOR SHORT-TERM RENTALS.

STAFF REPORT: Sean Holm, Senior Planner, presented a request for council to approve the fees for short term rentals. He noted that on December 5, 2017 the City Council adopted the Short-Term (Vacation) Rental Ordinance. Prior to that time, Mr. Holm said that he sent an email

to over 300 participants and stakeholders. The stakeholders have also been notified of the proposed fees. Mr. Holm informed the Council that the estimated fees would be approximately \$285.00 for the first year permits and that renewals would be \$96.00. The fees are based on the fully loaded hourly rate (including insurance costs) for staff in each of the departments that would be involved in reviewing and issuing the permits and code enforcement. The permit prices would cover staff time and the cost of printing trifolds for short-term rentals. The City would not generate any revenue from the permit fee.

Mayor Widmyer opened the meeting for public testimony. There was none.

Public testimony was closed.

DISCUSSION: Councilmember McEvers said that he was not exactly happy with the pricing but felt that council needed to be supportive as it is a beginning.

MOTION: Motion by McEvers, seconded by English, to approve Resolution No. 18-004, approving fees for Short Term Rentals as follows: Short-Term (Vacation) Rental Permits 1st year: \$285.00 and Short-Term (Vacation) Rental Permits Renewals: \$96.00.

DISCUSSION:

Councilmember Gookin said that he met with Mr. Holm today and went over the fee structure as he was curious about justification of the fee. He commented that the fee is “ball parked” and may be too high or too low, but they will figure it out and you have to start somewhere. He noted that he will still oppose the motion because he thinks the whole thing is done wrong and that a break should be given to those who reside in their homes, with a higher fee for those that do not reside in the homes.

Councilmember Miller asked Mr. Holm how many people weighed in. Mr. Holm said that he did not have an exact number but estimated about eight. Of those eight, five or six were okay with it, and a couple were not. Councilmember Miller asked if it is something that will be reviewed, and what would be the time frame. Mr. Holm said that at this point it is set up to be an annual renewal, so after the initial buy in and one year renewal, he believes that in two years they will have a really good idea of where they sit.

ROLL CALL: Gookin, No; English, Aye; Edinger, No; Evans, Aye; Miller, Aye; McEvers, Aye. **Motion carried.**

(LEGISLATIVE PUBLIC HEARING) THE 2018-2022 CONSOLIDATED PLAN GOALS, PROPOSED ACTIVITIES, ESTIMATED FUNDING THE CITY EXPECTS TO RECEIVE, AND THE EXPECTED BENEFICIARIES OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG).

STAFF REPORT: Michelle Cushing, CDBG Specialist, presented a request for approval of the 2018-2022 Draft 5-Year Consolidated Plan, and approval of the 2018 Annual Action Plan. The City of Coeur d’Alene receives an annual direct allocation of HUD Community development

Block Grant (CDBG) funds. Every 5 years the City is required to complete a revised Consolidated Plan based on an updated Housing Needs Assessment and Housing Barriers Analysis, as well as in accordance with the adopted citizen participation plan. Both the 5-Year Consolidated Plan and the Annual Action Plan are intended to be outlines regarding how the City intends to spend the CDBG funds and fulfill its program reporting requirements.

Two Citizen Participation Workshops were held as part of the Consolidated Planning Process, one on November 2, 2017 and the other on November 30, 2017. A 30-Day Public Comment period was held between December 15, 2017 and January 2016. Ms. Cushing noted that today’s public hearing, the 30-Day Comment period, and citizen participation workshop were advertised to the public through Coeur d’Alene Press notices, Public Education and Government Channel ads, the city’s Facebook and website updates, shared community flyers, and ongoing email communications to 139 community stakeholders.

The Plan Year 2018 allocation is estimated to be \$243,000, which cannot be verified until the Federal government finalizes their budget.

Ms. Cushing reviewed the history of Coeur d’Alene’s CDBG involvement, and the 2018-2022 Goals, which she noted align 100% with the past 5 Year Plan goals. Each year activities must meet a national objective and be a HUD approved activity, must meet Annual Action and Consolidated Plan goals and be feasible to administrator. Ms. Cushing reviewed the goal successes and noted that all projects have progressed as anticipated. Two goals that didn’t receive funding were increase of for sale affordable housing and economic development as those goals are expensive and the City would need partners to enter into projects.

Ms. Cushing reviewed highlights from the last five years, including 81 homes that have been rehabilitated through the EMRAP program, and ADA Compliant sidewalks improved within low-come Census tracts, and Community Opportunity Grant Awards. She also reviewed the 2013-2017 grant allocation, with a total allocation of almost \$1.5 million dollars.

Ms. Cushing reviewed the proposed 2018 Annual action plan budget.

2018 Annual Action Plan Funding amount (Percentage to stay the same no matter what the final allocation)	Line Item
6% (\$14,600.00)	Sidewalk Accessibility/Repairs
20.5% (\$50,000.00)	Emergency Minor Home Repairs and Accessibility Program (EMRAP)
53.5% (\$129,800.00)	Community Opportunity Grants (Includes Public Service Activities capped at 15% annual allocation)

20% (\$48,600.00)	Administration (Employee wages and benefits, advertising supplies and fees, brochures, training, travel-- Subject to 20% cap of annual allocation budget)
\$243,000	

DISCUSSION: Ms. Cushing said that the 2017 budget was \$301,000, which is about a \$60,000 difference. She noted that they based most of the funding suggestions off of last year's funding cycle.

Councilmember Gookin asked about the \$50,000 worth of EMRAP and how many repairs would that be based on previous data. Ms. Cushing said that, on average, they allow up to \$5,000 per household maximum but it seems like the average is about \$2,500. If there were ten maximum applications, then would be ten households per year, but it could be as many as 20.

Councilmember Gookin asked if they have ever had a situation where it was underfunded. Ms. Cushing said that she believes so, but because the funds tend to roll over, they can use the older funds first. In past years they have had to tell people that they had to wait and apply again.

Councilmember Edinger asked if council wanted to increase the Meals on Meals from \$3,000 to \$5,000, how would they go about doing it?

Mayor Widmyer asked if they raised the Meals on Wheels, would it take away from anything else? Ms. Cushing explained that the allocation for Meals on Wheels is the only noncompetitive grant that the City has set up so far that is provided to the Lake City Center on an annual basis. She noted that the director told them that the \$3,000 covers one month of food for their program. She suggested that the Community Opportunity Grants fund would be a good source for the money and that she wouldn't recommend cutting the Sidewalk Accessibility Repair fund as it is such a small pot of money that they tend to save a couple of years and then do a larger project.

Ms. Cushing confirmed that they would come back to the council with a list of things to approve for the 2018 allocation.

Councilmember English asked if there are any unexpended funds in the Community Opportunity Grants fund, or under Administration, where it would be flexible enough to come up with the extra requested \$2,000. Ms. Cushing responded that, historically, on average, CDBG administration has cost the City about \$48,000 annually, which includes administration, and travel and training. She explained that there is no unspent money in that category because the City often chooses to roll any excess funds into the EMRAP program.

Councilmember Miller asked Ms. Cushing if she knew of any major or federal funding that is cutting the Meals on Wheels program locally. Ms. Cushing responded that she did not know. Councilmember Miller said that our community is growing and she thinks it would be prudent to think about raising the Meals on Wheels allocation.

Councilmember Gookin asked why the requested \$2,000 increase and why not increase it to \$6,000, which would provide for meals for two months. Mayor Widmyer commented that Meals on Wheels gets a lot of their funding from the federal government and a variety of sources and asked Councilmember Edinger if there was a shortfall. Councilmember Edinger responded that there is sometimes and noted that Meals on Wheels participants have been increasing all the time. Ms. Cushing noted that Meals on Wheels is also welcome to apply for any larger needs.

Councilmember McEvers asked what constitutes a noncompetitive grant and can anybody do it. Ms. Cushing said that she believes it has to come through the council. Councilmember McEvers said that the theory of the Community Opportunity Grants was to touch a lot of people and that it would seem like the noncompetitive grants could get a little upside where the City would be committing things before other people had an opportunity to apply. Councilmember English said that he thinks that prioritizing feeding seniors is very appropriate and thinks moving it to \$5,000 is a very appropriate level.

Mayor Widmyer asked Ms. Cushing to describe the noncompetitive process and the thought behind it. Ms. Cushing said that it is just a way of tracking those funds and making sure they stay underneath the 15% public service cap. To her knowledge, this is the only noncompetitive grant that the City has entered into through CDBG funds.

Mayor Widmyer opened for public testimony. There was none.

Public testimony was closed.

MOTION: Motion by Edinger, seconded by Gookin, to approve the City's third 5-Year Consolidated Plan for Program Years 2018-2022 and the 2018 Annual Action Plan Budget for submittal to HUD, with an crease in the Meals on Wheels noncompetitive grant to \$5,000.

Motion carried.

Mayor Widmyer commended Ms. Cushing on the wonderful job she has done as CDBG Specialist.

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

The meeting adjourned at 7:12 p.m.

ATTEST:

Steve Widmyer, Mayor

Amy C. Ferguson, Deputy City Clerk