

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

June 6, 2017

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 June 6, 2017 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

**INVOCATION:** Pastor J.O. Owens with Heart of the City Church provided the invocation.

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

**OVERVIEW/UPDATE OF THE COEUR D'ALENE LAKE MANAGEMENT PLAN –**

Laura Laumatia, Lake Management Plan Coordinator with the CDA Tribe, explained the history of the lake and impact that mining has had on areas within North Idaho. She noted that Jamie Bremer with the Idaho State Department of Environmental Quality was present and available to answer questions. Ms. Laumatia explained that lead contamination occurred within the lower Coeur d'Alene River and Lake Coeur d'Alene during the mining industry boom and currently with the seasonal run off and flooding. She described how the goal of the Lake Management Plan is to manage the metabolism of the lake to manage the heavy metals in place and to minimize human exposure and negative impacts to the values the lake provides. She noted that the EPA designated it as a superfund site in the 1980's but the area was only a small extent of the problem. In the 2001 Record of Decision it was noted that there was extensive environmental damage and included a description of the superfund site area to include the Coeur d'Alene River bed and excluded the lake. Ms. Laumatia explained the lake management plan provided an opportunity for local control of the lake heavy metals, to maintain the health of the lake by management of the lake metabolism. Ms. Bremer noted that metabolism within the lake is called the food web and described how it balances nutrients into the system. In freshwater lakes, the two primary nutrients driving metabolism are nitrogen and phosphorus. She noted that the primary purpose in the Coeur d'Alene Lake Management Plan is to reduce the nutrient inputs into the lake that drive the remobilization of metals into the water. She noted the following objectives for the plan: to improve scientific understanding; to establish and strengthen

partnerships; to develop a nutrient reduction action plan; to increase public awareness; and to establish funding mechanism. They look to their partners that make decisions on land that affect the water quality, such as the City of Coeur d'Alene stormwater management. They have identified high nutrient load areas and will focus on those priority areas. She offered to provide additional information as needed. Councilmember McEvers noted that he previously sat on the Basin Commission Board and it was overwhelming how large the affected area was and understands it is quite a cycle of run-off and clean-up. Mayor Widmyer noted that he has been contacted by citizens regarding potential cuts in funding and asked if the superfund site funds are dedicated in a trust. Ms. Laumatia confirmed there are funds within a trust; however, those funds are not available for the Lake Management Plan as the lake was excluded from the super fund site. However, the funds are available for the Coeur d'Alene River cleanup, which helps with the run-off into the lake. She noted that they are concerned about government cuts to educational program funding. Mayor Widmyer thanked both groups for their efforts.

**UPDATE ON THE BOYS AND GIRLS CLUB** - Executive Director Ryan Davis expressed thanks for supporting the facility within the community. He noted that they completed construction on September 6, 2016. Last year they had 3,112 members, 2,640 additional kids served through other programs, with a total of 5,752 youth served. They were open for 2,200 hours, and utilized 308 community volunteers. He listed partnerships throughout the community including service organizations, the School District, local business leaders, churches, and city staff. They have had weekly visits from officers and detectives from the Police Department to interact and build relationships. Mayor Widmyer asked what the biggest challenge is now. Mr. Davis stated that it would be fundraising since the building is built but they are not completely federally funded. Another challenge is membership of 600 -700 kids per site with a waiting list of 400 kids.

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

1. Approval of Council Minutes for the May 16, 2017 and May 25, 2017 Council Meetings.
2. Approval of Bills as submitted and reviewed for accuracy by Finance Department
3. Approval of the General Services and Public Works Committee Meeting Minutes from the meetings held on May 22, 2017.
4. Setting of General Services and Public Works Committees meetings for June 12, 2017 at 12:00 noon and 4:00 p.m. respectively.
5. Approval of a Cemetery Lot Repurchase of Lot N 102, Block V, Section Riverview from James E. Dubacher
6. Approval of a Transfer of Cemetery Lots 01, and 02, Block 71, Section G from Samuel or Christina Johnson to Nancy Johnson
7. Approval of a Repurchase of Cemetery Lot 24, Block, 15 Section A CRE from Rosalind T. Cori
8. Approval of a Transfer of Cemetery Lot 159, Block H, Section RIV from Linda Soderlund, formerly known as Linda Gable, to Connie M. or Anson M. Gable
9. Approval of a Beer and Wine License transfer from Rivelles to Martino Tuscan Grill, 2360 Old Mill Loop Road; Angelo Brunson
10. Approval of an Outdoor seating permit for Rustic CDA, LLC., located at 309 E. Sherman Avenue, Warren Heit

11. **Resolution No. 17-039** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE FOLLOWING CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING FINAL PLAT, SUBDIVISION IMPROVEMENT AGREEMENT, AND SECURITY FOR SS-16-17 UNIVERSITY CITY COMMERCIAL TRACTS; AGREEMENT WITH KOOTENAI HUMANE SOCIETY; ACCEPTANCE OF BID AND CONTRACT WITH ARK COMMERCIAL ROOFING, INC., FOR REPAIRS TO WASTEWATER BUILDING; DECLARATION OF SURPLUS; ACCEPTANCE OF BID AND CONTRACT WITH POE ASPHALT PAVING, INC., FOR CHIP SEAL PROJECT; AND AGREEMENT WITH RIVER'S EDGE APARTMENTS, LLC, FOR CONSTRUCTION OF AND REIMBURSEMENT FOR SELTICE WAY WATER AND SEWER LINES, AND DRIVEWAY APPROACHES.

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

**PUBLIC COMMENTS:**

John Stone, Coeur d'Alene, said he wanted to address an alarming rumor that the City is canceling the Ironman contract. He expressed opposition of such a decision without an open discussion with the community. He is a two-time Ironman and believes it is important to have the event in Coeur d'Alene for the image of a healthy place to live. He felt it was not enough to have a recreational area, and would be ashamed to terminate the arrangement without community input. He noted that there are fifty or more businesses within Riverstone and every little bit helps. Mayor Widmyer noted that the City is on a support level with Ironman and that discussion took place with the Chamber and not the City, so further discussions should take place there.

**ANNOUNCEMENTS:**

Councilmember Miller reminded everyone to join in on the Family Day in the Park event being held this Friday at McEuen Park, where approximately 75 organizations will be present, with lots of fun and free activities for families.

Councilmember Gookin noted that he drove by the carousel and it was working. He noted that the grand opening also takes place this Friday. He thanked Councilmember McEvers' wife who gifted him a wooden bowtie.

**RESOLUTION NO. 17-040**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A LEASE AGREEMENT WITH THE COEUR D'ALENE CHAMBER OF COMMERCE FOR USE OF CITY PARKING LOTS FOR THE 2017 FOURTH OF JULY HOLIDAY.

**STAFF REPORT:** Deputy City Administrator Sam Taylor noted that in the past the City has leased individual lots to entities that have wanted the space to display goods or conduct auctions. The current proposal is from the Chamber of Commerce, and has been recommended by the Parking Commission for approval. It would allow the Chamber to lease the City-owned parking spaces from the City for \$9.00 per space. This is an increase of \$2 per space, which is at the request of the Chamber. The total charged for this special event parking would change from \$15.00 to \$20.00. It is anticipated that this lease will generate approximately \$8,400 to the City's parking fund. The Chamber is proposing to charge \$20.00 per car for parking on the 4th of July in order to generate income to assist with the cost of the fireworks display. The estimated cost of the fireworks display is \$30,000.00. The Chamber has taken on more responsibility for the traffic control expense on that day and will be paying for 23 traffic flaggers. This would be the seventh year of this partnership.

**DISCUSSION:** Councilmember Gookin asked how the enforcement will occur for the area north of the Memorial Field parking lot, which is not paved and is an unpaid area. Mr. Taylor noted that the City blocked that area off today, so it will not be accessible. Additionally, as of July 5<sup>th</sup>, there will be construction equipment at that location.

**MOTION:** Motion by Miller, seconded by Evans to approve **Resolution No. 17-040**, approving a lease of City-owned parking lots to the Coeur d'Alene Chamber of Commerce on the 4th of July.

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

#### **RESOLUTION NO. 17-041**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A COOPERATIVE AGREEMENT WITH PARKWOOD BUSINESS PROPERTIES AND KOOTENAI HOSPITAL DISTRICT D/B/A KOOTENAI HEALTH FOR THE MEDINA STREET AND IRONWOOD DRIVE INTERSECTION PROJECT.

**STAFF REPORT:** City Engineer Chris Bosley noted that Tim Martin presented the US 95 Ironwood intersection update within the past few months, at which time he noted the Medina intersection project. The plans are at 100% ready for construction. As part of Kootenai Health's transportation master plan to improve efficiency around the medical campus, Medina Street will be extended to create a signalized intersection with Ironwood Drive at the entrance to the Kootenai Health parking garage. The City has paid for the design of the intersection. Construction costs will be paid for by Parkwood Business Properties and Kootenai Health as defined in the agreement. Construction is intended to begin in the next couple of months.

**DISCUSSION:** Councilmember Gookin expressed concern with the traffic on Emma westbound from Medina, as the street narrows and is not being fixed with this project. Mr. Bosley said they will be looking at that in the future.

**MOTION:** Motion by McEvers, seconded by Gookin to approve **Resolution No. 17-041**, approving a Cooperative Agreement with Parkwood Business Properties and Kootenai Health District d/b/a Kootenai Health.

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

## **2017 PLANNING DEPARTMENT WORK PLAN**

**STAFF REPORT:** Community Planning Director Hilary Anderson explained that she is seeking Council input to help prioritize the 32 projects currently assigned to the Planning Department, as described in the Council packet. There are two projects that are currently being worked on which are the vacation rental ordinance and the neighborhood compatibility ordinance. She noted some of the shared priorities between the Planning Commission and staff are the East Sherman Master Plan, the Comprehensive Plan Update, general zoning code amendments, Spokane River master planning, amendments to the Downtown Design Guidelines and development standards, as well as a few other options. She asked Council to provide their input and outlined some of the action items that could be included in each of the priority items, such as, applying for a grant for the East Sherman project and more in-depth study of the community for the Comprehensive Plan.

**DISCUSSION:** Mayor Widmyer asked each Councilmember to note their top three priority rankings. Councilmember Evans asked for clarity regarding the Spokane river master planning. Ms. Anderson explained that the item is a combination of the Resolution approved in 2014, that indicated a desire to work with community to ensure waterfront access and ties in well with the Atlas mill site acquisition. She noted that all of those items would fit in with the Comprehensive Plan. Councilmember English said the fast track of the real estate purchase of the mill site and the master planning is much bigger and wondered if it is dependent upon anything else. Ms. Anderson noted that master planning would need to take place if the mill site is acquired. Councilmember Miller asked if the items are weighted by the number of man hours needed to complete the projects. Ms. Anderson noted that the items are just listed, but the priorities listed on the options page are higher priorities. The Comprehensive Plan is the most significant undertaking and if started immediately then they may miss some easy wins and items that can get done quicker with a lot of benefit. The zoning code is a housekeeping matter and infill will require input and involvement from the neighborhoods. Councilmember Edinger expressed concern over the need for the vacation rental code. Ms. Anderson explained that staff brought this item forward, as they found potentially 300 units that are not legal under the current code, so this will provide a way to legalize the use. Councilmember Gookin noted that the vacation rental business does affect his neighborhood (Fort Ground) greatly and is currently not allowed under the current city code. Councilmember McEvers noted that the zoning code had an extensive revamp in 2007 and wondered how much needs to be redone, and wondered what the end product will be for East Sherman. Ms. Anderson noted that the planning efforts for East Sherman would be an aid to economic development and the plan would indicate what a mixed-use district looks like and would include the research of funding mechanisms. Councilmember McEvers noted that the infill is important due to the removal of pocket housing, and believes that the design review regulations should be revamped to be not so vague. Additionally he would

like to include heritage/historic preservation and tiny homes regulations. Mayor Widmyer noted that a lot of work has been done regarding the neighborhood compatibility ordinance and the Spokane River planning could fall into the Comprehensive Plan. Ms. Anderson agreed the Comprehensive Plan would be able to address neighborhoods, but does not set an enforceable code which would need to occur through an ordinance.

Councilmember English noted that he has also heard concerns about vacation rentals and does support a code that lets the community know who they are and provides a mechanism to determine who to contact. He would be cautious about making a neighborhood feel more special than another, and believes that the neighborhood compatibility code should be city-wide.

Councilmember McEvers questioned the format of the Comprehensive Plan as being vague. Ms. Anderson explained that the language can be strengthened, but didn't recommend getting too specific as it can affect land pricing and potential future development. Councilmember McEvers pled for the Council to consider creating a Historic Commission that consists of folks that have the passion. Councilmember Evans asked if the Commission would need to fall under Planning. Mayor Widmyer noted that the City of Boise has their commission under Art, so there is a potential for the Arts Commission to discuss historic preservation. Councilmember Gookin asked that historical preservation be included in the Comprehensive Plan. Ms. Anderson confirmed that the plan could make a recommendation to how to move it forward.

Councilmember Miller noted that Robert Singletary has brought forward information regarding a certified local government and wondered if that could aid in a solution for historic preservation. Deputy City Administrator Taylor noted that Mr. Singletary's proposal would require some staffing and funding. Councilmember Miller asked if the certified local government would provide an opportunity to receive state and federal funds. Mr. Taylor said that preservation funding might be available but no funding for staffing.

Mayor Widmyer asked Council to provide their votes for three priority items. The following were the items brought forward. The Comprehensive Plan, General Zoning Code Amendments, Revised Design Review Procedures, East Sherman Planning, Spokane River Master Planning, and Infill Design Guideline Amendments. Ms. Anderson clarified that the Spokane River planning could be included in the Comprehensive Plan, and the infill amendments can be included with the zoning code amendments.

**MOTION:** Motion by Evans, seconded by McEvers to adopt a Work Plan for the Planning Department with the following priorities: Comprehensive Plan (including Spokane River Master Planning and Historic Preservation), General Zoning Code Amendments (including infill regulation revisions), Revise Design Review Procedures, and East Sherman Master Plan for 2017 and early 2018. **Motion carried.**

## **APPEAL HEARING OF URBAN FORESTRY COMMITTEE DENIAL OF A TREE REMOVAL REQUEST AT 2015 HOGAN STREET BY TONY STEWART**

The Clerk swore in those that provided testimony.

**APPELLANT:** Mr. Tony Stewart explained that he requested three honey locust trees be removed from the right-of-way in front of his house. He noted that the members of the committee and staff have been professional and ethical, polite, and civil and he just has a disagreement on the tree removal. On May 12, 2017, he received a denial notice from the Urban Forestry Committee. He noted that he spoke to representatives from Avista (who inspected the site on two occasions), and they noted that the large roots could possibly create a future puncture to the gas line beneath. Thereafter, staff had asked Avista for clarification. Because the trees are located above the facilities and could be damaging to the facility, an Avista representative noted concern. However, they are not showing interruption of service and cannot prove they are affecting the facilities at this time without exposing the lines. Mr. Stewart did find an 8" wide root. Under the current policies, a new development would not be allowed to place trees over a utility line. He noted that Specialty Tree Services determined that the cutting of the roots and installation of a root barrier would not be a permanent remedy to protect the sidewalk. Mr. Ken Roberge helped start the Urban Forestry Committee and would support the tree removal. Local attorney Norm Gissel is under the impression that it has the potential of a clear and present danger. The line has broken through the tree sprinkler system and Mr. Stewart believes roots are going horizontal and vertical. He would remove the trees at his own expense. The sidewalk is so disrupted; however, that he is having a hard time getting anyone to complete the repairs, so it is not currently wheelchair accessible. If the trees were removed he would replant the trees on the lawn area. Mr. Stewart noted that they are massive trees and not the best trees to abut the sidewalk.

**STAFF REPORT:** Urban Forestry Coordinator Katie Kosanke noted that the Urban Forestry Ordinance requires that the committee members inspect tree removal permits and make recommendations regarding removal of public trees. The inspection form developed by the Urban Forestry Committee prompts inspectors to rate trees by giving negative values for concerns regarding health, condition, site, and nuisance factors. Ability to mitigate these concerns is considered in the values given. Trees can also be assigned positive points for providing assets such as environmental benefits, wildlife values and contributions to streetscape, neighborhood and the overall urban forest. An overall score of -40 is needed for allowing a removal. The average score for the trees requested to be removed by Mr. Stewart was +5, insufficient for a removal/replacement permit. These trees are in a row of similar trees that extend throughout the entire neighborhood. The committee inspected the trees and considered the site conflicts. The committee recommended tree removal if Avista sees any safety concerns. Staff spoke with Jamie Howard at Avista who said that the trees do not present any threat currently to the underground utility lines. He mentioned that this is a common occurrence throughout the entire neighborhood. Avista is not insisting these, or any other trees (planted over the lines), be removed in the neighborhood. If approved, Avista would not assist with the removal or the replacement. She noted that she sent an email back to Avista seeking clarity, and they noted that there could be a disruption of service, but did not reiterate any issue about public safety. Avista's utility lines are located at 3-4 feet underground. Urban trees, such as these honey locusts, have a growing depth about 12-18 inches deep as indicated by the shallow rooting. The city's Water Department reported that the trees are not causing any problems with the water lines, which are located in the street. The Street Department cited some damage to the curb and the street, but noted that it is not any different than many other locations in town. Ms. Kosanke noted that although there are sidewalk conflicts (including one big lift), root pruning

could be done while retaining the trees. The new sidewalk can be slightly sloped or narrowed near the trees, which will assist in preventing future problems. Since the sidewalk problems can be resolved and Avista has confirmed the trees are not a threat to the utilities, the committee recommended to deny the request to remove the trees. The trees have taken approximately 25 years to get to their current size and are healthy and providing values to the street and neighborhood. The problems cited can be mitigated by repairing the sidewalk and making deviations to the new sidewalk. Avista confirmed that the trees do not pose a safety threat. The Urban Forestry Committee was also concerned with setting a precedent for all of the other healthy trees in the neighborhood with similar conflicts. She noted that within the current code there are several reason for trees to be planted 10 feet away from utilities, including that the tree may not need to be removed if utility work is needed. The City Council can uphold the denial of a removal permit or overturn the denial of a removal permit and allow removal of one, two or all three trees with the understanding that required replacement tree(s) from the small street tree list must be planted within the right-of-way.

Urban Forestry Committee member Tim Kastning noted that he has been to the site and stated the trees are approximately 12' in diameter (at chest height,) and at an average height for tree of that age and one root has lifted the sidewalk. He noted his 30 year background as a grower of trees, a nursery owner, a commercial spade owner, and as a certified arborist and noted that in his opinion the root system of this type of tree grows 3-4 feet into the ground and it would be highly unlikely these root systems pose any threat. He did agree that the tree root has created a conflict with the sidewalk. A large root has already severed on the house side of the tree, which will render the root unviable, so when the sidewalk is repaired no further conflict should occur. The Commission is concerned about the needs of the people of the community, and at same time wants to maintain the integrity of the urban forest and tree lined streets.

**REBUTTAL:** Mr. Stewart explained that he has talked several times with Avista on this matter, and he reiterated that there is a potential for future line disruption. He noted that his preference is for the trees to come out, but Avista's representative could not say that to the city. The representative did say that the lines placed in the ground 25 years ago are not as stable as the new lines. Mr. Stewart noted that he does not want the city to set a precedent, but he is troubled that there aren't exceptions to the precedent for unique situations such as this. The decision should be based on the situation. He felt that the trees are not the same throughout the neighborhood. Additionally, he noted that many citizens are upset that the City owns the trees, yet the abutting property owners must take responsibility for the trees' damage. If his property damaged someone else's he would be responsible for that and thinks the city should take on that responsibility. He noted that Mr. Kastning did not inspect the largest tree. Mr. Stewart also said that in the City of Portland, a homeowner can pick one of seven trees and the city plants it and places a root barrier for you.

**DISCUSSION:** Councilmember McEvers noted that the letter from Avista said they were concerned about damage to the facility, and questioned what the city's responsibility would be for that in 10-25 years. Ms. Kosanke explained that the tree roots will not get that deep as water and oxygen are at the soil level. Councilmember McEvers asked how the city's sidewalk repair program works. Ms. Kosanke noted that the Street Department manages that program and they have planned priority areas for each year. Councilmember English asked for clarity regarding



street tree ownership being the city, yet property owners maintain them. Ms. Kosanke confirmed that the trees are public trees, and the city code requires the abutting property owner to provide care and maintenance of the tree. Councilmember English asked if the Council could determine the removal of one tree and leave the rest. Ms. Kosanke confirmed that the Council could make that decision. She noted that the committee did rate all trees together, and noted that the only negative was the sidewalk lifting and that their preferred option was to retain all the trees unless Avista insisted upon removal. Ms. Kosanke noted that the sidewalk conflicts are the price that we pay to have trees along sidewalks, and the trees are really a good size. Councilmember Gookin asked if the City has ever recommended removal based on a sidewalk disruption. Ms. Kosanke noted that it only occurs if the cutting of the roots would significantly affect the health or stability of the tree. Councilmember Gookin asked what is the expected life of a tree. Ms. Kosanke estimated the life would be 60 -80 years. Councilmember Gookin asked if it is possible for a tree company to evaluate any tree in need of removal. Ms. Kosanke confirmed that a company could; however, there are some companies that aren't providing factual information and she would prefer they have a certified tree risk assessor on staff to provide a detailed report. Councilmember Miller asked if the trees lining the street are the species planted at the same time. Ms. Kosanke confirmed that the pattern appears to be honey locust and purple plum throughout the entire neighborhood. Councilmember Edinger commented that the trees belong to the city, but the resident has to take care of it and the resident says he feels the trees are a hazard and could be dangerous. However, the owner is willing to cut the tree and replace the trees. Ms. Kosanke noted that it would take 25 years to get the same benefit and regardless of whether the tree stays or goes, the sidewalk does need to be repaired and it can be repaired while retaining the tree.

Motion to deny the appeal by Gookin, died for lack of second.

**DISCUSSION CONTINUED:** Councilmember Miller wondered if there could be a compromise with one tree removal. Mr. Stewart explained that there are actually two trees that are most serious, the one that is raising the sidewalk and the one further north that is over the utility line. There are five total but he would recommend two removals. Mr. Stewart also noted that two years ago he received a letter from Avista that they would be replacing lines in the area, which would possibly require the trees to be removed. He further suggested that the Parks and Recreation Commission look at the ordinance to be more specific about what type of tree goes where. Councilmember Gookin asked when Mr. Stewart discovered the power lines under the trees. Mr. Stewart said that he has known for a while as he did a "Call Before You Dig" with markings approximately 3-4 years ago. He just did not realize magnitude of the problem until recently.

**MOTION:** Motion by McEvers seconded by Miller to allow Mr. Stewart to remove the tree that is upheaving the sidewalk and replace it with tree with less impacting and direct staff to prepare the Findings and Order.

**DISCUSSION:** Councilmember Miller explained that she believes that until Avista insists that a tree be removed, and not just noting that it could cause damage and/or create disruption, the City should follow the urban forestry policy. She would recommend removal of the one tree that is the most impacting. Councilmember Gookin noted that the testimony from Mr. Kastning

indicated that this tree does not have feeder roots and is not going to go down to the Avista line. He agrees that there will be an impact to sidewalks due to having street trees; however, the tree has been there 25-years and root barriers can be installed so trees should not be removed due to sidewalk upheaval. Councilmember Evans noted that she agrees on a compromise as the safety factor is a concern. She expressed great faith in committee; however, she is comfortable with a compromise. Mayor Widmyer asked for clarification as to which tree is causing the damage. Mr. Stewart noted that the tree doing the most damage is the one affecting the sidewalk and that the other tree is just closer to the utility box.

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

### **RESOLUTION NO. 17-042**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN AMENDMENT TO THE GRANT OF EASEMENT - MARINA DRIVE WITH MARINA YACHT CLUB, LLC, MARK E. HALL AND ANNE C. HALL, TOGETHER WITH MATTHEW ALEXANDER HALL.

**STAFF REPORT:** City Attorney Mike Gridley noted that in 1996 a Grant of Easement for Marina Drive was recorded, granting an easement to the City for public ingress and egress on Marina Drive. However, the easement that was granted is inconsistent with the actual location of Marina Drive as constructed. This amendment will match the legal description of the easement with the location of the road as constructed.

**MOTION:** Motion by Gookin, seconded by McEvers to approve **Resolution No. 17-042**, approving an Amendment to Grant of Easement for Marina Drive with Marina Yacht Club, LLC and Mark E. Hall and Anne C. Hall.

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

### **COUNCIL BILL 17- 1023**

AN ORDINANCE AMENDING SECTION 5.75.050 OF THE COEUR D'ALENE MUNICIPAL CODE TO MOVE THE REGULATION OF COMMERCIAL ACTIVITY ON WATERWAYS FROM SUBSECTION A TO SUBSECTION C; PROVIDING FOR THE REPEAL OF OTHER CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

**STAFF REPORT:** Parks and Recreation Director Bill Greenwood explained that there have been some recent changes to the code regarding mobile concession for commercial activity within the City of Coeur d Alene. Staff has determined a better route to protect the public waterways is through the Parks and Recreation Department due to their experience and connection to the waterways.

**DISCUSSION:** Councilmember Gookin asked if this amendment would allow better control of vendors along the waterfront. Mr. Greenwood confirmed that this change would work better. Councilmember Edinger noted that the Park and Recreation Commission reviewed the changes at their most recent meeting and are in favor of the proposal.

**MOTION:** Motion by English, seconded by Miller, to dispense with the rule and read **Council Bill No. 17-1023** once by title only.

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

**MOTION:** Motion by English, seconded by Miller, to adopt **Council Bill 17-1023**.

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

**EXECUTIVE SESSION: Motion** by McEvers, seconded by Evans to enter into Executive Session pursuant to Idaho Code 74-206A (a) - Considering a labor contract offer or to formulate a counteroffer; and (b) Receiving information about a specific employee, when the information has a direct bearing on the issues being negotiated and a reasonable person would conclude that the release of that information would violate that employee's right to privacy.

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

The City Council entered into Executive Session at 8:37 p.m. Those present were the Mayor, City Council, City Administrator, Deputy City Administrator, and City Attorney. Council returned to regular session at 9:05 p.m.

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

The meeting adjourned at 9:05 p.m.

ATTEST:

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Steve Widmyer, Mayor

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Renata McLeod, CMC, City Clerk