

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

July 17, 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, July 17, 2018 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

INVOCATION: Pastor Pace Hartfield from One Place provided the invocation.

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

ANNOUNCEMENT BY THE CITY ADMINISTRATOR: City Administrator Troy Tymesen noted that there have been many social media comments regarding the Best Avenue mobile vendors. The City of Coeur d'Alene has been working with the property owner of 510 Best Avenue for two years to help him come into compliance with the food court regulations. The property owner had participated in the process of development of the food court regulations. These regulations address public safety issues such as access for emergency vehicles, an outbuilding constructed without permits, inadequate parking stall requirements (3 per vendor), the need for a public restroom, and payment of sewer cap fees for outdoor seating. A meeting was held with the property owner on May 22, 2018, reiterating the requirements that were provided to him on May 19, 2016. At that time, he stated that he would obtain the required building permits and comply with the other code requirements within the following two weeks. The City repeatedly provided additional time for the property owner to comply, but to no avail. Since his food court is not currently licensed and he has failed to comply with City Code, the City cannot license the vendors at that location and so notice of the requirement to move was provided to the vendors. Mayor Widmyer noted that the City is not trying to put the individual vendors out of business, but the property owner needs to comply with the City ordinance and the City will continue to work with the vendors. Councilmember Gookin noted that the notice stated that the vendors have 7 days to relocate and wondered what the City can do to ensure that the vendors are not shut down on Friday. Mr. Tymesen noted that the City wanted to put them on notice and communicate that they are not within a licensed food court, and that the owner needs to comply with the code and staff will continue to work with the vendors. Councilmember

Gookin noted that he worked to bring this code forward and he knew that there might be amendments needed to the code as it evolves and felt that the City should have room to make accommodation and give some latitude. Mr. Tymesen noted that the vendors have been given verbal updates by code enforcement. Councilmember McEvers concurred that the City has been working on this code compliance for a long time and the vendors are caught in the middle. He noted that if the owner is not going to comply, it puts the City in a difficult position for the next one that comes in, and the vendors continue to suffer. He wondered if there is a way to apply a fine to the owner that can continue to pile up and let the vendors keep working. Mr. Tymesen stated that the City can issue citations and has issued one already. The City is currently looking for a step forward that shows action from the owner. Councilmember Edinger said that he thought that these codes were ironed out a couple years ago with input from the vendors and court operators. Mr. Tymesen confirmed that the code was completed in 2016, and that staff is now working to enforce the code. Councilmember English noted that he remembers spending a lot of time on code development. There was a lot of discussion about creating vendor opportunity and life safety issues and believes the City has a responsibility to uphold that code. Otherwise, it can put people at risk and it is not fair to those who are complying with the code. He felt that if the owner has had two years to comply with the code maybe it is not the business for him. Councilmember English noted that staff has given some grace period and some flex but now it is time to enforce the code and it seems reasonable. Mr. Tymesen noted that staff had a meeting with the property owner in the spring trying to get the work done prior to the summer season. Mayor Widmyer reiterated that no one wants to shut the vendors down, and wondered how to best get the owner to comply with the ordinance while letting the vendors operate while the property owner comes into compliance. City Attorney Randy Adams noted there is discretion of the code enforcement officer for when to issue tickets or not and noted that there are only two of the food trucks within the court that have applied for their license and received fire inspections. The Mayor suggested that staff get the food truck representatives and the owner together to discuss the compliance issues. Councilmember Miller noted that when the ordinance was designed the property owner and vendors were involved and this code enforcement has been ongoing for a couple of years. She wondered if there is anything in the code that would require agreements between the property owner and the vendors outlining the requirements of the food court owner. She reiterated that the property owner did not comply with the code and now his tenants are being affected. She would also like the City to attempt to help but not if it is going to happen again. Councilmember Miller felt that restrooms and safety should be the priority. Councilmember Evans asked if the City has had communication with the property owner since the notice went out. City Clerk Renata McLeod noted the owner requested another copy of the project review notes outlining the requirements.

PUMP SKILLS FLOW (PSF) PARK PRESENTATION: Trails Coordinator Monte McCully and Bike Advocates Kent Eggleston and Al Casile provided a presentation to the City Council explaining that pump tracks consist of a continuous circuit of dirt rollers, berms and jumps that loop back on to it and do not require any pedaling to maintain speed. Mr. McCully noted that this is unique in that it incorporates three elements into one park. He noted that there are different types of material available; however, dirt tracks can be changed easily where built-in-place tracks are not moveable. They provided a video demonstration regarding track usage. Mr. McCully explained that a skills park is a little different from a pump track, but this track would be signed according to expertise level. He explained that a flow trail is a large sized pump track,

which would fit well south of the bridge. He also noted that the location identified in the master plan for the track is south of the Highway 95 bridge, to the BLM boundary, to Hubbard Avenue. He noted that there are volunteers set to help build the track and will move forward with the build of some of the features. Mr. Eggleston noted that the users groups that would use this would be youth and they currently have a middle school high school sports group established for the use. He noted that this is an opportunity for elementary school riders to practice and develop their skills. Mr. Casile noted that his expertise is in trail construction and that he worked on the Canfield natural area and has coordinated \$30,000 worth of labor and he has more people interested in this area, so he thinks it will be double the value. This area seems to have more families interested in volunteering and using these types of trails. Councilmember McEvers asked if they would be installing restrooms. Mr. McCully noted that they do not have restrooms in the plan but will plan on a port-a-potty and keep the vegetation in a natural state for affordability. Councilmember Gookin said he liked the project and noted that staff should check into any ITD easements in the area. Councilmember Miller said she loved the idea that there is a spot for little riders and asked if the track will be closed at night like other parks. Mr. McCully confirmed the hours would be from sunset to sunrise like other parks. Councilmember Evans thanked the group for their efforts and the volunteers that will make it happen.

PUBLIC COMMENTS:

Pat Kinney, Coeur d'Alene, noted that he owns the food court on Best Avenue, and has been talking to the different departments. He believes that the issues are being addressed and will meet with the Water Department on Thursday. Mayor Widmyer noted that Ms. McLeod would give him additional information. Mr. Kinney said that he agreed with the requirements and believes they make sense.

COUNCILMEMBER ANNOUNCEMENTS:

Councilmember Gookin noted that he has met with Police Association President Johann Schmitz and wished the Council would approve the contract or bring it up for discussion as it only has the medical portion to be finalized, so it seems it could be approved with that piece missing. Mayor Widmyer explained that the contract would come forward when it is complete.

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

1. Approval of Council Minutes for the July 3, 2018 Council Meeting.
2. Approval of Bills as Submitted.
3. Approval of Financial Report.
4. Setting of General Services and Public Works Committees meetings for July 23, 2018 at 12:00 noon and 4:00 p.m. respectively.
5. Setting a public hearing for August 7, 2018 for various fee amendments including clarifications, increases, and deletions to fees for the Planning, Municipal Services, Wastewater, and Water Departments
6. Setting of a public hearing for August 21, 2018 for A-1-18 - A proposed 1.22 acre annexation from Agricultural Suburban to R-17 zoning district for 2400 N. 15th Street; Applicant: Aspen Homes and Development, LLC

7. Approval of the Outdoor Eating Encroachment Permit for Woops! Bakeshop located at 119 N. 4th Street for 12 seats
8. Approval of a final plat for SS-5-17 - Short Subdivision for Lake Coeur d'Alene Apartments
9. **RESOLUTION NO. 18-036** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE APPROVAL OF THE FINAL PLAT, AGREEMENT TO PERFORM SUBDIVISION WORK, AND APPROVAL OF SECURITY FOR THE AGREEMENT REGARDING THE DAVIDSON DUPLEXES (SS-18-02).

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

RESOLUTION NO. 18-037

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AND ACCEPTING AMENDMENT NO. 1 TO THE SOLID WASTE SERVICES CONTRACT WITH NORTHERN STATE PAK, LLC, d/b/a COEUR D'ALENE GARBAGE SERVICES.

STAFF REPORT: City Administrator Troy Tymesen noted on April 19, 2016, Council approved the Solid Waste Services Contract (hereinafter "Contract") with Northern State PAK, LLC, d/b/a Coeur d'Alene Garbage Services (hereinafter "CDA Garbage"). The Contract was effective July 1, 2016, and CDA Garbage has fully performed in accordance with the terms and conditions of the Contract since then. This Contract provided for the collection of solid waste and single stream recycling materials, and included a glass reuse/recycle program. In May 2018, CDA Garbage requested an increase in compensation for single stream recycling and a modification in the type of recycling which must be accepted under the Contract. He noted that at the June 19, 2018 City Council meeting, Council directed staff to draft amendments to the Contract in accordance with its comments. The Mayor, staff, and CDA Garbage representatives met to discuss the amendments on July 6, which resulted in the mutually agreed upon proposed Amendment No. 1. CDA Garbage would be responsible for the first \$20 per ton that includes hauling, which would be for one year and would allow the City to understand what is happening. They are proposing to modify the list of allowable recyclables to remove paper cartons, aluminum foil and trays, plastic jars, tubs, trays, cups and plastic pill containers. The City will need to do education on this change. Mr. Tymesen noted that contract language was added that specifically identifies what happens with recycling when someone is not following the regulations of the program. Currently, the plan is to provide education through November of this year, during which the hauler will continue to take the single stream recycling and tag the bin when non-recyclable material is found. Thereafter, the hauler will no longer dump the recycle bin and will retag the bin so the citizen understands their recycle waste is contaminated.

DISCUSSION: Councilmember McEvers asked for clarity as to what occurs if a pizza box is placed in the recycle bin. Mr. Tymesen explained if that occurs prior to November and the hauler catches it, they would provide education that food waste contaminates the rest of the material and the citizen will receive notice. After November, the citizen's bin will be tagged and

not dumped; however, there is no extra charge. Councilmember Evans asked if there was discussion on other ways to educate the community to include newspaper ads, PSA's on the City's PEG channel, letters, etc. as she is worried about notification and that a couple more touches would be helpful. Mr. Tymesen noted that at this point if the community could eliminate plastic bags and food waste it would be a huge improvement. Mayor Widmyer noted that the education effort is a huge part of moving forward. Councilmember Edinger asked if the recycle bin would continue to be picked up every two weeks. Mr. Tymesen confirmed that the schedule would remain in place and there are no changes to the route. Councilmember Miller noted that the recycle issue is a nationwide wide issue and many cities have not figured out how to manage it without rate increases. She asked for clarification regarding the change from \$17,000 month to the current ceiling of \$25,000. Mr. Tymesen clarified that the ceiling is the maximum amount the fund could handle and that the goal was to create a guardrail to prevent unexpected expenses. Councilmember Miller asked if, at the point the costs exceed the ceiling amount, would this item come back to Council. Mr. Tymesen confirmed that he will bring it back to the Council and will review it monthly.

MOTION: Motion by Gookin, seconded by English to approve **Resolution No. 18-037**, approving Amendment No. 1 to the Solid Waste Services Contract with Northern State PAK, LLC, d/b/a Coeur d'Alene Garbage Services.

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

FUNDING OF A CHANGE ORDER NO. 1 TO THE IGNITE CDA AGREEMENT WITH T. LARIVIERE FOR THE DOWNTOWN PARKING FACILITY FOR PARKING EQUIPMENT AND CAMERAS.

STAFF REPORT: City Engineer Chris Bosley explained that he is requesting the Council approve funding for the downtown parking garage ticket and camera equipment. The contract for the parking garage design and construction included conduit and placement locations identified for the installation of access control and payment equipment, but the equipment itself was not included in the contract. This allowed the project to begin before it was determined the type of equipment that would be used. Throughout the project, City staff has been looking for cost effective opportunities to obtain the needed equipment and has worked with IT and emergency services to understand their needs for such equipment. After discussions with multiple suppliers, staff has found an affordable solution. On March 29, 2018, staff came before Council for approval to reject the only bid for access control and management, and CCTV equipment received at that time, which was in the amount of \$495,680. Rejection of that bid allowed for the design and construction team to seek a less costly solution for the purchase and design of parking garage access and management equipment, as well as CCTV equipment. The cost to purchase and install this equipment will not exceed \$310,097, with the exact cost determined upon installation. Mr. Bosley presented examples of the equipment and noted that the funding source is proposed to be the Parking Fund. Because the construction contract for the garage is between the contractors and ignite CDA and the City is responsible for purchasing and installation of this equipment, a change order will not be used by the City for this work. Rather,

the City will pay ignite CDA for the cost of the equipment and installation, and ignite CDA will take care of the actual purchase and installation of the equipment.

DISCUSSION: Councilmember McEvers asked about the issue of people driving through gates and breaking them, and causing issues with no backups and long timelines for repair. Mr. Bosley noted that they were assured of a fairly low cost for replacements. Councilmember McEvers asked for clarification regarding where you can pay for parking and what method of payment will be accepted. Mr. Bosley explained that the customer would receive a ticket at the entrance and pay on the way out. This method assures quick entrance into garage without traffic backing up on the street. He also noted that currently it would be a credit only type of machine. Councilmember McEvers asked who would run the web-based program. Mr. Bosley stated it could be contracted out to a company like Diamond Parking, or through a direct connection to the Park Direct System that allows for camera access to folks at the pay center and can open the gate if the machine is not working. Mayor Widmyer noted that it would be similar to parking lots in Boise and asked if there would be a way to pay prior to the exit gate. Mr. Bosley noted that there are foot pay systems that can be added, but at increased cost, so currently the plan is for pay at the exit only. Councilmember Edinger asked what the cost would be to park in the garage. Mayor Widmyer noted that the Parking Commission will study rates and that the fees have not been determined yet. He assumes that there will be a free element, but that discussion will be a part of the recommendation from the parking study.

MOTION: Motion by Evans, seconded by McEvers to approve the funding of Change Order No. 1 to the ignite cda Agreement with T. LaRiviere for the Downtown Parking Facility.

Motion carried.

QUASI-JUDICIAL PUBLIC HEARING – ZC-2-18: APPLICANT: LAKE CITY ENGINEERING; PROPOSED ZONE CHANGE FROM R-3 AND C-17 TO R-17, 1820 W. PRAIRIE AND 7845 N. RAMSEY ROAD

STAFF REPORT: Associate Planner Tami Stroud, presented the staff report, including a review surrounding land use, Comprehensive Plan policies for consideration, physical characteristics, and neighborhood character. She noted that the zone change request is for two existing parcels located near the southwest corner of the intersection of Prairie Avenue and Ramsey Road. She noted that the following findings will need to be determined: that this proposal (is) (is not) in conformance with the Comprehensive Plan; that public facilities and utilities (are) (are not) available and adequate for the proposed use; that the physical characteristics of the site (do) (do not) make it suitable for the request at this time; that the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses. Ms. Stroud commented that the Planning Commission unanimously voted to approve the zone change.

DISCUSSION: Councilmember McEvers asked for clarification regarding the location of the current apartment project. Ms. Stroud noted that there is a portion of land along Ramsey Road that currently has a building permit in the queue for apartments, which is the first segment of land in the zone change request.

Mayor Widmyer called for public comments and the Clerk conducted the oath for each of those testifying.

APPLICANT: Gordon Dobler from Lake City Engineering spoke as the owner's representative. The owners are noted as Copper Basin Construction and Michael Kobold. He clarified that there are two separate parcels included in the request, the first parcel is zoned R-3 and is approximately 2.78 acres, the second piece is zoned C-17 and is approximately 4.63 acres. The C-17 parcel is in the queue for approval of development. The owner is requesting the zone change so the parcels would not be a split zone and would result in abutting lots that are all zoned R-17. The intent is to use a portion of the R-3 piece; however, there are no guarantees at this point. Mr. Dobler noted that this request does conform to the Comprehensive Plan.

DISCUSSION: Councilmember Gookin asked if the owners were going to short plat the property. Mr. Dobler explained that they would have to determine the best way to go; a boundary line adjustment or a short plat are options. Councilmember Gookin asked what the total acreage would be if joined together and how many units they are currently proposing. Mr. Dobler explained that the parcel would increase by 1.4 acres and that they are currently proposing 78 units.

PRIMARY OPPONENT: Art Macomber, noted that he is a property attorney and that his clients own the parcel that is currently for sale. They have been informed by the realtor that the new project causes a loss of \$200,000 from the potential sale of their home. Mr. Macomber felt that it was inappropriate to rezone this parcel as zoning provides stability and should change rarely, and this parcel would have gone through two zone changes in two years. He feels that consideration should be for the neighbors surrounding the parcel. If the two parcels are changed to R-17 there could be 118 units built and it would be a major impact to the area. He noted that the zoning statutes talk about zoning districts, not parcels, which means zoning should be in a larger district and this request is not a district. He believes the height allowance for the apartments could be up to 45' tall and will look over his client's yard and appears to be a much greater impact. He discussed the history of the area C-17 zoning, noting that the southern parcel is a residential use, as it was only changed to commercial due to parking of tractor-type vehicles. He noted that the statute says particular consideration should be giving to agencies including school districts and he did not believe that enough effort was given by the Planning Commission to seek input on the area impact to the schools, and he thinks it violates state code. Mr. Macomber does not believe this should be labeled as an infill project and he believes that an R-3 is the best zone for the area. He noted that this is the first he has heard of the existing project in the queue for a building permit on the C-17 parcel. He requested the Council take a step back and look at the growth impact of this decision.

DISCUSSION: Councilmember Gookin asked how the zone change affects the client's property value by \$200,000, but the property already zoned C-17 south of property, which has no height limits, does not. Mr. Macomber noted that the realtor noted that the height of the buildings was a factor. Councilmember Gookin asked where the closest multifamily development is currently. Councilmember English noted he lives in Coeur d'Alene Place and travels the area often, so he knows the apartments are a little further down Ramsey Road near the Maverick gas station. Mr. Macomber noted that since the area is in transition, the City should

take care of development when dealing with this area. Councilmember McEvers noted that the City also needs housing for families and the City is looking at the city limit boundaries. He knows that someone is always going to feel the pressure of change. Mr. Macomber stated that he does not think that this spot, at the edge of the city limits, should have the highest residential impact. He reiterated the density is a problem as a future impact to the schools. Councilmember McEvers noted that they invited the schools in to comment on the Comprehensive Plan and they were not able to give input. Mayor Widmyer asked legal counsel if the City is violating any codes in their notice to the School District. Deputy City Attorney Randy Adams explained that the City sent a notice to the District for input and if they did not respond; therefore, there is nothing for the City to discuss as there is no evidence supplied.

APPLICANT REBUTTAL: Mr. Dobler reiterated the C-17 is requested to downgrade to R-17 and the appropriateness of the zoning is to look at the areas as abutting two busy streets with over 20,000 cars per day use and he thinks the worse zone for the area is R-3 for that area. Access on to Prairie Avenue needs to be considered, and the sewer comes to the south, not through the parcel.

Public testimony was closed.

DISCUSSION: Councilmember Gookin asked if notice letters were sent out and, if so, how many responses were received. Ms. Stroud confirmed notice went to the property owners within 300' and no responses were received. Councilmember Gookin asked for clarification regarding the height restrictions between the R-17 and the C-17 zones. Ms. Stroud noted that the C-17 zone does not have a height restriction; however, some differences include setbacks as in a C-17 it would be a 10' setback in the front and zero on the sides and rear. She clarified that with a multifamily development it would be different even in a C-17 zone. Councilmember Gookin asked what the open space requirements would be. Ms. Stroud noted that since this development is not a PUD, there are no open space requirements.

MOTION: Motion by McEvers, seconded by Evans to approve ZC-2-18: Proposed Zone Change from R-3 and C-17 to R-17, 1820 W. Prairie and 7845 N. Ramsey Road Applicant: Lake City Engineering, LLC, and to make the necessary Findings and Order.

DISCUSSION: Councilmember Gookin said that he felt that the Mr. Macomber presented good arguments; however, he feels the weakness is the Comprehensive Plan, as it does not explain what it should look like in ten years. Since the area appears to be set for commercial development all the way down, he would lean toward C-17 to be consistent. Councilmember Gookin noted that the developer would still build apartments on the C-17 zone. Councilmember McEvers explained that he thinks that the Comprehensive Plan is supposed to provide variety, not tell you what to do, and he would support this development.

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

RECESS: Motion by Gookin, seconded by Evans to recess to a Council Budget Workshop for Fiscal Year 2018-2019, on July 31, 2018 at 9:00. a.m. in the Library Community Room located at 702 E. Front Avenue. **Motion carried.**

The meeting adjourned at 7:49 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC, City Clerk