

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

MARCH 5, 2019

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, March 5, 2019 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

**INVOCATION:** Pastor Sean McCartin with Life Center CDA provided the invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember McEvers led the Pledge of Allegiance.

**PUBLIC COMMENTS:**

Doug Fagerness, Coeur d'Alene, thanked the Mayor for the proclamation he signed identifying March 7 and 8 as Coeur d'Alene Waterkeeper days. He noted that we can all agree that the quality of water in the lake is important.

**COUNCIL ANNOUNCEMENTS:**

Councilmember English wanted to clarify that he normally returns all citizen messages; however, due to the hearings tonight being quasi-judicial the Council is not allowed to have ex-parte communication. He wanted people to understand why he and the rest of the Council were not able to respond regarding these issues.

Mayor Widmyer noted that on Monday morning they learned that Frank Orzell had passed away. Mr. Orzell has been a civic-minded person over the years and Mayor Widmyer noted that he had a great sense of humor. The mayor offered condolences to Mr. Orzell's wife, friends, and family.

**CONSENT CALENDAR:** **Motion** by McEvers, seconded by Miller, to approve the Consent Calendar.

1. Approval of Council Minutes for the February 19, 2019 Council Meeting.

2. Approval of Bills as Submitted.
3. Approval of Public Works Committee Meeting Minutes from February 25, 2019.
4. Setting of General Services and Public Works Committees meetings for Monday, March 11, 2019 at 12:00 noon and 4:00 p.m. respectively.
5. Acceptance of Quitclaim Deeds
  - a. Fernan Lift Station from DBH Properties, LLLP
  - b. Library Property from ignite cda
6. **RESOLUTION NO. 19-008** – A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED AGREEMENT AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE, INCLUDING: REMOVAL OF PERSONNEL RULE 22: POLICE AND FIRE PAYBACK PROGRAM, AND OTHER GENERAL HOUSEKEEPING AMENDMENTS TO THE PERSONNEL RULES: AN AMENDMENT TO THE COEUR D'ALENE FIREFIGHTERS LOCAL NO. 710, IAFF AGREEMENT, ELIMINATING CONFLICTING LANGUAGE AND CLARIFYING THE BENEFIT FOR CONSERVATIVE SICK USE, TO BE RETROACTIVELY EFFECTIVE OCTOBER 1, 2018; AND A STATE/LOCAL AGREEMENT FOR CONSTRUCTION OF THE LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL (LHTAC) LOCAL STRATEGIC INITIATIVES PROGRAM PROJECT TO INSTALL A TRAFFIC SIGNAL AT ATLAS ROAD AND INDUSTRIAL LOOP AND TO ELIMINATE A GAP IN THE ATLAS ROAD TRAIL.

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

**COUNCIL BILL NO. 19-1003**

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO C-17L, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- .67 ACRE PARCEL LOCATED AT 925 W. EMMA AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

**MOTION:** Motion by Gookin, seconded by Miller, to dispense with the rule and read **Council Bill No. 19-1003** once by title only.

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

**MOTION:** Motion by Gookin, seconded by Edinger, to adopt **Council Bill 19-1003**.

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

**LEGISLATIVE PUBLIC HEARING: V-19-01 – VACATION OF A PORTION OF 5TH PLACE RIGHT-OF-WAY ADJOINING THE EAST BOUNDARY OF LOTS 1 THROUGH 6, BLOCK 1, REID’S SUBDIVISION OF BLOCK 33 IN THE CITY OF COEUR D’ALENE**

**STAFF REPORT:** Engineering Project Manager Dennis Grant explained that the applicants, David and Sheran Woodworth, are requesting the vacation of a twelve-foot (12’) portion of right-of-way along the west side of 5<sup>th</sup> Place, between Montana and Roosevelt Avenues. The City requested that Mr. Woodworth obtain signed approval from the other 5 property owners that they will agree to this vacation adjoining their property. All property owners have agreed and signed the letter that Mr. Woodworth sent out. As stated in the staff report, the Planning Department noted that a garage and bedroom addition were permitted for 834 N 5th Street; however, during the middle of construction, errors on the plans were discovered during a site visit. The property lines shown on the plans were found to be inaccurate, and the structure was not built to what was approved (although the property lines were inaccurate, the structure should have still met all setbacks according to the measurements shown on the plans). After discovering the inaccuracies with the plans, the contractor and the owners were contacted. This prompted multiple meetings between the Woodworth’s and city staff. Many non-compliance issues were discussed, including garage doors, driveway length, rear setback, and the height of the accessory structure within the rear yard setback that exceeded the permitted maximum of 18 feet. Staff also brainstormed potential solutions with the Woodworth’s to see if there were any options to bring the garage into compliance and avoid major alterations to the structure. One of the discussed options was a potential vacation of the right-of-way for the full length of 5th Place along the west side of the street to the curb to gain the needed amount of property so that the rear setback would align with the code requirement and would bring the height of the accessory structure (garage) in the rear yard into compliance with the 18-foot maximum height in the 25-foot rear yard setback. The vacation would also make some of the other properties along the west side of 5th Place legal and compliant with the Code. Staff also said that in order for a vacation to be supported, that it would need to be for the full length of 5th Place on the west side of the street. Therefore, the vacation of the access adjoining this lot would not impact the City and would be a benefit to the property owner. Mr. Grant noted that he sent out 50 notices and received 3 responses, all of which were in support.

**DISCUSSION:** Councilmember Gookin asked for clarification regarding how this came forward. Mr. Grant explained that a building permit was approved with a site plan that showed the correct setbacks. While it was being built, it was constructed to encroach into the right-of-way, rather than within the site plan setbacks. Councilmember Gookin asked how much were the fees for an application for vacation. Mr. Grant noted that the fee is \$300.00. Community Planning Director Hilary Anderson noted that the review of the site plan by staff was accurate but the applicant did not show the accurate property lines on the plans. There was a discrepancy regarding where property lines were and the structure was not built according to the plan. Staff looked at options to avoid having to tear down the structure. The vacation appeared to be the best option since the right-of-way only serves as alley access to the property owners and the

vacation would cure a unique situation that also brings other properties into compliance for old uses. Councilmember Gookin said that he does not believe it is a unique issue, and the city should be better at ensuring the lines are correct.

**PUBLIC TESTIMONY:** The mayor opened the meeting for public comment.

Rachel Happeny, Coeur d'Alene, noted that she lives on 5<sup>th</sup> Street, and is in support of the vacation. She clarified that as a property owner in the area, the right-of-way does appear to be a part of the property due to fences, landscaping, and curbing previously installed. She supports the vacation as it does not appear that there are any planned uses for the property by the City.

**MOTION:** Motion by Gookin, seconded by Miller to waive the vacation fee.

**DISCUSSION:** Councilmember Gookin felt that it would be a frustration to any property owner, and that the City should be more mindful in their building permit reviews regarding where property lines are. Councilmember Miller noted that the responsibility for property line location is that of the homeowner and that the vacation process still costs staff time, and did not believe it was fair to waive the fee. Councilmember English noted that he is in favor of the vacation request, and believes it is a good solution to a problem where no one intended a problem. Additionally, he noted that there are costs associated to it and the owner did not request a fee waiver, so in fairness to all tax payers he cannot support fee waiver.

**Motion failed.**

#### **COUNCIL BILL NO. 19-1004**

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF 5TH PLACE RIGHT-OF-WAY, ACCORDING TO REID'S ACRE TRACTS, RECORDED IN BOOK "A" OF PLATS, AT PAGE 141, RECORDS OF KOOTENAI COUNTY, IDAHO, GENERALLY DESCRIBED AS SIX PARCELS OF LAND ADJOINING THE EAST BOUNDARY OF LOTS 1 THROUGH 6, BLOCK 1, REID'S SUBDIVISION OF BLOCK 33 IN THE CITY OF COEUR D'ALENE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

**MOTION:** Motion by McEvers, seconded by Evans, to dispense with the rule and read **Council Bill No. 19-1004** once by title only.

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

**MOTION:** Motion by McEvers, seconded by Evans, to adopt Council **Bill 19-1004**.

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

**LEGISLATIVE TREATED AS QUASI-JUDICIAL PUBLIC HEARING: ZC-4-18:  
APPLICANT: RIVERS EDGE APARTMENTS, LLC; LOCATION: 3528 W. SELTICE  
WAY REQUEST: A PROPOSED ZONE CHANGE FROM R-12 TO C-17**

**Staff Report by:** Mike Behary, Associate Planner, presented the staff report stating that the applicant is requesting the zone change from R-12 to C-17 on 7.8 acres of land. He reviewed surrounding land use, Comprehensive Plan policies for consideration, physical characteristics, and neighborhood character. He noted that the zone change request is for a site located south of Seltice Way, north of the Spokane River, and west of and adjacent to the Atlas Mill site. The subject property is currently vacant. Prior to 2004, the subject site was once part of a large saw mill facility that was active on this site for many years. The applicant's overall property was annexed into the city in early 2014 with C-17 and R-12 zoning. According to the staff report, the applicant owns a triangle parcel ("RE Exchange Property") that is surrounded by the City owned Atlas Mill site. The City also owns the old abandoned BNSF Railroad right-of-way ("City Exchange Property") that bisects the applicant's overall proposed project area. The applicant and the City have executed a Memorandum of Understanding (MOU) that expresses the applicant's and City's desire to complete a land exchange of the two mentioned properties. The majority of the applicant's proposed project is currently zoned C-17 and the smaller portion is zoned R-12. The applicant has indicated he would like to correct the split zoning issue with his proposed project and to have one uniform zoning district over the whole project. The applicant has stated that he intends to develop the property with a residential use only. If the zone change request is approved and the land exchange between the applicant and the City is completed, then the applicant intends to build a multi-family apartment complex on the overall 25-acre site. It should be noted that the applicant's proposed multi-family development of the property is not tied to the requested zone change. If the subject site is approved to be changed to C-17, then all permitted uses in the C-17 Commercial District would be allowed on this site, subject to the terms of the Annexation Agreement regarding the property. Mr. Behary 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. Mr. Behary reviewed proposed conditions to be included in the findings and noted that the Planning Commission voted to approve the zone change.

**APPELLANT:** City Attorney Mike Gridley noted that he was speaking on behalf of the City as a co-applicant, as the city-owned railroad property runs through the land that Mr. Douglass (the applicant) is requesting for re-zone. He reviewed the history of the property and the City's desire to protect and acquire public waterfront via the resolution passed in 2014. He provided some photographs of existing waterfront public space. He noted that if a greenspace trail was built it would follow along the BNSF railroad right-of-way. With the applicant's proposal it would allow green space and trail along the river matching the proposed trail at the Atlas waterfront site, and would add 1,600 feet of waterfront access to the public inventory. The City

would also include stabilization of the riverfront to blend with the Atlas river front. He noted that the City has entered into a Memorandum of Understanding with Mr. Douglass to see if a land exchange could be worked out with the applicant for a triangular piece of property on the Atlas Mill site in the middle of the City-owned property in exchange for the railroad property through Mr. Douglass's property. He estimated that value of the triangle piece between \$1.5 Million Dollars to \$2 Million Dollars, and the railroad property is worth approximately \$500,000, with the owner providing a permanent easement for public use along the riverfront. Mr. Gridley noted that some of the benefits of completing the proposed zone change and land trade would be that it would maximize the public acquisition of riverfront property, protect the riverfront, provide comprehensive planning for the Spokane River Corridor, and preserve waterfront for future generations. He believes this is a once-in-forever opportunity to secure this waterfront land for public use.

**DISCUSSION:** Councilmember Edinger asked what would occur if the City did not approve the zone change. Mr. Gridley noted that the City could build a trail along the City-owned property in the middle of the development and the developer could construct single-family development along the waterfront and build apartments on the northern parcels as allowed by the existing zoning. Councilmember Miller asked if the permanent easement would go all the way to the waterfront property. Mr. Gridley explained that it would go to the highwater mark, and that the applicant would like to retain ownership due to landscape and maintenance, but would provide access to the water from the easement. Councilmember Gookin asked if the easement was part of the rezone decision. Mr. Gridley clarified that it was not and that he wanted to provide all the information, and noted that the rezone would be considered under the special use permit and the PUD. Councilmember Gookin said that the applicant has the right to build now and if the rezone passes and the other hearing fails, the City is left with the southern portion along the river being zoned C-17. Councilmember Evans asked if there was a code requirement to provide access to the water between the proposed houses. Mr. Gridley noted that the code would require that there be some access points along the water.

**APPLICANT:** Lance Douglass spoke as the owner of River's Edge Apartments. He asked if he could make his entire presentation for both hearings at this time. Mayor Widmyer allowed for the dual presentation. Mr. Douglass said that the site was always used as a heavy industrial site. When the property was annexed in 2014, the annexation agreement provided the condition that the trail needed to be placed within the railroad right-of-way or along the south side of the property along the riverfront, with public access to the water. He demonstrated comparisons to the Mill River and Bellerive developments with single-family houses. He also noted that the surrounding uses near the site are mostly C-17 except the portion of property along the river which abuts the Mill River R-8 portion. The PUD proposal he provided the city in 2014 included houses along the river with one road system to Seltice Way. The City entered into a MOU with him in 2018 to create some synergy to the project. One portion of the MOU noted that the trail would go to the waterfront. Mr. Douglass clarified that the easement starts at the waterline, and would include a public beach area where people could enter into the water. He said that he has no intent to have any barrier or fence placed to keep people out. The R-34 special use permit covering the whole site would allow the height limit be raised to 75' and includes the land trade. In December of 2018 a new drawing was submitted, which is when the Planning Commission recommended approval on the zone change but denied the Special Use

Permit and Limited PUD. Based on the input given at the Planning Commission meeting, Mr. Douglass said he was able to hear the citizen concerns regarding the impact to schools, traffic, the narrowness of the trail, too many units flooding the market, and that the buildings were too large of scale. He noted that he also reached out to the "We the People of CDA" website and received a note that no one seems motivated to meet. Additionally, he agreed with their mission to "... protect, enhance and expand public waterfront areas, parks, open space, and trails..." He noted the differences between his 2014 submittal and the 2018 submittal, and said that the 2014 proposal is still a viable option. They are already allowed 473 units, which means the increase is for an additional 207 units. Mr. Douglass said that tonight's request includes a total of 680 units, and he is providing double the required open space and that he will phase the project over 8 years, at a rate of 85 units a year. He demonstrated that over the last six years the Coeur d'Alene market has absorbed 129 units per year and outlined the amenities the City would get in exchange for the zone change, including a 16-foot wide trail, and 1,600 feet of their water frontage with a transition into the railroad right-of-way to the west side of the property. He presented a drawing of one of the public access points with stairs to the beach with water access, and another drawing of the public gathering site for public use included in the easement. They have lowered the requested building height throughout the development, except for a 25' increase along the water. Buildings would not be visible from Seltice Way with large trees planted along the riverfront. Mr. Douglass explained that the increased setback would be in exchange for the height increase. He noted that the Bellerive development requested more height increases and was closer to the water, noting that his development would have less impact. He would like control of maintenance to ensure consistent and smooth upkeep demonstrating it as a top end project, and said that he would not want to have maintenance affect the apartments. Mr. Douglass said that no other waterfront development would offer this much unrestricted public access. In summary, Mr. Douglass said that the request is for 207 additional units and a 25' height increase along the waterfront, offset by offering double the setback from the water and to complete the land swap with the City. He noted that under the current zoning they are allowed 1,045 trips during peak hour traffic, and under their proposed development it would be only 326 trips per peak hour, which would be a third of the commercial impact. Additionally, they are proposing a sidewalk from the water front trail all the way to Seltice Way.

**DISCUSSION:** Councilmember Evans asked for clarification regarding the location of the 473 units. Mr. Douglas clarified that the units are between the triangle piece and the northern part of the proposed zone change site. Councilmember Evans asked if there would be public parking for access to the amphitheater area. Mr. Douglass noted that there is no parking on the site; however, there have been discussions with ignite to have parking on the east and west sides of the site. Councilmember Evans asked if all the green space referenced would be available for public use. Mr. Douglass said that it was not all public and that the 19% is combined on-site private and public space. Councilmember Miller asked for clarification regarding the density of 207 additional units. Mr. Douglass clarified that from the two sites there would be 473 units, with 131 on the triangle site. Councilmember Miller asked if there has been approval from the Department of Lands (DOL) for the shoreline stabilization and retaining wall. Mr. Douglass stated that he has not received DOL approval yet; however, according to the public workshops held by the City, public input dictated that the majority voted for the "steps" type of stabilization, which is what he would like to do. He noted that a 5' wide path would be in front of the stabilization wall that would run the entire length of the site, which was based on input from the

Coeur d'Alene Tribe. Councilmember Miller asked what the plan was for use of the docks. Mr. Douglass clarified that the docks would belong to the apartments, and noted that the public workshops included votes for individual docks instead of the marine-style docks, but he is open to either.

Councilmember Gookin noted his objection to the format of the hearing, as he feels it is ex-parte communication. Mr. Gridley noted that all items were being put before council for a hearing this evening and it is the most efficient way to bring the information forward. He clarified that the City Council is still going to be the body that will be making the decisions. Councilmember Gookin reminded the public that the current hearing is for the zone change, which would go with the property regardless of the appeal. Councilmember Miller noted that her understanding is that when the presentation is done, the City would go forward with the zone change and feels the Council and public need all the data to consider the zone change. Councilmember Miller asked about the input for the schools. Staff noted that the School District provided a comment on Friday and it was not included in the packet. Mayor Widmyer requested City Administrator Troy Tymesen to read the School District letter into the record. Mr. Tymesen read the letter from the Coeur d'Alene School District dated March 1, 2019, based on the revised Rivers' Edge proposal.

**APPLICANT CONTINUED:** Ed Lawson noted that he is Mr. Douglass's attorney for this project, and said that his client does not wish to have conditions attached to the zone change. He questioned the legality of having conditions on a zone change and that conditions may be appropriate for the special use permit or the limited PUD or an amendment to the annexation agreement. He reiterated that his client would like the same C-17 zoning that all abutting properties have in the area. Mr. Lawson noted that the most recent input from the Director of Operations for the School District notes that they have the capacity to plan for and serve 40-50 kids generated from the increased density. The second half of the letter noted a request to engage in a process with the City Council to establish the authority of impact fees for the impact of development on the schools. Rivers Edge would not take a position on the second request from the school. Regarding the public comment provided by the "We, the Citizens of Coeur d'Alene," it appears they do not understand the transaction as they mis-characterized and said that the City is giving the railroad property and increased density in exchange for the 40' trail easement. However, the exchange is for the triangle piece and the trail is given as an easement through the PUD and Special Use Permit.

Todd Whipple, P.E., traffic engineer, reviewed the location of the rezone request as the southern portion of the project from R-12 to C-17, which abuts C-17 zoning to the north, which will make the entire project area C-17. He reviewed the reasons why he feels the project meets all the required findings, including that the Comprehensive Plan notes this area as a transition area, which is subject to change. Staff has indicated that public utilities are available for the proposed use, including streets. The traffic would not adversely affect the neighborhood. With consideration of all the residential placed in the area, they blend. In regard to traffic increase from R-12 to C-17, he and Welch Comer recently conducted traffic studies in the area and they had matching results. The Welch Comer study used the 850 proposed units in their study and found the roadway can handle the load. The City judges traffic impact as a change of service



and there is no change in service for the proposed use and that the slight change from R-12 to C-17 would not make an impact in the overall system.

**PUBLIC COMMENT:**

Roger Smith, Coeur d'Alene, noted that the C-17 zoning is for the southern 7-acre portion, so this would be the first step before going to the additional density of R-34 and is misleading. The PUD discussion should come before this and/or this approval should be conditional on the PUD and Special Use Permit. He clarified that if this zoning is approved and not the next portion, then the Council would be approving a lucrative C-17 zone for a riverfront parcel, conditioned on the rest of the package getting approved. The annexation agreement holds a lot of power, which requires a formal PUD be submitted, not a limited design PUD.

Dean Van de Kamp, Coeur d'Alene, believes this project will have an impact on the schools. He lives in Bellerive and feels that the traffic impact testimony was very contradictory. He feels there are too many questions left unanswered for the Council to make a decision on this matter.

Amber Drake, Coeur d'Alene, noted that she was confused regarding combining the testimony. The Mayor explained that there are two hearings scheduled tonight and that the current hearing is for the C-17 zone change request.

**REBUTTAL:** Mr. Douglass asked the Council to vote in favor of the C-17 zoning request and move forward to the appeal hearing.

Mayor closed the public testimony.

**MOTION:** Motion by Gookin, seconded by Miller to deny ZC-4-18: Applicant: Rivers Edge Apartments, LLC; a proposed zone change from R-12 to C-17, located at 3528 W. Seltice Way Request, and to make the necessary Findings and Order.

**DISCUSSION:** Councilmember Gookin stated that he does not like the fact that the zone change stays with the land, but likes the development. He believes that the C-17 zone could cause a larger impact to the neighborhood and Seltice Way and would be bad long-term.

Councilmember Miller agreed that the permanent C-17 zone on the waterfront is not in compliance with the Comprehensive Plan. Councilmember English noted that this is a tough issue but it boils down to the fact that the zone change of C-17 would not be a good fit, as the closest development is residential and the City's development would not be commercial.

Councilmember Edinger believes the City needs to look out for the traffic impact. Mayor Widmyer said that he supports the motion but believes the public process works and hopes in the future the developer can come up with a better plan.

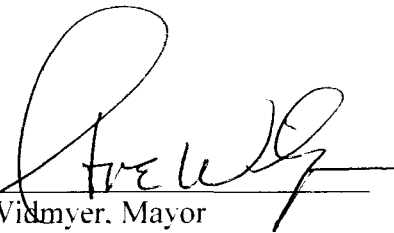
**ROLL CALL:** McEvers Aye; Gookin Aye; Evans Aye; English Aye; Edinger Aye; Miller Aye.  
**Motion carried.**

**MOTION:** Motion by Miller, seconded by Gookin to dismiss the Appeal of the Special Use Permit (SP-11-18) and Limited Design PUD (LDPUD-1-18) as the issues are moot based on the denial of the zone change (ZC-4-18) from R-12 to C-17.

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

**RECESS: Motion** by Gookin, seconded by McEvers to recess to March 15, 2019 for a workshop with the Parks and Recreation Commission at 12:00 noon at the Library Community Room located at 702 E. Front Avenue. **Motion carried.**

The meeting adjourned at 8:37 p.m.



Steve Widmyer, Mayor

ATTEST:



Renata McLeod, CMC, City Clerk