

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

November 3, 2020

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 November 3, 2020 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

WoodyMcEvers)	Members of Council Present
Dan Gookin)	
Christie Wood)	
Kiki Miller)	
Amy Evans)	
Dan English)	Member of Council Absent

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

INVOCATION: Pastor Tim Remington from the Altar Church provided the invocation.

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

PUBLIC COMMENTS:

Janette Laster, Coeur d'Alene, noted that she is the Executive Director of the Human Rights Educational Institute and noted how important election day is as one of our fundamental rights. She read a post from a recently retired Library employee named David Townsend. In his post he noted that he is flying his flag today because he is an American and today is the day to express our American democracy. She noted that the mission of the HREI is to celebrate diversity and human rights through education. She noted that their steering committee met this week and drafted seven goals they can begin working on immediately, which she provided in writing to the Council. She asked the Council for their support and approval of their work going forward.

COUNCIL COMMENTS:

Councilmember Miller noted that the Library is currently providing curbside remote service, with no services on Sunday. They have some online programs and services. They will set the service level on a monthly basis and allow the Library 7 days in advance to publish the new schedule. Please visit www.cdavid.org/library to view the most current information. Additionally, she noted that the Arts Commission has approved the performing arts grant and that recommendation should come forward at the next Council Meeting.

Councilmember Wood noted that the Atlas sub-committee met today and talked about phase II. They estimate that the request for proposals will come out in the spring.

CONSENT CALENDAR:

1. Approval of Council Minutes for the October 20, 2020 and October 26, 2020 Council Meetings.
2. Approval of General Services/Public Works Subcommittee Minutes for the October 26, 2020 meeting.
3. Approval of Bills as Submitted.
4. Setting of a Public Hearing on November 17, 2020 for V-20-03 – Vacation of a portion of Atlas Road right-of-way adjoining the westerly boundary of Tax #25317
5. **Resolution No. 20-060-** A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FINAL PLAT, ACCEPTING IMPROVEMENTS, AND ACCEPTING THE MAINTENANCE/WARRANTY AGREEMENT AND SECURITY FOR COEUR D’ALENE PLACE 32ND ADDITION.

MOTION: Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including **Resolution No. 20-060**.

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

AUTHORIZATION OF THE USE OF IMPACT FEES TO IMPROVE THE POLICE DEPARTMENT RECORDS AND INVESTIGATIONS FACILITIES.

STAFF REPORT: Police Chief Lee White explained that this request covers two elements to increase the department’s capacity to serve our community. He noted that they have experienced an increase in walk in contacts since the building was opened and the original front desk area was not designed for ergonomics and efficient communication with our customers. The first part of the request is to install modular office furniture and electronic phone lines which will help facilitate visibility and communication with our customers. The furniture will allow for a better use of space and add an additional full workstation to the area along with two smaller desks to be utilized by volunteers. Currently, customers at the front counter have to raise their voices to speak through a small opening in the security glass. Some of this conversation can be quite graphic and uncomfortable depending on the crime being reported. The phone lines will allow customers to discuss sensitive personal issues without having to use a loud voice through the security glass helping to maintain their privacy and dignity. The second upgrade is to renovate an existing waiting room for the investigations section into a “soft” interview room to better serve victims of crimes and child victims. Included in this would be upgraded IT infrastructure for the interview rooms. We have been working with building maintenance to conduct work in-house and reduce the overall cost of the project. The total cost of the renovation and modular furniture is not expected to exceed \$49,700. Adequate funding exists within the Impact Fee account for this expense, as this account has a current balance of approximately \$406,000.

MOTION: Motion by Gookin, seconded by Miller, to authorize the use of Impact Fees to improve the Police Department Records and Investigations facilities.

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

RESOLUTION NO. 20-061

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WELCH COMER & ASSOCIATES, INC., FOR THE DESIGN OF LACROSSE AVENUE.

STAFF REPORT: City Engineer Chris Bosley noted that the Four Corners/BLM Corridor Master Plan, approved by City Council in 2014, called for Lacrosse Avenue to extend from Northwest Boulevard to Lakewood Drive, providing access to future park amenities. Subsequently, the Atlas Mill Site traffic study, completed in 2019, recommended a third access point to the Riverstone area as a mitigation measure to reduce traffic congestion. Specifically, the recommendation called for Lacrosse Avenue to extend from Beebe Boulevard to Northwest Boulevard with a traffic signal installed at Northwest Boulevard. In September of this year, ignite cda approved a contribution of up to \$1.8 Million for the design and construction of Lacrosse Avenue. In October of this year, City Council approved acceptance of these funds. Welch Comer is on the City's approved consultant list and this project is viewed as a continuation or subsequent phase of the Four Corners/BLM Corridor Master Plan. This agreement with Welch Comer would enable the design to be completed this fall/winter with bidding and construction beginning in the spring of 2021. The ignite funds must be used this fiscal year as ignite's Lake District is closing in 2021. Selecting Welch Comer for this design is the most efficient and timely option due to the fact that they have completed approximately 95% of the ground survey in the area. This was done at no charge to the City as they were anticipating the need. To complete the entire topo survey, only a minimal amount of additional survey is needed at the NW Blvd/Lacrosse intersection and to pick up any utilities in the corridor. With winter approaching, time available to complete an entire survey is limited. Additionally, with their recent work at the Atlas Mill Site and the BLM Corridor, they have a solid start and understanding of the control network and boundaries at Lacrosse. Finally, they are already under contract with the Parks Department to develop the proposed park and parking lot adjacent to Lacrosse. This project is intended to work seamlessly with the park project.

DISCUSSION: Councilmember McEvers asked if there was a budget for the design work. Mr. Bosley noted that it was included in the \$1.8 Million budget, which covers design and construction. Councilmember Gookin noted that he has received feedback from some citizens about the amount of work Welch Comer receives from the City. He asked what is involved and what steps would be necessary if we had to open a bid. Mr. Bosley noted that since this was an extension of the project they didn't need to go out for request for proposals (RFP). If they had gone out for RFP it would take approximately two weeks to advertise, then they would review and score responses, then it would need to come back to Council for contract approval. All of which would add a month to the project timeline. Normally he would have gone through that process, but with the project timeline, time was of the essence. Councilmember Gookin asked if the code required RFPs. City Attorney Mike Gridley noted that professional services are exempt from the bid process and are negotiated based on qualification not dollar amount.

Councilmember Wood noted that some of the reason you see the same firms is that there was a list of pre-qualified providers.

MOTION: Motion by McEvers, seconded by Miller, to approve **Resolution No. 20-061**, approving a Professional Services Agreement with Welch Comer & Associates, Inc., for the design of Lacrosse Avenue.

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

CHANGE IN CODIFICATION COMPANY

STAFF REPORT: City Attorney Mike Gridley explained Idaho Code §50-906 provides that the ordinances of the City “when so revised, codified, compiled and published in book or pamphlet form by authority of the city need not be printed or published in any other manner.” Until recently the Coeur d’Alene Municipal Code was published by Sterling Codifiers in Weiser, Idaho. In the spring of 2020, Sterling Codifiers was acquired by American Legal Publishing. The Coeur d’Alene Municipal Code is now being published by American Legal Publishing. Because publication of the Municipal Code was assigned to Sterling Codifiers in the Code itself, the change in publishers necessitates an amendment of the Code. In addition, because publishers change from time to time, the Code should allow Council to designate the publisher by Resolution, rather than requiring an ordinance amendment each time.

DISCUSSION: Councilmember McEvers asked if this type of service would need to go out to bid. Mr. Gridley noted that it does not need to be bid and there are not many companies that provide such services.

COUNCIL BILL NO. 20-1019

AN ORDINANCE OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, AMENDING COEUR D’ALENE MUNICIPAL CODE SECTION 1.01.01 REGARDING PUBLICATION OF THE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Motion by McEvers, seconded by Evans, to dispense with the rule and read **Council Bill No. 20-1019** once by title only.

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

MOTION: Motion by McEvers, seconded by Evans, to adopt **Council Bill 20-1019**.

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

RESOLUTION NO. 20-062

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, DESIGNATING AMERICAN LEGAL PUBLISHING AS THE PUBLISHER OF THE COEUR D'ALENE MUNICIPAL CODE.

MOTION: Motion by McEvers, seconded by Evans to approve **Resolution No. 20-062**, approving American Legal Publishing to be the current codification company of the City.

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

QUASI-JUDICIAL PUBLIC HEARING FOR ZC-2-20 - A PROPOSED ZONE CHANGE FOR 217 W. CARDWELL DRIVE FROM R-12 TO C-17; APPLICANT: THOMAS W. FISHER

STAFF REPORT: Associate Planner Tami Stroud presented the staff report, including a review of surrounding land use and zoning, Comprehensive Plan policies for consideration, physical characteristics, and neighborhood character. She noted that the subject property is located on the north side of I-90 and west of Government Way along Cardwell Drive. There is an existing single-family dwelling unit and an accessory structure on the subject site. The single-family dwelling was originally built in 1960. The pole building was constructed in 1995. The property owner would like to use the accessory structure as a gym, or Commercial Recreation use. Ms. Stroud 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. She reviewed the findings and noted that it is within a transitional area and that the infrastructure is adequate to meet the request. Development requirements, such as frontage improvement, stormwater management, and site improvements would be due at the time of development.

Mayor Widmyer opened public comments.

APPLICANT: Josh Queen noted that the use of the premise would be for one-on-one personal training. This will be a very small-scale gym training type of use. He noted that they have been working to clean up the property.

DISCUSSION: Councilmember McEvers ask for clarification regarding no through streets in that area. Ms. Stroud noted that A Street dead ends so traffic would use Cardwell Avenue. Councilmember Miller asked for clarification that the property across the street is zoned commercial but has a residential use. Ms. Stroud confirmed that the property across the street has a single-family resident, yet has been rezoned to commercial. Councilmember Gookin is happy to see improvements in that area, and noted that it appears to be an island of residential zoning surrounded by Commercial zones.

MOTION: Motion by McEvers, seconded by Wood to approve ZC-2-20, changing the zoning of property located at 217 W. Cardwell Drive from R-12 to C-17, as requested by Thomas Fischer, and to make the necessary Findings and Order.

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

COUNCIL BILL NO. 20-1020

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 ZONING OF THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO C-17: A +/- .43 ACRE PORTION OF A PARCEL LOCATED AT 217 W. CARDWELL DRIVE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

MOTION: Motion by McEvers, seconded by Gookin to dispense with the rule and read **Council Bill No. 20-1020** once by title only.

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

MOTION: Motion by McEvers, seconded by Gookin, to adopt **Council Bill 20-1020**.

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

LEGISLATIVE PUBLIC HEARING - V-20-04, VACATION OF A PORTION OF 4TH STREET RIGHT-OF-WAY ADJOINING THE WESTERLY BOUNDARY OF LOTS 9-14 OF THE SIMMS ADDITION TO THE CITY OF COEUR D ALENE

STAFF REPORT: Engineering Project Manager Dennis Grant noted that George Lawrence IV, American Holdings, LLC, has made the request for the vacation of a portion of N. Fourth Street right-of-way that adjoins the westerly boundary of the property on the northeast corner of 4th Street and Poplar Avenue (1802 & 1818 N. 4th Street) in the City of Coeur d'Alene. He noted the requested right-of-way was originally dedicated to the City of Coeur d'Alene in the Amended Plat of Simms Addition in 1905. The purpose of this request is to vacate a 10-foot strip of Fourth Street right-of-way that adjoins the westerly boundary of the abutting property. Fourth Street is developed to its ultimate width in this location and the additional right-of-way can be incorporated into the development of the adjoining property. In addition, the right-of-way width to the north of this property is narrower, preventing future widening without acquisition of additional right-of-way. It would not be a financial impact to the City. He sent out 31 mailings and received one neutral response.

DISCUSSION: Councilmember Gookin asked if the City wanted to expand 4th Street it would not be able to because of the jog in the road. Mr. Grant noted that north of Locust Avenue you can see the jog, as sometime in 1905 they allowed the excess 10 feet. Councilmember McEvers asked if that was the only part of 4th Street that has this constraint. Mr. Grant clarified that it happens again around Poplar Avenue and a bit to the south, but at Harrison Avenue it pops back into alignment. Councilmember Gookin asked if the property owner is planning to build on this area. Mr. Grant confirmed the property owner has a design for the business and wants to maximum use of the land.

PUBLIC COMMENTS: Mayor Widmyer called for public comment, hearing none, closed public comments.

COUNCIL BILL NO. 20-1021

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF N. FOURTH STREET RIGHT-OF-WAY IN THE AMENDED PLAT OF SIMMS ADDITION, RECORDED IN BOOK B OF PLATS ON PAGE 57 RECORDED AS PLAT NUMBER 57, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, IDAHO, GENERALLY DESCRIBED AS THAT TEN FOOT (10') STRIP ADJOINING THE WESTERLY BOUNDARY OF LOTS 9-14, BLOCK 44 OF SAID PLAT; 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 Gookin, seconded by Wood, to dispense with the rule and read **Council Bill No. 20-1021** once by title only.

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

MOTION: Motion by Gookin, seconded by McEvers, to adopt **Council Bill 20-1021**.

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

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

The meeting adjourned at 6:46 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC
City Clerk