

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

July 20, 2021

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 20, 2021, at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Dan English)	Members of Council Present
Amy Evans)	
Dan Gookin)	
Woody McEvers)	
Kiki Miller)	
Christie Wood)	

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

INVOCATION: Pastor Pace Hartfield of One Place Church provided the invocation.

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

Atlas Waterfront Project Update: Tony Berns, Executive Director of ignite cda, presented a video of the current status of the Atlas Waterfront Park. He noted that the project goals were to preserve the waterfront as public space and to stimulate property development by solving the complex site issues. He said the project process included the City purchasing the property, ignite cda completing the master plan and then Urban Renewal Districts were created and/or expanded. He stated the next steps included public space development and upland land development. He said they held many community engagement and project meetings throughout 2018-2019. Phil Boyd, President of Welch Comer Engineering, discussed the many improvements that have been completed including the water access and shoreline stabilization, restored beach, accessible beach, accessible kayak/SUP launch, water access dog park, and playground. He explained the land disposition process which included the development standards, master plat and PUD, and RFP and land sales, and the roles ignite cda and the City each took. He went over the request for proposals (RFPs) phases 1 through 6, and the corresponding dates each launched, and/or upcoming launch dates in conjunction with the master plan, and the challenges of developing the remaining home sites. He mentioned that five (5) sites were through the Disposition and Development Agreement (DDA) process and currently working through RFP 3.

DISCUSSION: Councilmember Wood mentioned that Areas 1 & 2 would be single family homes, as shown on the presentation slide. Councilmember Evans asked if Area 13 was single family or multi-family with Mr. Boyd responding it could be either. Councilmember Wood asked about the total acreage and investment on the project, with Mr. Boyd responding the project

consisted of 60 acres, with total investment was roughly \$11-12 million. He said the built-out value would be estimated at \$250 million when complete. Councilmember Miller asked if the build-out timeframe had changed due to COVID-19, with Mr. Boyd stating there were some delays on the park portion, but not on Phase 1.

PUBLIC COMMENTS: Eric Swanbeck spoke about the deterioration of his neighborhood and the deterioration of the rental properties nearby. He said residents of the rental properties often held parties, let their dogs defecate on the lawns, left their floodlights on all night, and had thrown garbage on the streets. He stated it was no longer a nice quiet neighborhood. He said he has written to the rental companies and spoke with the owners, called code enforcement, animal control, and the Police Department with no resolution. He said he is discouraged from filing an unofficial complaint. He stated none of the Airbnb rentals in his neighborhood were permitted.

Mayor Widmyer stated they had reviewed Mr. Swanbeck's concerns and had researched the short-term rentals registered in his neighborhood. He stated the City couldn't eliminate short-term rentals but the City could ensure that they stayed in compliance. City Administrator Troy Tymesen stated they have reviewed the issue and in order to gain compliance, it would have to remain complaint driven, and encouraged Mr. Swanbeck to continue to alert the City when he sees problems.

Councilmember Gookin stated the City's light touch wasn't working, and would like to limit the vacation rentals and raise the permit fees. He stated the priority should be to the residents that live here, not the short-term renters.

Councilmember English stated he would encourage Mr. Swanbeck to continue to follow-up on the issues and felt some of the problems were with the state legislature and removing control from the local jurisdictions. He said the City would take a hard look and see what could be done.

Councilmember Miller said when they started the short-term rental program, they knew it would need to be reviewed and revised as time went on. She stated the City would need to add teeth to the code and that they were well aware of the issues.

ANNOUNCEMENTS:

Councilmember McEvers stated there was a guest in the recording booth and wished to welcome Eric Bruer. He said he was humbled by Candlelight Church's donation of \$16,500 dollars to help fix the air conditioner issues at Lake City Center.

Councilmember Miller stated that the Regional Housing and Growth Issues Partnership will have their Priority 1 item document out after July 26. Frequently Asked Questions (FAQs) have been updated and are available on Kootenai Metropolitan Planning Organization's (KMPO) website. She mentioned next up would be the regional housing assessment update, and they were working on a new priority which was local worker housing needs.

Councilmember Wood, North Idaho College (NIC) trustee, wished to recognize the City for the upgrades to Memorial Field.

CONSENT CALENDAR:

1. Approval of Council Minutes for the June 30, 2021, and July 6, 2021, Council Meetings.
2. Approval of General Services/Public Works Committee Minutes for the July 12, 2021, Meeting.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services/Public Works Committee Meeting for Monday, July 26, 2021, at 12:00 noon.
6. Setting of Public Hearings for August 3, 2021:
 - a. V-21-03 Vacation of a Ten-foot (10') Strip of Right-of-Way Adjoining the Easterly Boundary Line of Lot 22 and the South Half of Lot 21, Block 3, of the Kaesmeyer Addition Plat.
 - b. V-21-04 Vacation of a Ten-foot (10') Strip of Right-of-Way Adjoining the Easterly Boundary Line of a Portion of Lots 6, 7, and 8, Block 13 of the Kaesmeyer Addition Plat.
7. Setting of a Public Hearing for August 17, 2021 - ZC-5-21 - A proposed zone change at 3221 N. 4th from R-12 to R-17; Applicant: Escalade Properties, LLC
8. **Resolution No. 21-043:** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT WITH JACE PERRY D/B/A BACKWOODS WHISKEY BAR, FOR COMMERCIAL USE OF CITY STREETS FOR RECREATIONAL TRANSIT AND THE PURCHASE OF ONE (1) LIVE SCAN PLUS FINGERPRINTING MACHINE AND RELATED EQUIPMENT BY THE MUNICIPAL SERVICES DEPARTMENT.

MOTION: Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including **Resolution No. 21-043**.

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

RESOLUTION NO. 21-044

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AMENDMENT NO. 4 TO THE SOLID WASTE SERVICES CONTRACT WITH NORTHERN STATE PAK, LLC, D/B/A COEUR D'ALENE GARBAGE.

STAFF REPORT: City Administrator Troy Tymesen noted that the City's Solid Waste Services Contract (Contract) with Northern State PAK, LLC, d/b/a Coeur d'Alene Garbage Services (CDA Garbage), was effective July 1, 2016, and CDA Garbage has fully performed in accordance with the terms and conditions of the Contract during that time. In May 2018, CDA Garbage requested an increase in the fees for single stream recycling and a modification in the type of recycling which must be accepted under the Contract. Council approved amendments to the Contract for a period of one (1) year, and the amendments were continued for two (2) additional twelve (12) month periods. Mr. Tymesen said now that the recycling market appears to be calming CDA Garbage was willing to continue to operate under the terms of the Contract and Amendment No. 1, as

extended by Amendment Nos. 2 and 3. He said over the last seven (7) months, the cost to recycle has averaged \$10,062 per month and this was down from an average of over \$15,000 per month for the prior twelve (12) months. Due to savings experienced, no rate increase to the customers would be required. The recycling fee would be paid from the solid waste fund and the City would pay CDA Garbage an additional fee for the disposal of recyclables. He said the fee would be CDA Garbage's net cost per ton (including hauling and MRF fees) in excess of \$20 per ton (i.e., CDA Garbage will pay the first \$20 per ton). In addition, the City's monthly fee is capped at \$25,000. If the fee equals or exceeds \$20,000 per month for four (4) consecutive months, the parties would meet to discuss adjustments in the program to ensure the City's obligation will not exceed \$25,000 each month. The net cost would take into consideration any payments to CDA Garbage by the MRFs for the recyclables. This provision would continue to be in effect for 36-months, as opposed to the three previous one-year terms, and the parties would meet prior to the expiration of the term to negotiate any adjustment to the fee and the program itself. Mr. Tymesen requested Council approve Amendment No. 4.

DISCUSSION: Councilmember English asked if there was anything new in regards to glass recycling, with Mr. Tymesen responding there was no new information as the cost was still prohibitive.

MOTION: Motion by Gookin, seconded by McEvers, to approve **Resolution No. 21-044**, Approval of Amendment No. 4 to the Coeur d'Alene Garbage Agreement for Single Stream Recycling for a 36 Month Extension.

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

(QUASI-JUDICIAL HEARING) A-2-21 – A PROPOSED 3.194 ACRE ANNEXATION FROM COUNTY AG SUBURBAN TO CITY R-3, LOCATED AT 2248 E. STANLEY HILL ROAD; APPLICANT: EUGENE & NANCY HAAG LIVING TRUST.

STAFF REPORT: Associate Planner Mike Behary stated the applicant was requesting the annexation of 3.19 acres in conjunction with zoning approval from County Agricultural-Suburban to the City of Coeur d'Alene's (City) R-3 zoning district in the Hillside Overlay. He said the Planning Commission held a public hearing on this item at their regular monthly meeting on June 8, 2021, and made a recommendation to approve the annexation request. This was the second time that the subject property has requested to be annexed into the City. In 2005, the applicant requested annexation into the City in conjunction with zoning to the R-3 zoning district in item A-7-05. The Planning Commission held a public hearing on this matter on August 9, 2005, and subsequently made a recommendation to City Council to deny the annexation request. City Council held a public hearing on October 4, 2005, and denied the request for annexation into the City. The three (3) findings that City Council made in denying the A-7-05 annexation request without prejudice in October 2005 were as follows: the proposal was not in conformance with the Comprehensive Plan policies, the physical characteristics of the site did not make it suitable for the request at the time because the steep topography, stormwater, drainage, and existing spring on the property made the subject property unsuitable for R-3 zoning, and the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land uses

because if the property were developed to its full potential, R-3 zoning would be detrimental to the neighborhood character and the surrounding land uses. Mr. Behary added that at the Planning Commission hearing, it was stated that the Hillside Ordinance was adopted after the 2005 annexation request was denied. Staff looked into the matter after the hearing and discovered that the Hillside Overlay Ordinance was adopted in 2003 and it applied to all land within the Hillside Overlay and to all lands annexed into the City limits after May 1, 2005. Mr. Behary stated the notable differences between this annexation request (2021) and the 2005 request were private driveway access rather than a public through street, connection of Lilly Drive through subject site, and PUD with 10% open space rather than no open space. He said that the subject property currently has a single-family residence on 3.19 acres and the applicant was requesting to split the lot up and create four (4) additional residential buildable lots. The subject site is adjacent to the City limits along its west property line and currently zoned Agricultural-Suburban in the county. The subject site is located within the City's Area of City Impact (ACI), and has a significant slope and would be located in the Hillside Overlay if the annexation of the site was approved. The applicant's engineer indicated the slopes on the south portion of the property range from 20 to 25 percent, and they were aware that all development must adhere to the Hillside Overlay requirements. Mr. Behary said the applicant was proposing two (2) additional access points to the subject site, both from Lilly Drive, one on the west, and the other on the east side of the subject property. The existing house was served from Stanley Hill Road. The four (4) proposed buildable lots would have access off of the existing streets in addition to access from within the property from a proposed common driveway placed in a common tract. The proposed zoning district was consistent with the existing zoning of the surrounding properties in the vicinity of the subject property to the west within the City limits and was surrounded by County Ag-Suburban zoning to the northwest, north, east, and south. Approval of the requested R-3 zoning in conjunction with annexation would allow the potential uses of the property. Mr. Behary stated there were four (4) required findings for annexation. Finding #B8, this proposal (is) (is not) in conformance with the Comprehensive Plan policies, Finding #B9, public facilities and utilities (are) (are not) available and adequate for the proposed use, Finding #B10, the physical characteristics of the site (do) (do not) make it suitable for the request at this time, and Finding #B11, the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses. The Streets and Engineering Department had no objection to the annexation.

Mr. Behary asked Council to consider the request for annexation and make findings to approve, deny, or deny without prejudice.

DISCUSSION: Councilmember McEvers asked if the area shown on the map to the right was within the County, with Mr. Behary confirming it was. Councilmember Miller asked if there were extensive conditions, with Mr. Behary stating there were because of the hillside.

Councilmember McEvers asked about the access of the current house and if there was City water available. Mr. Behary responded there was City water but no sewer service on the existing property and if annexed, the sewer would be brought through the property. Councilmember Gookin asked about the egress on the three (3) parcels off of Lilly Drive, and how would they have City addresses when the egress is to a county road. Mr. Behary stated after annexation the houses

would be given City addresses. Councilmember Wood asked where the natural spring was on the property, with Mr. Behary pointing it out on the map roughly in the middle of the parcel.

The Mayor opened the public comment portion of the hearing and the Clerk swore in all who provided testimony.

APPLICANT: Gordon Dobler, Dobler Engineering, spoke on behalf of the applicants. He stated they were completing three (3) things; annexation, PUD, and subdivision. He stated the project was R-3 and compatible with the surrounding neighborhood and they were proposing single family homes on 1/3 acre lots. He said City water and sewer were served on both sides of the parcel and would be brought through the property, and the lots would receive City addresses. The driveway approaches met Fire Department standards. He explained the hillside preservation requirements and stated they did meet the ordinance requirements. He stated the three (3) homes accessing Lilly Drive would generate two (2) trips during peak hour.

Councilmember McEvers asked about the sewer and water, with Mr. Dobler explaining sewer and water service would be extended from Lilly Drive. Councilmember Gookin asked about the elevation lines, with Mr. Dobler responding there was a 25% slope, and the Fire Department access was a 5% grade at the driveway. Councilmember Gookin asked about the preliminary Geotech report and why they did not complete the full report, with Mr. Dobler responding 95% of issues were seen at the ground area and are in the preliminary report. The full report goes into distance digging to rock, groundwater, etc. Councilmember Gookin asked if the intention was to build houses or subdivide, and mentioned the City didn't plow the county streets or fix pot holes, and the lots would be paying for City services they may not receive. Councilmember Wood asked about the density of the parcel and if any surrounding lots had the same density, with Mr. Dobler stating the proposed parcel has larger lots than surrounding properties. Councilmember Miller asked about the R-3 on the Stanley Hill side and if they were annexed before the Hillside ordinance, with Mr. Dobler stating it was done prior to the adoption of the Hillside ordinance. Councilmember Miller inquired as to how it would be assured the homes were protected from the runoff of water, with Mr. Dobler explaining the water would go back into the ground and the geotechnical report would address it.

OTHER PUBLIC COMMENTS:

Dale Dennis spoke in opposition to the project. He stated there was no information included in the notice stating what would be placed on the parcel and asked if restrictions could be placed on the development to limit it to the four (4) lots and their density. He said emergency access would be via a dead-end street, and traffic would be closer to 12 trips per day. He said there was a 120' drop on the hillside and the property had some challenges. He suggested an alternative would be to have Lilly Drive go through the property. Mr. Behary stated the applicant would be restricted to four (4) units.

Lauren Hayden spoke in opposition to the project. She stated in 2005 the project was rejected and the same reasons remain with the only change being the private driveway instead of the Lilly Drive punch through. She stated the project does not meet the findings required. She asked what the

benefit to the City would be if annexed, and requested Council deny the project with prejudice, and to deny the application.

Dodie McNeil stated she was familiar with the property as she has lived in the area for 50 years, and knows of the water cistern that was on the property. She stated it is constantly full and she was concerned what would happen to the soil when the trees were removed. She stated many people were not aware of the public meeting tonight and felt more would have shown up and been in opposition if they were properly noticed. She stated there was a lot of water on the hill. She stated her concerns were in regards to the water issue and increased traffic.

APPLICANT REBUTTAL: Mr. Dobler stated the current project was significantly different than the 2005 proposal. He said the current proposal had a PUD, open space, and a single drive approach instead of the punch through road for Lilly Drive as proposed in 2005. He has been told the cistern had been filled in and was no longer in use.

Councilmember Miller asked if the Hillside ordinance was in place in 2005 when the project was previously brought forward, with Mr. Dobler stating it was not adopted until 2007.

Mayor Widmyer clarified that the Planning Department had completed research on the Hillside ordinance, and it had been adopted in 2003.

The Mayor closed the public comment portion of the hearing.

DISCUSSION: Councilmember Gookin stated he didn't have an issue with the R-3 zoning, but had concerns about the steep hillside and didn't support the annexation. He asked for clarification in the motion language between denying, and denying with prejudice. Mr. Behary stated if Council were to "deny with prejudice", the applicant would have to wait one-year to apply again, and if Council were to "deny" the project, the applicant could amend the project and bring it back to Council at any time.

Councilmember Wood stated she didn't see any benefit to the City with the annexation.

Councilmember English stated he is familiar with the property. He said he wasn't sure how you would quantify the benefit of annexation to the City, yet felt it was good to convert lots off of personal wells and septic's to City services. He stated the annexation seemed reasonable.

Councilmember McEvers stated the previous issues for denial had been addressed in the current request, and they now had open space and had mitigated the road and water issues. He said he was in support of the annexation request.

Councilmember Evans stated she was comfortable with the proposed density.

MOTION: Motion by McEvers, seconded by Evans, to **approve** A-2-21 – A proposed 3.194 Acre annexation from County Ag Suburban to City R-3, located at 2248 E. Stanley Hill Road; Applicant: Eugene & Nancy Haag Living Trust, to direct staff to negotiate an annexation agreement, and to develop the necessary Findings and Order.

ROLL CALL: McEvers Aye; Gookin Nay; English Aye; Wood Nay; Evans Aye; Miller Nay.
With the Mayor voting Nay. **Motion failed**

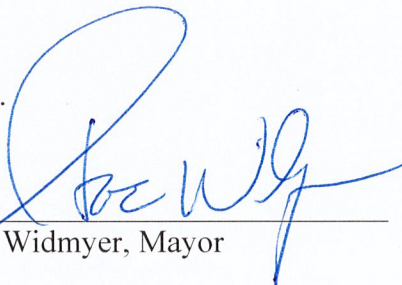
MOTION: Motion by Gookin, seconded by Miller, to **deny** without prejudice A-2-21 – A proposed 3.194 Acre annexation from County Ag Suburban to City R-3, located at 2248 E. Stanley Hill Road; Applicant: Eugene & Nancy Haag Living Trust, to direct staff to develop the necessary Findings and Order.

ROLL CALL: McEvers Nay; Gookin Aye; English Nay; Wood Aye; Evans Nay; Miller Aye.
With the Mayor voting Aye. **Motion carried**

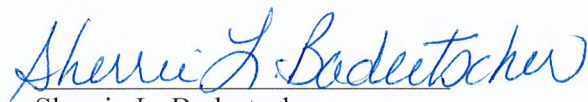
RECESS: Motion by Gookin, seconded by Miller to recess to July 29, 2021, at 12:00 p.m. in the Library Community Room, located at 702 E. Front Avenue for a workshop regarding the Fiscal Year 2021-2022 Budget. **Motion carried.**

The meeting recessed to July 29, 2021, at 8:11 p.m.

ATTEST:



Steve Widmyer, Mayor



Sherrie L. Badertscher
Executive Assistant