

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

August 3, 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 August 3, 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 Geoffrey Winkler with New Life Church provided the invocation.

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

PUBLIC COMMENTS:

Michelle Brown, Coeur d'Alene, spoke in regards to a proposed change to the City RV code regulations. She stated her neighbor has rented her uninhabitable garage to known drug abusers for the past seven (7) months, criminal activity has ensued, and people are coming and going all hours of the days and night. She said people are sleeping on her property as well. She asked the Mayor and Council to amend the code regarding sleeping to RV's, boats, vehicles, trailers and non-disclosed residential property within the city limits. Mayor Widmyer stated that this is an issue that the City has been working on for some time and he had forwarded the e-mail, that Ms. Brown had sent, to the City Attorney for review in order to see what changes can be made. City Administrator Troy Tymesen noted city staff has been in contact with the owner and confirmed that there is no one sleeping in the garage and that Code Enforcement has been to the residence on several occasions. Councilmember English commented that there is a balance in including language to allow if someone has family coming to visit and sleep in the trailer for a few weeks, verses uninhabitable spaces, noting that this can be done but it is just tricky.

Jason Evans, member of the Cancourse LLC, spoke in support of Resolution 21-047. He stated that in 2018, he spoke with Lake City Trail Alliance about collaboration opportunities within the trail system. A question was asked by the Trail Alliance, "How do we know you will allow access

after the trail is improved?" He stated the proposal is a five (5) year agreement with the City of Coeur d'Alene (City) to make the property function like a park, it will preserve trail access, and this is a first step in achieving this goal. Councilmember Gookin asked why not ask Kootenai County (County) since this property is within the County. Mr. Evans stated the County doesn't have anything like this and there is a City park directly adjacent to the Cancourse which provides the conduit, connecting it to the National Forest, so he feels it is a better fit.

Al Casile, President and Executive Director of the Lake City Trail Alliance, spoke in support of Resolution 21-047, stating the Cancourse property will be the only non-motorized trails on Canfield Mountain. He stated the use of the trail has increased by 300%, and the Forest Service asked the Alliance to help mitigate some activities as part of the plan as it involves non-motorized use. Mr. Casile noted that this agreement is in alignment with the 2030 implementation plan and the 2030 CDA vision statement.

Jason Smith, Recreation Staffer with the US Forest Service, stated that he is in support of Mr. Evans and the Lake City Trail Alliance as they are currently working on the Honey Badger project to add ten (10) miles of non-motorized trails to the Canfield trail system on the northside of the mountain. The project will give riders a safe place to ride and noted the Cancourse access would be the only non-motorized access point and would fit nicely. Councilmember English asked if an e-bike falls under the motorized category, with Mr. Smith stating e-bikes are considered motorized through the US Forest Service.

Denise Jeska, ADA advocate with the City of Coeur d' Alene Pedestrian and Bicycle Advisory Committee, announced the Wheel Chair Challenge Event which will be held August 6th at 2:00 p.m. starting at the Chamber of Commerce building located at 105 N. 1st Street. The tour will go down Sherman Avenue to demonstrate the difficulties that people in wheel chairs face that walkers would never see, such as sandwich boards, bikes, and outdoor seating on the sidewalks. Ms. Jeska invited the City Council to join the challenge and will have five (5) wheel chairs available to use.

Jennifer Pasaro spoke in support of the lease agreement with Mr. Evans to manage the Cancourse as a City Natural Park. She noted this agreement provides an official trail access which is important to the trail system and the solution to ease the burden to property owners adjacent to access points is to add more trail heads to the system.

ANNOUNCEMENTS: Councilmember Miller stated the Historic Preservation Commission's action plan will be available to the public on August 21, 2021. A Zoom link will be posted to the City's website.

Mayor Widmyer asked for the Appointment of Stuart Wagner to the Parking Commission.

MOTION: Motion by Evans, seconded by McEvers, to appoint Stuart Wagner to the Parking Commission. **Motion Carried.**

Mayor Widmyer, on behalf of the City Council, wished CDA TV Producer Jeff Crowe a “Happy Birthday”.

CONSENT CALENDAR:

1. Approval of Council Minutes for the July 20, 2021, Council Meeting.
2. Approval of General Services/Public Works Subcommittee Minutes for July 26, 2021.
3. Approval of Bills as Submitted.
4. Setting of General Services/Public Works Committee meeting for Monday, August 9, 2021, at 12:00 noon.

MOTION: Motion by McEvers, seconded by Miller, to approve the Consent Calendar as presented.

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

RESOLUTION NO. 21-046

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A NOTICE OF TIME AND PLACE OF PUBLIC HEARING OF THE PROPOSED BUDGET FOR FISCAL YEAR 2021-2022, AND INCLUDING PROPOSED EXPENDITURES BY FUND AND/OR DEPARTMENT, AND STATEMENT OF THE ESTIMATED REVENUE FROM PROPERTY TAXES AND THE TOTAL AMOUNT FROM SOURCES OTHER THAN PROPERTY TAXES OF THE CITY FOR THE ENSUING FISCAL YEAR AND LISTING EXPENDITURES AND REVENUES DURING EACH OF THE TWO (2) PREVIOUS FISCAL YEARS, AND PROVIDING FOR PUBLICATION OF THE SAME.

STAFF REPORT: City Administrator Troy Tymesen stated Idaho code requires that the City Council approve an appropriations ordinance each year. The purpose of the ordinance is to establish a ceiling for expenditures and disclose the potential property tax revenue necessary to balance the budget. The financial plan or budget is the guide and detailed report for establishing these numbers. Mr. Tymesen explained the financial plan is an estimate of revenues and expenditures for the upcoming year. The expenditures are classified by department as well as by fund or service and the revenues are classified by source. Included in the budget document as per Idaho Code 50-1002 are actual revenues and expenditures from the prior two fiscal years, budgeted revenues and expenditures for the current fiscal year, and proposed revenues and expenditures for the upcoming fiscal year. He said the revenue included a 3% increase in property tax revenue (\$700,738), and new growth from property taxes (\$322,260), but no foregone property taxes. He stated last year the Council reduced property taxes thanks to federal dollars of \$5.5 million dollars. Mr. Tymesen noted the City has the largest foregone property tax authority in the State of Idaho. Foregone is a taxing authority and is not a bank account. Mr. Tymesen explained the estimated new growth with preliminary levy rate will go up because of the \$5.5 million in property taxes that we did not levy last year. Overall, the levy rates are going down because the valuations are going

up. New construction property taxes were more in 2015, than currently. The reason behind it is the legislature lessened the amount we can take in property taxes from new growth and the levy rate was higher due to the raise in valuations. The General Fund Balance Projections at the end of fiscal year 2020 are \$9,799,963 in the unassigned fund balance, the estimated fund balance for the end of this fiscal year is \$8,559,857. He said this is thanks to the great job by Comptroller Vonnie Jensen, City Council, and the Directors as the numbers will be better than expected. The General Fund total for two months of revenues equates to \$7,528,897. Mr. Tymesen noted that in the past 24-years the City has never borrowed money to fund payroll prior to property taxes coming in. The total increase in the General Fund is \$4,063,519, the 3% tax increase of \$700,738, along with new growth/annexation would make up the difference. He mentioned that State funding is very solid at \$1,846,967. Some significant expense changes are the personnel costs which include merit increases, COLAs, health insurance premium increases, public safety's wage adjustment of 1%, and increases to service/supplies and capital outlay.

Mr. Tymesen stated the new House Bill 389 impacted the City and the surrounding cities in the fact that cities can take 3% growth increase, new construction/annexations or URD closing but cannot increase your budget by more than 8% from any one of those sources. This impacts the City as the Lakes URD closes next year. The maximum for the current year's budget would be \$1,422,543. He noted the proposed personnel changes included a one (1) Police Sergeant, (2) Police Officers, one (1) Police Officer grant funded, three (3) Firefighters, one (1) Assistant Street Director and other changes which net \$828,612. Capital purchases include police vehicles/equipment, fire station flooring, street department surplus equipment, police building chiller unit, and City owned building repairs at 414 Fort Ground Way, totaling \$629,740. The proposed 3% tax increase would total \$599,740, which would cover all of these expenses. Mr. Tymesen requested Council to approve Resolution No 21-046, which sets the public hearing date and the high dollar amount of \$109,700,499 in expenditures for the 2021-2022 Fiscal Year Financial Plan (Annual Appropriation).

DISCUSSION: Mayor Widmyer explained this meeting is a procedure to set the high-water mark, and the budget is not final. He said Council will talk again on August 17th and September 7th. State law requires cities to set the proposed high-water mark of property tax by a certain date in August every year.

Councilmember Wood stated she appreciates the comment that the budget is far from complete and how hard the Mayor and Mr. Tymesen have worked on the budget.

MOTION: Motion by Wood, seconded by English, to approve **Resolution No. 20-046**, 3% Setting the Preliminary Budget for 2021-2022, and scheduling a Public Hearing for September 7, 2021.

Councilmember Miller asked if the items in the budget that are contractual could be designated in future presentations, such as COLAS.

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

RESOLUTION NO. 21-047

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A LEASE AGREEMENT WITH JASON EVANS TO MANAGE THE CANCOURSE AS A CITY NATURAL PARK AND APPROVING A LAW ENFORCEMENT MUTUAL AID AGREEMENT WITH KOOTENAI COUNTY SHERIFF'S DEPARTMENT FOR ENFORCEMENT OF STATE AND COUNTY LAWS IN CANCOURSE.

STAFF REPORT: Trails Coordinator Monte McCully requested that Council approve Resolution No. 21-047 and enter into a Lease Agreement with Jason Evans to manage the Cancourse as a City Natural Park, and with Kootenai County Sheriff's Department for a Law Enforcement Mutual Aid Agreement to enforce state and county laws in Cancourse. Mr. McCully said Jason Evans originally purchased the 135-acre "Cancourse" property located at the end of Shadduck Lane and adjacent to the City-owned Canfield Mountain Natural Area Park with the intention of opening it to the public for hiking and mountain biking. The property is located outside the City limits. Kootenai County contacted Mr. Evans and informed him a special-use permit would be required in order to operate the park for the public. After reviewing the permit language, he realized he would be responsible for all the enforcement within the park boundaries which would be difficult to do. Mr. Evans approached the City to see if we would be interested in partnering with him to make this property function like a park. Under the Lease Agreement, his property will be considered a "Natural Park" and will be managed by the Parks Department with all rules posted at the trailhead, addressing hours of operation, and the prohibition of fires, camping, alcohol, smoking, fireworks, and unauthorized motor vehicles. The City will enforce Cancourse rules and will also enter into an agreement with the Kootenai County Sheriff's Office for enforcement of state and county laws, since the property is in the county. The lease is for a period of five (5) years, with an automatic five (5) year extension unless either party gives notice of the intent not to renew. Mr. Evans is currently building trails on the property according to a Master Plan created with the Parks Department and is following City trail building practices. After the Lease Agreement is accepted, the Parks Department will be responsible for the maintenance of the trails and construction of additional trails, and we will rely on Mr. Evans to help with these projects and the ongoing maintenance and oversight of the park. There is on-street parking available on Shadduck Lane from N. 22nd Street to N. Copper Way. This section of road is 32 feet wide and meets our standards for streets with parking on both sides. The houses along this stretch are double frontage lots and have residential parking on the streets in front of each home, meaning this stretch of road is rarely, if ever, used by the residents for parking. The only financial impact on the City will be staff time for litter pick up and projects to build or maintain trails. This will be done with current staffing. Litter pick up will be performed once per week for 9 months out of the

year with a cost of \$15.51 to \$39.36 per week, depending on whether seasonal or full-time employees do the work. No additional budget authority is requested.

Councilmember Wood stated both Monte McCully and Bill Greenwood went through the Parks and Recreation Commission and they are in support. Councilmember Gookin questioned if the City leases other parks, with Mr. McCully responding that the City has agreements with the Bureau of Land Management. Councilmember Gookin asked if someone gets hurt on the property who is liable, with City Attorney Mike Gridley responding the recreational use statute protects the City and the property owner from liability because there is no fee to use the trails.

MOTION: Motion by Wood, seconded by Evans, to approve **Resolution No. 20-047**, Approving a Lease Agreement with Jason Evans to Manage the Cancourse as a City Natural Park, and the Law Enforcement Mutual Aid Agreement with Kootenai County Sheriff's Department for Enforcement of State and County laws.

DISCUSSION: Councilmember Evans thanked Mr. McCully and Mr. Evans for all their hard work to open up this trail system and said it is much appreciated. Councilmember Miller noted that preserving open space for the general public for health and recreation is a great thing for the community. The partnership is with the least amount of investment and will benefit all citizens. She appreciates all the volunteers that have been taking care of this for years and feels this is a great opportunity. Councilmember Gookin stated he is uncomfortable with City employees maintaining private property and does not like that it is not in the City limits.

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

RESOLUTION NO, 21-048

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF AND AWARDING A CONTRACT TO GEA MECHANICAL EQUIPMENT US, INC., FOR THE PURCHASE OF CENTRIFUGE DEWATERING EQUIPMENT IN THE AMOUNT OF \$419,100.00.

STAFF REPORT: Wastewater Capital Program Manager Mike Becker requested that Council approve Resolution No. 21-048 and award a procurement contract to GEA Mechanical Equipment US, Inc., for the purchase of the Wastewater Department's new centrifuge dewatering equipment in the amount of \$419,100.00. Mr. Becker explained that the Wastewater Department (WW) uses a centrifuge dewatering unit or a belt filter press (BFP) to separate the liquid waste (centrate) from the biosolids. The centrifuge produces a drier biosolids cake which greatly decreases volume and therefore hauling and compost processing costs. The BFP serves as a back-up dewatering unit and has exceeded its useful service life, having been installed in 1999. Based on City growth projections and at the direction of the WW, HDR Engineers developed a Capital Improvement Plan (CIP) addressing the treatment facility's solids handling process. This CIP, titled Solids Handling Improvements Project, included replacing the BFP with another larger centrifuge,

upgrading the existing electrical equipment and controls, improving the centrate management process and biosolids loadout, expanding polymer storage, building structural modifications, and enhancing odor mitigation. In October 2020, the WW was informed that a new centrifuge unit would likely take up to 6 months for delivery. In an effort to minimize the project duration, reduce delays and contractor overhead, as well as improve quality control in centrifuge selection; the Department elected to solicit Requests for Proposals (RFP) for the purchase of dewatering equipment, including statements of qualification and sample bench test results, and acceptance of bids from prequalified centrifuge manufacturers. The goal was to pre-purchase the new dewatering equipment directly from the centrifuge manufacturer ahead of the Solids Handling Improvement Project. This project is scheduled and budgeted for construction next year (FY2021/2022).

In compliance with the City's Purchasing/Procurement Policies, the WW advertised for the RFP on March 12, 2021. The intent for the RFP was to prequalify only centrifuge manufacturers to bid on the equipment. On June 17th, the City received and opened four (4) bids from prequalified manufacturers. GEA Mechanical Equipment US, Inc., was the lowest responsive bidder. Mr. Becker stated that GEA's "adder" is for an expanded controller system. The ControlLogix® is needed for compatibility between the new centrifuge equipment and existing treatment facility equipment and controls. The WW is requesting approval of their proposed \$17,600 cost adder bringing GEA's total bid to \$419,100.00. Mr. Becker noted he, and the attorney with HDR reviewed and determined that the bid of GEA Mechanical Equipment US, Inc., is responsive and GEA is the low bidder for this procurement. This would be the first GE Westfalia Centrifuge within the City. The City of Nampa is currently using this equipment and is pleased with the performance that they are purchasing another one in the next fiscal year. Mr. Becker stated on behalf of the Wastewater Department that the City Council should accept the bid and award a procurement contract to GEA Mechanical Equipment US, Inc., for the purchase of the Wastewater Department's new centrifuge dewatering equipment package for the sum of \$419,100.00.

DISCUSSION: Councilmember Evans asked if the three (3) other bids included the added communication piece that was listed, with Mr. Becker stating they did. He said it was included in the bid, and there was various cost additions and the only one found that is needed to get the equipment operating is the controller system.

Councilmember Miller noted that the engineers estimate for the project was between \$700,000 and \$800,000, and the bid came in at \$419,100, and wanted to make sure the department was comfortable it meets the bid. Mr. Becker stated the estimate was revisited post COVID and was taken into account and recently revisited with HDR and agreed to be on the safer side verse under estimating the costs.

MOTION: Motion by McEvers, seconded by Miller, to approve **Resolution No. 20-048**, Accepting the Bid and Awarding a Contract to GEA Mechanical Equipment US, Inc., for the Purchase of Centrifuge Dewatering Equipment in the Amount of \$419,100.00.

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

(LEGISLATIVE PUBLIC HEARING) V-21-03 - VACATION OF A TEN-FOOT (10') STRIP OF RIGHT-OF-WAY ADJOINING THE EASTERLY BOUNDARY OF LOT 22 AND THE SOUTH HALF OF LOT 21, BLOCK 3, OF THE KAESMEYER ADDITION PLAT, KNOWN AS 401 S. 18TH STREET.

STAFF REPORT: Engineering Project Manager Dennis Grant stated the applicant Todd Butler, is requesting the vacation of a ten-foot (10') strip of right-of-way adjoining the easterly boundary of Lot 22 and the south half of Lot 21, Block 3, of the Kaesmeyer Addition plat (401 S. 18th Street). The requested row was originally dedicated to the Public in 1907. The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 600 square feet to the County tax roll. Although a minor amount, it would be a benefit to the municipality as tax revenue and to the land owner whose lot adjoins the strip of usable property. The portion of 18th Street has an eighty (80') right-of-way. By vacating the requested ten-foot (10') strip of right-of-way, it would be more consistent with the typical 60' right-of-way of a street south of Sherman Avenue. The right-of-way can be incorporated into the development of the adjoining property. All utilities are existing and in place, and there is no foreseeable use for this right-of-way. The Development Review Team was informed about this vacation, and Planning Department comments are contained in the staff report. He said notifications for this request were sent out to fifty-three (53) surrounding property owners, and he received two (2) comments in favor and two (2) comments in opposition.

Mr. Grant stated City Council should approve the vacation action per Idaho Code Section 50-1306, and vacate the property to the applicant, Todd Butler.

DISCUSSION: Councilmember Gookin asked if this would extend the property ten feet (10') out, and would properties to the right extending north and south be affected, and would it affect the setbacks for building and remodeling. Mr. Grant stated that it would. Councilmember Gookin asked if there are any current building plans submitted, with Mr. Grant responding he did not research if there was a building permit submitted and noted the property owner is available to answer questions.

Councilmember Wood asked why they weren't making the whole street contiguous, as it was just one property, with Mr. Grant explaining that it has been done in the past but it would require all affected property owners to be in agreement with the change.

Mayor Widmyer asked Mr. Gridley if the City would need the property owners to agree with vacating their properties, with Mr. Gridley responding the City can vacate a right-of-way if they so choose, yet it was typically the property owner making the request.

PUBLIC COMMENT:

Nathan Norman, Coeur d'Alene, spoke in opposition of the vacation and stated he is the neighbor currently doing construction next door. Mr. Norman noted that if this request is approved the building setbacks would change, making the applicant's unit extend ten feet (10') past his front porch, taking away the privacy, and the proposed Accessory Dwelling Unit (ADU) would look into the master bedroom on that side of the property. He stated that the only people that will benefit from this would be someone coming in and taking down a house that is currently there and

rebuilding. Mr. Norman agrees with the Planning Department comments and stated it would be a bad project, and some of the neighbors thought so as well.

Glenn Lauper, Coeur d'Alene, provided written comments (Exhibit PC-1) opposing this request stating it could lead to high-rise residential, parking congestion, and impeding emergency response vehicles.

DISCUSSION: Councilmember McEvers asked Mr. Norman if everyone on the street vacated, would that make a difference, with Mr. Norman noting all new construction would be able to build ten feet (10') closer to the street which would take away privacy at the front of the house.

APPLICANT REBUTTAL: Applicant Todd Butler stated he is representing both vacation requests on the agenda, one as the property owner and the other as the Architect for the property. He said he agrees in vacating the whole street, and stated that currently there are only three (3) streets that have more than the sixty feet (60') right-of-way south of Sherman Avenue. He stated he purchased his house in 1989, and didn't know it was built right on the property line. He asked for a vacation about 25 years ago and spoke with engineering staff, who told him everyone on the street would need to vacate, and the neighbors would not agree to. He said his client's daughter bought the property on Young and 18th Street and is looking to put in an ADU on the property. In design discussions the topic of how far the property line is back from the street came up, and Mr. Butler suggested they try to vacate the ten feet (10') of right-of-way. Mr. Butler stated if the extra ten feet (10') was approved, he would be able to have a larger living room. He noted for the property at 401 18th Street (V-21-04), he can make the ADU fit with the current required setbacks, the backyard would just be smaller. He said the granting of the vacation would allow for a better product.

DISCUSSION: Councilmember Miller asked for clarification if the infringement of their privacy would happen with or without the approval to vacate, with Mr. Butler stating it would. He said the master bedroom window is about two feet (2') by four feet (4') and is four-to-five feet (4-5') from grade to sill. Next to it is a bathroom window that is two feet (2') by three feet (3'), and there are two (2) big picture windows in the garage. Councilmember Miller asked for clarification on Mr. Norman's other concern of the larger living room looking back on the neighboring porch and encroaching on his privacy. Mr. Butler explained that the design would be similar to what Mr. Norman currently has, which is an extended porch off the front, and added that ADU's are pretty small and this one has an extended porch to provide more space. Councilmember McEvers asked Mr. Butler if nine (9) new homes in his neighborhood was granted the vacation, how would that look, with Mr. Butler stating that in talking with the surrounding neighbors, there was four (4) of them that want to continue to live in the neighborhood and were excited about the vacation and the opportunity it may give them to expand their homes.

Clarence Dunlop, Coeur d'Alene, spoke in favor of the request, stating he lives across the street. He said his home currently has no foundation and is non-conforming, and if this vacation was approved, he would be able to bring it into compliance.

Mayor Widmyer reiterated the Planning Department comments that they would be in favor if all the neighbors on the block vacated. He asked Council if they should look at vacating the ten feet

(10') of right-of-way for all the parcels on the block and bringing the item back. Hilary Anderson, Planning Director, was asked by Councilmember McEvers if vacating the whole block is reasonable without making people angry, and she explained if just one (1) property vacates and the rest of the properties don't have the same right it creates an odd street frontage or street scape. She said the Planning Department is not opposed to this vacation but would be much more supportive if it was the full block. Councilmember Miller commented that this could cause a pumpkin tooth street scape and the better idea would be to vacate the whole block. Mr. Gridley noted that he has looked up the statue 50-1321 to verify his earlier comment, however, the code talks about the necessity for consent of adjoining land owners for vacation of a public right-of-way. Councilmember Wood agreed the better route would be to vacate the whole block and take no action tonight and have the applicant come back. Councilmember English stated that these should be looked at individually and hopefully the adjacent neighbors would like to do the same. Councilmember Gookin stated he would like to focus on the one (1) parcel being presented tonight.

MOTION: Motion by McEvers, seconded by English, to dispense with the rule and read **Council Bill No. 21-1017** once by title only.

DISCUSSION: Councilmember Gookin asked if it was Council's intention to grant the vacation, and agrees that approving this would create a lack of consistency to the neighborhood. Councilmember McEvers stated it is the right thing to do.

ROLL CALL: Miller No; McEvers Aye; Gookin No; English Aye; Wood No; Evans Aye. Mayor Widmyer No. **Motion failed.**

MOTION: Motion by Gookin, seconded by Wood, to deny the vacation request V-21-03.

DISCUSSION: Councilmember Wood encouraged the applicant to come back if he could get all the neighbors to agree to vacate the whole block.

ROLL CALL: Miller Aye; McEvers No; Gookin Aye; English No; Wood Aye; Evans No. Mayor Widmyer Aye. **Motion carried.**

(LEGISLATIVE PUBLIC HEARING) V-21-04 -VACATION OF A TEN-FOOT (10') STRIP OF RIGHT-OF-WAY ADJOINING THE EASTERLY BOUNDARY OF A PORTION OF LOTS 6, 7, AND 8, BLOCK 13 OF THE KAESMEYER ADDITION PLAT, KNOWN AS 1724 E. YOUNG AVENUE.

STAFF REPORT: Engineering Project Manager Dennis Grant stated the applicant, Todd Butler, on behalf of Savannah Hill, is requesting the vacation of a ten-foot (10') strip of right-of-way adjoining the easterly boundary of a portion of Lots 6, 7, and 8, Block 13 of the Kaesmeyer Addition plat (1724 E. Young Avenue). The requested right-of-way was originally dedicated to the Public in 1907. The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 1,150 square feet to the County tax roll. Although a minor amount, it would be a benefit to the municipality as tax revenue and to the land owner whose lot adjoins the strip of usable property.

This portion of 18th Street has an eighty-foot (80') right-of-way. By vacating the requested ten-foot (10') strip of right-of-way, it would be more consistent with the typical sixty-foot (60') right-of-way of a street south of Sherman Avenue. The right-of-way can be incorporated into the development of the adjoining property. All utilities are existing and in place, and there is no foreseeable use for this right-of-way. The Development Review Team was informed about this vacation. City Council should approve the vacation action per Idaho Code Section 50-1306, and to vacate the property to the applicant Savannah Hill. Mr. Grant stated fifty-one (51) certified notifications were sent and he received six (6) responses; one (1) in favor and five (5) in opposition.

PUBLIC COMMENTS:

Nathan Norman, Coeur d'Alene, spoke in opposition and stated he would like the existing setbacks to remain and is not opposed to an ADU. Currently there are four (4) new houses on that street that used the current setbacks. Councilmember Gookin asked if he thought all the neighbors would agree to vacate on the block, with Mr. Norman responding he didn't think so. He also added because of the design of his house, if the neighbor were to build an ADU it would not impact his privacy. Vacating ten feet (10') would allow the house to be closer to the street creating a situation where they could look back into the porch area.

APPLICANT: Todd Butler spoke in favor of the vacation and noted there is only two (2) houses on this block; one is Mr. Norman's and the other is Savannah Hill's.

Councilmember Wood asked if Mr. Butler and Mr. Norman have been in discussions, with Mr. Butler stated they had not. Mr. Butler explained the original eighty-foot (80') right-of-way was designed so trucks could get to the mill, and approving this request would create a little more space in the backyard and a provide a shorter driveway. Mr. Butler provided a side view photo of Mr. Norman's house (exhibit PC-3) to the Council.

Kirk Hill, Coeur d'Alene, spoke in favor of the vacation stating his daughter is Savannah Hill, owner of the property. He noted that Mr. Norman would have the opportunity to add ten more feet (10') to his house which would be a good thing.

Art and Trudy Elliott submitted a letter (exhibit PC-1) opposing the request because it would impact the off-street parking area and 18th Street south of Young is the sole access to the Ridge Point Condominiums and it is heavily traveled.

Glenn Lauper submitted written comments (exhibit PC-2) opposing the request due to congestion, with vehicles parking on the street, and it would impact the ability for the fire department to provide public safety.

MOTION: Motion by Miller, seconded by McEvers, to dispense with the rule and read **Council Bill No. 21-1018** once by title only.

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

COUNCIL BILL NO. 21-1018

AN ORDINANCE OF THE CITY OF COEUR D'ALENE VACATING A PORTION OF RIGHT-OF-WAY LOCATED IN THE KAESMEYER ADDITION PLAT, RECORDED IN BOOK B OF PLATS ON PAGE 129, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, IDAHO, GENERALLY DESCRIBED AS THAT TEN-FOOT (10') WIDE STRIP OF LAND ADJOINING THE EASTERLY BOUNDARY OF A PORTION OF LOTS 6, 7, AND 8, BLOCK 13 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 Miller, seconded by Evans, to adopt **Council Bill No. 21-1018**.


ROLL CALL: McEvers Aye; Gookin No; English Aye; Wood No; Evans Aye; Miller Aye.

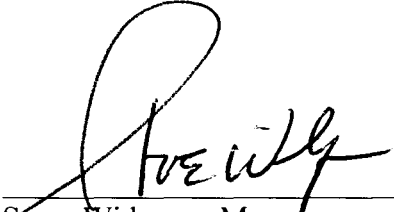
Motion carried.

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

The meeting was adjourned at 7:46 p.m.

ATTEST:


Kelley Setters
Deputy City Clerk


Steve Widmyer, Mayor