

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

August 17, 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 17, 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)
Kiki Miller)
Christie Wood)

Woody McEvers) Members of Council Absent

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

INVOCATION: Pastor John Padula of Altar Church provided the invocation.

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

Mayor Widmyer mentioned the presentation of One and Done, The Counterfeit Pill Public Health Threat by Acting U.S. Attorney Rafael M. Gonzalez, Jr. had been scheduled for a later date.

PUBLIC TRANSPORTATION UPDATE: Kootenai County Public Transportation's Chad Ingle, Program Manager presented a public transportation (also known as Citylink) update. Mr. Ingle went over the representative project list and strategic service planning; which included their goal and objectives. He said Kootenai County was growing and changing and local transportation would need to grow with it. They were looking towards improving service, meeting demands, increasing bus operation efficiency, and reducing operational costs. They have put together a working group to coordinate efforts to develop regional programs to enhance services. He stated they were working on the integrated mobility innovation (IMI) update and what that may hold in the future. The platform would connect transportation modes to meet rider's needs. He stated they were actively planning for the future.

UPDATE TO THE FISCAL YEAR 2021-2022 BUDGET: Troy Tymesen, City Administrator, gave an update on the Fiscal Year 2021-2022 Budget. He stated they continue to receive revenue numbers and they continue to be positive. He stated the proposed budget included taking 0% of available property tax revenue (\$700,000). He explained the reduction of anticipated property tax revenue would be made up through increased revenue from sales and liquor taxes, and an increase

to the short-term rental permit fee and associated fines. He said the Unassigned General Fund Balance was projected to be 13% of budgeted expenditures as presented, yet he expects the actual numbers would be better at fiscal year-end. He noted the proposed budget included \$1.1 million in contractual increases due to merit, COLA, 1% wage adjustment for public safety increases, along with health insurance premiums, additional staff, increases to services and supplies, and capital outlay. He stated there were a net 7.45 full time equivalent (FTE) staffing changes proposed which included the following positions: one (1) Police Sergeant, two (2) Police Officers, one (1) Code Enforcement Officer, one (1) Grant Funded Police Officer, three (3) Firefighters, one (1) Assistant Street Director, and other staffing changes which equated to a decrease of 1.55 FTE. He said there were the following Capital Outlay purchases which equaled \$539,840: Police Department vehicles, Fire Department flooring, used surplus equipment for the Streets Department, new chiller unit for the Police Department, and repairs at a City-owned building located at 414 Fort Ground Way. He noted the new budget numbers were significantly due to the strong recovery from the pandemic.

DISCUSSION: Mayor Widmyer asked what the reduction to the new growth dollar amount was, with Mr. Tymesen stating a \$35,000 reduction. Councilmember Gookin asked if part of the Unassigned Fund Balance contains carryover, with Mr. Tymesen stating it did not. Councilmember Miller asked if the positions were the only additions moving forward since the first budget discussion, with Mr. Tymesen responding in the affirmative. Councilmember Wood asked about the police vehicles and if federal funding was available, with Mr. Tymesen responding they were preparing a report to request funds, and if successful, they would be available to purchase capital items including vehicles. Councilmember Wood commended the Mayor for preparing the budget yet was wary of building the budget on proposed revenue numbers and did not wish to push a possible deficit on to the future and would like to look at a 1% property tax. Mayor Widmyer stated taxes were based on the State's projected numbers and he felt they were conservative and he was comfortable using the numbers. Councilmember Gookin stated he would like to entertain the idea of adding an engineer instead of assistant director to the Street & Engineering Department, and felt that a city of their size warranted it. Councilmember Miller stated she felt if the department needed an engineer, they would have requested one.

Councilmember English stated in light of the new revenue numbers he wouldn't feel comfortable taking any property tax revenue this year. Councilmember Miller asked about the recommended Fund Balance and if it was two- or three-months of reserves, with Mr. Tymesen responding the minimum was two-months. Mayor Widmyer asked what the total General Fund budget amount was, with Mr. Tymesen stating it was \$46 million, with Mayor Widmyer noting 15-20% in reserves was ideal. Mayor Widmyer stated he appreciated all the hard work Comptroller Vonnie Jensen and her staff had done on the budget.

PUBLIC COMMENTS:

Michael Luntz, Coeur d'Alene, stated he is part of a pick-up dodgeball group that plays mainly at McEuen Park. He said he had received an email from the Parks & Recreation Department stating they had been running people off of the basketball court and that they would have to find a new place to play. Mr. Luntz stated he arrives early to the court in order to let everyone know they would be using it. He said he was polite to all and was working to create a non-profit in order to

take the games inside in the winter. He said they use the courts approximately three (3) hours each week and would like an opportunity to work with the City to continue the games. Mayor Widmyer stated he felt the City could work with the group and felt any public recreation was a good thing would have someone from the City contact him. Councilmember Gookin asked Chief Deputy City Attorney Randy Adams if the City could ban anyone from a public facility, with Mr. Adams stating there would have to be violation of the law, discrimination, or something of that magnitude.

Ron Cavalin, Coeur d'Alene, stated he had been trying to attain a building permit but because of a change to the R-12 zoning, he has been denied a permit for his 200' strip of land on north of Foster Avenue. He noted the property had been split previously and he was told it had been done illegally and would have to be rejoined, which he did. However, was still unable to receive a permit. Mr. Widmyer stated he didn't believe the zoning had changed and referred him to meet with the Planning Department. Councilmember Gookin mentioned Mr. Cavalin would need to rezone the property to R-17 in order to build the four (4) units he was proposing.

Linda Putts, Coeur d'Alene, stated she attended the Arts Commission meeting and was concerned with two (2) of the proposed statues that were part of the ArtCurrents item on the agenda for approval. She stated the art was too sexually explicit and intimidating and asked Council to vote no on the art pieces entitled "Gaia" and "Unrestrained Force."

Russell McLain, Kootenai County, stated he had been in need of paramedics a few weeks ago, and Coeur d'Alene Fire paramedics provide aid to him. He wanted to commend the staff and show his appreciation for their great work.

Ben Acre, Coeur d'Alene, said he wished to thank Council for being open minded towards outdoor activities, specially dodge ball.

Mayor Widmyer asked for the Appointments of John Bruning, Jennifer Drake, and David Groth to the Arts Commission.

MOTION: Motion by Wood, seconded by Evans, to appoint John Bruning, Jennifer Drake, and David Groth to the Arts Commission.

DISCUSSION: Councilmember Gookin stated he was in opposition to the reappointments, and noted the people were respectable, but felt a City of 50,000 people should be trying to recruit new citizens to serve on the boards and commissions.

Motion carried, with Councilmember Gookin voting in opposition.

CONSENT CALENDAR:

1. Approval of Council Minutes for the July 29, 2021, and August 3, 2021, Council Meetings.
2. Approval of Bills as Submitted.
3. Approval of Financial Report.
4. Approval of Minutes from the August 9, 2021, General Service/Public Works Committee Meeting.

5. Setting of General Services/Public Works Committee Meeting for Monday, August 23, 2021, at 12:00 noon.
6. Setting of Public Hearings for September 21, 2021:
 - a. Quasi-judicial - ZC-6-21- A proposed zone change from R-12 to R-17; located at 455 W. Cherry Lane; Applicant: CDA Enterprises, LLC.
 - b. Quasi-judicial – A-3-21 -A proposed 4.18 acre annexation from County Commercial to C-17; located at 3525 W. Seltice; Applicant: Kootenai Youth Rec, Vince Hughes.
7. Approval of a Cemetery Lot Repurchase: Niche: RIV; NGB; 16, from Phyllis Taylor.
8. **Resolution No. 21-049** – A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: PURCHASE OF RIGHT-OF-WAY AT 280 W. KATHLEEN AVENUE FROM JBS BUILDING, LLC, IN THE AMOUNT OF \$36,380.94; A PROFESSIONAL SERVICES AGREEMENT WITH KELLER ASSOCIATES FOR THE DESIGN OF THE NEW BOOSTER STATION FOR BLACKWELL ISLAND IN THE AMOUNT OF \$104,093.00; AND THE DECLARATION AS SURPLUS USED VEHICLES FROM THE POLICE DEPARTMENT AND THE SALE OF THE SURPLUS PROPERTY AT AUCTION

MOTION: Motion by Gookin, seconded by English, to Approve the Consent Calendar as Presented Including **Resolution No. 21-049**.

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

RESOLUTION NO. 21-050

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A CDBG-CV GRANT AGREEMENT WITH LAKE CITY CENTER USING CDBG-CV FUNDS FOR THE REIMBURSEMENT OF THE COST OF AIR SCRUBBERS PURCHASED AND INSTALLED AT THE SENIOR CENTER.

STAFF REPORT: CDBG Specialist Chelsea Nesbit stated the Lake City Senior Center (LCSC) had requested reimbursement for the purchase and placement of four (4) Air Scrubbers (Air Scrubber BY AERUS Model: A1013Q Ozone-Free 9960052) to aid in removing surface and airborne contaminants including VOCs, odors, dust, pet dander, and other allergens. She said the system had been tested in independent labs and proven effective on bacteria, viruses, mold, and fungi on surfaces and in the air, and each device covered approximately 3,000 square feet. Lake City Center’s facility is 11,500 square feet. She noted the community served by the LCSC was primarily an “at-risk” population, with citizens over the age of 65, and many with underlying health and medical conditions with an increased risk of contracting COVID-19 with grave consequence. The placement of the Air Scrubbers in the HVAC was expected to help mitigate or eliminate bacteria and viruses from the air, including the COVID-19 virus. The City received \$199,675 in the first allocation of CDBG-CV funds and an additional \$247,124 in CDBG-CV3 funds, bringing the total CV funds allocation to \$446,799. A total of \$59,360 has been set aside for administrative expenses, leaving a total of \$387,439 for Community Opportunity Grants. The total dollar amount of approved grants to date was \$317,600. The Volunteer Ad Hoc Grant Review team had recommended funding for Lake City Senior Center in the amount of \$5,000 for

the reimbursement of Air Scrubbers purchased and installed at the senior center. Ms. Nesbit noted there was currently \$74,839 in CARES Act funds available for COVID-19-related needs that met HUD requirements for funding, and if the grant was awarded, \$69,839 would remain.

MOTION: Motion by Evans, seconded by Miller, to approve **Resolution No. 21-050**, Approving a CDBG-CV Grant Agreement with Lake City Center using CDBG-CV Funds for the Reimbursement of Air Scrubbers Purchased and Installed at the Senior Center.

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

RESOLUTION NO. 21-051

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING ART DISPLAY AGREEMENTS, EACH FOR A TERM OF ONE-YEAR WITH THE OPTION TO EXTEND FOR AN ADDITIONAL ONE-YEAR TERM, FOR NEW ART PIECES PURSUANT TO THE 2021 ARTCURRENTS PROGRAM.

STAFF REPORT: City Administrator Troy Tymesen stated the Arts Commission (Commission) was requesting approval to enter into art display agreements for a period of one-year, with the option to extend for an additional year, for ten (10) new art pieces for the 2021 ArtCurrents program. He said the City of Coeur d'Alene Public Art Program Policy was adopted by the City Council on November 2, 1999, and designates the Commission as the standing committee charged by the City Council to oversee the Public Art program. He mentioned that oversight responsibilities of the Commission included the selection of art for the ArtCurrents program, which were on display for public viewing around the City. He stated the Commission established an ArtsCurrents subcommittee and published a "Call to Artists" through CaFÉ which was open to local artists residing in the states of Idaho, Montana, Washington, or Oregon. The criteria required that the submitted art pieces be a minimum of 36" high, that the artist provide a photo of the front and back of the art piece, and include a brief explanation of, and inspiration for, the piece. He said the call closed on July 9, 2021, and a total of fourteen (14) art pieces from eight (8) artists were submitted. The ArtsCurrents subcommittee met and selected ten (10) pieces which were approved by the Commission at their July 27, 2021 meeting. The newly selected ArtCurrents pieces will be displayed for a two-year period beginning in October 2021, and concluding in September 2023 and the artist receives \$1,000 per art piece for each year the art is displayed. Funding for the ArtCurrents program comes from ignite cda, and the total budgeted amount for the ArtCurrents program is \$20,000 over a two-year fiscal year budget (\$10,000 for each fiscal year).

Mr. Tymesen asked for Council approval of the ten (10) new art pieces selected for the 2021 ArtCurrents program, as recommended by the ArtsCurrents subcommittee and Arts Commission, and authorize staff to execute the art display agreements.

MOTION: Motion by Wood, seconded by English, to approve **Resolution No. 21-051**, Approving the Selection of Ten (10) New Art Pieces for the 2021 ArtCurrents Program, and Authorizing Staff to Execute the Art Display Agreements.

DISCUSSION: Councilmember English asked for clarification the City was not purchasing the art pieces, with Mr. Tymesen stating the artist would be paid a stipend for the art display agreement and the art would be for sale with the City receiving a 25% commission when sold. Councilmember Gookin stated he didn't find any offense with the art pieces "Gaia" or "Unrestrained Force" and felt they were appropriate for the ArtCurrents program. Councilmember Wood was in agreement with Councilmember Gookin and noted the City had a commission which was active in the arts, and did a great job selecting artist. She said art was enjoyed by many people with different viewpoints.

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

RESOLUTION NO. 21-052 -A RESOLUTION ESTABLISHING A NOTICE OF TIME AND PLACE OF PUBLIC HEARING OF THE PROPOSED AMENDED BUDGET FOR FISCAL YEAR 2020-2021.

STAFF REPORT: Comptroller Vonnie Jensen stated the City Council annually amends the original appropriations ordinance for unanticipated expenditures. Ms. Jensen said Idaho code allows the City Council at any time during the current fiscal year to amend the appropriations ordinance to reflect the receipt of revenues and/or the expenditure of funds that were unanticipated when the ordinance was adopted. She stated each year, the City adopts amendments to the appropriation's ordinance. She noted the budget amendment shows increases in expenditures due to carryovers of projects, state and federal grants received, funding received in FY 2019-20 from the CARES Act that was designated for FY 2020-21 expenses, impact fee usages for police and fire expenditures, and miscellaneous additional items. She said additional revenues in the amount of \$839,320 had been received in the General Fund to cover the increased expenses for the fiscal year, and that \$1,632,561 was coming from the designated fund balance. She requested Council approve Resolution No. 21-052, to amend the Fiscal Year 2020-21 Budget by a total of \$4,522,681.

RESOLUTION NO. 21-052

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 AMENDED BUDGET FOR FISCAL YEAR 2020-2021, AND INCLUDING PROPOSED EXPENDITURES BY FUND AND/OR DEPARTMENT, AND STATEMENT OF THE AMENDED ESTIMATED REVENUE FROM PROPERTY TAXES AND THE AMENDED TOTAL AMOUNT FROM SOURCES OTHER THAN PROPERTY TAXES OF THE CITY FOR THE ENSUING FISCAL YEAR AND PROVIDING FOR PUBLICATION OF THE SAME.

WHEREAS, it is necessary, pursuant to Idaho Code 50-1003, for the City Council of the City of Coeur d'Alene, prior to passing an Amended Annual Appropriation Ordinance, to prepare a proposed amended Budget, tentatively approve the same, and enter such proposed amended Budget at length in the journal of the proceedings; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the following be and the same is hereby adopted as an Amended Estimate of Expenditures and Anticipated Revenue of the City of Coeur d'Alene for the fiscal year beginning October 1, 2020:

| | FY 2020-21 BUDGET | FY 2020-21 AMENDED BUDGET |
|---|------------------------------|--|
| GENERAL FUND EXPENDITURES: | | |
| Mayor and Council | \$ 251,742 | \$ 251,742 |
| Administration | 217,699 | 217,699 |
| Finance Department | 1,234,784 | 1,264,149 |
| Municipal Services | 1,804,906 | 1,987,906 |
| Human Resources | 418,825 | 418,825 |
| Legal Department | 1,313,413 | 1,313,413 |
| Planning Department | 726,892 | 761,987 |
| Building Maintenance | 547,526 | 550,026 |
| Police Department | 16,732,158 | 17,107,006 |
| Fire Department | 10,710,811 | 11,149,444 |
| General Government | 153,050 | 1,298,678 |
| Streets and Engineering | 4,981,197 | 5,206,009 |
| Parks Department | 2,448,730 | 2,448,730 |
| Recreation Department | 745,208 | 745,208 |
| Building Inspection | 958,485 | 958,485 |
| TOTAL GENERAL FUND EXPENDITURES: | <u>\$ 43,245,426</u> | <u>\$ 45,679,307</u> |

| | FY 2020-21 BUDGET | FY 2020-21 AMENDED BUDGET |
|---|------------------------------|--|
| SPECIAL REVENUE FUND EXPENDITURES: | | |
| Library Fund | \$ 1,736,045 | \$ 1,751,345 |
| Community Development Block Grant | 695,032 | 695,032 |
| Impact Fee Fund | 450,000 | 596,500 |
| Parks Capital Improvements | 323,260 | 713,260 |
| Annexation Fee Fund | 195,000 | 195,000 |
| Cemetery Fund | 306,787 | 306,787 |
| Cemetery Perpetual Care Fund | 166,500 | 166,500 |
| Jewett House | 26,353 | 26,353 |
| Reforestation/Street Trees/Community Canopy | 120,000 | 120,000 |
| Public Art Funds | 271,300 | 271,300 |
| TOTAL SPECIAL FUNDS: | <u>\$ 4,290,277</u> | <u>\$ 4,842,077</u> |
| ENTERPRISE FUND EXPENDITURES: | | |
| Street Lighting Fund | \$ 733,250 | \$ 733,250 |
| Water Fund | 14,566,370 | 14,566,370 |
| Wastewater Fund | 20,111,378 | 21,191,378 |
| Water Cap Fee Fund | 5,300,000 | 5,300,000 |
| WWTP Cap Fees Fund | 1,484,809 | 1,484,809 |
| Sanitation Fund | 4,215,002 | 4,645,002 |
| City Parking Fund | 1,640,036 | 1,667,036 |
| Drainage | 1,701,863 | 1,701,863 |
| TOTAL ENTERPRISE EXPENDITURES: | <u>\$ 49,752,708</u> | <u>\$ 51,289,708</u> |
| FIDUCIARY FUNDS: | \$ 3,169,432 | \$ 3,169,432 |
| CAPITAL PROJECTS FUNDS: | 2,201,632 | 2,201,632 |
| DEBT SERVICE FUNDS: | 876,281 | 876,281 |
| GRAND TOTAL OF ALL EXPENDITURES: | <u><u>\$103,535,756</u></u> | <u><u>\$ 108,058,437</u></u> |

| | FY 2020-21 BUDGET | FY 2020-21 AMENDED BUDGET |
|---|------------------------------|--|
| ESTIMATED REVENUES: | | |
| Property Taxes: | | |
| General Levy | \$ 15,909,748 | \$ 15,909,748 |
| Library Levy | 1,622,045 | 1,622,045 |
| Fireman's Retirement Fund Levy | 250,000 | 250,000 |
| 2015 G.O. Bond Levy | 876,281 | 876,281 |
| TOTAL REVENUE FROM PROPERTY TAXES: | <u>\$ 18,658,074</u> | <u>\$ 18,658,074</u> |

| | FY 2020-21 BUDGET | FY 2020-21 AMENDED BUDGET |
|---|------------------------------|--|
| ESTIMATED OTHER REVENUES: | | |
| Interfund Transfers | \$ 10,513,545 | \$ 10,660,045 |
| Beginning Balance | 27,151,487 | 35,182,827 |
| Other Revenue: | | |
| General Fund | 22,906,886 | 17,882,927 |
| Library Fund | 14,000 | 29,300 |
| Community Development Block Grant | 695,032 | 695,032 |
| Parks Capital Improvement Fund | 323,260 | 323,260 |
| Cemetery | 148,155 | 148,155 |
| Annexation Fee Fund | 100,000 | 100,000 |
| Impact Fee Fund | 620,000 | 766,500 |
| Cemetery Perpetual Care Fund | | |
| Jewett House | 12,000 | 12,000 |
| Reforestation | 4,500 | 4,500 |
| Street Trees | 81,500 | 81,500 |
| Community Canopy | 1,500 | 1,500 |
| Public Art Funds | 121,000 | 121,000 |
| Street Lighting Fund | 578,250 | 578,250 |
| Water Fund | 6,559,049 | 6,559,049 |
| Wastewater Fund | 11,099,439 | 12,179,439 |
| Water Capitalization Fees | 1,265,000 | 1,265,000 |
| WWTP Capitalization Fees | 978,163 | 978,163 |
| Sanitation Fund | 4,420,000 | 4,520,000 |
| City Parking Fund | 702,500 | 729,500 |
| Drainage | 1,066,281 | 1,066,281 |
| Fiduciary Funds | 2,907,500 | 2,907,500 |
| Capital Projects Fund | 1,200,000 | 1,200,000 |
| TOTAL REVENUE OTHER THAN PROPERTY TAXES: | <u>\$ 93,469,047</u> | <u>\$ 97,991,728</u> |
| | | |
| | FY 2020-21 BUDGET | FY 2020-21 AMENDED BUDGET |
| SUMMARY: | | |
| PROPERTY TAXES | \$ 18,658,074 | \$ 18,658,074 |
| OTHER THAN PROPERTY TAXES | 93,469,047 | 97,991,728 |
| TOTAL ESTIMATED REVENUES | <u>\$112,127,121</u> | <u>\$ 116,649,802</u> |

BE IT FURTHER RESOLVED, that the same be spread upon the Minutes of this meeting and published in two (2) issues of the Coeur d'Alene Press, seven (7) days apart, to be published on August 23, 2021 and August 30, 2021.

BE IT FURTHER RESOLVED, that a Public Hearing on the Budget be held on the 21st day of September, 2021 at the hour of 6:00 o'clock p.m. on said day, at which time any interested person may appear and show cause, if any he has, why the proposed amended Budget should or should not be adopted.

MOTION: Motion by Gookin, seconded by Evans, to approve **Resolution No. 21-052**, Approving the Proposed Amendment to the Fiscal Year 2020-21 Budget and Scheduling a Public Hearing for September 17, 2021 (clarified afterward to be September 21, 2021).

DISCUSSION: Mayor Widmyer explained the proposed amendments were procedural and normal adjustments, with Ms. Jensen noting the amendments contained COVID fund revenue, budget carryover, and used no Unassigned Fund Balance. Councilmember English noted the amendments were normal end of year adjustments.

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

(LEGISLATIVE PUBLIC HEARING) ZC-5-21 – A PROPOSED ZONE CHANGE FROM R-12 TO R-17 LOCATED AT 3221 N. 4TH STREET; APPLICANT: ESCALADE PROPERTIES, LLC.

COUNCIL BILL NO. 21-1019

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 R-17, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 0.47 ACRE PARCEL OFF OF 4TH STREET SOUTH OF NEIDER AVENUE LOCATED AT 3221 N. 4TH STREET; 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.

STAFF REPORT: Planning Director Hilary Anderson stated the applicant was requesting the approval of a zone change from the R-12 to the R-17 zoning district. The 0.47-acre parcel was located off of 4th Street, south of Neider Avenue. There was an existing single-family dwelling located on the parcel which will be removed. Escalade Properties, LLC, purchased the parcel in July of 2019, with the intent to build a multifamily project and the requested zone change was necessary to build the multifamily project. R-12 zoning does not permit multifamily residential. At their regular monthly meeting on July 13, 2021, the Planning Commission held a public hearing on the item and recommended approval for the zone change request. The subject property was surrounded by previous zone change requests that were all approved. As noted below on the map and the list of zone changes, the changes took place between 1992 and 2021. The majority of the zone changes were from R-12 to C-17. There were a few to C-17 L and R-17. The most recent

zone change was from R-12 to R-17 in 2021. Ms. Anderson explained there were four (4) findings which must be met in order to approve the requested zone change. They were the following: Finding #B8-the 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. She noted the areas are where the character of neighborhoods was in transition and should be developed with care. The street network, the number of building lots and general land use are expected to change greatly within the planning period, and it is typically a stable established housing area with a mix of zoning districts with the majority of the area having been developed. She mentioned special care should be given to the areas that remain such as the Nettleton Gulch area, protecting the beauty and value of the hillside and wetlands. She stated that public facilities and utilities were adequate to serve the proposed request. She said the site was generally flat and there were no topographical or physical constraints which would make the subject property unsuitable for the zone change to R-17. The proposed zone change itself would not adversely affect the surrounding area with regard to traffic, as no traffic was generated from a zone change alone, however, the applicant states that the zone change was needed to allow multi-family housing to replace the single family residence. If the property was developed to the maximum allowable density, traffic would only increase by five (5) peak trips per peak hour. The existing left turn lane will aid with ingress/egress. The Streets & Engineering Department had no objection to the zone change as proposed. She said the subject property was located near the commercial corridors of Neider Avenue and 4th Street and was located on 4th Street, and south of Neider Avenue. She stated there was commercial, office, multi-family residential uses, and a few single-family residences nearby. The properties directly to the north and south are existing single family dwellings. A portion of abutting property to the north was vacant and has been approved for a zone change to R-17 by the City Council. Further to the north, uses include a drive-through beverage retailer, an office complex, and a coffee stand, and beyond those commercial uses on Neider Avenue was Costco. To the west and abutting the subject property on the most western boundary was the Briarwood Town Homes multi-family development. To the east across 4th Street were single-family residential uses. Southeast of the property on 4th Street and Ichabod Lane was the property with a Neighborhood Commercial (NC) zoning designation. The subject property was in an ideal location for a multi-family residential project due to its proximity to services, employment, public transportation, walkability, and bike ability. It is also within ½ mile of North Pines Park. Approval of the zone change request would allow the uses by right to change from R-12 uses to R-17 uses. The R-17 district is intended as a medium/high density residential district that permits a mix of housing types at a density not greater than seventeen (17) units per gross acre. The district was appropriate for those areas of the city that are developed at this density or are preferably developed at this density because of factors such as vehicular access, topography, flood hazard, and landside hazard areas. Ms. Anderson requested that City Council consider the request and make findings to approve, deny, or deny without prejudice the zone change from R-12 to R-17.

DISCUSSION: Councilmember Gookin asked how many units would be allowed, with Ms. Anderson responding R-17 zoning allowed up to eight (8), yet the usable property available would most likely make it between 4-6 units once the parking was added. Councilmember Gookin asked what the parking requirements were per unit, with Ms. Anderson stating it would depend on the number of bedrooms and with multi-family, a studio unit would require one (1) parking space, a one-bedroom unit would require 1 ½, and a two-bedroom unit would require two (2) spaces.

The Mayor opened the public comment portion of the hearing.

APPLICANT: Paul Malen stated a study was done that showed there was a need for missing middle housing which included fourplexes and small multiplexes, and his proposal would provide housing opportunities. He wished to thank the Planning Department for their assistance with the process. Councilmember Gookin asked how many units he was proposing to build, with Mr. Malen responding realistically they would build 4-6 units after consideration for parking and landscaping needs. Councilmember Gookin asked for clarification on the number of parking stalls shown in Planning Commission notes in the staff report, with Ms. Anderson stating she believes there was a typographical error in the minutes, and reaffirmed the spaces would be dependent on the number of bedrooms in each unit as required in the code.

The Mayor closed the public comment portion of the hearing.

MOTION: Motion by Evans, seconded by Wood, to dispense with the rule and read **Council Bill No. 21-1019** once by title only.

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

MOTION: Motion by Evans, seconded by Wood, to adopt **Council Bill No. 21-1019**.

DISCUSSION: Councilmember Gookin stated he would be voting in opposition as he had concerns with the change to higher density and stated the property was one of the few left in the area with low-density. Councilmember Wood noted the properties in the surrounding area had been rezoned and the zone change was appropriate for the area.

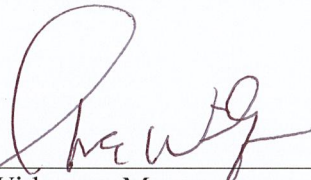
ROLL CALL: Gookin No; English Aye; Wood Aye; Evans Aye; Miller No. **Motion carried.**

Mayor Widmyer stated he checks the COVID stats for the hospital and those in the ICU each day, and stated there were currently 87 people hospitalized, with 34 of those in the ICU. He asked everyone to try to be as safe and healthy as possible, as the hospital and their staff were severely taxed.

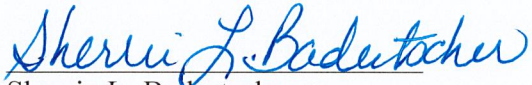
ADJOURN: Motion by Wood, seconded by Miller, that there being no other business this meeting be adjourned. **Motion carried.**

The meeting was adjourned at 7:25 p.m.

ATTEST:



Steve Widmyer, Mayor



Sherrie L. Badertscher
Executive Assistant