

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

February 7, 2017

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 February 7, 2017 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Dan Gookin) Members of Council Present
Amy Evans)
Kiki Miller)
Dan English)

Woody McEvers) Member of Council Absent
Loren Ron Edinger)

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

INVOCATION: Pastor Stuart Bryan with Trinity Church provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember English led the pledge of allegiance.

AMENDMENTS TO THE AGENDA: Mayor Widmyer noted that due to the absence of two Councilmembers the Consent Calendar Discussion agenda item would be continued for full Council consideration.

CONSENT CALENDAR: Motion by Gookin, second by English to approve the consent calendar.

- a. Approval of Council Minutes for the January 17, 2017 Council Meeting.
- b. Approval of Bills as Submitted.
- c. Approval of the Public Works Committee Meeting Minutes held on January 23, 2017.
- d. Setting of General Services and Public Works Committees meetings for February 13, 2017 at 12:00 noon and 4:00 p.m. respectively.
- e. Setting of a Public Hearing on March 7, 2017 for V-16-5, Vacation of a portion of Appleway Avenue right-of-way adjoining the southwesterly boundary of Lot 4, Block 1 of the Zanetti Subdivision to the City of Coeur d'Alene.
- f. **Resolution No. 17-006** – A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE, INCLUDING APPROVAL OF S-5-16, RIVIERA COURT: FINAL PLAT APPROVAL, ACCEPTANCE OF IMPROVEMENTS,

MAINTENANCE/WARRANTY AGREEMENT, AND SECURITY; APPROVAL OF S-6-16, NETTLETON CORNER SUBDIVISION: FINAL PLAT, SUBDIVISION IMPROVEMENT AGREEMENT, AND SECURITY; AND APPROVAL OF S-4-15, GARDEN GROVE FINAL PLAT APPROVAL, ACCEPTANCE OF IMPROVEMENTS, MAINTENANCE /WARRANTY AGREEMENT, AND SECURITY.

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

PUBLIC COMMENTS:

Bob Schaffnit, Coeur d'Alene, noted that the Street Department has failed to properly clean the road, especially Appleway and 15th Street. There is ice at the intersections without any salt. Mayor Widmyer requested he contact Street Superintendent Tim Martin.

COUNCIL ANNOUNCEMENTS:

Councilmember English noted that he witnessed a mom and a school aged child approach two officers at a local coffee shop to ask for a sticker and was proud of the very positive exchange. He expressed disappointment with the state legislators for supporting legislation that will usurp local government authority. He is specifically disappointed in legislation regulating sanctuary cities as there is no clear definition, none currently exists in Idaho, and he does not agree with preventing local citizens from making their own decisions.

Councilmember Miller recently spent a day in Boise with legislators and it was very informative. She noted that the Kroc Center is hosting the musical "Catch me if you can," and that her son will be featured in the production.

Mayor Widmyer announced he became a grandfather yesterday, with the birth of baby girl Quinn Marie Widmyer.

The Mayor announced the passing of Lois Lawson who worked for the City from 1963 through 1987 and was appointed as City Clerk in 1970. She passed away Saturday January 28, 2017. She commonly noted that she was born in Gibbs, Idaho, which only some of the long time citizens know was a small town containing Gibbs Mercantile, Winton School, and a Tavern. She served under Mayor's McHugh, Edinger, Johnston, Fromm and Stone. The City sends condolences out to her family and friends.

APPOINTMENTS: Mayor Widmyer asked for the appointment of Jim Chapkis to the Ignite CDA Board.

DISCUSSION: Councilmember Miller asked when the next joint workshop between Ignite and the City Council would be held. City Administrator Jim Hammond noted that no date has been established.

MOTION: Motion by Gookin, seconded by Miller to approve the appointment of Jim Chapkis to the Ignite CDA Board. **Motion carried.**

COUNCIL BILL 17-1002

AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 13.20.2.1(B) TO ADD ADDITIONAL SPECIFIC PROHIBITIONS TO THE CITY'S DISCHARGE STANDARDS; AMENDING MUNICIPAL CODE SECTION 13.20.2.4 TO ADOPT NEW LOCAL LIMITS PURSUANT TO THE CITY'S EPA NPDES PERMIT; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF REPORT: Wastewater Lab/Pretreatment Supervisor John Dearth explained that the proposed code amendments relate to industrial users and are consistent with EPA requirements listed in the City's 2014 NPDES permit. Currently there are three permitted Significant Industrial Users (SIUs) (Deming Industries, Sunshine Minting, and Esterline Advanced Input Devices) that discharge to the City's wastewater treatment plant and are required to meet the local limits. These three SIU's must test their wastewater discharge twice a year. A consultant was hired in 2015, wastewater monitoring was conducted, and an evaluation was completed during 2015-2016 to determine the new local limits pursuant to the EPA Permit. Mr. Dearth reviewed the code regarding specific prohibitions, and by adding five more prohibitions to the existing list in accordance to the EPA permit and food industry discharge. He explained that EPA requires a 30-day public comment period for proposed amendments, which has already transpired, with no public comments being received, and no further hearings are required on this matter.

MOTION: Motion by Gookin, seconded by Evans, to pass the first reading of **Council Bill No. 17-1002.**

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

MOTION: Motion by Gookin, seconded by Evans, to suspend the rules and to adopt **Council Bill 17-1002** by its having had one reading by title only.

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

RESOLUTION NO. 17-007

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING ADDENDUM NO. 1 TO THE COOPERATIVE AGREEMENT FOR THE US 95 IRONWOOD INTERSECTION, PROJECT NO. A019 (509), WITH THE IDAHO DEPARTMENT OF TRANSPORTATION AND KOOTENAI HEALTH DISTRICT D/B/A KOOTENAI HEALTH.

STAFF REPORT: Street Superintendent/Engineering Services Director Tim Martin reminded the Council that Kootenai Health has previously presented a traffic plan to the City Council.

That plan included an Emma Street design and Council approved an agreement in October 2015. The original grant was in the amount of \$1,050,000.00 with the City helping with design costs. He presented the previous design of Emma with traffic flowing right turn only from Ironwood Drive. In the spring of 2016 staff presented the signalization of Emma to the Public Works Committee, seeking funding to be reallocated from other projects with Council approval of Resolution No. 16-023 approving that funding. Two weeks ago, staff asked for the same money, as they were unaware of the previous approval and did not have the proper paper trail due to a change in staffing. Therefore, the additional \$253,149.00 is not the current request as it was previously funded. Today, Mr. Martin is presenting the design for the Medina Avenue roadway intersection design, which will line up with Kootenai Health's emergency room entrance. He believes the new design will keep traffic flowing better and asked the Council to fund an additional \$100,000 for the project. Some of those funds will be used to settle the acquisition of right-of-way in front of Shopko and to pay professional services to acquire other right-of-way needed for the project.

DISCUSSION: Councilmember Evans asked for clarity regarding how much of the \$100,000 would be spent on the Shopko property acquisition. Mr. Martin clarify that \$45,000 is needed for the Shopko right-of-way and the rest will be spent on design and additional right-of-way acquisition. Councilmember Gookin expressed concern that the project will take funds from impact fees previously allocated to the widening of Kathleen and 15th Street. Mr. Martin clarified that there is \$60,000 set aside in the Impact Fee Capital Improvement Plan for 15th Street for widening or final design and \$80,000 set aside for Kathleen Avenue; however, that it is not enough to move it forward. He clarified that they determined administratively to hold off on design in order to seek more public involvement with the design. Mayor Widmyer asked if the \$45,000 for the Shopko property is a done deal. Mr. Martin explained that they have been in discussions with the Shopko attorney and that is the negotiated price. Councilmember Miller asked for clarity regarding the other right-of-way work being contracted out to JUB. Mr. Martin noted that it would be done through a contract amendment that will come back to Council for approval. City Attorney Mike Gridley confirmed that this is an allowable amendment for professional services.

MOTION: Motion by English, seconded by Evans to approve **Resolution No. 17-007**, approving Addendum No. 1 to Cooperative Agreement between the City, ITD and Kootenai Health to Fund the Design and Construction of Improvements to the Ironwood/US-95 and to approve an additional \$100,000.00 from impact fees to cover project costs and contingencies.

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

RESOLUTION NO. 17-008

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A COOPERATIVE AGREEMENT (TRAFFIC SIGNAL) AND A COOPERATIVE AGREEMENT (FINANCIAL OBLIGATION) FOR THE US 95, N CORRIDOR ACCESS IMPROVEMENTS, PROJECT NO. A019 (883), WITH THE IDAHO TRANSPORTATION DEPARTMENT.

STAFF REPORT: City Engineer Chris Bosely explained that the Idaho Transportation Department (ITD) secured a Federal grant to upgrade US-95 intersections with safety and capacity improvements. Pursuant to the grant, the City of Coeur d Alene is obligated to provide a portion of the total project cost, \$672,300, as a match. The match amount can include cash or the value of any donated right-of-way and could be paid over a three-year period. As part of the project, a new portion of Wilbur Avenue will be constructed between US-95 and Government Way, to include a traffic signal. ITD is proposing to remove the traffic signal from Canfield Avenue, to improve signal spacing. The City's match requirement for the FASTLANE grant is \$672,300, which could be paid out of impact fees and it would require a budget amendment for these additional funds. Mr. Bosely clarified that ITD is looking to have better signal spacing on US 95, which would help with traffic flow. He noted that the entire project is an \$8.5 Million dollar project. He reviewed the project schedule to include design starting in July 2017 and construction completed by late 2019.

DISCUSSION: Councilmember Gookin asked for clarity as to how the City is obligated to provide funding. Mr. Bosely clarified that the City is not necessarily obligated, but has an option to partner with ITD and create better traffic flow through the City. Councilmember Gookin expressed concern that the City will have to install and maintain the signal and that Wilbur Avenue is going to be constructed where there is currently no street. Mr. Bosely explained that Wilbur will connect to US 95 and would make for better traffic flow. Councilmember Gookin felt that the widening of Kathleen and the 15th Street projects would be a higher priority. He believes that ITD previously had the practice of putting signals in every quarter of a mile and they did not follow that practice and want the City to help fix it. Councilmember English noted that the staff report referred to the funds as additional funds and wondered what the original funding was. Mr. Bosely explained that there was not an original project, and that he was referring to the additional draw on Impact Fees. Councilmember English is concerned that this is a major transportation corridor from southern Idaho to Canada, but the priorities for the City would be drained by this project and it may not be top community priority. Mr. Martin explained that they were not aware the grant was out there and ITD just recently came forward noting the City as a sponsor. He noted that they were working with ITD to include Kathleen into this project. He further explained that the City may not need Wilbur today, but it will be needed in the future and this project is an opportunity to fix intersections throughout the town. Councilmember Evans asked if other communities are being asked for matching funds. Mr. Bosely noted that the City of Hayden has also been approached with a similar agreement at a different match percentage. Mayor Widmyer clarified that there are no firm number because the right-of-way costs are unknown. Mr. Bosely noted that the City match is a firm numbers with ITD. Mayor Widmyer asked for confirmation that if the project costs are higher ITD is committed to pay for those additional costs. Mr. Bosely confirmed that ITD would be responsible for all other costs. He clarified that the \$8.5 Million project includes Wilbur Avenue in the design. Councilmember Gookin asked what the next step would be if the Council does not approve the agreement. Mr. Bosely noted that he would have to inform ITD that the City does not want to participate, but expressed concern about the City not being awarded future federally funded projects. Councilmember Evans asked if ITD's project is contingent on the city match and/or could they lose their grant. Mr. Bosely was not sure if they would lose the grant; however, the grant was written to include the City's match. Councilmember Miller asked if there was room to negotiate the match amount. Deputy City Administrator Sam Taylor explained that

the City has had a changeover in staff and noted that the match is a percentage based on population, and reiterated that this would be a great project for the community. He confirmed that the City worked to get Wilbur included in the project, since they were going to close Canfield. Mr. Hammond explained that the City does have a vested interest in this project as citizens traveling north and south bound on US 95 get jammed in traffic and this project would allow that passageway to have better flow. Mayor Widmyer expressed concern that ITD is trying to correct something that is not working, which was ITD's original design and now they are asking the City to help with their problem, while there are potentially other higher priorities within the city. Councilmember Gookin asked if staff could go back to ITD and request Wilbur be removed from the project in exchange for Kathleen. Mr. Bosely noted that it may delay the project but staff can continue conversations with ITD. Councilmember Miller noted that she would like staff to renegotiate the percentage of match. Mr. Hammond reiterated that with the closure of Canfield, traffic would have to travel to Prairie in order to turn, so Wilbur will become more important. He noted that if Wilbur were not included in the project it would be on the City to complete the signal and intersection later without this funding opportunity. Councilmember Evans made a motion to approve that agreement and funding as proposed, which died due to a lack of a second.

MOTION: Motion by Gookin, seconded by Miller to direct staff to investigate, with ITD, the option of including the Kathleen Avenue widening project and lowering the match percentage.

DISCUSSION: Councilmember Evans asked how this would affect the timeline. Mr. Taylor explained that this is a federal grant and the ITD may not have the authority to change the match percentage. They may be able to request a project switch. Mayor Widmyer requested an update be presented at the next City Council meeting.

Motion Carried.

**ORDINANCE No. 3559
COUNCIL BILL 17-1003**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, BY CHANGING THE ZONING OF PROPERTY DESCRIBED AS A +/- .28 ACRE PARCEL LOCATED AT 3202 & 3206 N. 4TH STREET AND MORE COMMONLY KNOWN AS "LUNDIN'S VIOLINS" FROM R-12 (RESIDENTIAL AT 12 UNITS/ACRE) TO NC (NEIGHBORHOOD COMMERCIAL); 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.

Pursuant to Council Action January 3, 2017.

MOTION: Motion by Gookin, seconded by Miller, to pass the first reading of **Council Bill No. 17-1003**.

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

MOTION: Motion by Gookin, seconded by Miller, to suspend the rules and to adopt **Council Bill 17-1003** by its having had one reading by title only.

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

PRESENTATION OF FINAL SELTICE WAY UPDATE AND FINAL DESIGN APPROVAL

STAFF REPORT: Deputy City Administrator, Sam Taylor, explained that the goal of presentation is to remain consistent; therefore, some of the information is repetitive from previous presentations. They have worked hard to have a robust public process and the public input was very surprising such as the request for a double lane roundabout. He noted that with the roundabout cost savings they were able to include some great landscape designs. Matt Gillis, Sr. Project Manager with Welch-Comer, informed the Council that he has completed the final design for Seltice Way and hopes for Council approval so they can move forward with the bid process. He reviewed the history of the project, scope of the project, public involvement and the partners. He explained that the final roadway section includes two 11' vehicular travel lanes, 2' painted buffer, 5' bike lane then a 5' buffer before a 12' shared use path. He reviewed the double lane round about proposed at the Atlas Avenue and Grand Mill intersections as well as the proposed landscaping. He noted that the landscaping around the roundabout is more intense than the rest of the roadway. Mr. Gillis noted that within the roundabout area there will be plumbing and space reserved for future public art. He clarified that transit stops will be located at Huetter Road, Grand Mill, and Atlas and presented the shelter design. Mr. Gillis noted that the construction would be phased over multiple years, with one lane in each direction opened during the construction, with a winter construction shutdown with two lanes reopened, and completion the summer of 2018. Project costs are estimated to be \$6,310,000, with available funding of \$6,070,000; however, the project estimate includes a 10% contingency. Actual costs will not be known until bids come in. They would like bids to be advertised February 21 with a bid opening mid-March.

MOTION: Motion by Evans, seconded by Miller to approve the final Seltice Way design and authorize staff to bid the project. **Motion carried.**

RESOLUTION NO. 17-009

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) SERVICES AGREEMENT WITH GINNO CONSTRUCTION FOR THE CITY HALL ADA ENHANCEMENT/REMODEL PROJECT.

STAFF REPORT: Municipal Services Director Renata McLeod explained that at the January 17, 2017 Council meeting Council approved staff to negotiate the CM/GC Agreement with Ginno Construction. At this time the construction portion of the project needs to be bid, therefore final project costs are unknown. However, Ginno was agreeable to a maximum project

cost clause within the proposed Agreement. Once the bids are received and a formal timeline of events is created, staff will hold a workshop with Council to go over the final plans, schedules, and staffing roles. Construction is estimated to begin in approximately 10 weeks with 180 days to completion. She reviewed the funding sources and budget previously approved and noted that when final project costs are known staff will hold a workshop with Council.

DISCUSSION: Mayor Widmyer clarified final funding of the project can be discussed in greater detail at the Council workshop. Ms. McLeod noted that the Finance Director would have more information at that time regarding the interest rates for the lease funding at that time. Councilmember Miller asked for clarification as to if approval of this agreement locks the city into funding. Ms. McLeod clarified that the City Council had previously made a motion setting the funding sources for this project; however, the Council could make a new motion once the project costs are known.

MOTION: Motion by Miller, seconded by English to approve **Resolution No. 17-009**, Approval of a Construction Manager/General Contractor (CM/GC) Services Agreement with Ginno Construction for the City Hall Remodel.

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

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

The meeting adjourned at 7:33 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC, City Clerk