

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

March 16, 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 March 16, 2021, at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

INVOCATION: Pastor Brock Hoyer with Journey of Hope Church provided the invocation.

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

ANNOUNCEMENTS:

Councilmember Miller stated she attended the North Idaho Building Contractors Association meeting. She said the Association has much work to do but they are coming together well.

Councilmember Wood announced the North Idaho College Board of Trustees approved the expansion of the Meyer Health and Sciences Building. She stated it would produce potential employees capable of filling future jobs in the health science area and would tie in nicely with the Health Corridor. The expansion is expected to be completed in the Spring of 2022.

CONSENT CALENDAR:

1. Approval of Council Minutes for the March 2, 2021, Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the March 8, 2021, Meeting.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services/Public Works Committee Meeting for Monday, March 22, 2021, at 12:00 noon.
6. Setting of a Public Hearing for April 20, 2021:

- a. V-20-01 Vacation of a Portion of Excess Seltice Way Right-of-Way Adjoining the Southerly Boundary of the Coeur d'Alene Honda Auto Dealership & Tax # 3599 in the City of Coeur d'Alene.
7. **Resolution No. 21-014** – A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING AN EASEMENT FROM PAUL AND SUSIE PETROFF FOR A SEWER MAIN LOCATED ON PROPERTY AT 514 S. 18TH STREET.

MOTION: Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including **Resolution No. 21-014**.

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

RESOLUTION NO. 21-015

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A DESIGN, FABRICATION, AND INSTALLATION SERVICES CONTRACT WITH HUMANITY MEMORIAL, INC., FOR THE FOUR CORNERS PUBLIC ART PROJECT ENTITLED "MONUMENT TO PEACE AND UNITY."

STAFF REPORT: City Administrator Troy Tymesen introduced John Bruning, Arts Commissioner, who gave a presentation regarding the process for selecting the art project. He explained that the Arts Commission issued a national Request for Artist Qualifications on August 11, 2020, for public art at the Four Corners Gateway. The Four Corners Gateway is the intersection of Northwest Boulevard, Government Way and Fort Grounds Drive. The City received a total of 20 artist qualification submissions through CaFE and after initial review, the artists who met the minimum qualifications were narrowed down to five (5) artists. The five (5) artists received \$1,000 honorarium to provide sketched details, materials list, rendering narration, budget, and a maquette of the proposed art piece. Through an online survey three (3) finalist were chosen to be personally interviewed for final selection. The selection committee met on February 8, 2021, to review the public comments and conduct Zoom interviews with the top three (3) artists. Following the interviews, and after thorough review and discussion, the voting members of the selection committee unanimously chose artist Ai Qiu Hopen, of Humanity Memorial Inc., and her art proposal entitled "The Monument to Peace and Unity." The selection committee was especially impressed with Ms. Hopen's Zoom interview, the research she conducted on the project, and the extremely professional manner of her presentation. She did her research and incorporated the theme of the call using special phrases cut into the artwork. The recommendation was then presented to the Arts Commission at their meeting on February 24, 2021, where the Commission voted unanimously to accept the recommendation of the selection committee, and to recommend that Council approve a contract with Humanity Memorial Inc., for "The Monument to Peace and Unity" in the amount of \$75,000. Pursuant to the Request for Qualifications timeline, the artwork would be scheduled for completion and installation in September 2021. Mr. Bruning wished to thank the subcommittee members who took the time to review the proposals, interview the artists, and make the recommendations to the Arts Commission and to the Council. He also wished to give special thanks to Dr. Priscilla Bell for

her efforts in drafting the theme portion of the call. Mr. Bruning stated the artwork will be sturdy, durable, and made out of 5/8" steel. It will be an art piece that is low maintenance and will last for many years.

DISCUSSION: Councilmember Wood stated the art piece is gorgeous and the subcommittee did wonderful work choosing the art, the message was what was important, and she felt it would be very a durable and long-lasting art piece. She wished to thank Dr. Priscilla Bell for her work on the call. She also mentioned she would love to see the hometown heroes project revisited in the future. Councilmember Gookin stated he has a few concerns concerning the topic of art in general, not this piece or the artist. He felt it was art for the sake of art and not specific to the City of Coeur d'Alene (CDA) and its history. He noted this art piece could be placed in any city and was not specific to CDA. He stated it was a missed opportunity to highlight the history of the area and would like to have more options to choose from when art projects are brought to council, and would also like to support local artists. Councilmember English mentioned the artwork is a terrific interactive piece and will represent CDA well. He stated careful consideration was given during the subcommittee review process and he is happy to support it.

MOTION: Motion by Evans, seconded by English to approve **Resolution No. 21-015**, to approve Resolution No. 21-015, approving a contract with Humanity Memorial, Inc., in the amount of \$75,000.00, for the public art entitled "Monument to Peace and Unity" at the Four Corners Gateway.

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

RESOLUTION NO. 21-016

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A THREE-YEAR LEASE AGREEMENT WITH AN OPTION TO EXTEND WITH THE BUOY, LLC, FOR CONCESSIONS SERVICES AT THE MCEUEN PARK ROTARY HARBOR HOUSE.

STAFF REPORT: Parks and Recreation Director Bill Greenwood explained that The Buoy LLC has been the concessioner at the Rotary Harbor House since 2016, which includes beer and wine sales. Last season they allowed them to increase seating by expanding the layout. Due to the increase of the square footage of seating at the harbor House the lease fee will increase. The fees for the next three (3) years are as follows: year 1) \$16,000, each subsequent year shall increase based on the Bureau of Labor Statistics Price Index (CPI-U) West region. Mr. Greenwood mentioned the concessioner does a great job.

DISCUSSION: Mayor Widmyer agreed this group does a good job and attracts a good crowd. Councilmember Miller asked if there was an opportunity for the concessioner to collect the boat launch fees, as it's currently paid on the honor system and asked Mr. Greenwood to discuss the topic with the vendor. Councilmember English noted it may be a burden to place the boat launch collection fees on the vendor.

MOTION: Motion by Gookin, seconded by Wood to approve **Resolution No. 21-016**, approving a 3-year Concession Lease Agreement with The Buoy LLC, with the option to renew for an additional three (3) years, at McEuen Park Rotary Harbor House.

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

RESOLUTION NO. 21-017

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A FIVE-YEAR RENEWABLE LEASE AGREEMENT WITH COEUR D'ALENE ON ICE, LLC, TO CREATE AND OPERATE A SEASONAL ICE-SKATING RINK IN MCEUEN PARK.

STAFF REPORT: Parks and Recreation Director Bill Greenwood noted that over the years staff has looked for a consistent winter activity in the downtown core that would promote winter park use and increase downtown activity. Staff believes this ice-skating rink proposal will accomplish increased downtown winter activity. The Department was approached by Jerome & Andrea Murry d/b/a Coeur d' Alene on Ice (CDA on Ice) about their business model they have done successfully in Modesto, California. They discussed locations and options and believes the grass area in front of the Avista Pavilion would serve as the best location for this new endeavor. CDA on Ice would pay the City \$6,000 per season with an annual CPI increases for 5-years. The agreement includes an option of an extension for five (5) more years starting at \$10,000 per season, with incremental yearly increases shown within the agreement. CDA on Ice would pay for all power costs associated with the ice rink. All revenue generated from the agreement will be placed in the Parks Capital Improvement Fund. Mr. Greenwood stated the area of the park where the rink would be located is not currently being used in the winter months and this activity would not displace any events. He said it is a good use of the offseason space. The rink set-up would start in mid-October and run through mid-January for the breakdown. He stated Parks staff already performs snow removal in the winter months for this park's sidewalks and trails, so the sidewalks would be clear for patrons of the rink. Ice rink staff would assist with some snow removal as well. The staff of CDA on Ice would help with the cleaning of the restroom throughout the day and after hours, and CDA on Ice would be providing security for the facility when they are closed. Mr. Greenwood said CDA on Ice would cover all of the costs of the erection and maintenance of the ice rink and surrounding area, and would restore the area of the park used to as good or better condition at the end of each season. CDA on Ice will charge users and operate limited concessions, and would be solely responsible for advertising and promotion. Mr. Greenwood noted the vendor would not be erecting the tent as shown in the photos. He stated there would be open skate time for the public and the vendor would offer other rental times for special events. He stated the vendor also works with the Disability Action Center and would hold special skate days/times for people with special needs.

DISCUSSION: Councilmember Wood mentioned the Parks and Recreation Commission loves the idea and strongly supports it. Councilmember Gookin asked about the integrity of the field where the rink would be placed, as there has been some water saturation in the past. Mr. Greenwood assured the Council the area is well compacted and there should not be any issues where the rink will be placed. He noted they plan to add sand to that area in order to level the surface, which will

also add stability. Councilmember Miller mentioned she spoke with City Attorney Mike Gridley regarding liability insurance and has been assured the City would be covered and this would be a great public-private partnership.

MOTION: Motion by Evans, seconded by Miller, to approve **Resolution No. 21-017**, approving a 5-year Renewable Lease Agreement with Coeur d'Alene on Ice, LLC, to create and operate a seasonal ice-skating rink in McEuen Park.

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

RESOLUTION NO. 21-018

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE THIRD AMENDMENT TO THE OPTION AND LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, MODIFYING THE CELL SITE AND LEASE RATE FOR THE PRAIRIE STANDPIPE.

STAFF REPORT: Water Department Director Terry Pickel explained that he would have liked to take this item through the General Services/Public Works Committee but the project was under a time constraint for approval as the vendor has to have back-up power to be in compliance with government contracts they have acquired. Historically the City has authorized cellular providers to utilize existing infrastructure where available for cellular communications equipment. This saves them the cost of constructing very expensive towers. New Cingular Wireless/AT&T leases space on the top of the Prairie Standpipe. T-Mobile leases space on the Industrial Standpipe. Two (2) previous providers have terminated their leases and removed their equipment. New Cingular Wireless/AT&T is proposing to expand their equipment adjacent to the Prairie Standpipe. As they have now secured government contracts, they must supply a backup power source for their equipment to guarantee reliability. They are proposing to install a standby generator, thereby increasing their footprint on the property. As previously mentioned, the cellular provider presented a proposal to add a backup power supply to the Prairie Standpipe antenna array to meet government contract requirements. After review of the original lease agreement, it was determined that this would require additional lease space, similar to an installation completed by T-Mobile at the Industrial Standpipe. Staff considered this a material modification and negotiated with New Cingular Wireless/AT&T for an increase in the monthly lease rate. The provider is currently paying a monthly lease rate of \$1,019.18. The proposed amendment will increase the lease rate by \$500.00 to \$1,519.18 per month. The original agreement also includes a 10% escalation factor every five (5) years which will be due July 1, 2021. T-Mobile was previously charged an additional \$500 in rent with placement of a backup power source at the Industrial Standpipe, so this was consistent with previous practice. They will move a sprinkler line to accommodate the new generator location. He stated there were no concerns with the neighbors as this was a quiet generator. He researched leases in the area and this is on point with the area averages.

DISCUSSION: Mayor Widmyer mentioned he toured the new water building and suggested the rest of Council and staff tour it when they have the opportunity. He noted that staff had done a

fantastic job planning the facility and it will serve the citizens of CDA long into the future. Councilmember Gookin mentioned the building was built without incurring any debt to the City.

MOTION: Motion by McEvers, seconded by Wood to approve **Resolution No. 21-018**, approving a Third Amendment to the Lease Agreement with New Cingular/AT&T.

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

LEGISLATIVE HEARING - V-20-05 VACATION OF AN ELEVEN-FOOT-WIDE ALLEY LOCATED BETWEEN DAVIDSON AVENUE AND EMMA AVENUE WEST OF GOVERNMENT WAY IN THE CITY OF COEUR D'ALENE.

STAFF REPORT: Engineering Project Manager Dennis Grant noted that the applicant, Christopher Deering and Heather Dorrell, were requesting the vacation of an eleven-foot-wide alley located between Davidson Avenue and Emma Avenue west of Government Way. It is unknown when the requested right-of-way was originally dedicated to the City of Coeur d'Alene. The purpose of the request was to vacate an eleven foot (11') wide, unimproved public alley which had no foreseeable use by the City. The alley does not contain any City utilities. The franchise utilities would keep their access easement as part of the vacation ordinance. Therefore, the vacation of the portion of right-of-way adjoining the parcel would not impact the City and would be a benefit to the property owner, and add 2580 square feet to county tax rolls. Mr. Grant noted that he sent out 43 certified mailings with no comments returned.

DISCUSSION: Councilmember Gookin asked if there was an alley that goes all the way through between Davidson and Emma Avenues. Mr. Grant stated it does have a small 11-foot alley. Two (2) property owners (located at 211 Davidson, and 224 Emma) that have the only access to their properties from the alley, and they would retain access with this vacation.

Mayor Widmyer opened public comments and, with none being heard, public testimony was closed.

COUNCIL BILL NO. 21-1004

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, VACATING AN ELEVEN-FOOT-WIDE ALLEY, GENERALLY DESCRIBED AS A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 13, SECTION 11, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, CITY OF COEUR D'ALENE, IDAHO; 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 McEvers, seconded by Miller, to dispense with the rule and read **Council Bill No. 21-1004** once by title only.

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

Motion carried.

MOTION: Motion by McEvers , seconded by Miller, to adopt **Council Bill No. 21-1004.**

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

(QUASI-JUDICIAL HEARING) - A-1-21: A PROPOSED 21.6-ACRE ANNEXATION FROM COUNTY AGRICULTURE, COMMERCIAL & LIGHT INDUSTRIAL TO CITY R-17 & C-17, LOCATED AT THE NORTHEAST CORNER OF WILBUR AVE AND HWY 95 APPLICANT: DODGE HERITAGE, LLC/JB DODGE CO. LLC

STAFF REPORT: Associate Planner Mike Behary explained this is a public hearing for the applicant Dodge Heritage LLC / JB Dodge Company LLC, was requesting annexation of 21.6 acres zoned from County Agricultural to City R-17 (Residential 17 units/acre) and C-17 (Commercial) zoning on the property. Approximately 5.4 acres was proposed to be C-17 that would allow for commercial and retail uses located in the southwest part of the subject site that is adjacent to the intersection of Wilbur and US-95. The remainder of the property, approximately 16.2 acres was proposed to be R-17. Mr. Behary noted it is currently vacant and located in the unincorporated area of the county. The applicant has indicated the R-17 zone portion of this site would allow for a future multi-family development that could allow opportunities for additional affordable workforce housing. The applicant was proposing three (3) access points to the subject site, one (1) access off of Wilbur Avenue, one (1) off of Government Way, and one (1) off of Aqua Avenue. Mr. Behary noted there are four (4) findings required for the annexation and they were as follows: the request is or is not in conformance with the Comprehensive Plan policies; public facilities and utilities are or are not available and adequate for the proposed use (he noted that stormwater would be addressed as the annexation develops and the applicant would be required to submit a landscape plan for approval to prevent double access); the physical characteristics of the site do or do not make it an acceptable request at this time; the proposal would or would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character and/or existing land uses. He presented the surrounding zoning, land uses, and applicable Comprehensive Plan objectives and provided staff input regarding the finding categories including traffic. All legal notices have been made, and the property is located within the City's Area of City Impact (ACI). City staff have reviewed the application request and have indicated there are adequate public facilities and public utilities for the annexation.

DISCUSSION: Councilmember McEvers asked if the development would impact the City's water or sewer systems. Mr. Behary noted the City would provide sewer services and there was a Water District to provide the water. Mr. Tymesen explained the City would enter into an agreement with the Water District, who would provide the usage reads and the City would bill them accordingly. Councilmember Gookin stated he would have liked more information on the traffic impacts, as there could potentially be as many as 340 housing units and 640 more cars in the R-17 zone, and it would impact the level of service on the street intersections. Mayor Widmyer mentioned the traffic counts would be much higher if C-17 (Commercial) was requested instead of R-17 (Residential).

Mayor Widmyer opened public comments.

APPLICANT: Gordon Dobler of Lake City Engineering spoke on behalf of the applicant. He stated there is demand for multi-family housing and the proposed annexation is a good fit with the existing surrounding land uses. He stated the traffic concerns would be addressed by the building permit process, and there was plenty of surface street capacity for the project. He said the water service is unique but not unprecedented, and they have done similar agreements for water service in past projects.

Councilmember Miller asked Mr. Dobler if the traffic signal at Aqua Avenue was a signalized light to turn left or right onto US-95. She also questioned if all southbound traffic would have to exit from the development via Government Way, and if the development would have to accommodate school buses going into it. Mr. Dobler stated there are two (2) exits from Government Way and one (1) from Aqua Avenue and that the school bus stops would be planned in consultation with the School District; however, they try to place them on main arterials rather than having to turn around within a development. Councilmember Wood commented the applicant was meeting all the requirements set forth in the Comprehensive Plan and Zoning Code; therefore, she didn't feel Council had the authority to deny the annexation. She stated in regards to the letter the City received from the Coeur d'Alene School District 271 (District 271) she would like Mr. Tymesen to follow up with District 271 regarding their long-term facilities planning for growth. She would also like to see future requests include outreach to the Police Department, similar to what is done with Fire. Councilmember McEvers requested clarification from City Attorney Wes Somerton on Councilmember Wood's comment regarding the Council not having the authority to deny the annexation request, with Mr. Somerton responding the project did meet all the criteria; however, Council has the authority to approve or deny the annexation request based on how the Council would like to grow the City. Mayor Widmyer directed Mr. Tymesen to inquire into District 271's long-term growth plan and report back to Council.

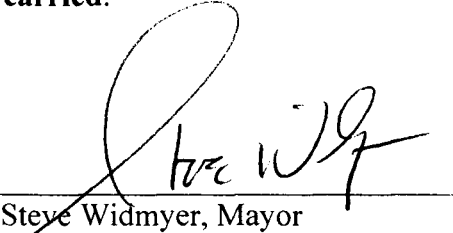
MOTION: Motion by Wood , seconded by English to approve A-1-21 - A proposed 21.6-acre annexation from County Agriculture, Commercial & Light Industrial to City R-17 & C-17, located at the northeast corner of Wilbur Ave and Hwy 95, by Applicant: Dodge Heritage, LLC/JB Dodge Co. LLC, to direct staff to negotiate an annexation agreement, and to develop the necessary Findings and Order.

DISCUSSION: Councilmember Gookin stated this annexation wasn't about water, it was a quality-of-life issue due to more people, longer lines at the grocery store and Department of Motor Vehicles, and increased traffic. He stated that he would have been happier with a lower density and would not be supporting the current annexation. Councilmember Miller mentioned the Water District has the right to provide water, she has concerns about the traffic impacts, but it does follow the Comprehensive Plan. She believes the annexation has made concessions to be more compatible and make the least amount of impact to the existing neighborhoods.

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

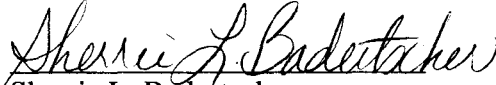
ADJOURNMENT: Motion by McEvers, seconded by Gookin, that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 7:12 p.m.



Steve Widmyer, Mayor

ATTEST:



Sherrie L. Badertscher
Executive Administrative Assistant