

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

July 5, 2022

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room July 5, 2022, at 6:00 p.m., there being present the following members:

James Hammond, Mayor
Amy Evans) Members of Council Present
Dan Gookin)
Kiki Miller)
Woody McEvers)
Dan English) Members of Council Absent
Christie Wood)

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

INVOCATION: Chris Lauri of Anthem CDA led the invocation.

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

ANNOUNCEMENTS: Councilmember Gookin mentioned he made a comment at the last Council meeting that IRONMAN was owned by a Chinese corporation. He said he was incorrect as it was owned by an American private equity firm.

CONSENT CALENDAR:

1. Approval of Council Minutes for the June 21, 2022, Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the June 27, 2022, Meeting.
3. Setting of the General Service/Public Works Committee Meeting for July 11, 2022.
4. Approval of Bills as Submitted.
5. Setting of a Public Hearing for July 19, 2022:
 - a. V-22-05 - Vacation of a Ten-foot Strip of Right-of-Way (316 S. 18th Street).
6. Approval of the Outdoor Seating Permit for 314 N. 4th Street, Stormin Norman's Shipfaced Pub, LLC.; Owner Carolyn Thomson.
7. **RESOLUTION NO. 22-029-** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., IN THE AMOUNT OF \$50,763.57 FOR ADDITIONAL SERVICES ASSOCIATED WITH THE SOLIDS HANDLING IMPROVEMENTS PROJECT (RE: RESOLUTION NUMBERS 20-045 AND 21-074); AND PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., IN

THE AMOUNT OF \$97,180.00, FOR THE WASTEWATER OUTFALL EVALUATION.

MOTION: Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including **Resolution No. 22-029**.

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

PUBLIC COMMENTS:

Mike Gridley, Coeur d'Alene, thanked the Mayor and Council for their support of the Task Force on Human Relations, and their "Reject Hate" campaign. He noted the Task Force had printed and distributed 1000 "Reject Hate" t-shirts to members of the community. He said there had been a very favorable response from the community on the campaign.

Teresa Borrenpohl, Post Falls, stated the last two weekends were the reason people fell in love with Coeur d'Alene, she wished to thank City workers publicly for the work they had done, and said she was proud to be a member of the community. She noted it was important to spread the declaration of love.

Lynda Putz, Hayden, stated the Constitution of the State of Idaho said in part that the first concern of all good government was the promotion of temperance, morality, and virtue. She said the performer at the Pride in the Park event should be investigated and prosecuted.

(LEGISLATIVE HEARING) O-2-22: THE CITY IS PROPOSING A NEW CHAPTER, 17.50, TITLED DEVELOPMENT AGREEMENTS WITHIN TITLE 17 (ZONING) OF THE MUNICIPAL CODE TO PROVIDE FOR THE CREATION, FORM, RECORDING, MODIFICATION, ENFORCEMENT, AND TERMINATION OF DEVELOPMENT AGREEMENTS. THIS CHAPTER IS PURSUANT TO SECTION 67-6511A, IDAHO CODE, AND IS INTENDED TO AUTHORIZE DEVELOPMENT AGREEMENTS TO THE FULLEST EXTENT OF THE LAW. APPLICANT: CITY OF COEUR D'ALENE.

STAFF REPORT: Planning Director Hilary Anderson noted she had brought to Council for their consideration a new chapter in the municipal code entitled Title 17, Zoning, 17.50 Development Agreements. She stated the new chapter would govern the creation, form, recording, modification, enforcement, and termination of Development Agreements in connection with annexations, planned unit developments, special use permits for a density increase, conditional zoning requests and associated subdivisions. She said a governing body may require certain favorable features, such as restrictions on use, design, conservation, provisions for roads and other infrastructure, open space, workforce housing, and other benefits. She said Development Agreements were voluntary, however, the City could reject zone changes unless the conditions were accepted. She noted the developer would be required to make a written commitment concerning the use or development of the subject parcel when it was determined that it was in the best interests of the public to enter into such an agreement. She mentioned the City did not have a process for making specific requirements concerning the use or development of a parcel as a condition of a zone change. She said Idaho Code § 67-6511A allowed Cities to enact an ordinance to create the process, and many

neighboring jurisdictions including Kootenai County had Development Agreement authority. She said Council should enact the proposed ordinance which would enable the City to require Development Agreements as a condition for a zoning decision in select cases as it would benefit both the City and the developer and/or land owner. She noted if a Development Agreement ordinance was adopted, staff would be able to draft Development Agreements for consideration by the City Council as part of land use approvals. She said staff had reached out to the Regional Housing & Growth Issues Partnership (RHGIP) working group, North Idaho Building Contractors Association (NIBCA) and the Coeur d'Alene Regional Realtors for input. She mentioned they had significant development requests coming forward in the near future, and adoption of the ordinance was time-sensitive. She said they received one (1) letter from the CDA School District, and staff had reviewed the comments, looked at state statutes already in place, and staff didn't feel the ordinance should be amended. She asked Council to approve the new chapter to the Municipal Code, Chapter 17.50, entitled Development Agreements.

PUBLIC COMMENTS: Mayor Hammond opened public comments, with the following being heard:

Justin O'Connell, Coeur d'Alene, stated Development Agreements would be a good tool for the City and developers.

DISCUSSION: Councilmember Miller noted outreach included emailing a draft of the ordinance to over 700 members of the development groups.

Councilmember McEvers asked if the ordinance only applied to annexations, with Ms. Anderson responding it would affect annexations, conditional zoning, special use permits, and planned unit developments (PUD). Councilmember McEvers asked if land for schools could be included, with Ms. Anderson responding the City may negotiate with a developer for conditions which may include land for the schools. Councilmember McEvers asked if the agreements could be amended, with Ms. Anderson responding they may be amended or terminated.

Councilmember Gookin asked if the Development Agreements were voluntary, if Council would be the approving body, and did they include PUD's, with Ms. Anderson responding applicants could refuse the agreement but their project would not be approved. She said some types of PUDs would trigger a Development Agreement and come to Council for approval. Councilmember Gookin asked if an amendment to a PUD would come to Council for approval, with Ms. Anderson responding if the amendment affected the Development Agreement it would come back to Council for approval. Councilmember Gookin asked if the agreements would help with enforcement of development terms, with Ms. Anderson responding that was the expectation. Councilmember Gookin asked if Council approved terminations, with City Attorney Randall Adams responding the Planning Commission would be the body that terminates Development Agreements, and an appeal would come forward to Council.

COUNCIL BILL NO. 22-1008

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING CHAPTER 17.50 ENTITLED "DEVELOPMENT AGREEMENTS" TO PROVIDE FOR THE CREATION, FORM, RECORDING, MODIFICATION, ENFORCEMENT, AND TERMINATION OF DEVELOPMENT AGREEMENTS; 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 Gookin, seconded by McEvers, to dispense with the rule and read **Council Bill No. 22-1008** once by title only.

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

MOTION: Motion by Gookin, seconded by Miller, to adopt **Council Bill No. 22-1008**.

DISCUSSION: Councilmember Gookin noted he had received an email regarding public comment at hearings and confirmed with Ms. Anderson that the public may comment at public hearings. Councilmember Gookin stated Council had received a letter from CDA School District 271 and appreciated their feedback and encouraged them to be present at future hearings; however, didn't feel that the Ordinance needed to be amended.

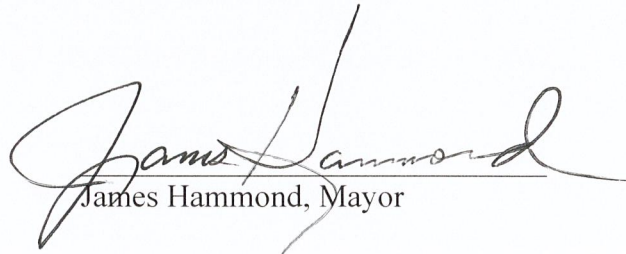
ROLL CALL: Miller Aye; McEvers Aye; Gookin Aye; Evans Aye. **Motion carried.**

RECESS: Motion by McEvers, seconded by Miller, to recess to July 19, 2022, at 4:30 P.M. in the Library Community Room, located at 702 E. Front Avenue for a Budget Workshop prior to the start to the regularly scheduled Council meeting. **Motion carried.**

The meeting adjourned at 6:47 p.m.

ATTEST:


Sherrie L. Badertscher
Executive Assistant


James Hammond, Mayor