

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

February 6, 2024

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 on February 6, 2024, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

**PLEDGE OF ALLEGIANCE:** Councilmember Evans led the pledge of allegiance.

**PUBLIC COMMENTS:**

Cyndie Donado, Coeur d'Alene, noted she works for Kootenai Health and serves on local boards and committees, and has bought property in the downtown area. She expressed disappointment in the comment period and the posting of information regarding the new hotel proposed downtown. She stated that the Comprehensive Plan notes that there should be community involvement for actions affecting business and residents and that the hotel project was a significant project approved without engagement with the community. She requested that the City look at modernizing city standards set out 20 years ago.

Joan Woodard, Coeur d'Alene, noted that she moved here six years ago and bought a condo on Sherman Avenue right across from the proposed hotel. She stated that there are constant loud cars and motorcycles during the summer causing excessive noise and pollution that push them indoors. She witnessed violations of bikers and skateboarders using the sidewalks in the downtown area and vehicles that don't stop for pedestrians. The residents are unable to enjoy their patios and decks during summer. She also pointed out that there aren't enough police officers to do enforcement and maintain the downtown as a safe and enjoyable space. She believes that the addition of another hotel will exacerbate these problems. She requested the Council to review and revise the development regulation for downtown as well as the policies and guidelines controlling what can and what can't be built.

Aileen Koler, Coeur d'Alene, expressed concern that the addition of the hotel will increase the impact of noise pollution, infringement of view corridors, shortage of parking, and increase traffic.

She requested the City study these impacts and create new codes, guidelines and principles to address these concerns. She noted that the downtown core overlay was last addressed in 2006 and believes the City has already violated some of the stated purposes within the development regulations. Additionally, input should be sought from existing residents before approval.

Duncan Koler, Coeur d'Alene, noted that he is a resident who lives across the street from the Marriott Hotel site. He expressed concern with the way the project was approved. He learned at the Design Review Committee hearing on January 25 that the hotel project was already approved as of right except for certain specific design considerations regarding the appearance of the hotel from the outside. He noted that the project planning started on August 1 with a project review meeting but was not open to the public. He added that a second meeting was held on October 21 and again nobody was informed. He said that on December 1, the application by the builder of the hotel was formally submitted which was after the two big meetings were held. He believes that the design review code requires to take public comments into consideration, however, if the project is already approved and substantially designed, it does not allow for much input which is a problem that needs to be addressed.

Mayor Hammond asked City Attorney Randy Adams, to provide the City Council with responses to the concerns raised and also the process relative to the specific site. Councilmember Miller asked for the information on the required timeframe for the review of the downtown overlay district and more information regarding the floor area bonuses to be included in Mr. Adam's review.

#### **MAYOR AND COUNCIL COMMENTS:**

Councilmember Gookin asked where the funds that were dedicated to Connect Kootenai will go since they have closed. Mr. Tymesen noted that the City has paid ¼ of the \$25,000 that was allocated and that the Finance department will stop sending money. Councilmember Miller noted that she has been in support of Connect Kootenai, and she continues to work with regional housing groups and would like to support another organization that will provide fiscal oversight and contract management to a group that may or may not decide to become a nonprofit organization. She would like to make a formal presentation to the Council in the next few months. Councilmember Gookin noted that he asked for information during the workshop with ignite cda regarding Mt. Hink on how much has been spent and on the remediation, and hopes to receive that information soon. Councilmember Gookin agrees that the community should have a voice in large downtown projects and with preserving the historic character of Sherman Avenue. Additionally, the City needs to look again at the downtown overlay, height restrictions, and parking requirements. He added that the Marriott Hotel is allowed by right and that the design review is required. He noted that bike patrols will come back downtown in the spring, which should help with some of the enforcement issues. He would like to have a discussion item regarding the downtown overlay on a future agenda.

Councilmember Miller noted that the Historic Preservation Committee has discussed the downtown area and would like the Commission to be included in future discussions about preserving the charm of downtown. She noted that the Coeur d'Alene Library has seen an uptick in use due to the Post Falls Library temporary shut down due to flooding.

Mayor Hammond noted that it would be good to have a staff presentation to the Council regarding the downtown overlay within the next month.

Councilmember McEvers noted that Lake City Center has taken over the Meals on Wheels program for Post Falls which will start next month. He clarified that the Center will make the food and Post Falls will provide the delivery volunteers.

Mayor Hammond noted that he wanted to discuss snow removal on city sidewalks policy. He explained that the City had a recent request by a citizen to look at the snow removal methods and requested heavy enforcement of the codes requiring removal of snow from sidewalks abutting homes and businesses. With the lack of enforcement of the code, people are forced to walk in the street. He would like staff to put together a plan for greater enforcement, public awareness and development of some assistance programs such as use of CDBG money, listing student clubs, and commercial services that can contribute to helping people that are unable to remove their snow. He asked the Council's support on this undertaking. Councilmember Miller noted that the volunteer groups to help people don't exist anymore and commercial businesses clear their sidewalks only to have the plows come by thereafter to restack the snow upon the sidewalks and they can't keep up. The Mayor asked Streets and Code Enforcement to discuss the issue and come back to the Council with ideas. Councilmember Wood noted that an education campaign is important, and that the billboard company has agreed to provide free public service announcements for the City. Councilmember English noted that the City may have to spend money to line something up with commercial snow removal firms as one can't wait for Scout Troop or other organization to be available and felt that the City would have to pay the going rate for residential snow removal.

Mayor Hammond requested the appointment of Kenny Gabriel to the Personnel Appeals Board.

**MOTION:** Motion by Evans, seconded by McEvers, to appoint Kenny Gabriel to the Personnel Appeals Board. **Motion carried.**

**CONSENT CALENDAR:** Motion by McEvers, second by Miller to approve the consent calendar.

1. Approval of Council Minutes for the January 16, 2024 and January 22, 2024 Council Meetings.
2. Approval of Bills as Submitted.
3. Setting of General Services/Public Works Committee Meeting for Monday, February 12, 2024, at 12:00 noon.
4. Setting of a Public Hearings for **March 5, 2024**: ZC-1-24; A Zone Change request from NC (Neighborhood Commercial) to C-17 for property located at the SE corner of the intersection of 15<sup>th</sup> Street and Best Avenue; requested by GS4 Property Inc.
5. Approval of Cemetery lots Repurchase; Delora and Charles Brooks; Section RIV, Block H, Lots 347 and 348 in the amount of \$1,000.00
6. Approval of SS-22-05, Springhaven Place Final Plat
7. Approval of SS-23-10, Heritage Square 1<sup>st</sup> Addition, Final Plat
8. Approval of SS-23-13c, La Vista at Atlas Waterfront Condominiums, Final Plat

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

#### **RESOLUTION NO. 24-011**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING CHANGE ORDER #2 TO THE CONTRACT WITH WOOD BOAT BUILDERS, LLC, D/B/A STANCRAFT CONSTRUCTION GROUP, FOR THE STREETS AND ENGINEERING BUILDING RENOVATION PROJECT IN THE AMOUNT OF \$32,197.89.

**STAFF REPORT:** Streets and Engineering Director Todd Feusier explained that the City entered into a Contract with Stancraft Construction Group on October 3, 2023. On January 2, 2024, Council approved Change Order #1 in the amount of \$55,005.19 for unexpected additional work that was discovered after demolition began on the project, including replacement of bathroom fixtures, and additional interior work and exterior concrete work in the vestibule area. Current changes include fire corridor materials and labor, additional electrical devices, and HVAC accessories. None of which were anticipated at the time of bidding, but because of the age of the building, are necessary to complete the project in compliance with applicable codes for an increased cost of \$32,197.89. He believes they will need to cover the cost within their current budget, otherwise may need to come from fund balance. These changes also will result in an increase in the Contract time of one (1) day, with substantial completion expected by May 9, 2024.

**DISCUSSION:** Councilmember Gookin noted that they may need to go into fund balance and wondered if there were a balance in snow removal budget. Mr. Feusier noted that they use the same salt load but there may be some with savings elsewhere if winter stays calm. Councilmember Wood noted that there isn't a way to predict what happens and wondered if the \$32,197.89 would be the maximum needed. Mr. Feusier explained that the project is expected to be completed in early May, and he would be able to report back to the Council at that time. Councilmember Miller asked if this was a fire code compliance issue, with Mr. Feusier confirming it is a code requirement.

**MOTION:** Motion by McEvers, seconded by Miller to approve **Resolution No. 24-011**, Approval of Change Order #2 in the amount of \$32,197.89 to the Contract with Wood Boat Builders LLC, d/b/a StanCraft Construction Group, for the Streets & Engineering Building Remodel Project.

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

#### **RESOLUTION NO. 24-012**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE PURCHASE OF ARMORCAST METER BOXES FROM CONSOLIDATED SUPPLY COMPANY IN THE AMOUNT OF \$85,311.58 FOR USE IN THE ANNUAL MAINTENANCE AND METER PIT UPGRADES.

**STAFF REPORT:** Water Department Assistant Director Glen Poelstra explained that the Water Department annually purchases approximately 200 to 300-meter pit settings as needed to be updated throughout the City’s water system. Updates include basement meter pit upgrades, water service leaks, Yardley service upgrades, and meter pit upgrades in general. These upgrades are vital to keep the aging infrastructure up-to-date and operational. The meter boxes were introduced into City specifications approximately 20 years ago and have played a pivotal role in keeping meters and associated components protected from the elements. These meter boxes are one component of the service replacement and purchasing in bulk quantity yields the best price. Three quotes were solicited by staff for the Armorcast-brand composite meter boxes in a quantity to meet the expected annual service replacements. The quotes received were from Consolidated Supply Co. at \$85,311.58, H.D. Fowler at \$85,485.10, and Ferguson Waterworks at \$89,814.37. Funding for the service line replacements is included in the FY 23-24 budget line item which also includes water main replacements with a budget of \$775,000.00. Other anticipated materials and projects are included in this line item. Staff recommends the purchase of Armorcast meter boxes from Consolidated Supply Co. in the amount of \$85,311.58.

**DISCUSSION:** Councilmember McEvers asked if these were the boxes that go in the lawn, with Mr. Poelstra confirming they were and that they are very durable as demonstrated by a tractor parked upon four boxes.

**MOTION:** Motion by Evans, seconded by Miller to approve **Resolution No. 24-012**, Approval of the purchase of Water Meter Boxes from the lowest responsive bidder, Consolidated Supply Company, in the amount of \$85,311.58.

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

### **RESOLUTION NO. 24-013**

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A REVISED STREETS & ENGINEERING DEPARTMENT PAVEMENT CUT POLICY TO ESTABLISH A UNIFORM APPROACH TO PAVEMENT CUTS AND REPAIRS APPLICABLE TO UTILITIES AND OTHER CONTRACTORS WORKING IN THE PUBLIC RIGHTS-OF-WAY.

**STAFF REPORT:** Streets and Engineering Director Todd Feusier noted that the current street cut policy was approved by City Council in 1998, and provides restrictions on cutting into streets that had been paved or overlaid within the past five years except in the case of emergency repairs. While this policy has been beneficial to preserving pavement integrity, it does not adequately protect our streets. Since the policy was created, the City has begun chipsealing streets to more cost-effectively preserve them. The original policy makes no mention of chipseals. Additionally, the existing policy does not address multiple cuts in one area, allowing for a patchwork of asphalt patches. The revised policy, modified from Avista Utilities Regional Street Cut Policy, includes requirements for chipsealed streets, multiple street cuts in one area, and placement of pavement cuts to avoid wheelpaths. He noted that additional costs will be realized by the Water and

Wastewater Departments for water and sewer main and service replacements and for developers cutting into our streets, but will extend the life of City streets, thereby saving taxpayer funds.

**DISCUSSION:** Councilmember Gookin noted that under compliance section it states that violations may result in denial of future permits and questioned why they are not fined, with Mr. Feusier explaining that the Street Department staff does not have that capability to issue fines, but does have the ability to hold up permits. Mayor Hammond stated that he felt it was a good change to the policy and that the quilt affect is a problem and should be clean up going forward. Councilmember McEvers asked Mr. Feusier to explain why streets are special, with Mr. Feusier explaining that he takes a lot of pride in them. However, the freeze thaw effect is a problem and some surfaces are only two inches thick. Weather is an issue and even the heat of the summer. Additionally, he is now rejecting products and contractors are recognizing it and performing better. He plans to bring forward a discussion on load limits in Spring as large loads are hard on our roads. Councilmember McEvers asked about the status of 4<sup>th</sup> Street, with Mr. Feusier explaining that it is expensive to do a complete reconstruction as it was a concrete road, so they will grind it down, lay asphalt and reslope it, then repave. Eventually the fix will be to remove the concrete.

**MOTION:** Motion by Miller, seconded by McEvers, to approve **Resolution No. 24-013**, Approval of a revised Pavement Cut Policy for the City.

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

#### **RESOLUTION NO. 24-014**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REVOKING THE VOLUNTARY REALLOCATION OF THE CITY'S SHARE OF THE IDAHO STATE OPIOID SETTLEMENT TO PANHANDLE HEALTH DISTRICT (PHD); AND APPROVING THE USE OF THE OPIOID SETTLEMENT FUNDS FOR THE CREATION OF AN OPIOID TASK FORCE BY ADDING TWO POSITIONS TO THE POLICE DEPARTMENT IN FY 24-25 FOR THIS PURPOSE.

**STAFF REPORT:** Police Chief Lee White noted that in September 2021, the Idaho Attorney General's Office requested that cities consider participating in a joint settlement agreement with three (3) drug companies to compensate for the impact of opioids on our community. The total settlement amount for the State of Idaho was \$120,000,000 and that 40% of those funds were to be allocated to Cities and Counties that participated in the settlement, and 20% goes directly to the area Health Districts. The City's share of those funds was \$1,324,501, to be paid out in installments over 18 years. In March 2022, Council voted to reallocate the City's share of funds to Panhandle Health. The reallocation of funds to Panhandle Health will continue until and unless the City takes action to revoke the reallocation. He noted that the Police Department interacts with people suffering from the effects of opioid use and abuse on a regular basis. We request to revoke the reallocation of funds to Panhandle Health in order to utilize those funds towards the creation of an Opioid Task Force. He summarized that the taskforce will be responsible for responding to opioid overdose calls to provide assistance and resources; conducting training to first responders and community groups; coordinating with non-profits, health districts, post-conviction services,

educators and school staff to provide assistance and resources to those dealing with opioid use; and conducting investigations into illicit opioid trafficking and distribution. The first distribution from this fund in 2022 was \$251,847.22. Additional distributions are expected to take place very soon, and additional funds may have already been sent to Panhandle Health. There are approximately \$894,873.23 in outstanding payments that the City should expect; however, the distribution timeframe for those payments is still in question. The annual personnel cost of this taskforce for the Police Department is approximately \$261,335. For this reason, the Police Department is requesting to fund these positions in FY 24/25. Last year the calls for service referencing overdose came to 193 calls, those calls did not separate out opioids, but it is a daily issue experienced by officers.

**DISCUSSION:** Councilmember Evans concurred that this program is needed and asked about how the concept of operations will work with the Fire Department and what their involvement has been thus far. Chief White noted that there are moving parts with overdoses and that the Police and Fire respond and Panhandle Health is a good partner; however, he has not involved the Fire Department at this time. Part of the duties of the task force Sergeant would be to coordinate with Fire. Councilmember Wood asked if the concept of the team is similar to CAT team involving investigations. Chief White noted that there is a community outreach component that needs to be met, and it will take an effort of working with community groups like Panhandle Health. They will provide immediate assistance to friends and family and the next step would be to figure out where the drugs come from and how to stop it from happening again. Councilmember Wood asked what kind of cooperation they would get with other agencies, with Chief White noting that they had discussions with ISP this week and one task force member that is working with the County and DEA, but they wanted approval of the Council before they discussed this directly with the County.

Councilmember Wood complimented Panhandle Health District Director Don Duffy for working with the larger community and for having an understanding of what can be done from here. Councilmember Gookin asked for clarity on how the personnel costs would be covered as those costs are above the estimated annual allocation. Chief White explained that the funding stream allows the parties involved to determine how they want to pay, so some pay the first three years at once, but others pay sporadically. The Attorney General's office believes many will pay their obligations earlier rather than later and it is likely additional settlements will be coming from the distributors. Chief White stated that he believes the number will be higher in the beginning and lower toward the end. He would come back in approximately four (4) years and see if the City would absorb the positions or continue the program. Councilmember English expressed appreciation to Panhandle Health and looks forward to future reports. Chief White noted that there are tight strings on how the money can be used and developed and this program fits the requirements of the program. Councilmember Miller stated that this is a great idea and asked how it interacts with the Kootenai County drug task force, noting possible duplication of services and resources. Chief White noted that the drug task force doesn't just focus on opioid but also spend a lot of time dealing with methamphetamine or other drugs. He stated that the primary goal of this group is not only to investigate opioids but also to respond to overdoses and conduct community outreach. The drug task force are primarily investigators and there could be some combine resources, however part of the coordination that the Sergeant will do is to make sure that we deconflict. He noted that in his conversations with ISP they agreed to make sure that there are no

overlapping efforts. Mayor Hammond noted that this is an effort to move beyond enforcement and gives the officer an ability to share resources for people to move off drugs. Mr. Duffy, Panhandle Health District Director, noted that they are supportive of Chief White's vision and the other funds have been used efficiently, such as Narcan distribution, the Idaho Law Enforcement Diversion Program was started with funds provided to the Health District. He concurs that funding this program is a better use of funds, and they will continue their programs with other funds they have.

**MOTION:** Motion by Wood, seconded by English, to approve **Resolution No. 24-014**, Revoking the voluntary reallocation of the City's share of the Idaho State Opioid Settlement to Panhandle Health District, and approving the use of said funds to create an opioid task force by adding two positions to the Police Department in FY 24-25 for that purpose.

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

### **RESOLUTION NO. 24-015**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FINAL PAYMENT FOR TWO CATERPILLAR FRONT-END LOADERS USED AT THE CITY'S COMPOST FACILITY ("CAT 950GC" AND "CAT 938M"), LEASED FROM WESTERN STATES EQUIPMENT IN 2019.

**STAFF REPORT:** Wastewater Director Mike Anderson noted that the City's Compost Facility requires two (2) front end loaders to convey, mix, and pile biosolids, and wood chips within the Facility. Further, they are vital pieces of equipment needed for the moving and loading of the stable compost material. On November 20, 2018, Council approved a 5 year/5000-hour Lease Agreement for the two (2) front end loaders for the compost facility to replace existing loaders. The lease was entered into in March 2019. A final payment of \$125,000.00 for the Cat 938 M and \$135,000.00 for the Cat 950 GC will be due on March 5, 2024, should the City choose to take ownership of these loaders. The other option is to surrender these loaders back to Western States Equipment and to either purchase or lease new loaders. The current loaders have approximately 3500 hours and have had very good performance over the past 5 years. For these reasons, we anticipate another 5 years of useful life at the Compost Facility and that making the final payment is the most cost-effective option. He noted that a savings of \$166,014.00 could be achieved by purchasing the loaders at the end of the lease term. The Wastewater Department has budgeted \$260,000.00 for the purchase of these two (2) Cat loaders. The primary use of these loaders is for the Compost Facility. However, the smaller loader does have the ability to accommodate the Street Department's plow equipment for additional emergency snow removal. We are assuming that the likelihood of failure will increase with the loaders' age and, thus, are recommending a 3-year warranty covering the powertrain and hydraulics in the "existing loader" costs. He noted that the compost giveaway is April 6 and 7, 2024.

**DISCUSSION:** Councilmember McEvers noted that the cost of maintenance was covered in a lease and now that they are purchasing inquired if there will be an increase in maintenance cost. Mr. Anderson explained that is why they recommend the purchase of the warranty and noted that they got a good deal to help off-set the costs.



**MOTION:** Motion by McEvers, seconded by Evans, to approve **Resolution No. 24-015**, Approving the final payment for two (2) loaders leased from Western States Equipment.

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

**RECESS:** The Mayor called for a 5-minute recess at 7:26 p.m. The meeting resumed at 7:32 p.m.

**PROVIDE DIRECTION AND BUDGET AUTHORITY TO THE CITY ADMINISTRATOR TO FILL THE CITY TREASURER/FINANCE DIRECTOR POSITION.**

**STAFF REPORT:** City Administrator Troy Tymesen explained that in 2018, the City's Finance Director/Treasurer was promoted to City Administrator. The Treasurer's title and job duties remained with the new City Administrator. By Statute, the City Treasurer is an appointed position and is the custodian of all moneys belonging to the City. The Treasurer accounts for each fund or appropriation made in its annual budget appropriation or otherwise directed by the City Council. Since the City Administrator retained the title of Treasurer along with the Treasurer's job duties in 2018, the City did not backfill the Finance Director position. At the same time, the City's Deputy Finance Director had almost 30 years of work experience with the City's Finance Department, and it was determined to reclassify the Deputy Finance Director (pay grade 15) as the Comptroller (pay grade 17). The City's Comptroller is retiring in May 2024 after 33 years of City service. The City Administrator currently has 23 years of City service. It is in the City's best interest to plan ahead and fill the upcoming vacancy with an appointed Finance Director/Treasurer, allowing the City Administrator to step back from that position and its duties. Per Idaho Code § 50-204, the Mayor, with the consent of the City Council, must appoint a City Treasurer for the efficient operations of the City. Typical market comparisons (major Idaho cities, and cities of similar size and in the same geographic region) demonstrate that cities employ a Finance Director, Chief Financial Officer, or Finance Director/Treasurer to manage their Finance Departments. Some examples include the City of Boise, City of Twin Falls, City of Post Falls, City of Spokane, City of Meridian, City of Caldwell, City of Pocatello, Kootenai County, City of Sandpoint, City of Lewiston, and City of Nampa. The difference between pay grades results in an approximately 25% increase based on the Comptroller position at a pay grade 17 with a range between \$85,259 - \$120,016 and the Finance Director/Treasurer position at a pay grade 19 with a range between \$106,974 - \$150,508. This fiscal year the city may need an additional \$3,688 to provide a possible conditional offer at current market rates; thereafter, the budget would need to include the future annual performance increases with a long-term added difference in wages of \$30,492 annually at the maximum.

**DISCUSSION:** Councilmember Wood thanked Ms. Jensen for her service, and was curious about the qualifications for the position, and wondered if it would be a national search. Mr. Tymesen explained that the job description outlines the duties, and they look to do an open recruitment for this position. Councilmember Gookin clarified that when the Treasurer is hired the title will be transferred at that time. Mr. Tymesen noted that with the new hire the comptroller position would

be eliminated. Additionally, he noted that he hopes that there is an internal candidate and if that were to occur it would free up another position as well.

**MOTION:** Motion by Gookin, seconded by McEvers, to provide direction and budget authority to the City Administrator to fill the City Treasurer/Finance Director position.

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

**QUASI-JUDICIAL PUBLIC HEARING FOR ZC-1-23; REQUEST FOR A ZONE CHANGE FROM THE R-17 (MO – MIDTOWN OVERLAY) TO THE C-17L (MO) ZONING DISTRICT, LOCATION: 707 N. 4TH STREET; REQUESTER: JAY LANGE.**

**STAFF REPORT:** Senior Planner Sean Holm presented the staff report, including a review of surrounding land use and zoning, Comprehensive Plan policies for consideration, physical characteristics, and neighborhood character. He noted that the subject property is located on the west side of 4th Street and north of E. Foster Avenue. There is an existing single-family dwelling located on the parcel which is currently being rented. Should the zone change request be approved, the owner would like to use the existing structure for Professional and Administrative Office Use. The main floor of the existing structure is 1400 SF +/- with a 1400 SF basement. Future plans may be to construct a new office building to include residential living space above and/or behind. The applicant is aware that any future commercial use of the property would trigger improvements to accommodate the public including ADA and parking. Mr. Holm noted that the following findings will need to be determined: that this proposal (is) (is not) in conformance with the Comprehensive Plan; that public facilities and utilities (are) (are not) available and adequate for the proposed use; that the physical characteristics of the site (do) (do not) make it suitable for the request at this time; that the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses. He displayed the transportation network maps including bicycle, walking, and transit corridors. The Planning and Zoning Commission has reviewed these findings and find they are adequate to meet this request. He noted that traffic counts were estimated based on an office use at 10 trips per day.

**DISCUSSION:** Councilmember McEvers asked if there were parking requirements, with Mr. Holm noting that commercial design standards will come into play if they decide to develop commercially. Councilmember Gookin asked about the parking requirements for Midtown Overlay, with Mr. Holm noting that it is very similar to normal city requirements which are for every 330 square feet of building they would need to install one parking stall. Councilmember Gookin asked the traffic impacts based on proposed use rather than the potential use allowed in code. Mr. Holm explained that staff can anticipate the use but there are a wide range of uses within the commercial code, so we can't say it would be a large impact or undercut, so we try to use the applicant's narrative. Councilmember Gookin stated that the floor area ratio and bonuses seem to allow it to get around size, with Mr. Holm explaining that the floor area is based on each floor of the building, and you can use the bonuses to build a bigger building but not to get around regulations. Councilmember Miller asked if the bonuses can be modified by the Council, with Mr. Holm explaining that it cannot be done pursuant to the current code for this project but that the Council could change the code.

**Public Testimony:** Mayor Hammond opened the public testimony portion of the meeting with the clerk swearing in those that gave testimony.

**APPLICANT:** Applicant Jay Lange would like to change the zone to accommodate a counseling office for his daughter's use, who is currently going to school for that profession. He noted that they will have to meet the building requirements and parking at the time of development and noted that the abutting properties are also operating as office use. He noted that the traffic impact if it were to remain an R-17 use would be more of an increase than the professional office use.

With no other comments received, the Mayor closed public comments.

**MOTION:** Motion by Gookin, seconded by McEvers to approve the application of Jay Lange in the matter of ZC-1-23, changing the zoning of property located at 707 N. 4th Street from R-17 (MO – Midtown Overlay) to C-17L (MO), based on the attached findings and conclusions, which are established by the undisputed evidence set forth in the staff report, during the staff presentation, and the testimony of the applicant.

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

#### **COUNCIL BILL NO. 24-1001**

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-17(MO) TO C-17L(MO), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 0.21 ACRE PARCEL IN THE CDA & KINGS ADDITION. LOCATED ON THE WEST SIDE OF 4TH STREET AND NORTH OF E. FOSTER AVENUE COMMONLY KNOWN AS 707 NORTH 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.

**MOTION:** Motion by Gookin, seconded by McEvers, to dispense with the rule and read **Council Bill No. 24-1001** once by title only.

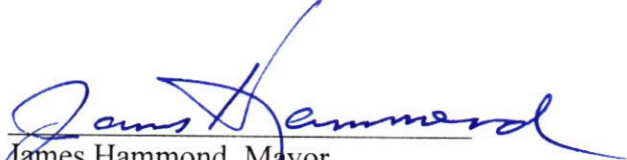
**ROLL CALL:** Evans Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye.  
**Motion carried.**

**MOTION:** Motion by Gookin, seconded by Wood, to adopt **Council Bill No. 24-1001**.

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

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

The meeting adjourned at 8:26 p.m.



James Hammond, Mayor

ATTEST:



Renata McLeod  
City Clerk

**COEUR D'ALENE CITY COUNCIL  
FINDINGS AND ORDER**

**ZC-1-23**

**A. INTRODUCTION**

This matter having come before the City Council on, February 6, 2024, to consider ZC-1-23, a request for a zone change from R-17(MO) to C-17L(MO) zoning district.

APPLICANT: JPL Living Trust, Jay Lange

LOCATION: A +/- 0.21 acre parcel located on the west side of 4th Street and north of E. Foster Avenue, commonly known as N. 707 4th Street, legally described as: A part of Lots four, five and six (4, 5 and 6) in Block three (3) of the Town of Coeur d'Alene, according to the corrected plat of said Town of Coeur d'Alene and Kings Addition, according to the corrected Plat recorded in Book C of Plats at Page(s) 144, Records of Kootenai County, Idaho.

**A. FINDINGS OF FACT:**

**The City Council finds that the following facts, A1 through A20, have been established on a more probable than not basis, as shown on the record before it and on the testimony presented at the public hearing.**

- A1. The notice of public hearing was published on January 20, 2024, which fulfills the legal requirement for the zoning change request.
- A2. The notice of public hearing was posted on the property on January 24, 2024, which fulfills the proper legal requirement.
- A3. Seventy-four (74) notices of public hearing were mailed to all property owners of record within three hundred feet (300') of the subject property on January 22, 2024, which fulfills the legal requirement.
- A4. Notice of intent to rezone the property was sent to all political subdivisions providing services within the planning jurisdiction, including school districts, at least fifteen (15) days prior to the public hearing scheduled by the Commission.
- A5. Public testimony was received at a public hearing on February 6, 2024.
- A6. The subject property is +/- 0.21 acre.
- A7. The subject property is within the City Limits and bordered by N. 4th Street to the east and north of Foster Avenue.
- A8. The existing zoning is residential at seventeen units per gross acre in the midtown infill overlay district, abbreviated as: R-17(MO. Municipal Code § 17.07.910(A)(3) describes the Midtown Overlay (MO) district as "a lively, neighborhood business district with a mixture of uses, including retail, services, and residential. Storefronts would be relatively continuous along the street within the core of the district. Housing would be encouraged both above and behind commercial uses. Traffic calming measures would be applied and there would

be an emphasis on creating a streetscape that would offer safety, convenience and visual appeal to pedestrians.”

- A9. The Comprehensive Plan Future Land Use Map designation is the Urban Neighborhood Place Type.
- A10. The Place Types in the Comprehensive Plan represent the form of future development, as envisioned by the residents of Coeur d’Alene. These Place Types will, in turn, provide the policy level guidance that will inform the City’s Development Ordinance. Each Place Type corresponds to multiple zoning districts that will provide a high-level of detail and regulatory guidance on items such as height, lot size, setbacks, adjacencies, and allowed uses.
- A11. Urban Neighborhood places are highly walkable neighborhoods with larger multifamily building types, shared greenspaces and parking areas. They are typically served with gridded street patterns, and for larger developments, may have an internal circulation system. Development typically consists of townhomes, condominiums, and apartments, with convenient access to goods, services, and dining for nearby residents. Supporting uses include neighborhood parks and recreation facilities, parking, office and commercial development. *Compatible Zoning: R-17 and R-34SUP; NC, CC, C17, and C17L.*
- A12. The Comprehensive Plan Goals, Objectives and Policies that are applicable to this matter are as follows:

**Community & Identity**

**Goal CI 1:**

Coeur d’Alene citizens are well informed, responsive, and involved in community discussions.

**Objective CI 1.1:**

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

**Goal CI 3**

Coeur d’Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

**OBJECTIVE CI 3.1**

Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.

**Growth & Development**

**Goal GD 1**

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d’Alene a great place to live.

**OBJECTIVE GD 1.3**

Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distance.

## **Jobs & Economy**

### **Goal JE 1**

Retain, grow, and attract businesses

#### **OBJECTIVE JE 1.2**

Foster a pro-business culture that supports economic growth.

- A13. There is an existing single-family structure on the subject property. Directly to the north and south of the subject property are existing single-family homes that are grandfathered professional office uses, each with varying degrees of commercial improvements (parking). To the south of the nearest intersection (N. 4th Street & E Foster Ave.) is a Fire Station. To the east, across 4th Street, is an Attorney's office, a CityLink bus stop, and single-family homes. The area retains various mature trees and other vegetation.
- A14. The subject property is bordered by 4th Street to the east. No street improvements are necessary for this proposed development.
- A15. There is adequate capacity in the public water system for 707 N 4th St., which is currently served by a ¾" water meter, as indicated by the Water Department and reported in the Staff Report.
- A16. City sewer is already on this property from the west in a sewer easement along the property line. Wastewater Policy #716 allows only one appropriately sized sewer lateral to serve each legally recognized parcel. 'One parcel, One service. (One Lot, One Lateral). The Subject Property is within the City of Coeur d'Alene and in accordance with the 2023 Sewer Master Plan; the City's Wastewater Utility presently has the wastewater system capacity, willingness and intent to serve this Zone Change request as proposed, as indicated by the Wastewater Department and reported in the Staff Report.
- A17. Fire department access to the site (road widths, surfacing, maximum grade and turning radiuses), and fire protection (size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance, as indicated by the Fire Department and reported in the Staff Report.
- A18. The Police Department does not have concerns with the proposed zone change, as reported in the Staff Report.
- A19. The site is generally flat as is the over-all location, shown by the photographs presented in evidence. Midtown has seen significant change and investment over the last decade, from public corridor improvements, rehab of several out-of-date storefronts, to a substantial under construction mixed-use project.
- A20. The proposed zone change itself would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from a zone change alone. The applicant states that there is an intent to convert the property for use as a small counseling office and apartment. The ITE Trip Generation Manual states that traffic from a single apartment unit is expected to be about 7 trips per day. Unfortunately, the ITE Trip Generation Manual does not define a land use code applicable to counseling services and therefore provides no guidance. However, with typical counseling sessions lasting one hour, it could be extrapolated that fewer than 10 trips per day would be generated by patients. Additional trips generated by deliveries, employees, etc. are expected to be minimal.

**B. CONCLUSIONS OF LAW:**

**Based on the foregoing Findings of Fact, the City Council makes the following Conclusions of Law.**

- B1. This proposal is in conformance with the Comprehensive Plan Goals, Objectives, and Policies.
- B2. Public facilities and utilities are available and adequate for the proposed use.
- B3. The physical characteristics of the site do make it suitable for the request with the improvements to parking the applicant intends to make.
- B4. The proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and or existing land uses as shown by the fact the property is currently zoned R-17, which is the same density as the proposed C-17L zoning district. The proposed use would effectively be the same as it is now, but commercial instead of residential. Thus, the neighborhood would not be adversely affected by the zone change.

**C. DECISION**

The City Council, pursuant to the foregoing Findings of Fact and Conclusions of Law, has determined that the requested zone change does comply with the required evaluation criteria and recommends that the City Council does adopt the C-17L(MO) zoning.

Motion by Dan Gookin, seconded by Woody McEvers, to adopt the foregoing Findings and Order.

**ROLL CALL:**

<b>COUNCIL MEMBER ENGLISH</b>	<b>Voted</b>	<b>Yes</b>
<b>COUNCIL MEMBER MILLER</b>	<b>Voted</b>	<b>Yes</b>
<b>COUNCIL MEMBER GOOKIN</b>	<b>Voted</b>	<b>Yes</b>
<b>COUNCIL MEMBER EVANS</b>	<b>Voted</b>	<b>Yes</b>
<b>COUNCIL MEMBER MCEVERS</b>	<b>Voted</b>	<b>Yes</b>
<b>COUNCIL MEMBER WOOD</b>	<b>Voted</b>	<b>Yes</b>

Motion to approve carried by a 6 to 0 vote.