

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

October 17, 2023

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 October 17, 2023, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

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

**PROCLAMATION:**

Mayor Hammond proclaimed October 2023 as Careers in Construction month. Dale Cargile, incoming 2024 President of the North Idaho Building Contractors Association, and Executive Officer Emily Bradley accepted the proclamation and thanked the City for recognizing the building industry. Mr. Cargile noted they were proud to receive the proclamation, and NIBCA had celebrated their 50<sup>th</sup> year as a non-profit advocating for education in the community in the home and building trades. He noted 70% of jobs in community were in the trades. Mayor Hammond said the building trades were an important part of the community and offered a great way of earning a living and provided a great life.

**PUBLIC COMMENTS:**

Casey Whalen, Coeur d'Alene, asked for a status update on the mandatory cultural diversity training program for police officers and sheriff's deputies facilitated by the Kootenai County Human Rights Task Force on Human Relations (Human Rights Task Force).

Councilmember Wood clarified that the Sheriff's Office had requested the Human Rights Task Force's assistance with finding a trainer for the cultural diversity training.

Diana Sheridan, Coeur d'Alene, requested agenda items which were an expenditure be further explained if they were budgeted items or new expenditures to be paid from the reserves. She asked if the roof replacement could have been avoided if regular maintenance had been done.

Justin O'Connell, Coeur d'Alene, made comments in regard to war, terrorism, books, and politics.

### **ANNOUNCEMENTS:**

Councilmember Wood said there was some confusion over the proposal for the new cell tower and asked staff to provide an update with future steps. Mr. Adam's said the project had been postponed in order to allow staff to hire an outside expert to perform a RF analysis of the towers and the related report would be presented to Council during a public hearing in January. He noted FCC rules stipulated that if the City did not take action within a certain period of time, the application would be deemed approved. Councilmember Gookin asked Mr. Adam's to explain how evidence may be received, with Mr. Adams explaining all evidence for the public hearing must come through the hearing process and Council would be required to disclose if they had a potential conflict and explain any evidence they may have received outside of the hearing process.

Mayor Hammond requested confirmation of the appointments of Student Representatives Adeline Smith (rep) and Henry DePew (alt) to the Arts Commission; Alex Pulsipher (rep) and Emma Sharon (alt) to the CDA-TV Committee; Emmy Hazard (rep) and Kenzie Thompson (alt) to the Childcare Commission; Ayla Frens (rep) and Lola Burns (alt) to the Library Board; Gabriel Heule (rep) to the Parking Commission; Grace Wickham (rep) and Tyler Voorhees (alt) to the Parks & Recreation Commission; Grayson Story (rep) and Alistair McIntire (alt) to the Pedestrian/Bicycle Advisory Committee; and Sage Pederson (rep) and Kiley Hart (alt) to the Urban Forestry Committee.

**MOTION:** Motion by Evans, seconded by McEvers, to appoint the following Student representatives: Adeline Smith (rep), Henry DePew (alt) to the Arts Commission; Alex Pulsipher (rep), Emma Sharon (alt) to the CDA-TV Committee; Emmy Hazard (rep), Kenzie Thompson (alt) to the Childcare Commission; Ayla Frens (rep), Lola Burns (alt) to the Library Board; Gabriel Heule (rep) to the Parking Commission; Grace Wickham (rep), Tyler Voorhees (alt) to the Parks & Recreation Commission; Grayson Story (rep), Alistair McIntire (alt) to the Pedestrian/Bicycle Advisory Committee; Sage Pederson (rep), Kiley Hart (alt) to the Urban Forestry Committee.

**Motion carried.**

### **CONSENT CALENDAR:**

1. Approval of Council Minutes for the September 25, 2023, and October 3, 2023, Council Meetings.
2. Approval of Minutes from the October 9, 2023, General Services/Public Works Committee.
3. Setting of the October 23, 2023 General Services/Public Works Committee.
4. Approval of Bills as Submitted.
5. Approval of Financial Report.
6. Approval of SS-23-04, Isom Addition: Final Plat
7. **RESOLUTION NO. 23-076** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: AGREEMENT FOR MAINTENANCE/ WARRANTY OF SUBDIVISION WORK, AND APPROVAL OF FINAL PLAT AND SECURITY WITH LAKESHORE ESTATES, LLC, FOR THE FOUNDRY (S-4-21); AGREEMENT WITH FILTRATION TECHNOLOGY, INC., FOR THE PURCHASE OF A MIOX CHLORINE GENERATOR, IN THE AMOUNT OF

\$101,075.00; PROFESSIONAL SERVICES AGREEMENT WITH FCS GROUP FOR THE PREPARATION OF THE 2023-24 WATER RATE STUDY FOR THE WATER DEPARTMENT, IN THE AMOUNT OF \$65,000.00; AND DECLARATION AS SURPLUS OF A 2004 CHEVROLET ASTRO VAN AND A 2010 FORD EXPLORER USED BY THE POLICE DEPARTMENT AND AUTHORIZATION OF THE SALE OF THE VEHICLES AT AUCTION.

**DISCUSSION:** Councilmember Gookin noted the items on the consent calendar had been approved during the budget process. Councilmember Evans mentioned most consent calendar items had been presented at a General Services/Public Works Committee meeting. Meetings were recorded, available to watch on the City's website and Facebook page, and she encouraged the public to review the discussions. Councilmember English noted the meetings contained a full presentation by staff on each item, and the Committee decided where to place the item on the Council agenda.

**MOTION:** Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including **Resolution No. 23-076**.

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

#### **RESOLUTION NO. 23-077**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, IDAHO, DECLARING THAT AN EMERGENCY EXISTS SUCH THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE IMMEDIATE EXPENDITURE OF PUBLIC MONEY FOR WORK TO REPAIR THE DAMAGED ROOF, SKYLIGHT, AND MECHANICAL VENTS AT CITY HALL IN ORDER TO SAFEGUARD LIFE, HEALTH, AND PROPERTY, PURSUANT TO IDAHO CODE § 67-2808(1)(a)(iii); AND AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS WITHOUT COMPLIANCE WITH FORMAL BIDDING PROCEDURES.

**STAFF REPORT:** Building Maintenance Superintendent Adam Korytko said that at the completion of the 2017 City Hall remodel, the existing torch down roof was coated or recoated with an elastomeric coating. He said the coating was used to extend the life of the existing roof for 10+ years. However, the southwest parapet wall of the roof now had drainage issues resulting in ponding. He mentioned the ponding was due to improper slope/design of the roof crickets and the roof drain elevation. He said the standing water had permeated the elastomeric coating, caused severe failure along the southwest parapet wall, and the elastomeric coating had blistered and peeled down to the original roofing material. He mentioned maintenance had been performed two times a year. He noted he had contacted the contractor who had installed the elastomeric sealant, the contractor had volunteered to apply another coat of sealant, yet with the roof pooling it would not correct the drainage issue. He noted reapplication of the coating was impossible due to the excessive moisture and ponding. He said the recommendation was to apply a TPO membrane roof and new cricket system to correct the drainage issues and to protect the integrity of the building. He mentioned the project was originally planned to be budgeted 1-2 years out with the expectation that a temporary repair could be made, yet after discovering the severity of the damage and the lack of options to make repairs it was determined that a new roofing system should be installed. He said the roof at City Hall was a domed roof with a slight pitch that tapered to the perimeter

parapet walls where water was supposed to be routed and drained down through the roof scuppers. Currently, the building was protected by the original torch down roofing material that was coated with elastomeric sealant and given the layout and pitch of the roof, it was recommend that a 60-mil TPO welded membrane roofing system be installed with a ½” underlayment board. He said the system also included the reconstruction of drainage crickets surrounding the roof drains to prevent ponding and allow water to drain correctly. He noted the new system comes with a 20-year manufacturer warranty and 1-year warranty on labor. He said that Idaho Code § 67-2808(1)(a) provides, in part: “The governing board of a political subdivision may declare that an emergency exists and that the public interest and necessity demand the immediate expenditure of public money if: (iii) It is necessary to do emergency work to safeguard life, health, or property.” The Legal Department has determined that the circumstances fall within the exception for emergency work to safeguard the City’s property, and thus it is not necessary to follow the formal bid process. He said the project was not budgeted. Therefore, he requested the Council declare an emergency and approve \$94,727.00 from the General Fund as an emergency expense, for installation of a new TPO roofing system.

**DISCUSSION:** Councilmember Gookin asked if the roof had been a problem before the 2017 City Hall remodel, with Mr. Korytko responding he didn’t have that information, yet the current degradation of the elastomeric coating was due to ponding. Councilmember Gookin asked if the TPO membrane roof would resolve the issue and what funding would be used, with Mr. Korytko responding the TPO product and new cricket system would resolve the issues. Mr. Tymesen noted the General Fund’s Fund Balance would be the funding source for the roof replacement. Councilmember Gookin asked if insurance covered the repair, with Mr. Tymesen responding insurance did not cover the repair. Mr. Korytko said the original application had not been an appropriate material for the type of roof on City Hall; however, the proposed TPO product was warrantied for 20 years, and was a tried-and-true roofing system for City Hall’s roof design. Mayor Hammond noted the decision to not replace City Hall’s roof during the 2017 remodel was made due to the roof still having useful life left. He said the elastomeric coating applied in 2017 had extended the life of the existing roof for 5 additional years. Councilmember English noted it was prudent to repair the roof now.

**MOTION:** Motion by English, seconded by McEvers, to approve Resolution No. 23-077; Declaring an Emergency and approving the expenditure of \$94,727.00 from the general fund to install a new TPO roofing system at City Hall.

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

**LEGISLATIVE HEARING - PROPERTY EXCHANGE WITH COSTCO WHOLESALE CORPORATION. THE PROPERTY TO BE EXCHANGED IS DESCRIBED AS A PARCEL OF LAND 6,288 SQ. FT. IN SIZE, LOCATED ADJACENT TO THE COSTCO PROPERTY ON E. NEIDER AVENUE, WITH A VALUE OF \$30,000.00.**

**STAFF REPORT:** City Attorney Randy Adams said there was a small area, roughly triangular in shape, lying between the two entrances to the Costco Wholesale Corporation (Costco) parking lot on E. Neider Avenue. He said it was owned by the City, having been platted with the Carlsen Tracts in September 2003. He mentioned the property was used solely as a swale to collect stormwater from E. Neider Avenue and the Costco lot. He said Costco used the swale pursuant to a lease agreement with the City which was entered into on September 19, 2003, and had a term of twenty (20) years. He mentioned the parties originally contemplated an eventual exchange of property so that Costco would own the area. However, an exchange of real property for real property could not be accomplished because Costco could not obtain acceptable property to exchange. He said in 2022, Costco approached the City about acquiring ownership of the area as the lease was due to expire in September 2023. The City determined that Costco's acquisition of the area would assist it in the acquisition of the real property needed for the Police Department expansion. An appraisal was obtained by Costco in January 2023, and determined the value of the area to be \$30,000.00. He explained that pursuant to Idaho Code § 50-1402, when a city desires to exchange real property, Council must first declare the value or minimum price it intends to receive. He mentioned the City would maintain a perpetual easement for the stormwater swale on the property and Costco may move the swale with agreement of the City. The intent to exchange the property was published in the Coeur d'Alene Press. He noted an appraisal was not required, yet one had been obtained. He said the Council had declared the value or minimum price on the record, and that the City Clerk had published a summary of the action taken by Council. He requested Council approve the exchange of the fee interest in the property for a perpetual easement and \$30,000.00, and authorize the Mayor and the Clerk to sign the required documents consummating the exchange.

**DISCUSSION:** Councilmember Gookin asked if the property was considered wetlands, with Mr. Adams responding it may be, yet once it became Costco's property they would have to work through the state if they wanted to make any changes to the use of the property.

Mayor Hammond opened the public testimony portion of the hearing and hearing none, closed public testimony.

### **RESOLUTION NO. 23-078**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT WITH COSTCO WHOLESALE CORPORATION ("COSTCO") AUTHORIZING THE EXCHANGE OF A FEE INTEREST IN A PARCEL OF LAND OWNED BY THE CITY SIX THOUSAND TWO HUNDRED EIGHT-EIGHT (6,288) SQUARE FEET IN SIZE IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, LOCATED SOUTH AND EAST OF, AND ABUTTING, LOT 1, BLOCK 1, CARLSEN TRACTS, IN THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AS MORE FULLY DESCRIBED IN THE EXHIBIT "A" HERETO, FOR A PERPETUAL EASEMENT IN SAID PARCEL GRANTED BY COSTCO IN FAVOR OF THE CITY TOGETHER WITH THE VALUE OF THE FEE INTEREST IN THE PARCEL IN THE AMOUNT OF THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00).

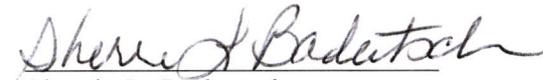
**MOTION:** Motion by Gookin, seconded by English, to approve **Resolution No. 23-078;** approving a Land Exchange with Costco Wholesale Corporation, and Authorizing the Mayor to Sign the Purchase and Sale Agreement, and Easement.

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

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

The meeting adjourned at 6:43 p.m.

ATTEST:



Sherrie L. Badertscher  
Executive Assistant

  
James Hammond Mayor