

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

May 15, 2018

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, May 15, 2018 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Loren Ron Edinger) Members of Council Present
Dan English)
Woody McEvers)
Dan Gookin)
Kiki Miller)
Amy Evans)

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

INVOCATION: Pastor Mike Slothower with the River of Life Friends gave the invocation.

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

CONSENT CALENDAR: **Motion** by McEvers, seconded by Edinger, to approve the consent calendar.

1. Approval of Council Minutes for the May 1, 2018 Council Meeting and the April 26, 2018 City Council/ignite Cda Workshop.
2. Approval of Bills as Submitted.
3. Approval of the Public Works Committee Meeting Minutes from the meeting held on May 7, 2018.
4. Approval of the Financial Report.
5. Setting of General Services and Public Works Committees meetings for May 21, 2018 at 12:00 noon and 4:00 p.m. respectively.
6. Setting of a public hearing for June 5, 2018 for an appeal of the denial of a street tree removal by Jeff Woehlert, 509 E. Garden Avenue
7. Setting of a public hearing for June 19, 2018 for a Quasi-judicial hearing - ZC-1-18: A proposed zone change from R-17 to C-17 at 1315 & 1325 N. 5th by Joseph Hamilton
8. Approval of outdoor seating for the Midtown Pub, 826 N. 4th Street, TW Fisher
9. Approval of a Beer and Wine License for Mouser Enterprises, Inc. d/b/a Santorini's Greek Cuisine, 4055 N. Government Way St. 7 (new), Aaron J. Mouser
10. Approval of SS-18-04, Sherman Five West: Final Plat
11. Resolution No. 18- 028 - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED ACTIONS OF THE CITY OF COEUR D'ALENE, INCLUDING: ACCEPTANCE OF STOP

VIOLENCE AGAINST WOMEN GRANT FUNDING FOR ONE (1) VICTIM ADVOCATE AND AUTHORIZING THE EXPENDITURE OF \$21,800 FOR THE CITY'S 25% MATCH; AND AUTHORIZING THE PURCHASE OF ONE (1) POLICE DEPARTMENT PATROL VEHICLE TO BE UTILIZED BY THE GRANT FUNDED DUI OFFICER POSITION IN THE AMOUNT OF APPROXIMATELY \$68,000.

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

PUBLIC COMMENTS:

Chet Gaede, Coeur d'Alene, thanked the Council for purchasing the Atlas Waterfront property and is happy to see the Council will be considering a property exchange with Lanzce Douglas. He asked the Council to not lose site of the possibilities and restrictions that are in the annexation agreement during the property exchange and to focus on the result of being river-centric.

Larry Spencer, Post Falls, expressed concern regarding signage in the rights-of-way and the size of political signs. During this most recent election, he noted several signs placed within the city that were 15 square feet, which is almost twice the size allowed by code. He is concerned that it disenfranchises the candidates that follow the rules. He asked that the City to enact some large penalties or vacate the campaign sign ordinance. Mr. Spencer requested the City confiscate signs and not return them until after the election. Councilmember Gookin noted that Code Enforcement was contacted and signs were collected and held until the candidate retrieved them. He noted that Code Enforcement has been busy with enforcement and education of the new short-term rental code and is hopeful that the fall election will provide Code Enforcement with more time for sign enforcement.

COUNCILMEMBER ANNOUNCEMENTS:

Mayor Widmyer requested approval of the appointment of Roberta Larsen to the Arts Commission, and Steve Widmyer to the ignite CDA Board.

MOTION: Motion by Gookin, seconded by Edinger to approve the appointment of Roberta Larsen to the Arts Commission, and Steve Widmyer to the ignite CDA Board. **Motion carried.**

COUNCIL BILL NO. 18-1008

AN ORDINANCE AMENDING SECTION 2.84.020, COEUR D'ALENE MUNICIPAL CODE, REMOVING THE LIMITATION ON SERVING MORE THAN TWO (2) CONSECUTIVE TERMS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

STAFF REPORT: City Administrator Troy Tymesen explained that the original terms limits code section was created to encourage new ideas and creativity, and to reduce stagnation on the committee. While the term limits accomplished their intended goal for a period, the rapid

turnover of members the last several years has substantially decreased the institutional knowledge and effectiveness of the commission. The Arts Commission is currently the only committee, commission, or board of the City's with term limitations. The commission therefore recommends there should be no limit to the number of terms that an Arts Commissioner may serve, consistent with the City's other boards, committees and commissions. Mr. Tymesen commented that the longevity and history of the commission is lost when term limits are encountered. He noted that reappointments would still come before the City Council.

DISCUSSION: Councilmember McEvers questioned why the term limits were originally imposed. Mr. Tymesen noted that commission members were continuing to serve, with no turn over, so the commission felt the limits would increase new participation. Councilmember Miller noted that this commission is different from others because they have funds directed to them to spend, so she was concerned that with no term limits and the management of money it could cause issues as well. However, the budget will get public input and come before Council for approval. Councilmember Gookin noted that the minutes from the commission meeting seemed to indicate the commission was divided on the subject of termination of term limits. Mr. Tymesen noted that this would fix the amount of tenure that has been lost on the commission. Councilmember Gookin noted that he understands that it is important in art to have differing opinions of art, and is concerned that with the removal of term limits it could cycle back to the same situation with the commission stuck in a rut. He expressed support of having a staff liaison that could solve many of the longevity issues and be a historical resource. Mr. Tymesen noted that the commission is a 13-member commission and they have discussed the direction they are going. They have people who cannot stay on the commission due to the term limit which lead to a lack of experience. He also noted that they would look at a staff position during the budget process. When there is a reappointment, the commissioner could provide a review of what they have been doing on the commission. He believes this would strengthen the commission. Councilmember English said the City should not have a commission that operates different from everyone else. Sometimes you put things in place to deal with an issue and he would rather deal with issues straight up.

MOTION: Motion by Evans, seconded by English, to dispense with the rule and read **Council Bill No. 18-1008** once by title only.

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

MOTION: Motion by Evans, seconded by English, to adopt **Council Bill 18-1008**.

DISCUSSION: Gookin noted he will vote against as he supports term limits.

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

RESOLUTION NO. 18-029

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN EASEMENT AND PARKING AGREEMENT WITH EVH, LLC, FOR A DRIVEWAY AND PARKING SPACES ON PROPERTY LOCATED AT 1336 KATHLEEN AVENUE, AND FOR PARKING SPACES AT JENNY STOKES FIELD.

STAFF REPORT: Mr. Tymesen explained that in 1996, the City entered into an Easement and Parking Agreement (the "Agreement") with the Coeur d'Alene Teacher's Credit Union, the owner of a parcel of property located at 1410 Kathleen Avenue. Pursuant to that Agreement, the City obtained a driveway easement across part of the Credit Union's property for the public to access the parking lot at Jenny Stokes Field, as well as an easement in favor of the public to use the Credit Union's parking lot after 3:00 p.m. on weekdays and all day on weekend days. The Credit Union, in return, obtained an easement for the use of up to ten (10) spaces in the Jenny Stokes Field parking lot during the weekdays. This Agreement was binding on all subsequent purchasers of the Credit Union property. EVH, LLC, is seeking to buy the Credit Union property and to operate thereon a 24-hour, 7-day-a-week, veterinary hospital. Staff concurred that reserving eleven (11) spaces in the Credit Union parking lot for the exclusive use of EVH's customers would not adversely impact the public's use of Jenny Stokes Field, and that the on-site parking available for both Jenny Stokes Field and the EVH property complied with the Zoning Code requirements. The new agreement will provide sufficient parking for the general public using Jenny Stokes Field while, at the same time, recognizing the needs of the customers of EVH. This cooperative agreement provides advantages to both parties, which will advance the wellbeing of the community.

DISCUSSION: Councilmember McEvers clarified that the difference between the easements is that the public cannot park in the pet emergency stalls and asked how enforcement would be managed. Mr. Tymesen explained that the new owner would be putting up signs and the City will provide parking suggestions to recreation program participants. Councilmember Gookin asked why the lot does not have its own curb cut and entrance to the lot off Kathleen Avenue. Mr. Tymesen explained that it appears that the entrances to Kathleen were recommended to be limited in the past and noted that he has asked the City Engineer to review it again. Councilmember Edinger expressed concern about people parking in the school parking lot and crossing the street and wondered if there some way to notify people that there is a parking lot on the field side of the street.

MOTION: Motion by Gookin, seconded by Miller to approve to approve **Resolution No. 18-029**, an Easement and Parking Lot Agreement with EVH, LLC. for property located at 1410 Kathleen Avenue.

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

COUNCIL BILL NO. 18-1009

AN ORDINANCE AMENDING SECTION 10.24.030 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO CLARIFY LIMITED TIME PARKING REQUIREMENTS AND THE REQUIREMENT FOR MOVING VEHICLES OUTSIDE THE LIMITED TIME PARKING ZONE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF REPORT: Mr. Tymesen explained that the City has a two-hour parking zone in the downtown area. The current Code provides that once a vehicle is parked in a two-hour space, it may not remain parked there for more than two hours or park within three hundred feet of that space after the expiration of two hours until the next day. The time limitation is enforced by means of an electronic license plate reader, which records a time stamp when a plate is read. The technology cannot determine when a vehicle actually leaves its original space. Instead, it records a violation whenever a vehicle is found parked within three hundred feet of where it was initially parked after two hours from first contact. A common complaint is that a vehicle operator will park for less than two hours, leave the area, and then return to the same space or a space within three hundred feet of the original space on the same day. Although the person has not parked for more than two consecutive hours in one space, they are subject to receiving a parking ticket. This code amendment will allow a person to park for up to two hours in the business district, leave for at least three hours, come back and park again for up to two hours, even if it is the same spot.

DISCUSSION: Councilmember Evans asked how the three-hour timeframe was determined. Mr. Tymesen explained that it is based on the parking route and the time it takes the enforcement vehicle to do the route and back. If someone is downtown for more than three hours, then they should get a parking pass or park in the lot. The business district agrees the stalls are revenue generators if they are available for customers. Councilmember English noted that there was a lot of discussion at the Parking Commission meeting and felt that there may never be a perfect solution to overtime parking issues. However, he believes this amendment makes sense as the best next solution that is balanced. Mayor Widmyer noted that if someone parked downtown at 9:00 a.m. for coffee, left then came back for lunch at 1:00 p.m. they would currently get a ticket; however, this amendment will allow that to be an option for people. Councilmember Miller asked if the Commission also discussed how to handle repeat offenders after this is in place. Mr. Tymesen clarified that the current escalation of repeat offenders continues to apply.

MOTION: Motion by Gookin, seconded by McEvers, to dispense with the rule and read **Council Bill No. 18-1009** once by title only.

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

MOTION: Motion by Gookin, seconded by McEvers, to adopt **Council Bill 18-1009**.

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

RESOLUTION NO. 18-030

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH RIVER'S EDGE APARTMENTS, LLC, SETTING OUT OVERARCHING AND GENERAL PRINCIPLES IN CONTEMPLATION OF A FUTURE TRANSACTION AND AGREEMENT INVOLVING THE EXCHANGE AND DEVELOPMENT OF CERTAIN PARCELS OF REAL PROPERTY IN THE CITY OF COEUR D'ALENE.

STAFF REPORT: City Attorney Mike Gridley explained the City's land subject to this Memorandum of Understanding (MOU) was purchased from BNSF Railway and bisects property formerly owned by Washington Trust and now owned by Rivers Edge (RE). RE also owns land that adjoins the northern edge of the Atlas Waterfront property that the City has purchased. The City and RE have been in discussions about a mutually beneficial land exchange that would result in the City acquiring RE's property that adjoins the Atlas Waterfront property in addition to an easement for a public trail, greenspace and waterfront access along the Spokane River. For its portion of the exchange the City would give RE the City owned right-of-way that bisects RE's property and would support RE's proposal to increase density and height limits on the property. The City and RE properties are both approximately the same size. There is no cost to the City for this MOU. If the proposed exchange takes place there will be costs associated with the construction of the trail and greenspace (40' along the river and 40' of abutting greenspace developed by RE). The agreement allows RE to move forward with a request to the Planning Commission for additional density, the ability to go 75' high, with five-story buildings, with a plan to maintain view corridors and trails. He clarified that the MOU asks the city to support the increased density, not approve it, but only approving a framework to move the request forward. The exchange is the opportunity to increase waterfront access.

DISCUSSION: Councilmember Evans asked for additional information regarding the density calculations. Mr. Gridley explained the current density amounts are based on today's zoning, noting that if RE received a rezone of the property to R-34 density, it could build up to 879 units versus 505 units allowed today. Councilmember Gookin noted that the Council is being asked to tentatively approve higher density without input from staff regarding utilities or traffic counts. Mr. Gridley confirmed that other inputs would come forward through staff at the project review, etc. Councilmember McEvers asked for examples of other locations in the city that are zoned for R-34 density. Community Planning Director Hilary Anderson noted there are a few projects downtown that are higher than R-34 and a new apartment development on Lake Coeur d'Alene Drive will be R-37 and the apartments near Winco and on Seltice Way are R-34. Councilmember Miller asked for clarification on when the deed transfer would take place. Mr. Gridley explained that once the process is complete through Planning, and if it works out the City would finalize the land trade deal. Mayor Widmyer asked if everything goes through, then would the actual land trade require a public hearing? Mr. Gridley confirmed that the next item on the agenda is to set the public hearing. He reiterated that if the land exchange is approved, it would be subject to complying with the MOU and deeds would not be transferred until the items

required are completed. Councilmember McEvers asked if the land would involve the urban renewal district. Mayor Widmyer noted that the property is currently not within a district; however, if a new district were created it would be in the new district. Councilmember English asked what the timeline would be for the Planning Commission hearing. Mr. Gridley noted that it was his recommendation to get the MOU in place, and then have it set for a Planning Commission hearing.

Lanzce Douglas (RE) explained that he wanted to provide the Council with an example of some of his company's prior developments. He provided photographs of projects including Prairie Hills (384 units) which include a tot lot playground, pool, and garden areas for the residents; Trestle Creek with 336 units; and, Eagle Point with 640 units generated over four phases. He also presented a site plan for what he would like to develop after the land trade is complete that included courtyards, access to the water, and paths throughout. He noted that they would be incorporating five protected view corridors within their project. They plan to include partially underground parking and five stories of apartments.

DISCUSSION: Councilmember McEvers asked if they have looked at the impact to Seltice Way. Mr. Douglas noted that they have provided traffic counts to the City Engineer and they would determine from there any traffic enhancements needed. Councilmember McEvers asked if the market could handle the additional units. Mr. Douglas noted that these are high-end apartment, are new to the market, and are on the water so he does not feel there is any current competition. Councilmember Gookin asked how Mr. Douglas would be phasing the project. Mr. Douglas explained that he will develop 200 to 240 units per building which will likely take 18 to 20 months to construct, then when those units are 90% occupied he will move to the next phase. Councilmember Miller asked if Mr. Douglas was committed to the design of the waterfront piece. Mr. Douglas noted that he is open to input but what he presented is what he would like to see.

MOTION: Motion by McEvers, seconded by English to approve **Resolution No. 18-030**, Approval of a Memorandum of Understanding with River's Edge Apartments, LLC setting out overarching and general principles in contemplation of a future transaction and agreement involving the exchange and development of certain parcels of real property in the City of Coeur d'Alene.

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

INTENT TO CONVEY 3.7 ACRES OF CITY-OWNED LAND TO RIVER'S EDGE APARTMENTS, LLC IN EXCHANGE FOR 3.8 ACRES OF LAND OWNED BY RIVER'S EDGE APARTMENTS, LLC, AND TO SET A PUBLIC HEARING FOR JUNE 5, 2018.

STAFF REPORT: Mr. Gridley explained that the City owns a 3.7-acre portion of the former BNSF right of way that bisects property owned by River's Edge Apartments, LLC (RE). RE (also known as Atlas Mill Development Corp.) owns a 3.8-acre triangle shaped piece of property that fronts on Seltice Way and is adjacent to the Atlas Mill Waterfront property that the City owns. The City and RE are proposing to exchange these properties for the mutual benefit of

each party. The properties are similar in size and value. The ultimate exchange will be governed by the terms of the Memorandum of Understanding between the parties. If the terms of the MOU are not met, then either party can cancel the proposed land exchange. There is no financial cost to the city for this exchange. The real property owned by the City and RE are similar in size and value and the exchange is mutually beneficial to both parties. Mr. Gridley noted that with a rezone, Mr. Douglas could build 879 total units; however, with the trade the maximum units would be 870.

MOTION: Motion by McEvers, seconded by English, to authorize the City's intent to convey land that is 3.7 acres of city-owned land to River's Edge Apartments, LLC in exchange for 3.8 acres of land owned by River's Edge Apartments, LLC, and to set a public hearing for June 5, 2018.

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

Motion by Gookin, seconded by McEvers to enter into Executive Session pursuant to Idaho Code 74-206A (1a) considering a labor contract offer or to formulate a counteroffer.

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

The City Council entered into Executive Session at 7:21 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Council returned to regular session at 8:11 p.m.

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

The meeting adjourned at 8:11 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC, City Clerk