

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

August 18, 2015

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 August 18, 2015 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

CALL TO ORDER: The meeting was called to order by Mayor Widmyer.

INVOCATION: An invocation was provided by Pastor Craig Miles with Real Life Ministries CDA.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Councilmember Adams.

AWARD OF MERIT: Deputy Fire Chief Tom Grief, Captain Bieker and Firefighter Anderson thanked Terry Sasser for his life saving CPR efforts on a co-worker at Home Depot in April of this year. That co-worker has since been able to return to work. Captain Bieker presented Mr. Sasser with the award of Merit & Recognition on behalf of the City and the Fire Department. Councilmember Gookin stated that he was on a police ride-along that evening and witnessed the CPR and thanked the Fire Department for saving this person's life.

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

1. Approval of Council Minutes for August 4, 2015.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for August 24, 2015 at 12:00 noon and 4:00 p.m. respectively.
4. **RESOLUTION NO. 15-038** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVING S-3-12, COEUR D'ALENE PLACE 24TH ADDITION, FINAL PLAT, ACCEPTANCE OF PUBLIC IMPROVEMENTS, MAINTENANCE /WARRANTY AGREEMENT AND SECURITY; APPROVING THE DECLARATION OF SURPLUS OF 25 G.E. LIGHT FIXTURES FROM MCEUEN PARK; AND

APPROVING A BID AWARD AND AGREEMENT WITH BIG SKY DEVELOPMENT, INC. FOR THE B-INTERCEPTOR PROJECT FOR THE WASTEWATER UTILITY.

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

COUNCIL COMMENTS:

Councilmember Gookin said he has received requests to move the public comment section to the beginning of the Council Agenda. Mayor Widmyer stated it would be moved up on the next meeting agenda.

Councilmember Miller said her mother is in town from Montana and has expressed how beautiful our city is and thanked her for visiting.

Mayor Widmyer stated that the City is in need of student representatives from School District 271 to serve on City committees, commissions and boards. Please contact Amy Ferguson at 666-5754 if you are interested in serving in that role.

RESOLUTION NO. 15-039

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE ACCEPTANCE OF AN AGREEMENT FOR THE TRANSFER OF FORMER BNSF RAILROAD PROPERTY LOCATED IN IGNITE CDA'S RIVER DISTRICT AND APPROVING THE ACCEPTANCE OF THE PROPERTY PURSUANT TO A QUITCLAIM DEED.

STAFF REPORT: City Attorney Mike Gridley explained that the City and Ignite CDA recently purchased railroad property. The intent of the property purchase was that it be used for a trail, public access, and the expansion of the Mill River Park. Ignite CDA would like to donate their portion of the property within their districts for public use. This will allow for the Mill River Park expansion and a potential trail or parking within the area.

MOTION: Motion by Evans, seconded by Edinger, to approve **Resolution No. 15-039** Authorizing an Agreement with Ignite CDA for the donation of Burlington Northern Santa Fe (BNSF) right-of-way.

DISCUSSION: Councilmember Gookin asked if BNSF has a current easement on the west end of the property. Mr. Gridley confirmed that there is a railroad easement and explained that they currently need the track for one train that services the Post Falls line. The City has an easement to build a bike path along that area. Councilmember Gookin expressed concern that the contract says the City has to use the property for the purposes designated within the Urban Renewal Plan and that plan is vague. Mr. Gridley explained that the plan is designed to have maximum flexibility to make the most of opportunities presented to the community. Councilmember Edinger said that the agreement also states that Ignite CDA is willing to support and/or help the

City with improvements. Mr. Gridley further explained that in discussions over the years Ignite CDA has been very supportive of putting money into the park and trail and have shown a willingness to partner in past projects. Mayor Widmyer asked how development would occur at the trail end at Huetter. Mr. Gridley said that the Post Falls Urban Renewal district includes that portion of the tracks and there have been discussions regarding connections at that point.

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

RESOLUTION NO. 15-040

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE CITY OF COEUR D'ALENE PERSONNEL RULES MANUAL CREATING A NEW CLASSIFICATION FOR LEAD FIELD WORKER, PAY GRADE 11, IN THE CLASSIFICATION AND COMPENSATION PLAN AND REPEALING AND READOPTING THE RULES GOVERNING FLSA EXEMPT EMPLOYEES INCLUDING REVISIONS TO VACATION AND SICK LEAVE USAGE.

STAFF REPORT: Human Resource Director Melissa Tosi explained that the amendments include an update to the FLSA exempt employees regarding the reporting requirement for sick and vacation leave into four (4) hour increments, rather than 8 hours. The second amendment is adoption of a new position created within the Street Department. This adoption will finalize their reorganization, and has been reviewed and leveled within the compensation plan by BDPA. This was posted throughout the City and no comments were received.

MOTION: Motion by Gookin, seconded by Adams to approve **Resolution No. 15-040** Amending Personnel Rule 1, Section 16, to delete references to vacation and sick leave use and to create Rule XXVI to include vacation and sick leave usage to be reported in half-day increments and approving the new classification of Lead Field Worker; pay grade 11 to the Classification and Compensation Plan.

DISCUSSION: Councilmember McEvers asked what other jobs are classified at a level 11. Ms. Tosi explained that there were some similar field-type positions in Wastewater position and a Utility Worker leveled at 10 in the Water Department.

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

RESOLUTION NO. 15-041

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A NOTICE OF TIME AND PLACE OF PUBLIC HEARING OF THE PROPOSED AMENDED BUDGET FOR FISCAL YEAR 2014-2015, AND INCLUDING PROPOSED EXPENDITURES BY FUND AND/OR DEPARTMENT, AND STATEMENT OF THE AMENDED ESTIMATED REVENUE FROM PROPERTY TAXES AND THE AMENDED TOTAL AMOUNT FROM SOURCES OTHER THAN PROPERTY TAXES OF

THE CITY FOR THE ENSUING FISCAL YEAR AND PROVIDING FOR PUBLICATION OF THE SAME.

WHEREAS, it is necessary, pursuant to Idaho Code 50 1003, for the City Council of the City of Coeur d'Alene, prior to passing an Amended Annual Appropriation Ordinance, to prepare a proposed amended Budget, tentatively approve the same, and enter such proposed amended Budget at length in the journal of the proceedings; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the following be and the same is hereby adopted as an Amended Estimate of Expenditures and Anticipated Revenue of the City of Coeur d'Alene for the fiscal year beginning October 1, 2014:

GENERAL FUND EXPENDITURES:		
Mayor and Council	\$ 237,027	
Administration	294,883	
Finance Department	735,745	
Municipal Services	1,552,600	
Human Resources	246,929	
Legal Department	1,476,346	
Planning Department	549,988	
Building Maintenance	480,102	488,102
Police Department	11,216,460	11,483,036
Drug Task Force	25,710	
ADA Sidewalks	265,657	
COPS Grant	169,690	
Fire Department	8,265,708	8,719,739
General Government	49,150	
Engineering Services	1,287,825	1,736,127
Streets/Garage	2,515,577	2,927,708
Parks Department	1,869,944	1,892,744
Recreation Department	796,341	835,211
Building Inspection	842,057	
TOTAL GENERAL FUND EXPENDITURES:	\$ 32,877,739	\$ 34,528,449
SPECIAL REVENUE FUND EXPENDITURES:		
Library Fund	\$ 1,387,111	1,389,811
Community Development Block Grant	359,966	
Impact Fee Fund	194,956	
Parks Capital Improvements	244,000	413,550
Annexation Fee Fund	117,000	
Insurance / Risk Management	420,000	
Cemetery Fund	284,190	
Cemetery Perpetual Care Fund	97,500	

Jewett House	67,089	
Reforestation/Street Trees/Community Canopy	68,500	
Arts Commission	6,750	
Public Art Funds	210,600	
TOTAL SPECIAL FUNDS:	\$ 3,457,662	\$ 3,629,912

ENTERPRISE FUND EXPENDITURES:		
Street Lighting Fund	\$ 535,600	605,600
Water Fund	8,325,955	
Wastewater Fund	14,709,771	14,790,771
Water Cap Fee Fund	700,000	
WWTP Cap Fees Fund	1,913,000	
Sanitation Fund	3,560,334	3,795,334
City Parking Fund	220,840	
Drainage Fund	1,179,109	1,356,574
TOTAL ENTERPRISE EXPENDITURES:	\$ 31,144,609	\$ 31,708,074
FIDUCIARY FUNDS:	\$ 2,575,420	
STREET CAPITAL PROJECTS FUNDS:	3,257,500	3,442,600
DEBT SERVICE FUNDS:	1,249,015	
GRAND TOTAL OF ALL EXPENDITURES:	\$ 74,561,945	\$ 77,133,470

STAFF REPORT: Finance Director Troy Tymesen explained that the annual Appropriation Ordinance is allowed to be amended via Idaho Code to reflect unanticipated revenues and/or expenditures. The amendment requested in in the amount of \$3,641,525. This amendment reflects items such as the GO Bond sale, retirement leave payout, state and federal grants, police vehicle purchases, leased grader, two sweeper replacements and a storage structure at Person Field. He clarified that the amendment reflects \$1,212,121 from the General Fund and \$1,508,589 from the Fund Balance to cover expenses and that the remaining \$920,815 will come from other funds. This action will include the setting of a public hearing on September 15, 2015.

MOTION: Motion by McEvers, seconded by Adams to approve **Resolution No. 15-041** Fiscal Year 2014-2015 Budget Amendments and scheduling a public hearing for September 15, 2015.

DISCUSSION: Councilmember McEvers asked if this amendment changed the high water mark set previously. Mr. Tymesen explained that the high-water mark is the budget and it is amended through a budget amendment. Councilmember Adams asked if the current Fund Balance is being affected by this amendment. Mr. Tymesen confirmed that the Fund Balance would not be affected. Councilmember Edinger asked for clarification regarding the Parks Capital Improvement Fund. Mr. Tymesen stated that the amendments include the sundial and osprey cameras that were anticipated last year, but this is when the funds were received and when projects were completed. Mayor Widmyer clarified that this is an action to amend the budget to include all projects, expenses, and revenues that were completed this year.

Councilmember Adams noted that some of this is carryover from the prior year and was not unanticipated.

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

COUNCIL BILL NO. 15-1014

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING A NEW MUNICIPAL CODE CHAPTER 15.13 TO ADOPT THE 2014 NATIONAL ELECTRICAL CODE AS THE ELECTRICAL CODE FOR THE CITY OF COEUR D'ALENE, REQUIRING PERMITS, AUTHORIZING FEES TO BE SET BY RESOLUTION OF THE CITY COUNCIL AND ESTABLISHING THAT VIOLATIONS OF THIS CHAPTER ARE A MISDEMEANOR PUNISHABLE BY FINE OF NOT MORE THAN \$1,000 OR BY IMPRISONMENT FOR UP TO 180 DAYS OR BOTH SUCH FINE AND IMPRISONMENT, 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.

STAFF REPORT: Building Services Director Ed Wagner explained that various codes related to construction are intertwined and they should be enforced in a uniform manner specifically to address Fair Housing and Energy Code items. He clarified that an Electrical Inspector position is proposed in the fiscal year 2015-2016 budget. The fee structure would mirror the State's current fee structure. He would look to hire the most qualified Electrical Inspector and could have backup from the City of Post Falls and a private consultant. The City would continue to use the State as a resource. The minimum code standard would be adopted, as the State currently has adopted, with no addendums. He explained that he had a recent meeting with stakeholders who were divided on support of this concept. He believes that a one-stop shop and local enforcement of the electrical code is the right thing to do for the citizens.

DISCUSSION: Councilmember Edinger asked how the home builders feel about the change. Mr. Wagner said that three General Contractors at a meeting were in support but the NIBCA Board is against, as well as the electrical contractors. Councilmember McEvers asked for clarification regarding the Memorandum of Understanding with the City of Post Falls and the backup consultant option. Mr. Wagner explained that it would be the same as the Plumbing Inspector agreement, which would entail Post Falls covering inspections if our inspector is ever sick. A Contract Inspector could be used if there is an abundance of work. Councilmember Gookin asked if this would bring uniformity around the state. Mr. Wagner felt it would be similar to the adoption of the Plumbing Code, where they could talk locally regarding interpretations of certain codes and get a feel on how to apply the code and get a uniform understanding and agreement. This would also help with potential code changes in the future and maintain a level of enforcement throughout the state. Councilmember Gookin asked for clarity as to how it could increase uniformity. Mr. Wagner felt it would enhance uniformity and add the additional compliance review with the Energy Code, Fair Housing and other codes. Mr. Wagner clarified that there is one state inspector that primarily handles inspections within Coeur

d'Alene. He further explained that they tracked permits through the state and the least amount of fees collected was \$99,000 in 1996, but the average is \$124,000 and the City would receive 10%. Councilmember McEvers clarified that it would be 10% for doing nothing and that the State is now offering 30% and plan review for no impact on city staff. Mr. Wagner clarified that the plan review would be for only the Electrical Code, not the Energy Code or Fair Housing. Councilmember McEvers asked who was responsible for the Energy Code. Mr. Wagner explained that the City is; however, it would be more efficient to do it at the time of review with electrical. Councilmember Miller asked if the adoption of the code caused the need for the two positions proposed in the budget. Mr. Wagner clarified that the positions proposed are an Electrical Inspector and a Permit Technician that would also help with addressing. Additionally, they would have some funds to pay for a consultant if needed. He clarified that the fees collected would cover the cost of the program including the wages of the two proposed positions. Councilmember Adams asked for information regarding the offer from the State and any renewal plan. Mr. Wagner explained that the City is currently under an agreement with the State for electrical inspections, so the City could give a 90-day notice and could negotiate a new agreement at any time. Councilmember Miller asked for feedback regarding other cities that have their own electrical inspection programs. Mr. Wagner stated that the City of Lewiston and Moscow have been conducting inspections for a long time and out of the 16 largest cities in Idaho, Coeur d'Alene is the only one not conducting their own inspections. Councilmember Miller asked if this program was not approved could it come back in next year's budget. Mr. Wagner stated that there were no reasons it could not come back.

Councilmember Gookin asked if Mr. Jeffres would answer questions regarding the State offer and the Energy Code. Mr. Jeffres stated that the Energy Code is adopted by the State of Idaho; however, it is not under the purview of the Division of Building Safety (DBS) under electrical permits. He felt that under a new contract they could work on that with the City of Coeur d'Alene as it has not ever been arranged between the city and the state. The DBS has never been contracted to do plan reviews and clarified that the 30% offer is being offered to all cities under contract with the State. Councilmember Gookin asked if any of the cities doing their own inspection have reconsidered. Mr. Jeffres stated that they are currently in discussions with one large city. He clarified that the City of Meridian, the second largest City in the State, continues to contract with DBS and soon the State will also be conducting their building inspections. Councilmember McEvers asked if the Energy Code review could be done by DBS. Mr. Jeffres explained that it could be done in conjunction with the City, but their job is to inspect and permit electrical. Councilmember Edinger asked for clarification regarding the number of inspectors in the Coeur d'Alene office. Mr. Jeffres explained that there is one designated inspector for the Coeur d'Alene area; however there are four inspectors and a supervisor that meet each day and share data who can pick up the load immediately if someone is out sick.

PUBLIC COMMENTS:

Larry Jeffres explained that he has a 31-year relationship with the City and he has pride in the work that DBS does. In the big picture, if the City were to take over electrical inspections it would not be a big deal regarding their bottom line. However, he felt it was important to note that the majority of electrical contractors and NIBCA members surveyed were in favor of retaining DBS to perform duties. They are their customers and it is important to them.

Additionally, they have immediate access to the 130 inspectors throughout the State, which brings additional value to their relationship with the City.

Erik Campbell said that he was the current NIBCA president and that the Board of Directors met and reiterated that they are not in support of the City conducting electrical inspections based on member feedback. Councilmember Miller asked if the survey went to all contractor members or just electrical contractors. Mr. Campbell stated that it was not just members and it was sent out to electrical contractor that pulled a permit in the past 12 months. Councilmember Gookin asked how many NIBCA members were asked their opinion. Mr. Campbell said that there are 15 board members and only one was opposed.

Kevin Vogel said he was licensed in Washington and Idaho and is in opposition to the proposed code adoption. The energy code is included in all the electrical plans.

Chuck Oakland expressed satisfaction with the state inspections and felt he could stay in touch with them when issues arise. He believes the State understands the intricacies of the electrical field. He is opposed to the city code adoption. Councilmember Adams asked how long he has been in business. Mr. Oakland commented that he has been in the trade since 1969. He clarified that he writes his own permits and has the ability to call the State any time he has bumps in the road.

Jim Thorpe expressed concern regarding the highly technical nature of some of the facilities within the City, such as Kootenai Medical Center and the Coeur d'Alene Resort. When there are issues with those types of systems, even the local inspectors have to call the heads of departments at the State due to their lack of experience. The State has a significantly larger group of resources available than the City. He believes that the one-stop-shop for the electrical contractors is the State of Idaho and they are happy with that system. He urged the City to stick with the State. He thinks the 30% back from the state is a good deal. Mr. Thorpe said he was in business since 1969.

Randy Franssen explained that he owns Franssen's Electric and that he works with all entities and has had an exceptional relationship with the State. He has been in business for about 20 years. He believes having the City perform electrical inspections would create more layers of bureaucracies and, if more interpretations are needed, it will slow things down. The electrical contractors are on the hook for the permit so he is not sure how general contractors benefit from the City taking over electrical inspections.

Scott Jordon felt that the City is being offered 20% more from the State than what they are getting now for doing nothing, which is a good deal. He explained that the City has had an electrical inspector in the past, approximately 20 years ago, and did not work out. He knows that there can be up to eight inspections needed in the City at one time, and does not believe that one person would be able to keep up. He reiterated that the energy code requirements are usually on the prints. He believes it would be a big mistake to take over the inspections.

Gary Feindel said he was an electrical engineer and has worked here about a year and half and would like the City to keep the State as the State will have more resources and be a better back up.

Lynn Swindel said he has had a journeyman license since the 1960's and is passionate about vocational education such as KTEC. He watched the state inspections evolve over the years. He explained that people from Spokane are now seeking out better educational opportunities in Idaho because the DBS has been involved in the electrical program at NIC. He was involved in the survey of the electricians and explained that the survey was sent to over 100 contractors that employ electricians, and 65 responded. 97% of the respondents said they wanted the City to keep it the way it is.

MOTION: Motion by Adams, seconded by McEvers, to deny Council Bill No. 15-1014.

DISCUSSION: Councilmember Adams explained that his motion to deny the Municipal Code is due to Mr. Jeffres' assessment of the relationship with the State and the resources at the State level. He agreed that if it is not broke, then do not break it. Councilmember Miller believes it is important to listen to the associations and the people on the street. She asked for clarification regarding the budgeted positions within the Building Department. Finance Director Troy Tymesen clarified that the two new positions would be removed from the proposed budget. Councilmember McEvers stated that Building Services Director has been employed by the City for a long time and this idea came up over the years, and this probably will not be the last time.

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

RECESS: The Mayor called for a 5-minute recess at 7:37 p.m. The meeting resumed at 7:43 p.m.

**COUNCIL BILL NO. 15-1015
ORDINANCE NO. 3515**

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF PUBLIC RIGHT-OF-WAY IN THE CORRECTED PLAT OF THE TOWN OF COEUR D'ALENE & KINGS ADDITION, RECORDED IN BOOK "C" OF DEEDS, PAGE 144, RECORDS OF KOOTENAI COUNTY, GENERALLY DESCRIBED AS A PORTION OF FRONT AVENUE RIGHT-OF-WAY BETWEEN 2ND AND 3RD STREET AND A PORTION OF 2ND STREET RIGHT-OF-WAY SOUTH OF SHERMAN AVENUE LYING IN THE SOUTHWEST QUARTER OF SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

STAFF REPORT: Deputy City Attorney Warren Wilson explained that the proposed ordinance is based on Council action that occurred on July 7, 2015. At that hearing the Council requested staff seek easements for the existing pedestrian/bicycle paths, landscaping and clearance, which is provided under Resolution No. 15-042.

DISCUSSION: Councilmember Gookin expressed concern regarding the public access easement and the details regarding the walkway height and width. Mr. Wilson clarified that the result will be that what you see currently will be the same layout of the pedestrian/bike paths and clearance will remain the same. Councilmember Miller wanted to clarify that she felt there was a lack of information originally provided by staff to the Council. The reality is that the zoning allows for towers and views and vista may be blocked, but it is allowed by zoning that was changed approximately 10 years ago. Her major concern was that pedestrians and bicyclists would be able to continue to have use through that corridor. Since the last meeting, Councilmember Miller explained that she talked with Welch Comer regarding the public access and felt that her concerns were addressed and that everything the Hagadone Corporation said they would do, they are doing. Councilmember Miller clarified that if Council decided that they wanted to revisit the vacation, it would require a motion to bring it back with a request it be placed on the agenda and seconded by someone who approved it initially, with a majority vote to bring it back, which she was considering. She expressed some discomfort with the easement language. One of her last remaining concerns is public safety with the approval of adding more density within this already congested corridor and she questioned if there have been accidents reported in that area. Mr. Wilson stated that the easement includes a fire lane; additionally, as they go through the building permit process access issues will be addressed. He believes the easement clarifies loading and unloading locations and time limits that the City did not have previously. Fire Chief Gabriel said that he was unaware of any accidents in the vacated area. He explained that the easements provide additional assistance to the Fire Department as the Hagadone Corporation has agreed to move the standpipe to a less congested area and the access on 2nd street will be maintained and still meet the Fire Department requirements.

Councilmember Edinger asked if this project would have to go through the Planning Commission and Design Review Commission. Mr. Wilson clarified that once the vacation is approved, they would complete the design and go through the Design Review Commission and then it would go through the building permit process. Councilmember McEvers commented that this is another big step in our City where high rises come into play and he feels the City made the step to trust and square up the easements for public access. He said that sometimes the simple things are the hardest things and that it is difficult to protect views as buildings over three stories will block views which are why there are tradeoffs and why he will support this vacation. Councilmember Evans explained that she will be consistent with her vote last month and clarified that by right a tower could be built over the property that the Hagadone Corporation already owns. She was concerned with the effects it will have on downtown and giving public property away without knowing the design, which she has still not seen, so she will continue to vote against this Ordinance. She felt that she needs the full picture to know the direct impact to downtown. Councilmember Miller expressed appreciation of Mr. Wilson, Mr. Magnuson, and Mr. Barlow for their time answering her questions and for doing what they said they were going to do to protect the public access.

MOTION: Motion by Gookin, seconded by Edinger, to pass the first reading of **Council Bill No. 15-1015**.

ROLL CALL: McEvers Aye; Edinger Aye; Gookin Aye; Evans No; Adams Aye; Miller Aye.
Motion Carried.

MOTION: Motion by McEvers, seconded by Edinger, to suspend the rules and to adopt **Council Bill 15-1015** by its having had one reading by title only.

ROLL CALL: McEvers Aye; Edinger Aye; Gookin Aye; Evans No; Adams Aye; Miller Aye.
Motion Carried.

RESOLUTION NO. 15-042

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT OBTAINING A UTILITY, PEDESTRIAN AND BICYCLE ACCESS, SIDEWALK AND FIRE LANE EASEMENTS FROM HAGADONE HOSPITALITY CO.

MOTION: Motion by Edinger, seconded by McEvers to approve **Resolution No. 15-042** approving a Utility Easement Agreement for Water, Wastewater and Stormwater Lines and a Pedestrian, Bicycle and Fire Access Easement Agreement with Hagadone Hospitality Co.

DISCUSSION: Councilmember Evans explained that she will vote for the easement for the protection of the public use.

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

V-15-1– VACATION OF THE WATER EASEMENT IN THE RIVERSTONE WEST SILVER PLAT

STAFF REPORT: Engineering Project Manager Dennis Grant explained that the applicant has requested the vacation of a portion of land, containing a water line easement, on the Riverstone West Silver Plat. The water line easement was installed in 2014, and in 2015 a boundary line adjustment was recorded. With the new configuration of the lots, the water line easement is no longer needed. They sent out 20 mailings and received one (1) response that was neutral.

Mayor Widmyer called for public comments with none being received.

MOTION: Motion by McEvers, seconded by Gookin to approve V-15-1; Vacation of the water easement in the Riverstone West Silver Plat.

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

ZC-4-15 - Zone change from R-17 (residential at 17 units/acre) to C-17 (Commercial at 17 units/acre); CDA Enterprises, LLC 3502 N. Fruitland Lane

STAFF REPORT: Planner Sean Holm explained that CDA Enterprises, LLC. has requested a portion of land located at 3502 Fruitland Lane be changed from R-17 to C17. The site was approved for a SUP on March 2013 for a commercial parking lot. On July 14, 2015 the Planning Commission approved the request and forwarded it to the City Council with a vote of 6 to 0. He described the site location and site conditions. He noted that the findings must include the following: that this proposal is or is not in conformance with Comprehensive Plan policies; that public facilities and utilities are or are not available and adequate for the proposed use; that the physical characteristics of the site do or do not make it suitable for the request at this time; that the proposal would or would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and/or existing land uses.

Mr. Holm reviewed the existing surrounding land use which is substantially commercial with some mobile home residential and vacant land. Area zoning includes C-17 and MH-8. There are no proposed conditions recommended with this request.

Mayor Widmyer called for public comments.

APPLICANT: Applicant Paul Delay clarified that the property is for lease, not for sale. He explained that the plan for the property use is a future Real Estate, dental, and/or medical type office. The parcel is close to 7 acres; however, 2.1 acres fall into R-17, so there are two different zones on one parcel. He believes this zone change will clean up the property for future use. He noted that 50% of the 2.1 acres is parking and the other 50% is vacant so they do not have any intention to remove the parking. There is a real estate office to the southwest, which is the immediate neighbor and is zoned C-17. The surrounding area is commercial use so he believes the request fits. He stated that he would talk to the neighbor, Ms. Eaton.

Public testimony was closed.

MOTION: Motion by McEvers, seconded by Evans to approve the proposed Zone Change from R-17 to C-17 by CDA Enterprises, LLC, 3502 N. Fruitland Lane, and direct staff to prepare the Findings and Order.

DISCUSSION: Councilmember Gookin asked if parking was relevant to a zone change or if it would be addressed at the building permit time. Mr. Holm explained that if they were dividing the property and retaining the existing use then parking could be considered but that is not the case with this request.

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

PUBLIC COMMENTS:

Roy Wargi, Coeur d'Alene, expressed concern about the stop sign failure at 21st and Coeur d'Alene Avenue. He talked to the Police Chief several weeks ago, who stated that he would park motorcycle patrols in his driveway to check out the situation. He has not seen them and has lost faith in the Department. He expressed his displeasure with the City for doing nothing about it.

Gary Feindel, Coeur d'Alene explained that he was recently swimming at Sander's Beach and on the way back to the shore a dog swimming got on his back and scratched him. He called the police who turned it over to Animal Control. Animal Control stated that they could not do anything because the owner of the dog was unknown. He requested the City enforce the no dog ordinance. His concern was that if it were a child in the water, they would be scared for life. Additionally, he asked the Council to fund the Animal Control positions needed. Councilmember Gookin explained that more funding for Animal Control Officers is included in next year's budget.

Amy Lyons, Coeur d'Alene, said that Ignite CDA will be coming to the City with a budget that has been formally adopted and expressed concerns regarding the procedure and culture that created it. She felt that three categories for a \$7 Million budget did not meet the intent of the law and did not believe that expenses/debt services should be lumped together. She emailed the Executive Director and asked when the budget would be on the website and the response indicated that it was never going to be posted. She thinks the urban renewal agency has a culture of arrogance and non-accountability. Councilmember Gookin stated that their intentions are made in the plan and that the plan is vague on purpose and that is why he has been a critic of the organization.

Chet Gaede, Coeur d'Alene, lives in Mill River and serves at the President of the Homeowner's Association. He welcomed the City as the newest owner of the Mill River right-of-way. They are excited to have something occur within the gravel area and would like to be involved. He is thankful that they have Ignite CDA that could purchase the land and donate it back to the City for public use. He is thankful to the City and is thankful for a holistic approach that will be taken to develop the property. Additionally, he is glad public comments will be moved up on the Council agenda.

Dan Panther, Coeur d'Alene, said that he was also a Mill River resident. He commended the Council for purchasing the right-of-way property and felt it was a benefit to Coeur d'Alene to develop the area. He would like the homeowners to be a part of the planning efforts and would like to see additional parks developed along the trail.

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

The meeting adjourned at 8:36 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk