

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

August 21, 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, August 21, 2018 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

Amy Evans) Member of Council Absent

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

INVOCATION: Pastor Craig Sumey with the First Presbyterian Church provided the invocation.

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

UPDATE REGARDING THE WASTEWATER TREATMENT PLANT

CONSTRUCTION: Wastewater Superintendent Mike Anderson provided an update regarding the Wastewater Treatment Plant Construction, known as Phase 5c. He reminded Council that the 2014 discharge permit necessitated these upgrades. Additionally, the tertiary treatment came online in June 2018. He noted that the primary and secondary clarifiers are in place, but are not in service yet. The next step is to install the necessary piping, pumping, and electrical connections to the clarifiers. Mr. Anderson noted that the City used an IDEQ revolving loan fund for funding up to \$20,500,000 with current costs at approximately \$19.1 Million. Councilmember McEvers asked about the plant capacity into the future. Mr. Anderson confirmed that the new construction will have a capacity of 6 million gallons a day and they are currently running 3-4 million gallons a day. He also explained that clarifiers are stages of treatment and their job is to settle things in the primary clarifier before it moves into the rest of the plant process. The secondary clarifier includes biological treatment, leaving zero solids through the tertiary treatment process. Councilmember English noted that he is glad there is excess capacity, and wondered if it calculated to take the City to its build out population. Mr. Anderson explained that capacity is measured through gallons and the amount of solids with population served is low due to a low amount of industrial use and he does not foresee a need to increase capacity. Councilmember Miller noted that since the requirements came through the discharge permit, is the current data indicating that the City has been inspected and is below

required limits. Mr. Anderson noted that the City has not been inspected yet but the data presented in the graph confirms that the City is meeting the requirements for 2022 and 2024 in advance of those deadlines. Councilmember Miller asked for clarification regarding the change orders coming forward. Mr. Anderson noted that they only have estimates at this time and would be coming forward with specifics in the near future. Councilmember Edinger asked when the project will be complete. Mr. Anderson said that it should be done by the spring of next year.

PUBLIC COMMENTS:

Mary Smith, of Coeur d'Alene, noted that she recently sent a letter to the Mayor and Council regarding changing the building codes in regard to height and protection of views. She wondered why the codes have not been changed since 2005, as she is concerned that Coeur d'Alene will look like Miami and Chicago shorelines with high rises obstructing views. She expressed concern about the Fire Department having to deal with high-rise buildings. She believes that high rises should be in industrial areas, the outer limits of town, or in the college area.

COUNCILMEMBER ANNOUNCEMENTS:

Councilmember Miller noted that there is currently an opportunity for the public to review and vote on their favorite art proposal for the Seltice Way roundabouts as they are on display at City Hall until August 31, then at the Library until September 10. Additionally, there are openings on the Arts Commission and applications can be found at www.cdavid.org/volunteer. Councilmember Miller noted that she attended the recent ignite CDA Board meeting to review the draft Performing Arts Feasibility Study and said that it is available on the CDA2030 webpage at <http://www.cda2030.org/get-involved/> and they will be accepting public comments for the next four weeks.

Councilmember Gookin noted that he and Mayor Widmyer attended the 100th birthday of citizen Earl Hyde who is a World War II veteran. Additionally, he noted that CDA Garbage will be placing notices on the blue recycle bins noting items that cannot be recycled and/or noting that a citizen has placed something that has contaminated the bin contents. More information can be found at www.cdavid.org/recycle.

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

1. Approval of Council Minutes for the August 7, 2018 Council Meeting.
2. Approval of Minutes for the August 13, 2018 General Services Committee Meeting
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services and Public Works Committees meetings for August 28, 2018 at 12:00 noon and 4:00 p.m. respectively.
6. Setting a public hearing for September 18, 2018 - ZC-3-18, 925 W. Emma, Zone change from R-12 to C-17L request by: Melrose Properties, LLC.
7. **Resolution No. 18-044** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED

CONTRACTS AND AGREEMENTS, AND OTHER ACTION OF THE CITY OF COEUR D'ALENE, INCLUDING: A CONTRACT WITH TYREE RIGGS FOR A BIKE RACK/PUBLIC ART AT THE CDA PUBLIC LIBRARY; A RETIREMENT MEDICAL BENEFIT AGREEMENT WITH JAMES WASHKO; AN APPLICATION BY AND, IF AWARDED, AN AGREEMENT (TEEGA) FOR THE POLICE DEPARTMENT FOR A FY 2018 TRAFFIC ENFORCEMENT EQUIPMENT GRANT; AND AN AGREEMENT WITH THE KOOTENAI COUNTY SHERIFF'S OFFICE (KCSO) FOR ENCRYPTED CHANNEL COMMUNICATIONS DURING EMERGENCIES.

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

RESOLUTION NO. 18-045

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ESTABLISHING A NOTICE OF TIME AND PLACE FOR PUBLIC HEARING OF THE PROPOSED AMENDED BUDGET FOR FISCAL YEAR 2017-2018, 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 FOR THE CITY FOR THE REFERENCED 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, 2017:

	FY 2017-18 BUDGET	FY 2017-18 AMENDED BUDGET
GENERAL FUND EXPENDITURES:		
Mayor and Council	\$ 244,736	\$ 244,736
Administration	380,413	380,413
Finance Department	1,205,225	1,205,225
Municipal Services	1,788,550	1,788,550
Human Resources	311,711	311,711
Legal Department	1,197,425	1,197,425
Planning Department	717,644	717,644
Building Maintenance	515,303	515,303
Police Department	13,584,524	13,637,557
Drug Task Force	30,710	30,710
Byrne Grant - Police Dept		19,952
COPS Grant - Police Dept	121,939	121,939
Fire Department	9,709,001	10,167,391
General Government	105,900	9,184,098
Engineering Services	341,086	341,086
Streets/Garage	4,440,952	4,536,100
Parks Department	2,102,365	2,107,405
Recreation Department	756,075	800,075
Building Inspection	876,593	876,593
TOTAL GENERAL FUND EXPENDITURES:	<u>\$ 38,430,152</u>	<u>\$ 48,183,913</u>

	FY 2017-18 BUDGET	FY 2017-18 AMENDED BUDGET
SPECIAL REVENUE FUND EXPENDITURES:		
Library Fund	\$ 1,618,412	\$ 1,657,659
Community Development Block Grant	384,049	384,049
Impact Fee Fund	745,000	788,900
Parks Capital Improvements	146,500	2,309,400
Annexation Fee Fund	398,240	398,240
Cemetery Fund	294,307	294,307
Cemetery Perpetual Care Fund	157,000	157,000
Jewett House	25,855	25,855
Reforestation/Street Trees/Community Canopy	107,000	107,000
Arts Commission		
Public Art Funds	443,500	443,500
TOTAL SPECIAL FUNDS:	<u>\$ 4,319,863</u>	<u>\$6,565,910</u>
ENTERPRISE FUND EXPENDITURES:		
Street Lighting Fund	\$ 639,720	\$ 675,620
Water Fund	10,027,434	10,027,434
Wastewater Fund	22,784,368	22,784,368
Water Cap Fee Fund	866,000	866,000
WWTP Cap Fees Fund	2,200,000	2,200,000
Sanitation Fund	3,500,806	3,658,738
City Parking Fund	354,846	1,171,846
Drainage	1,267,818	1,291,918
TOTAL ENTERPRISE EXPENDITURES:	<u>\$ 41,640,992</u>	<u>\$42,675,924</u>
FIDUCIARY FUNDS:	\$ 2,957,754	\$ 2,957,754
STREET CAPITAL PROJECTS FUNDS:	1,237,000	1,428,593
DEBT SERVICE FUNDS:	882,181	882,181
GRAND TOTAL OF ALL EXPENDITURES:	<u><u>\$ 89,467,942</u></u>	<u><u>\$102,694,275</u></u>

	FY 2017-18 BUDGET	FY 2017-18 AMENDED BUDGET
ESTIMATED REVENUES:		
Property Taxes:		
General Levy	\$ 19,520,180	\$ 19,520,180
Library Levy	1,582,257	1,582,257
Policeman's Retirement Fund Levy		
Comprehensive Liability Plan Levy		
Fireman's Retirement Fund Levy	250,000	250,000
2006 and 2008 G.O. Bond Levy	879,681	879,681
TOTAL REVENUE FROM PROPERTY TAXES:	<u>\$ 22,232,118</u>	<u>\$ 22,232,118</u>

	FY 2017-18 BUDGET	FY 2017-18 AMENDED BUDGET
ESTIMATED OTHER REVENUES:		
Interfund Transfers	\$ 6,593,989	\$ 6,817,889
Beginning Balance	18,366,763	20,360,173
Other Revenue:		
General Fund	16,167,273	16,813,343
Library Fund	36,155	52,615
Community Development Block Grant	384,049	384,049
Parks Capital Improvement Fund	134,500	2,016,500
Insurance/Risk Management		
Cemetery	178,127	178,127
Annexation Fee Fund		
Impact Fee Fund	785,000	785,000
Cemetery Perpetual Care Fund	30,000	30,000
Jewett House	11,000	11,000
Reforestation	3,000	3,000
Street Trees	84,250	84,250
Community Canopy	2,000	2,000
Arts Commission		
Public Art Funds	100,000	100,000
Street Lighting Fund	529,000	534,900
Water Fund	6,582,120	6,582,120
Wastewater Fund	18,204,730	18,204,730
Water Capitalization Fees	866,000	866,000
WWTP Capitalization Fees	1,010,000	1,010,000
Sanitation Fund	4,545,200	4,545,200
City Parking Fund	355,546	922,546
Drainage	1,029,482	1,029,482
Fiduciary Funds	2,740,550	2,932,143
Capital Projects Fund	260,000	260,000
Debt Service Fund		
TOTAL REVENUE OTHER THAN PROPERTY TAXES:	<u>\$ 78,998,734</u>	<u>\$ 84,525,067</u>
SUMMARY:		
PROPERTY TAXES	\$ 22,232,118	\$ 22,232,118
OTHER THAN PROPERTY TAXES	<u>78,998,734</u>	<u>84,525,067</u>
TOTAL ESTIMATED REVENUES	<u>\$101,230,852</u>	<u>\$ 106,757,185</u>

BE IT FURTHER RESOLVED that a Public Hearing on the Budget be held on the 18th day of September, 2018, at the hour of 6:00 o'clock p.m. on said day, at which time any interested person may appear and show cause, if any they have, why the proposed amended Budget should or should not be adopted.

STAFF REPORT: City Comptroller Vonnie Jensen explained that a budget amendment is necessary for the purpose of reflecting actual revenues and expenses incurred during the fiscal year. She noted that the amount of the amendment this year is \$13,226,000 with additional revenues to the General Fund including designated funds transfers in the Wastewater Cap Fee fund. Additional expenditures include police grants, G.O. Bond, Fire Station No. 4, and City Hall remodel carryovers, Mill site purchase, Fire Department retirement payouts, and a Street Lighting Fund transfer. Expenses to other funds include Library grants, Street Lighting Fund for LEDs, Hubbard Avenue trail realignment, parking garage equipment, Memorial Field Park, and Centennial Trail seal coating. Ms. Jensen noted the ten-year trend in the unassigned General Fund balance, noting that the mill site expenses would deplete the fund balance, so she recommends the creation of a separate Capital Projects fund for the Atlas Mill site project.

DISCUSSION: Mayor Widmyer asked for clarification regarding the Memorial Park expenses and how they are divided between the County and ignite CDA. Ms. Jensen noted that ignite will be paying for the park and restrooms, and that the parking lot is paid for by the County. There is a small amount coming from the Parks Capital Fund. Councilmember Miller asked if the grandstand re-build is reflected in amendment. Ms. Jensen noted it would likely be included in next year's budget amendment.

MOTION: Motion by McEvers, seconded by English to approve **Resolution No. 18-045** - Proposed amendment to Fiscal Year 2017-2018 budget and scheduling a public hearing for September 18, 2018.

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

RESOLUTION NO. 18-046

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT WITH THE COEUR D'ALENE POLICE ASSOCIATION.

STAFF REPORT: City Administrator Troy Tymesen noted that this is the first agreement of three City bargaining groups to be brought forward for approval. The agreement includes a three-year term and highlights include a significant change in the medical care coverage, which includes an increase from 5 percent to 10 percent of the employee payments toward the premium costs for dependents. Additional contract items include reimbursement for travel through per diem, an increase in pay for the power shift and graveyard shift, and an increase in investigative assignment pay. The overarching theme for the contract negotiations was recognition of the challenge of hiring police. The Agreement includes that sworn officer maximum pay range can

be reached in five years versus nine. He thanked Mayor Widmyer for attending the bargaining meetings.

DISCUSSION: Councilmember Miller asked if the previous contracts were three-year terms. Mr. Tymesen noted that the intent is to stagger the three bargaining unit agreements so not all come due at the same time. Mayor Widmyer thanked Ms. Tosi, Mr. Tymesen, Captain Hagar and the President of the Police Association, Johann Schmitz, for their time and energy spent on negotiations. Councilmember Gookin said he was happy to support the Police Department and proud of the work they are doing, and hopes these changes help with recruitment and retention.

MOTION: Motion by Edinger, seconded by Miller to approve **Resolution No. 18-046**, approving a labor contract with the Police Association.

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

LEGISLATIVE PUBLIC HEARING REGARDING A-1-18 - A PROPOSED 1.22 ACRE ANNEXATION FROM AGRICULTURAL SUBURBAN TO R-17 ZONING DISTRICT FOR 2400 N. 15TH STREET; APPLICANT: ASPEN HOMES AND DEVELOPMENT, LLC.

STAFF REPORT: Associate Planner Tami Stroud, stated that item A-1-18 is a request for the annexation of a proposed 1.22 acre parcel from County Agricultural Suburban to R-17 zoning district for property located at 2400 N. 15th Street. She noted that there are four findings required for this annexation as follows: that the request is or is not in conformance with the Comprehensive Plan; 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 an acceptable request at this time; and that the proposal would or would not adversely affect the surrounding neighborhood. Ms. Stroud presented the surrounding zoning and land uses and applicable Comprehensive Plan objectives and provided staff input regarding the finding categories.

DISCUSSION: Councilmember McEvers asked if the east side of the property was within the flood zone. Ms. Stroud confirmed that a small section was within the flood zone and flood zone issues would need to be addressed at the time of development. Councilmember Gookin asked if notification letters were sent out. Ms. Stroud confirmed that notices were sent out, including one to the School District, and no comments were received.

APPLICANT: Robert Tate, of Coeur d'Alene, noted that the proposed project is a 1.228 acre parcel and is an infill lot and they recognize there is a flood plane in the back corner. This parcel is part of the Comprehensive Plan designated Northeast Prairie Stable Established area and is noted to be an eclectic mix of zoning uses and believes they could be a good neighbor within the district.

DISCUSSION: Councilmember Miller asked for clarification regarding access the parcels within the County would have to 16th Street. Mr. Tate noted that 16th Street behind those houses is a private road and not a part of this annexation request.

PUBLIC COMMENT: Mayor Widmyer opened public comment and with no further testimony heard, public comment was closed.

MOTION: Motion by Gookin, seconded by McEvers to approve A-1-18 - A proposed 1.22 acre annexation from Agricultural Suburban to R-17 zoning district for 2400 N. 15th Street; Applicant: Aspen Homes and Development, LLC and to direct staff to negotiate an annexation agreement, and to develop the necessary Findings and Order.

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

(LEGISLATIVE) V-18-05, VACATION OF A PORTION OF ALLEY RIGHT-OF-WAY ADJOINING THE EASTERLY BOUNDARY OF LOT 1 AND THE N ½ OF LOT 2, BLOCK A, SANDERS ADDITION TO THE CITY OF COEUR D'ALENE.

STAFF REPORT: Engineering Project Manager Dennis Grant noted that the requested right-of-way was dedicated to the City of Coeur d'Alene in the Sanders Addition Plat in 1890. The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 486 Square Feet to the County tax roll. The purpose of this request is to provide space for a garage and setback area for the property owner by vacating 6', leaving 16.37' for the alley. All utilities are existing and in place, and there is no foreseeable use for this additional right-of-way. Therefore, the vacation of this portion of right-of-way adjoining this parcel would not affect the City and would be a benefit to the property owner.

DISCUSSION: Councilmember McEvers noted that the alley was 22' originally and questioned if the City would still have room for an alley. Mr. Grant explained that this is a unique circumstance, as in the past the City vacated the entire alley, and in this request the City owns the right-of-way and the owner is requesting only 6' rather than then the entire alleyway. Due to the platting in that alley, this solution would potentially work for the rest of the properties along the alleyway, while still leaving room for the alley. Councilmember Miller asked if there is going to be an easement for utilities. Mr. Grant noted that the sewer main is shallow so in this circumstance the existing right-of way will work without additional easements.

PUBLIC COMMENT: Mayor Widmyer opened public comments.

Joe Morris, Coeur d'Alene, noted that he is the property owner and was in pursuit of a permit to build a garage and became aware of some unique conditions between the two plats from early on in the development of the City (early 1900's). Due to the easements and the Sanders Addition, it was obvious that the alleyway encroachment should be cleaned up legally, through this vacation request. He noted that several lots along the alleyway are in a similar circumstance. The alley will appear larger due to the setback of the garage in comparison to where it is currently located. He believes this can be the model for the rest of the alley.

COUNCIL BILL NO. 18-1020

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF ALLEY RIGHT-OF-WAY, RECORDED IN BOOK J, PAGE 43F, RECORDS OF KOOTENAI COUNTY, IDAHO, GENERALLY DESCRIBED AS A SIX FOOT (6') STRIP ADJOINING THE EASTERLY BOUNDARY OF LOT 1 AND THE NORTH ½ OF LOT 2, BLOCK A, SANDERS ADDITION IN THE CITY OF COEUR D'ALENE LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF 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.

MOTION: Motion by Gookin, seconded by McEvers, to dispense with the rule and read **Council Bill No. 18-1020** once by title only.

DISCUSSION: Councilmember Miller thanked Mr. Morris for his hard work and detail in getting this cleaned up.

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

MOTION: Motion by Gookin, seconded by McEvers, to adopt **Council Bill 18-1020**.
DISCUSSION:

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

QUASI-JUDICIAL PUBLIC HEARING FOR THE APPEAL OF THE PLANNING COMMISSION APPROVAL OF SP-8-18 – A SPECIAL USE PERMIT FOR R-34 DENSITY AT 623 E. WALLACE AVENUE.

STAFF REPORT: Senior Planner Sean Holm explained that Kate Kuhlman-Wood, M.D. submitted an appeal request of the Planning Commission's 5 to 1 decision made on July 10, 2018 in favor of approval of SP-8-18. He explained that the property in question is located at the northwest corner of E. Wallace Avenue and 7th Street, known as 623 E. Wallace Avenue. He noted that the applicant is Anneliese Miller, representing Miller Stauffer Properties, who had requested approval of a special use permit to R-34 (34 residential units per gross acre) that will allow increased density and height (63') in an R-17 residential zoning district. Mr. Holm noted that the findings required for tonight's hearing include: that this proposal (is) (is not) in conformance with the Comprehensive Plan; that the design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties; and that the location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities, and services. Due to the R-34 density there are additional considerations that should be included in the findings. He presented area

land use maps, comprehensive plan objectives, and seven recommended conditions, including a height limitation of 45'. Mr. Holm clarified that the building structure is an 8,000 square foot building previously used as a Social Security office and Frontier Communications. The proposed development is a 30' tall structure with a basement as a two-story with mixed uses, including ground floor residential uses with walk out porches. He noted that Frontier Communications maintains utilities in the basement of the building that must remain there until replaced elsewhere in the community. He reviewed the currently allowed zoning uses that R-17 would allow on that site, to include 9 residential units with a maximum height of 45' as compared with an R-34 zone that would allow 17 units with the condition of a 45' height limit. Mr. Holm noted that the R-34 section of the code speaks to allowances, as it is intended as a high density residential district and that the property must meet the following: be in close proximity to an arterial (7th Street qualifies as a major collector and Lakeside Avenue as the nearest arterial); close proximity to shopping schools and parks (downtown shopping, Lakes Middle School and Sorenson Elementary, and Phippeny Park and City Park are in near proximity).

DISCUSSION: Councilmember McEvers asked for clarification regarding infill. Mr. Holm explained that there are three specific districts that include infill opportunities, and this development is not included in one of those zones. He further clarified that while the property is not within infill district regulations, it would meet the definition of an infill project. Councilmember McEvers asked for clarification regarding the prohibition of access onto 7th Street. Mr. Holm noted that no new curb cuts would be allowed; however, the alley would stay open. Councilmember Edinger said that he felt that this area is within an older historical area and the picture of the development shows a more modern building that seems out of place. Mr. Holm noted that there is an opportunity to condition the project to go before the Design Review Commission that might help determine the look of the building that is eventually built. Councilmember Edinger also noted that the height of the building seems out of place and agrees the code should be reviewed for more stringent height standards. Mr. Holm said that Council could direct staff to review the code and that it is a long process. The Comprehensive Plan is geared toward height within the downtown core. Councilmember McEvers noted that he did not believe that 7th Street is the same major collector as 3rd and 4th Streets. Councilmember Gookin asked what uses would be allowed at this location if the decision is reversed. Mr. Holm reiterated that the use is legally non-conforming, so similar existing uses would be allowed, such as service activities, civic uses, professional administrative office building use; however, it would not allow retail sales, etc. Councilmember Miller asked if there could be any restrictions regarding hours of operation. Mr. Holm noted that there are no zoning codes that control hours of operation and within an R-17 zone, by right, they could build the 9 residential units at a maximum of 45' tall. Councilmember English noted that, in the past, college classes were held there and that civic use could occur again.

PUBLIC COMMENTS: Mayor Widmyer opened public comment and the Clerk swore in all who testified.

APPELLANT: Ms. Kuhlman-Wood noted that she is requesting a full reversal of the Planning Commission decision. She noted that there are three main topics she would like the council to consider, including that this request does not meet the city code, the property does not transition to a Commercial or Industrial zone, and that it is not close to shopping and served by an arterial.

She believes this project does not make a smooth transition between R-17 and R-8 as there is a difference between density, intensity, and scale. She presented a map of three recently approved R-34 special use permits within the city limits, noting that they are within a transition zone between commercial and R-17 and a major arterial. The area surrounding the currently proposed project demonstrated largely R-8 zoning and the old school site is a neighborhood commercial use, not solely commercial. Therefore, she believes the special use permit should be denied. She noted that the code also requires that the R-34 zone be near shopping, which this is not as compared to previously approved R-34 zones, nor is it near transportation, or an arterial. The site intensity includes 17 living units that would be occupying two residential lots. She believes the Comprehensive Plan Home Environment Goal is also not met; specifically, this development does not meet the intent of Objectives 3.01, 3.05, 3.16, 3.18, 4.01, 4.06. She noted that the scale of the development relative to the schoolhouse and the church building did not include all structures within the area nor did the intensity of use get considered by the Planning Commission. She believes the R-34 density would derogate the neighborhood. Ms. Kuhlman-Wood provided a petition of 155 signatures from the neighbors in opposition of the special use permit. She reviewed the finding requirements demonstrating that the request is not in compliance. She noted that the Planning Commission took under consideration the architect's personal attributes, stating that they had trust in the architect from previous projects and she felt that was inappropriate.

DISCUSSION: Councilmember McEvers asked why there is no trust with the City Streets, Water and Sewer departments. Ms. Kuhlman-Wood noted that there is no recent analysis of data, so it makes the neighborhood skeptical, as well as the fact that no physical traffic study has been done, and they consistently experience water runoff during storms. The sewer in the area has trees infiltrating the lines and she believes that new development would increase the aging sewer lines. Councilmember Miller asked how the intensity of use affects the storm water runoff if the building envelope and parking lot stay the same. Ms. Kuhlman-Wood noted that the intensity issue is one of the concerns with neighbors but the higher concern is the traffic. Mayor Widmyer asked if Ms. Kuhlman-Wood lived there when the Social Security office was open at that location. Ms. Kuhlman-Wood confirmed she had and that the traffic was very minimal. Councilmember English noted that it sounds like part of the concern is that the development is not compatible with the neighborhood uses, yet in close proximity there is an existing two-story apartment building approximately the same size of the church, which seems similar to the proposed building. Ms. Kuhlman-Wood said that she believes a 9-unit complex across from church is in line with R-17 zoning. Councilmember Edinger complemented Ms. Kuhlman-Wood on her presentation.

PUBLIC TESTIMONY:

Lisa Benschett, of Coeur d'Alene, noted that she is on the Garden District Board of Directors and that it started in 2003. At that time, there were about 300 homes and now it is a bit bigger. She noted that the Garden District neighborhood citizens have been involved in many community projects. They originally began their district to preserve the neighborhood and support development that has a positive effect on the neighborhood, to insure the architectural neighborhood context, increase safety, and be an advocate for the neighborhood. They are against the zone change and strongly urge the Council to support R-17.

Tom Pehlke, of Coeur d'Alene, expressed that the zone change is for a property, not an applicant, so the applicant should not be taken under consideration in the request. He noted that the mockup of the building is inaccurate based on the footprint, information provided and size of the property.

Adrian Weholt, of Coeur d'Alene, noted that the applicant admitted it could be profitable without a zone change, so the zone change would just be devaluing the neighborhood for more profit. He noted that he has lived in the neighborhood for 10-years and his daughter is almost school age. He felt that with 17 more families living in the neighborhood it would make it harder for his daughter to get into Sorensen. He also felt that with the mix of commercial and residential uses it would split the traffic flow. With the entire development being residential, it would bring people in and out at the same time.

Iain Smith, of Coeur d'Alene, expressed concern with the neighborhood already being overburdened with traffic, and many neighbors cannot park in front of their houses. He felt that this proposal does not provide any benefit to the residents but only to the developer. Mr. Smith noted that he believes this development would erode the fabric of the neighborhood and, as a bunch of renters, they will bring in additional roommates and more cars. The precedent that is being set will change future development within the district.

Walter Burns, of Coeur d'Alene, spoke in opposition to the special use permit. He has been a design professional for over 30 years and has seen the decline of historic neighborhood through special permits and precedents are set for apartment complexes. He attended the Planning Commission meeting and it seemed like the presentation of the developer was vague regarding the development. The building that is there not is not reflective of the neighborhood. Nine units would be acceptable and make the building look like and enhance the quality of the neighborhood.

Kevin Cavanagh, of Coeur d'Alene, is in opposition of the special use permit. He explained that he is new to the neighborhood but the character and the charm of the area drove him to the area. He noted that he is a retired firefighter and has responded to calls in buildings that have communication equipment in the basement and he does not believe that should be a mixed use with residential. Mr. Cavanagh believes it is out of character for the neighborhood and two stories do not match up to 45' in height allowance.

Wendy Wilson, of Coeur d'Alene, noted that although many neighbors are new, she is a seventh generation family and is thrilled with progress made in Coeur d'Alene. She has appreciated the 10-20 years of development guidance the City has given. She is asking for intervention of the balance of growth and progress with the history of the area. She expressed concern about the protection of the historic character of the neighbor and feels that all the community is coming to their neighborhood due to local events and as such, she thinks they should have special consideration.

Tricia Dye, of Coeur d'Alene, believes that this neighborhood is a very special area and is noted as the historical heart of Coeur d'Alene. The Comprehensive Plan was written to protect the area

and help them thrive. She noted that 7th Street is a residential area and should not be held equal to 3rd and 4th Streets. She felt that this development could be similar to the Innovation Den with residential units above and would be provide income from both. The small town neighborhood is what drew her to the area. She also noted that the Comprehensive Plan lay out for infill areas does not match up with this proposal.

Sharon Kearns, of Coeur d'Alene, noted that she lives across the street from the proposed project. She requested free permit parking for the four homes across the street, as they only have space on 7th Street to park. She has lived across the street for 8-10 yeas and knows parking will be an issue as it has been in the past. She would like to park in front of her own house and fears for the safety of bikes, skateboards, and walkers on 7th Street. Ms. Kearns noted that sewer concerns were raised but not addressed by the Planning Commission. She noted that she has to have her pipes scoped annually and another neighbor had to install a backflow preventer.

Richard Price, of Coeur d'Alene, noted his opposition to the Special Use Permit density.

Wayne Sweney, of Coeur d'Alene, noted that he originally was neutral to the request but has since done further research and is now in opposition. He urged Council to consider the information relative to Ordinance 17. 05.330 regarding the R-34 zone; specifically, that the property be in proximity to an arterial and the staff report noted that an arterial is Lakeside Avenue. He felt that the people from the neighborhood drive north for shopping, not south. He also noted that the R-34 zone should transition between commercial and industrial and that is not met with this proposal. He urged Council to find balance and he would request the Council require approval of the Design Commission to find a compatible design for the neighborhood.

APPLICANT: Dick Stauffer, of Coeur d'Alene, said that he was speaking on behalf of the applicant and noted that this building has been there since 1963 and it is there to stay. He noted that they are interested in making a return on investment but they have a legitimate request. He felt that the construction of residential only units would be more favorable than mixed use. However, it has been mentioned the neighborhood would be preferential to a mixed use and ironically, the building would look the same. Additionally, size, bulk, traffic, weight on sewer and water would be no different. He has reviewed the area uses and confirmed that the 45' height condition was amenable. He noted that 7th Street is a collector, not an arterial, and that they are open to discussion regarding the roadway access points to the lot. The building is a 7,400 square foot building with 51 existing parking stalls on site. He believes they have been a good neighbor, maintain the lawn, have an irrigation system and have heavy shrubbery to buffer around the parking lot. He reviewed the concept of the development of a residential only project. The intention was to soften the historic commercial use. They can improve infrastructure without burdening the City. There is an enhancement to the tax base by a factor of two for this type of development. He reviewed the area uses and their density within the R-8 zones reflecting the lots with deeper density and non-owner occupied residences. He reiterated that through the initial application it was their intent to soften the commercial use. The staff report confirms there is no burden to utility services.

APPELLANT REBUTTAL: Ms. Kuhlman-Wood noted that one could get lost in a lot of small details and personal anecdotes. However, a few items support her position of appeal, specifically

that the R-34 zone is meant to be a transition of R-17 to Commercial zoning and this is an R-8 neighborhood. The arterial does not meet the code and should give cause to reverse the Planning Commission decision.

DISCUSSION: Councilmember McEvers acknowledged the neighborhood for their work in coming together on this item. He noted that approximately 40 years ago the neighborhood was a different character than it is today. The Comprehensive Plan was not intended to be a specific law, rather to provide items to consider. Councilmember McEvers noted that he believes the City's sewer lines are clear as the private property laterals are where the trees invade and need to be maintained regularly. He agreed that the street bothers him and the R-34 used in the past; however, the City tries to help people try new things and there a lot of people looking for apartments. He said that he appreciates the testimony given and they have swayed his opinion, but he hopes Mr. Stauffer does the nine units and makes it look appropriate for the neighborhood. Councilmember Gookin said that zoning is there to preserve neighborhoods and reminded Council that this is a zone request, not a project, and the zone stays with the land. Councilmember Gookin asked if the R-34 zone was maintained and the height restriction conditions remained, would there be a process to extend the height further than 45'. Mr. Holm explained that in the recent past they could request additional height to access rooftops, but with the recent code change that was removed, there is no option to go over the height condition. Councilmember English asked for clarity regarding the definition of arterials and proximity. Mr. Holm noted that the roadway definitions would need to come from the City Engineer; however, the term "abutting" means shares a property line, and proximately does not mean on the line, just close. His personal definition is that if it is within walking distance than it is within proximity.

DISCUSSION: Councilmember Miller noted that she used to live on Garden Avenue in a multiple unit complex. She loved the neighborhood and thought that the commercial building was an albatross to the neighborhood and does not fit in and felt that this project would move it into something more compatible. Councilmember Miller said she wants to support the neighborhood and is disappointed as the project was judged on suspicion and speculation, so she encouraged the developer to try again and/or tweak the project proposal. Councilmember Edinger noted that he lives in the area near Person Field and believes his neighborhood is beginning to change too and that he would also oppose it in his neighborhood.

Mayor Widmyer closed public testimony.

MOTION: Motion by Edinger, seconded by Gookin to reverse the Planning Commission's approval of SP-8-18 – a Special Use Permit for R-34 density at 623 E. Wallace Avenue, on the appeal of Kate Kuhlman-Wood, M.D. **Motion carried.**

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

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

The meeting adjourned at 9:26 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC, City Clerk