

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

October 3, 2017

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, October 3, 2017 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

INVOCATION: Pastor Paul Peabody with Grace Bible Church provided the invocation.

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

PROCLAMATION DECLARING OCTOBER 8-14, 2017 AS "FIRE PREVENTION WEEK"- Mayor Widmyer proclaimed the week of October 8-14, 2017 as "Fire Prevention Week." Fire Inspector Bobby Gonder accepted the proclamation and noted that it is important for citizens to prepare a home fire escape plan and practice it twice a year. Throughout the month, they will be assisting with School District 271 to conduct full fire drills. Councilmember McEvers asked for more information about the lightweight materials currently used and why they are burning faster. Mr. Gonder noted that the process is still the three parts of detection of the fire, calling of 911, and response. However, the fire spread is happening at a faster rate due to new materials being used in construction, which makes it difficult for firefighters to determine how long the fire has been burning. He noted that the Fire Department does a coordinated attack on the fire, but their first mission is life safety.

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

1. Approval of Council Minutes for the September 13, 2017 and September 19, 2017 Council Meetings.
2. Approval of the Public Works Committee Minutes of September 25, 2017
3. Approval of Bills as submitted and reviewed for accuracy by Finance Department
4. Setting of Public Works and General Services Committee meetings for October 9, 2017 at 12:00 noon and 4:00 p.m. respectively.

5. **Resolution No. 17-063** - 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: APPROVAL OF BELLERIVE 6TH ADDITION (S-2-16) FINAL PLAT, AGREEMENT FOR MAINTENANCE/WARRANTY OF SUBDIVISION WORK, AND SECURITY, AND ACCEPTANCE OF IMPROVEMENTS; APPROVAL OF RIVIERA PLACE (S-7-16) FINAL PLAT, AGREEMENT FOR MAINTENANCE/WARRANTY OF SUBDIVISION WORK, AND SECURITY, AND ACCEPTANCE OF IMPROVEMENTS; APPROVAL OF RIVIERA PLACE (S-7-16) AGREEMENT TO PERFORM SUBDIVISION WORK FOR LANDSCAPE IMPROVEMENTS. AND APPROVAL OF SECURITY; DECLARATION AS SURPLUS OF USED EQUIPMENT AND VEHICLES FROM THE STREETS & ENGINEERING DEPARTMENT; AND DECLARATION AS SURPLUS OF CH&E SIX INCH PORTABLE TRASH PUMP SURPLUS FROM THE WASTEWATER DEPARTMENT.

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

PUBLIC COMMENTS

Marc Puddy, Coeur d'Alene, noted that he is a Landscape Architect at Architects West, who has turned in a bike corral permit. He noted that they are in need of a bike rack in their area of town as they witness people attaching bikes to trees and signs. The racks they have looked at are simple and functional and do not entail a bulky installation. Architects West committed to buying, maintaining, installing and annually removing the corral. Councilmember McEvers asked if the business currently has a bike rack as normally required with new construction. Mr. Puddy noted that they have not done any improvements that required a site plan that would require the addition of a rack. They would like theirs to be in a visual location which would help to prevent bikes from being attached to trees. Mr. Puddy noted that the corral they would like to purchase would allow bike entry from the street rather than the sidewalk. Councilmember McEvers noted that Architects West closes at 5:00 p.m., and that parking after 5:00 p.m. is a premium and the parking stall is needed. Mr. Puddy noted that their parking lot is available to the public after they are closed, and felt that the loss of one parking stall would give 10 spots for bikes, allowing more people downtown. Councilmember Evans asked for clarification regarding who would be responsible for set up, removal, and storage of the corral. Mr. Puddy confirmed that Architects West will take responsibility for the corral. Councilmember English felt that the City should look at the parking issues within the entire downtown area and determine which stalls would be better suited for a bike corral. Councilmember Gookin noted that he does not object to the request; however, there is a parking issue downtown as noted in the study. Architects West's lot was determined to have a deficit of stalls and the lot closest had a deficit of over 100. Therefore, he would like to determine the best locations and come up with a plan for bike corrals rather than doing it upon request. Mr. Puddy concurred that the Pedestrian and Bicycle Advisory Committee would be a great group to come up with a plan.

Jessica Bryant, Coeur d'Alene, noted that she is a member of the Tubbs Hill Foundation Board of Directors and wanted to thank the City and ignite cda for seeking alternatives to protect Tubbs Hill; specifically, allowing the option for the city to own the land at the base of Tubbs Hill demonstrates great foresight.

APPROVAL OF THE PURCHASE AND INSTALLATION OF A BIKE CORRAL WITHIN THE RIGHT-OF-WAY BY ARCHITECTS WEST.

STAFF REPORT: Trails Coordinator Monte McCully explained that the Coeur d'Alene Ped/Bike Committee partnered with the Parks Department to start a bike corral pilot project a few years ago that resulted in bike corrals being built and installed at two locations downtown. The purpose of a bike corral is to provide a place, in lieu of a car parking space, for bikes to park when there is not room for a bike rack or the bike rack that is present is not big enough to meet demand. One of these corrals is located at Calypso's and the other is at Crafted. The City currently removes and replaces those racks each year. Both racks are utilized quite a bit at certain times of the day. Architects West is a company downtown on Lakeside Avenue and 2nd Street that sees the need for a similar bike corral for their company and the businesses adjacent. Mr. McCully is working on a permitting method for approval of future bike racks, which would include the identification of locations for future corrals.

DISCUSSION: Councilmember McEvers felt that the City should determine criteria and the location for the bike corrals. Mr. McCully said he would work on criteria for stalls and bring that back to Council. He noted that some ideas for future corrals include smaller racks, locations near alleyways and/or other vision triangle problem locations. Councilmember Miller drove up 2nd Street and envisioned a corral at that location and did not feel that it would improve the view corridor, and she would like to see input from the business owners, property owners, end users, and identified future locations that would be beneficial to delivery truck drivers, etc. Councilmember Edinger asked if the racks would be placed seasonally from April to October. Mr. McCully confirmed that the racks would have to be removed in the winter due to snowplow needs. Councilmember Evans requested that everyone keep in mind that sidewalk safety is currently diminished due to bikes being chained to trees, signs and fences. Councilmember English noted that the City does not currently have a process established to seek bike corrals and Architects West made a good request so he would move to approve the request. He noted that the Pedestrian Bicycle Committee should continue to plan for the future of the downtown area.

MOTION: Motion by English, seconded by Evans, to approve the purchase and installation of a bike corral within the right-of-way by Architects West.

DISCUSSION CONTINUED: Councilmember McEvers noted that the motion does not include a study. City Administrator Jim Hammond noted that at the last Executive Team meeting it was noted that staff is currently developing a policy for bike corrals.

Motion failed with Miller, McEvers, Gookin, and Edinger in opposition.

REQUEST FOR THE CITY TO BE INCLUDED AS A JOINT APPLICANT IN THE LIMITED DESIGN PUD APPLICATION FOR RIVER'S EDGE APARTMENTS UNDER MC 17.07.220.

STAFF REPORT: City Attorney Mike Gridley explained that this request stems from property located on the south side of Seltice Way, just east of the U.S. Bank facility and west of the Atlas Mill site property. The property is bisected by the former BNSF right-of-way now owned by the City. The Owner, River's Edge Apartments, LLC, has submitted an application for a Limited Design Planned Unit Development (PUD) for the property that includes the city-owned right-of-way and has requested that the City join in the application. Municipal Code 17.07.222 requires that for all PUDs the land included in the proposed development must be under one ownership or control or be the subject of a joint application by the owners of the property. Therefore, in order for the PUD application to go forward, the City must join in the PUD application and consent to the Special Use Permit (SUP) application. He clarified that this joint application would not mean the city supports the request, but it allows the applicant to move forward with the process.

DISCUSSION: Councilmember Gookin asked if the request was for the PUD and to consent to the SUP Application. Mr. Gridley confirmed that the city code requires that, as the adjoining property owner, the City must sign off on the application of both the PUD and SUP. He clarified that this does not mean that the City endorses or confirms the request. Councilmember Gookin asked what the city would get in return. Mr. Gridley explained that if the development wants to use railroad property, the city would be given the right to some waterfront land in exchange. Councilmember Gookin asked if there would be opportunity for the community to weigh in on it. Mr. Gridley noted that there will be public hearings before the Planning Commission and, if there were an appeal, it would come before the City Council. Councilmember Gookin asked for clarification regarding the legal obligations on the City being a joint applicant. Mr. Gridley clarified that the current request is to sign the application to allow the developer to move forward, with no endorsement or further responsibility. He noted that there are certain annexation agreement requirements and one condition that would likely be included is that a new annexation agreement be negotiated as part of the PUD. Mr. Gridley also noted that staff could appeal the Planning Commission decision, not a councilmember. Councilmember Miller asked if the Council can split the applications and sign one but not the other. Mr. Gridley confirmed Council could do that; however, the project the applicant would like to bring forward requires both parts to go forward with the city as co-signer. Councilmember McEvers explained that the Council is having difficulty with the density of the zoning, as it seems extreme to double the zoning density. Mr. Gridley noted that the Council is not approving the density tonight, that they are being asked to allow the developer to move forward with the request and the process. Councilmember Miller noted that it gives the appearance that there is some sort of acceptance. Mayor Widmyer further noted that if the City were a co-applicant and the Planning Commission denies the request, and it is appealed, the Council would be judging an appeal they are a co-applicant on. Mr. Gridley reiterated that the co-application is not an endorsing of a plan. He explained that the applicant could submit a PUD for each of the two parcels; however, the plan he is bringing forward is one PUD for all property that includes the city land. Mr. Gridley clarified that in the future there can be negotiations for trails and parkland. Mr. Hammond explained that if this moves forward then staff can move forward with the property owner regarding the benefits to the city as allowed within a PUD. Councilmember English noted that

the City Attorney is comfortable with the application process and confirmed that it does not commit the City to any approval. Councilmember Gookin noted that the City has other options such as a land swap.

MOTION: Motion by McEvers, seconded by English, to approve the request for the City to be included as a Joint Applicant in the Limited Design PUD application for River's Edge Apartments under MC 17.07.220 and consent to the Special Use Permit application.

DISCUSSION CONTINUED: Councilmember Gookin explained that he will oppose the motion due to density and that he does not agree with the PUD process. Councilmember Miller felt that this would be a huge burden on the Planning Commission and that she is uncomfortable with the density and would like to see another method of moving forward. Councilmember Evans asked what the next step would be for the developer if the Council denies the request. Mr. Gridley explained that they could go forward and develop the property as currently zoned or come back with two PUD's. Councilmember Edinger noted that he also does not like the density and would like to see that the city has more of a say. Mr. Gridley explained that the city still owns the property and the Council would be the final determination on its use. Councilmember Edinger explained that he would like to know now what the citizens would get from the approval of the application. Mr. Gridley noted that it is currently an opportunity to negotiate with the neighbor property owner. Councilmember Gookin commented that if there is no appeal it does not come back to the City Council. Mr. Gridley noted that it will come back to the Council with the underlying agreement and, as the property owner; the Council will have approval for use of the city-owned property.

ROLL CALL: Miller Aye; McEvers Aye; Gookin No; English Aye; Edinger No; Evans No. **Motion failed** with Mayor voting in opposition.

RESOLUTION NO. 17-064

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AGREEMENTS WITH THE HEIRS OF THOMAS T. AND LOLA B. KERL FOR WAIVER OF INHERITANCE AND RELEASE OF REVERSIONARY INTEREST AS PART OF THE MEMORIAL PARK REAL PROPERTY EXCHANGE WITH IGNITE CDA.

STAFF REPORT: Mr. Gridley explained that the City Council has stated its intent to exchange City-owned property on Garden Avenue for property owned by ignite cda near Memorial Park. Title research revealed that the City-owned property was given to the City by Thomas T. and Lola B. Kerl in 1923 with the requirement that the property be used for tennis courts or park purposes. If the City fails to fulfill this requirement then the ownership of the property reverts to the Kerls, or their heirs. Staff has identified six heirs of the Kerls. The heirs have agreed to waive their inheritance rights and release their reversionary interests in exchange for the City paying \$50,000 to the Museum of North Idaho in honor of the family of Thomas T. and Lola B. Kerl. The \$50,000 payment by the City to the Museum will be reimbursed to the City by ignite cda upon completion of the proposed land exchange.

DISCUSSION: Councilmember Gookin asked why the City is not writing a check directly to the Kerls so that they can make the donation to the Museum. Mr. Gridley noted that this was the deal that was negotiated with the six heirs, all of which live in different places, and that this is the agreement and was the manner in which they wanted it paid. Councilmember Gookin asked if the City is allowed to pay money to a non-profit. Mr. Gridley confirmed and explained that the City is getting the reversionary rights for the land as part of a three-way agreement. Councilmember Gookin asked where in the code does it allow an urban renewal district to reimburse the City for payment to a nonprofit. Mr. Gridley noted that it is included in the property exchange agreement. Councilmember Gookin noted that he is uncomfortable donating to a non-profit. Mayor Widmyer explained that this agreement is at the request of the heirs. Councilmember English noted that, from the family's point-of-view, this is the simplest method and it is in the community's best interest. He also noted that there are many examples of governments supporting social service causes.

MOTION: Motion by Evans, seconded by Miller to approve **Resolution No. 17-064**, Approving Agreements with the Heirs of Thomas T. and Lola B. Kerl for Waiver of Inheritance and Release of Reversionary Interest as part of the Memorial Park real property exchange with ignite cda.

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

PUBLIC HEARING REGARDING INTENT TO CONVEY LAND VIA A LAND TRADE INVOLVING IGNITE CDA OWNED PROPERTY LOCATED ON W. GARDEN AVENUE (TAX I.D. 5539), FOR CITY OWNED PROPERTY LOCATED AT THE CORNER OF W. GARDEN AVENUE AND PARK DRIVE (A PORTION OF LOT 72, SHERMAN PARK)..

STAFF REPORT: Parks and Recreation Director Bill Greenwood stated that this land exchange proposal was presented to the Council previously during discussions regarding Memorial Park renovations and the shared parking lot projects. At that time, Council supported this exchange and recognized the advantage for the City to proceed with this land exchange. The City must now go through the formal proceedings to authorize the conveyance/exchange. He presented a map of the land exchange parcels. There is no financial cost to the City for this exchange. The City and ignite cda's real property that is the subject of this exchange is similar in size and value, and the trade is mutually beneficial to the parties.

DISCUSSION: Councilmember Gookin noted that a recent newspaper article made it sound like the property was affecting Memorial Field. Mr. Greenwood clarified that the location is not within the Memorial Park.

Mayor Widmyer called for public comments and, with none being heard, public comment was closed.

MOTION: Motion by Gookin, seconded by Edinger, to authorize the City to enter into an agreement with ignite cda to convey land via a land trade involving ignite cda-owned property

located on W. Garden Avenue (Tax I.D. 5539), for City-owned property located at the corner of W. Garden Avenue and Park Drive (a portion of Lot 72, Sherman Park).

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

PUBLIC HEARING REGARDING INTENT TO CONVEY LAND VIA A LAND TRADE INVOLVING IGNITE CDA OWNED PROPERTY LOCATED ON YOUNG AVENUE, SOUTH OF CITY HALL, FOR CITY OWNED PROPERTY ADJACENT TO TILFORD LANE IN RIVERSTONE.

STAFF REPORT: Mr. McCully explained the land exchange proposal would involve trading the City's 60 foot right-of-way, located just south of Tilford Lane to ignite cda, so that ignite could combine the City's 60 feet of right-of-way with their currently owned 60 feet of right-of-way south of Tilford Lane to create 17 developable residential parcels. This proposed trade would require the widening of Tilford Lane and relocation of the Prairie Trail to the southern edge of ignite's property. Included in the realignment is the possibility of improvements to the Riverstone Park parking area, as well as additional public space that could be created to the west of the Tilford Lane project that would blend with the proposed public improvements for the Atlas Mill site area. In return for the trade, the City would be deeded the ignite cda-owned property located on Young Avenue south of City Hall that was appraised recently at \$960,000. Preliminary net revenue estimates (i.e., residential lot sales minus development costs) prepared by Welch-Comer for the proposed Tilford Lane trade initiative show a net revenue value of approximately \$1.0 million, making the proposed trade a fairly close net value.

DISCUSSION: Councilmember Gookin asked for clarification as to why the City and ignite originally obtained their parcels. Mr. McCully explained that the City received their parcel as trail right-of-way, and ignite cda received their property when the railroad property was purchased. The lots abutting Tubbs Hill were potentially purchased for City use in the future or to be developed as a revenue source for the district. Mr. McCully noted that when the houses were demolished there was interest expressed by several community members and the Tubbs Hill Foundation to keep the property in the City's hands. Mayor Widmyer asked if there was an opportunity to enhance the trail during its realignment. Mr. McCully clarified that the angle crossing Beebe Boulevard is not currently safe, and that the realignment will allow for a straight alignment and a high visibility crossing that will be much safer.

PUBLIC COMMENTS:

Chet Gaede, Coeur d'Alene, noted that in 2014 the City purchased the railroad property to leverage public water access. His understanding was that ignite cda would give their portion of the land to the City for a trail; however, they gave all property within Mill River, but not the part south of Riverstone. He felt that now ignite is looking at developing the property rather than giving it to the City, and that they have granted an easement to Mr. Douglas north of the trail, which will allow a row of houses to be built along the river. If ignite is allowed to develop the lots beyond Mr. Douglas's property there could be 10 more houses along the river. The City already has 60 feet of right-of-way and ignite has 60 feet that he believes should be given to the

City. He thinks this the land trade is a questionable deal. He cautioned the Council that if approve the trade they should have huge oversight.

Doug Eastwood, Coeur d'Alene, congratulated the Council on the decision to move forward with the Atlas Stimson property purchase. He noted that he is representing the North Idaho Centennial Trail Foundation that was formed in 1991. The development of the trail is the largest and most significant legacy within the state and has grown in use. When the foundation first became aware of the land trade, the reaction was mixed and emotional. Several items the members felt were too dramatic included the reduction of the trail width from 15 feet to 12 feet. The profile of the retaining wall creates an area between the wall and the bicycle user that creates an unusable three feet, referred to as the "shy area" due to worries of hitting the wall with pedals and handles and such. This leaves a 9-foot useable area. The location of the retaining wall is a concern. West of the housing project, the trail is proposed to swing north to reconnect to the existing trail with a narrowing of the trail system and at a greater grade. The group feels that the grade can be elongated to reach a 2% grade. They would also like to see a connector allowing east and west trail users to enter the parking lot without having to use vehicle exit and entrances. The trail group would oppose items that would cause narrowing of the trail and higher grades. The Riverstone master plan is a work in progress and they recognize the trail could be shifted one way or another. He felt that the Council should not put in a trail that is less than what they currently have and that equal or better is a 15-foot wide trail and 2% grade maximum.

Councilmember Gookin asked if Mr. Eastwood knew why the property south of City Hall was purchased. Mr. Eastwood noted that his memory was that ignite did not have a use plan at the time of purchase. However, he and Scott Cranston met with ignite and asked that the property be considered as part of the McEuen property, if needed. He had envisioned it as a location for a potential park out-building.

Terry Godbout, Coeur d'Alene, expressed concern that the project includes the removal of 800 feet of ponderosa pine trees that are over 10 feet tall. He feels that is a big deal and, as it currently sits, it provides a large visual barrier between the commercial use and the residential uses. He noted he is opposed to the trade.

Susan Snedaker, Coeur d'Alene, felt that many residents were pleased the space abutting Tubbs Hill was purchased as public ownership and that it would be permanent open space. However, it now appears that open space is not to be and ignite will sell off a portion for development. The City gets property south of City Hall with a County appraisal of \$518,659.00; however, the ignite appraisal came in at \$916,000. Due to the difference in appraisals and the fact that ignite excluded land cost in the deal, it does not seem to match up. The red flag should be selling decreasing publicly-held open space.

Margaret Heden, Coeur d'Alene, expressed concern with the tree removal and the width of the trail while riding a bike.

Patricia Anderson, Coeur d'Alene, spoke in support of the land exchange and urged the Council to join the legacy of the other Councils who acquired property to adjoin to Tubbs Hill. She noted how rare it was to be able to add to the value of Tubbs Hill. The property on East Young is

probably the last parcel available to be incorporated into the park. She encouraged the Council to add the parcel to Tubbs Hill and approve the land exchange.

Public comment was closed.

DISCUSSION CONT. Mayor Widmyer asked if the trail could be widened and the grade be lowered. Mr. Boyd, with Welch Comer, said that he anticipates that the trail could be widened to 15' and making a 2% grade would extend the trail at a great distance at a very increased cost, but they could make it less than 5%. Councilmember Evans expressed concern over the useful width of the trail, and asked if the engineer could make the trail 18 feet. Mr. Boyd explained that if they increase the trail to 18 feet it would reduce the lot size, but noted that this is a conceptual level, not a design level detail. As they progress to the design level phase, there would need to be tradeoffs of the number of homes, water line placement, etc. if the trail was widened. He noted that they would make it as wide as they can at the design phase. Councilmember Gookin asked why size of lot is was important. Mr. Boyd explained that the zoning requires a minimum lot size of 5,500 square feet. Mayor Widmyer noted that at the time the land trade is completed there would be time for design level discussions. He also noted that the Mary Lou Reed Foundation and George Saylor have pledged donations and, if the land trade occurs, the donations can be set aside for something else to enhance Tubbs Hill. The goal is to keep this land in public hands and to get investment cost back to ignite cda. Councilmember Evans asked if a motion could be made with the condition that the trail be kept equal to or better and contain specifics from the Trail Foundation. Councilmember Gookin expressed concern with the terms "equal or better."

MOTION: Motion by Edinger, seconded by Evans, to authorize the City to enter into an agreement with ignite cda to convey land via a land trade involving ignite cda-owned property located on Young Avenue, south of City Hall, for City-owned property adjacent to Tilford Lane in Riverstone, with the conditions that the trail be a minimum width of 15', the grade to be a maximum of 2%, and egress from the east and west of the parking lot to the trail be included.

DISCUSSION: Councilmember Gookin is not going to support the motion because in four years the property reverts to the City when the district closes. He noted that the intent of Council at the time of purchase was to make the land a trail. Mayor Widmyer noted that they will have a trail, and this make economic sense to help pay for maintenance of parks and trails. Councilmember Miller asked if there is any provision that the trees have to be replaced if they are a certain dimension. Mr. McCully noted that they would require street trees by the houses. He noted that many of the trees to be removed are thin and not healthy. Councilmember English felt that there are not many chances to acquire land near Tubbs Hill and is very comfortable with this motion. His only minor concern is the grade and the length the trail will expand and how hard it will be to make a maximum 2% grade.

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

RECESS: Motion by McEvers, seconded by Evans, to recess to October 5, 2017 at Noon to the Library Community Room, located at 702 E. Front Avenue, for a Workshop regarding the BDPA Study. **Motion carried.**

The meeting adjourned at 8:10 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC, City Clerk