

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

September 3, 2024

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room on September 3, 2024, at 6:00 p.m., there being present the following members:

Woody McEvers, Mayor

Christie Wood ) Members of Council Present  
Dan Gookin )  
Dan English )  
Amy Evans )  
Kiki Miller )

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

**INVOCATION:** David Gortner of St. Luke's Episcopal Church led the invocation.

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

**AMENDMENT TO THE AGENDA: MOTION:** Motion by Gookin, seconded by Wood, to declare an emergency and amend the agenda to recategorize item F – Election of Council President as an action item. All in favor. **Motion carried.**

Councilmember Wood requested to move the discussion on the University zoning to right after Public Comment.

**ACKNOWLEDGEMENT OF THE RESIGNATION OF COUNCILMEMBER MCEVERS, SEAT #4, ACCEPTED BY MAYOR HAMMOND, AND SWEARING IN OF WOODY MCEVERS TO FILL THE VACANT MAYOR POSITION.**

City Clerk Renata McLeod sworn in Mayor Woody McEvers.

**ELECTION OF COUNCIL PRESIDENT: MOTION:** Motion by Gookin, seconded by Wood, to elect Dan English as Council President.

**DISCUSSION:** Councilmember Miller stated that the Council President is a person who fills in for the Council and runs the meeting in the absence of the Mayor. She mentioned that the filling of the Council President vacancy, as discussed in the white paper from City Attorney Randy Adams, would be from the nomination by any of the other Council members and then affirmed by the rest of the Council members. She pointed out that in the process of filling the Mayor position, there was no public discussion, but the nomination and selection was made because Councilmember McEvers was the most senior and longest member of the Council. She stated that

if that is the process to be followed, the next most senior is Councilmember Gookin although he stated that he does not want the position, and the next most senior is Councilmember Evans. Councilmember Gookin stated that there is no rule about seniority on being a Council President. He recalled that in the past, that it was Rod Edinger as Council President who was then the most senior, but Mike Kennedy who replaced him was not the most senior but who indicated he wanted the position. He added that when he talked to Councilmember English, he stated that he wants the job as Council President. Councilmember Miller said that, with no disrespect to the person being nominated, she inquired about the process for the nomination and selection of Council President because there was a discussion about having a process and transparency during the last meeting. She explained that she wanted to lean towards consistency since there's been more than one person who expressed interest in the mayoral position as well as Council position and Council President. She stated that for consistency, she likes the old way of selecting the most senior as Council President. Councilmember Wood noted that all Council members are qualified to be Council President. She shared that in her conversation with Councilmember Gookin, they agreed about the need to have a policy that will firmly determine the process, so everyone is treated respectfully, but in the meantime, she stated that she is happy to support Councilmember English who expressed to her his interest to be Council President. She added that Councilmember English has a long history of public service in many different roles. Councilmember Gookin stated that the Council will bring forward a policy that will serve as reference in the future, and he agrees with Councilmember Miller that the Council should be consistent on its process. Councilmember English said that he appreciates the discussion, he is honored of the nomination, and committed to do his very best to fulfill the duties of a Council President.

**Motion carried with Miller voting No.**

#### **PUBLIC COMMENTS:**

Gepetto Nabler, Coeur d'Alene, showed a picture of someone who worked at Rustler Roost restaurant for two years after being arrested and expressed disappointment.

Bill Green, Coeur d'Alene, stated that he is surprised to see the open container alcohol implementation during farmers market event on 5<sup>th</sup> Street. He asked what prompted the Council to approve the request and agree that the farmers market would be better with alcohol. Based on his career, he noted that alcohol changes thinking, perception, judgement, impulse control, and everything that goes into causing trouble. He added that it would also be a bad example for kids seeing grown-ups with alcohol in a supposed family-friendly event.

Emily Boyd, Coeur d'Alene, noted that based on Council's approval of the open container at the farmers market in the last meeting and pending approval of the Resolution tonight, the Downtown Association is prepared to launch the pilot project tomorrow. They have already booked the security, fencing, and staff will work full-time to watch how it works and to ensure that the goal of having a family friendly environment is maintained. There will be two entities that will be serving their beverages that are brewed in Coeur d'Alene. Ms. Boyd stated that they look forward to reporting back to Council.

Asa Gray, Coeur d'Alene, noted that the Elections Department of Kootenai County will be holding an early in-person voting for the Presidential elections, from October 15 to November 1, 2024 at 8:00 a.m. to 5:00 p.m. He said that he will be sending information to the City Clerk to share with everyone.

Mike Gridley, Coeur d'Alene, congratulated Mayor McEvers for his new role. He stated that he worked with him for 20 years and he doesn't know anybody that's more honest, kindhearted, and knows more about the history of Coeur d'Alene.

Susie Snedaker, Coeur d'Alene, asked for transparency and Council's critical review of each financial transaction on the city's budget. She mentioned about the Planning's weekly project coordination meetings with ignite and the consultant team and inquired what it costs the taxpayers. She said that the weekly meeting with consultant is absurd. She also questioned about bringing in a consultant to assist in addressing view corridors and parking evaluations in the downtown area. Ms. Snedaker recalled that in 2007, John Bruning who was chair of the Planning and Zoning Committee, has asked the mayor to hire a consultant to review heights, parking, zoning, and lighting. She also cited the following: \$50,000 per year given to Downtown Association to maintain capital improvement which were never maintained; public art maintenance; and Person Field is well used and needed work.

Councilmember Wood responded that some of the issues that Ms. Snedaker mentioned was at the direction of Council such as the meetings with developer (ignite) and the transfer of that Atlas property to ignite for development. With regards to the Person Field, Councilmember Wood stated that she will discuss with the Parks Director to look at the track.

Cecil Kelley III, Coeur d'Alene, shared he graduated from NIJC (North Idaho Junior College), and he and his wife worked as informal volunteers for the carousel players in NIC for about 12 years. He stated that he loves Art on the Green and he wouldn't want it to move from NIC because it is a vital asset, and it brings people to the community, so anything that can be done to protect it, he would support.

Paige Quan, Coeur d'Alene, stated that they moved to a new neighborhood near Canfield Mountain, but she is concerned with excessive speeding right by their house where people drive 40 mph every day. She mentioned about the City putting out a change order to update the curbs to have the bottlenecks bump out at the intersection because there's also construction happening at Thomas Lane. Mayor McEvers asked Ms. Quan to give her contact details to City Administrator Troy Tymesen.

### COUNCIL BILL NO. 24-1013

AN ORDINANCE CREATING A NEW ARTICLE XVII IN CHAPTER 17.05 OF THE COEUR D'ALENE MUNICIPAL CODE, ESTABLISHING A UNIVERSITY DISTRICT (U); PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

**STAFF REPORT:** Planning Director Hilary Patterson noted that Council requested that staff investigate the need to update the Comprehensive Plan to allow the City to create a new zoning district and to rezone North Idaho College's campus with the intent to ensure that the future use of the property would be for public higher education and supporting uses only. If the original request is adopted, the existing zoning districts (R-12, R-17, C-17L, C-17PUD) would be replaced with the University District designation and the existing Planned Unit Development (PUD) for North Idaho College (NIC) would remain in place. Ms. Patterson stated that the decision point is whether City Council adopt Article XVII of Chapter 17.05 of the Municipal Code creating a new zoning district called University District for land located in and near the North Idaho College campus and rezone specified properties. She clarified that the public hearing notices were specific to the City Council hearing which is the second public hearing for this item. The 120 notices that were mailed out to the property owners included the five that went to the North Idaho College Trustees and political subdivisions/ pipeline companies. Notice was also published at the CDA Press on August 17 and 21, 2024 and posted on the property on August 19, 2024. The purpose of the University District is to support and enhance the educational environment of public institutions of higher education. Ms. Patterson mentioned that there has been a lot of concern over the last few years about NIC and the potential loss of accreditation, and with the existing zoning that is in place, there's a concern that the property, particularly zoned R-17, which is residential, could be sold and developed for higher end residential development. There are ten properties that are privately owned: eight on North Military Drive and two on West Hubbard.

At the August 13 hearing, the Planning and Zoning Commission expressed concern on how it might impact the privately owned properties, hence they recommended those parcels from the the proposed zoning district and rezone specified properties, excluding all properties along North Military Drive north of West River Avenue and the two privately-owned R-12-zoned properties on the west side of Hubbard Avenue addressed 802 W. River Avenue and 415 N. Hubbard Avenue. Ms. Patterson noted that there is an existing PUD in place which was brought forward by NIC in 2011 and was approved by the city. The new zoning would be in conjunction with the PUD. A Facilities Masterplan exists and was prepared in 2018 and goes through 2028 which shows the whole picture of what are the uses on the campus which is very consistent with what is in the University District. Ms. Patterson explained that the University District zoning required a public hearing with the Planning and Zoning Commission and the zoning intended use will be in support of public higher education. The restricted items would be industrial and commercial use not directly associated with educational facilities and then residential development that is not intended for students and faculty as well as privately owned residential condominiums, townhouses, and other non-educational residential development. Another existing plan is the Comprehensive Plan that was adopted in 2022 with focus on higher education and NIC campus. In response to some comment letters that were received, Ms. Patterson clarified that that the City of Coeur d'Alene doesn't have civic zoning but just a civic place type or designation for publicly owned spaces such as campuses, parks, cemeteries, and public facilities which are all around in the zoning districts. The University District has no significant financial impact to the City, NIC or partner institutions. The proposed ordinance is in support of the mission of NIC and its partners and provides further guidance and clarity to the allowed and existing uses, which is consistent with the adopted Education Corridor Master Plan and NIC's approved PUD. By excluding all properties along North Military Drive north of W. River Avenue and the two privately-owned R-12-zoned properties on the west side of N. Hubbard Ave, it removed the concern of creating legal nonconforming uses. Ms. Patterson provided three action alternatives: option 1 is to rezone



properties per the recommendation of the Planning and Zoning Commission; option 2 is to rezone all properties plus NIC-owned properties on N. Military Drive; and option 3 is to rezone all properties plus those that are owned by NIC and all privately-owned along N. Military Drive and W. Hubbard Avenue, but include in the ordinance that the privately-owned properties are not subject to the ordinance's use and performance standards until such time that they are purchases by NIC or another public higher educational institution to prevent legal nonconforming status.

**DISCUSSION:** Councilmember Gookin asked if the Council has authority to rezone the property even if this was not requested by NIC with Ms. Patterson replying in the affirmative and stating that it is basically locking it in that it can only be used for public education and not sold for development. Councilmember Gookin shared that some of the questions he received were about things that could be done to the property as a result of the proposed zoning such as putting up a convenience store, but he pointed out that he doesn't see anything that they cannot do as long as it is for educational purpose or for the students' benefit. He added that the city is not taking away the property for a public purpose and this is not meant to control NIC. He clarified that this zoning was initiated by Council because people came to them and asked what the City can do to help protect NIC property. As a result of that, this University District is to ensure that the property will only be used for public higher education and all those properties owned by NIC on N. Military Drive will be sold at a profit. Councilmember Wood thanked Ms. Patterson and her team for their work. She stated that when she was on the NIC Board, they focused on student opportunities and achievement. She stated that the Council does not want to hinder NIC from the ability to create new programs or facility that would benefit the students. She stressed that proper notices were given to the property owners and the NIC. Councilmember Miller echoed that Ms. Patterson and her team did a great job given the limited time. She asked if there is a precedent out there that assures the protection of private property rights in option 3 with Ms. Patterson stating that in the shoreline ordinance there was some language specifically to protect some of the existing properties that are on the East Lakeshore Drive. Councilmember Evans complemented Ms. Patterson's team for the work they done.

**PUBLIC TESTIMONY:** Mayor McEvers opened the public testimony portion of the meeting with the clerk swearing-in those that gave testimony.

Kathleen Miller Green, Coeur d'Alene, emphasized that the zoning district would allow NIC the flexibility to meet the needs of the students in the future. She stated that they are in the process of creating NIC's strategic plan for 2025-2030 and it is true that they cannot anticipate what the needs of the students in the next five years. She added that the NIC continues to grow despite the many issues in the last several years.

John Pulsipher, Coeur d'Alene, stated his support of the University district but he is concerned with the timing with NIC's accreditation and site visit coming up, and he wished that this decision would be after that. He stated that he appreciates the desire of the Council to preserve NIC. He asked the Council to choose option three and keep the R-17 zoning towards the lake but still have more influence in the future for what goes where and when.

Lucia Thompson, Coeur d'Alene stated that she is in favor of the University district and there is a need to protect the beauty of the environment for the general public.

Teresa Borrendohl, Post Falls, recognized the important role of Council in providing amenities for the community and education of individuals. She stated that NIC is one of the best in the nation at nursing education as well as other trainings for service workers. She said that she is grateful for NIC and the Council for putting this item on their agenda tonight.

Dave Hoskins, Hayden, noted that he spoke during the Planning and Zoning Commission meeting on August 13 in favor of the University district. He mentioned that the enrollment at NIC this year is increasing as NIC is a convenient place for students who cannot afford to go to University of Idaho or Spokane Community College to better their education. He asked the Council to make NIC a University district.

Kevin Jester, Coeur d'Alene, thanked the Council for considering the proposal for University district which is monumental and important for the community. He thanked the Planning Department and the Planning and Zoning Commission for the comprehensive work.

Mike Gridley, Coeur d'Alene, stated his strong support for the University district. He mentioned the past city leaders and the good decisions they made that benefitted the public. He thanked the Council for making this important decision today and for protecting NIC.

Christa Hazel, Coeur d'Alene, thanked the Council for considering to protect NIC property for public education purposes. She stated that by approving the University district zoning on the non-deed restricted property, the Council is showing what real leadership looks like which is what is needed now considering that public trust has been broken by Trustees and legislators who don't have the best interest of the college at heart.

Geff Harvey, Hayden, stated that NIC is a terrific educational resource that needs to be protected, and it is the core of this town.

Teresa Roth noted that the code as it is written does not protect the college because it does not prevent public-private partnership. She stated that it would only open doors for all sorts of private development. She asked Council to vote No.

With no other comments received, Mayor McEvers closed public hearing.

**DISCUSSION:** Councilmember Evans inquired on the allowable uses for R-17 such as the concerns on the cellphone tower, business supply retail, and faculty housing with Ms. Patterson explaining that currently allowed for R-17 in the code are essential services which also include wireless communication or cell towers. She stated that recreation as well as residential are already allowed. She also mentioned about mini mart or a bookstore that would be important services for students. Faculty housing is currently proposed to be allowed by right as a principal use that could also be moved to a special use permit. Councilmember Evans asked Ms. Patterson to respond to the comment made by Ms. Roth concerning private-public partnership, ground leases, and private development. Ms. Patterson stated that there is nothing in the zoning districts that restricts partnerships but the way they have drafted this proposal is that it really needs to be driven by NIC and their partners to make the determination. Mr. Adams stated that the code does not allow unlimited public-private agreements, hence it should be directly associated with educational

functions. Councilmember Wood stated that community colleges work with business industries to determine their future programs and for training of students, and to suggest that these colleges would never partner with private industries is not the norm across the state. She explained that the housing will be more for what the faculty would need and for student dorms because these are assets needed by colleges and universities. She explained several scenarios that could have happen and so this zoning is to protect NIC as an asset for public education. Councilmember Miller stated that NIC has a Dormitory Housing Committee that ensures that the housing has to be for student and faculty use, and they cannot lease or sell housing to private individuals. She said that since this protection is already in place, the zoning is meant to supplement it and will not negate what already exists.

**MOTION:** Motion by Gookin, seconded by Miller, to dispense with the rule and read **Council Bill No. 24-1013** once by title only.

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

**MOTION:** Motion by Gookin, seconded by Wood, to adopt **Council Bill 24-1013 Option 3.**

**DISCUSSION:** Councilmember Gookin stated that he wanted to protect the privately owned properties on North Military Drive. Councilmember Miller noted that this is an opportunity to make a clean line and there is a precedent that if it stays as private property then there is nothing that is going to happen to inhibit their property rights. Councilmember Wood agreed with Councilmember Miller in creating a whole district that is protected and so she would prefer option 3. Councilmember English stated that he would also vote for option no. 3. Councilmember Evans stated that she would be comfortable with option 2, but she completely supports the choice of option 3.

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

#### **COUNCIL BILL NO. 24-014**

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12, R-17, C-17L, and C17 TO U: ALL PROPERTIES NORTH OF THE HIGH WATER MARK OF LAKE COEUR D'ALENE AND EAST OF THE HIGH WATER MARK OF THE SPOKANE RIVER, WHICH LIE WEST OF AND INCLUDE N. HUBBARD STREET, EXCEPT ANY PUBLIC RIGHT-OF-WAY, AND SOUTH OF W. RIVER AVENUE; ALL PROPERTIES NORTH OF W. RIVER AVENUE EAST OF THE HIGH WATER MARK OF THE SPOKANE RIVER AND WEST OF, AND INCLUDING, THE PARCEL BEARING THE LEGAL DESCRIPTION OF NORTH IDAHO COLLEGE SUB, LT. 1 BLK. 5 (PTN IN TCA 001-015), AND SOUTH OF THE CITY OF COEUR D'ALENE PROPERTY UTILIZED FOR THE ADVANCED WASTEWATER TREATMENT PLANT; THAT PARCEL LYING EAST OF W. HUBBARD STREET BEARING THE LEGAL DESCRIPTION NORTH IDAHO COLLEGE SUB, LT. 1 BLK. 5 (PTN IN TCA 001-012); THAT PARCEL LYING EAST OF W.

HUBBARD AVENUE AND NORTH OF W. RIVER AVENUE BEARING THE LEGAL DESCRIPTION OF NORTH IDAHO COLLEGE SUB. LT. 1 BLK. 5 (PTN IN TCA 001-015); AND PARCELS BEARING THE LEGAL DESCRIPTION OF FORT SHERMAN ABAND MIL RES. TAX#23504 IN LT 14 1450N04W AND FORT SHERMAN ABAND MIL RES. TAX#23200 IN LT 14 1450N04W; AND PARCELS BEARING THE LEGAL DESCRIPTION OF TAYLORS PARK ADDITION, BLOCK 1, LOTS 1 THROUGH 16, AND BLOCK 2 LOTS 1 THROUGH 16, AND PARCEL 002-013-A. THIS DISTRICT SHALL OVERLAY ANY APPROVED PLANNED UNIT DEVELOPMENTS (PUD) IN THE DISTRICT; 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.

**MOTION:** Motion by Gookin, seconded by Evans, to dispense with the rule and read **Council Bill No. 24-1014** once by title only.

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

**MOTION:** Motion by Gookin, seconded by Evans, to adopt **Council Bill 24-1014**.

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

**ANNOUNCEMENTS:** Councilmember English stated what was mentioned during the invocation about the loss of Wolf Lodge Inn which underscores the importance of fire personnel and equipment when the city needs it. Councilmember Wood thanked the city law enforcement and firefighters for their hard work.

**CONSENT CALENDAR:**

1. Approval of Council Minutes for the August 20, 2024 Council Meeting.
2. Approval of General Services/Public Works meeting Minutes from August 12, 2024.
3. Setting of General Services/Public Works meeting for September 9, 2024.
4. Approval of a Cemetery Lot transfer from Mary E. Somers to Dennis J. Mason; Section K, Block 10, Lots 4 and 5 Forest Cemetery Riverview Annex, (\$40.00)
5. Approval of Bills as Submitted.
6. **Resolution No. 24-067**
  - a. Approval of S-3-22 Birkdale Commons: acceptance of improvements, Maintenance/Warranty Agreement and security

**MOTION:** Motion by Evans, seconded by Miller to approve the Consent Calendar as presented, including **Resolution No. 24-067**.

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

### RESOLUTION NO. 24-068

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING JON WOODRUFF MCEVERS TO SIGN AS MAYOR OF THE CITY OF COEUR D'ALENE AS "WOODY MCEVERS."

**MOTION:** Motion by Gookin, seconded by Miller to approve **Resolution No. 24-068**; approving the signature of Mayor Woody McEvers for financial transactions.

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

### RESOLUTION NO. 24-069

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ESTABLISHING A PILOT PROJECT TO ALLOW POSSESSION OF OPEN CONTAINERS OF BEER, WINE, OR OTHER ALCOHOLIC BEVERAGES, AND CONSUMPTION THEREOF, ON CERTAIN PUBLIC SIDEWALKS AND OTHER PUBLIC RIGHTS-OF-WAY WHEN SUCH SIDEWALKS OR RIGHTS-OF-WAY ARE BEING USED FOR A PERMITTED FARMER'S MARKET SPECIAL EVENT SPONSORED BY THE DOWNTOWN ASSOCIATION; PROVIDING THAT THE ALCOHOLIC BEVERAGES SHALL BE DISPENSED BY LICENSED VENDORS AND SHALL TAKE PLACE IN A SPECIFICALLY IDENTIFIED AREA IN ACCORDANCE WITH STATE LAW AND BY AGREEMENT WITH THE CITY; PROVIDING FURTHER THAT CONSUMERS SHALL REMAIN IN THE DESIGNATED AREA UNTIL THEY HAVE FINISHED CONSUMING THE BEVERAGE; PROVIDING THAT OTHER CONDITIONS MAY BE PLACED ON THE PERMITTED EVENT FOR PUBLIC SAFETY BY THE CITY; AND PROVIDING THAT THE DURATION OF THE PILOT PROJECT SHALL BE NINETY (90) DAYS.

**STAFF REPORT:** Municipal Services Director Renata McLeod explained that the staff report referred to an amendment to the municipal code but in consultation with the City Attorney since it is a pilot project, it was recommended that the better method would be a Resolution which would outline the intended program for a period of 90 days, although Council can extend the project for next year should it choose. She stated that the pilot project will start tomorrow if Council approves the Resolution tonight. The Downtown Association was also informed about the conditions for the special event permit such as signage outlining the entrance and exit points that alcohol is not allowed, designated fencing approved by the Police Department, alcohol designated area on 5<sup>th</sup> Street, no glass beverage containers, and the alcohol must be served by an Idaho licensed vendor. The Streets, Police and Fire Departments are ready should Council approve this Resolution.

**DISCUSSION:** Councilmember Miller asked if Council would hear about the results of the pilot project within the timeframe of 90 days with Ms. McLeod replying that the end of the season is mid-October and since it is a special event permit so the City can put conditions as needed and they need to come back to Council if they want to do this again. Councilmember Wood expressed that she would like to be consistent with her vote and she would not favor changing the ordinance to allow open containers. Councilmember English stated that he will also vote against it considering the limited resources of the city's police and fire personnel.



**MOTION:** Motion by Gookin, seconded by Miller to approve **Resolution No. 24-069** – Establishing a pilot project to allow possession of open containers of beer, wine, or other alcoholic beverages, and consumption thereof, on certain public sidewalks and other public rights-of-way when such sidewalks or rights-of-way are being used for a permitted farmer’s market special event sponsored by the Downtown Association.

**DISCUSSION:** Councilmember Gookin stated that this will put the city’s law enforcement to the test. Mayor McEvers requested clarification since this is a pilot project, if this will be the basis for doing it again in the future with Ms. McLeod responding that the request came from the Downtown Association for this specific purpose, and they have to report back to the Council and request to do it again.

**ROLL CALL:** Gookin Aye; English No; Wood No; Evans Aye; Miller Aye. **Motion carried.**

### **RESOLUTION NO. 24-070**

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, AMENDING THE CLASSIFICATION AND COMPENSATION PLAN TO ADD A NEW CLASSIFICATION ENTITLED “TV PRODUCTION COORDINATOR,” AND ESTABLISHING A PAY GRADE 14 FOR THAT POSITION

**STAFF REPORT:** Human Resources Director Melissa Tosi stated in her staff report that since 2006, the City has been contracting with an independent outside party, Bunkhouse Media, for the multi-media services necessary to perform the CDA TV duties. The consultant will soon be retiring and will not continue services past September 30, 2024. As a result, the City would like to incorporate these duties into a full-time benefited position. This position will be responsible for organizing, coordinating, and scheduling all programming on the City’s cable television channel and website. This position will also create scripts, produce, and coordinate production logistics while working with staff, outside agencies and partners. The job classification has been created, reviewed, and leveled to a pay grade 14 with a base salary range of \$64,563 – 90,875 annually. Currently the consultant funding is being paid out of the Municipal Services professional services/audio visual budget. The current consultant salary is \$115,483 annually. Incorporating this classification into the City’s classification and compensation plan will also include benefit costs that are not included in the current professional services agreement with Bunkhouse Media. Social security and Medicare taxes, along with benefits, would be approximately \$27,041 - \$39,862 annually, depending on the employee’s selected dependent coverage. The proposed Personnel Rule amendment was posted a minimum of ten (10) consecutive days before this City Council meeting.

**DISCUSSION:** Councilmember Evans recalled that in the past budget meetings, there were discussions on the role of a Communications Coordinator, and this is an opportunity to look into capturing communication responsibilities in this coordinator position; however, it is not reflected in the job description as presented. Ms. Tosi explained that the job description can be amended; however, it is not clear how the communication-related duties and needs would relate to the TV Production Coordinator position. Ms. McLeod added that this person is expected to attend the

Executive Team meetings to know the involvements of each Department and then produce public service announcements (PSA) for the community through the website and TV stations. She stated that they are looking for someone who is capable to run the studio and operate the equipment and would add in additional duties depending on the applicants capabilities. Councilmember Miller stated that Mr. Jeff Crowe did a great job and the City owes him an amount of gratitude for the 18 years that he served. With this, she pointed out that there is an opportunity to table this for an ad-hoc committee to assess what happened with technology in the past 18 years that the City should be taking advantage of such as incorporating website updates, social media, and other communication elements. She mentioned that other cities do not have Television channels anymore and they are just using livestream on You Tube channels. She said that this is the first time that Council is informed of the costs and how it is going to look, so rather than trying to replace what exist, this would be an opportunity to get the staff cross trained and even get more from the position. Councilmember Gookin asked if the qualifications require that the staff should know all these requirements first. Councilmember Miller stated that other cities have come up with different ways to connect with their constituents, and this is an opportunity for the city to upgrade rather than hire someone to continue doing what that position has been doing for the past 18 years. Ms. Tosi stated that from her discussions with Mr. Crowe and Ms. McLeod, there is already enough work for this position and the focus is to run the studio and keep the meetings going. She explained that a TV Production Coordinator and a PIO, while both needed, are completely different skill sets. Councilmember Wood stated that she agrees with Councilmember Miller to take a look into the job description. Councilmember English said that Mr. Crowe is leaving at the end of September so time is of the essence, hence he supports going ahead with the proposal and see what kind of applications will be received. Councilmember Evans agreed on the different skills sets but stated that this matter came up during the budget workshops and there was an opportunity to look into the position that maybe add some responsibilities or tweak it a bit. Ms. Tosi replied that they can work on crafting some questions through the recruitment and see what experience the applicants have. Councilmember Miller inquired about Mr. Crowe's recommendations and if he can extend to be a consultant. She added that there are different staff managing the website pages and Facebook posts and are inconsistent. Ms. McLeod stated that Mr. Crowe was involved in the crafting of the job description and will be involved in the interviews. She added that he will be ending his contract at the end of the month and the plan is to recruit someone so that he will have an opportunity to train with Mr. Crowe. The delay may cause not having someone on board, then the City will not be able to broadcast or there would be a need to hire out a company to do the interim. Councilmember Gookin stated that he also thinks having a PIO is necessary but suggested to move forward and get someone hired before Mr. Crowe leaves and avoid interruption of service and that broadcasting the meeting helps with transparency. Councilmember Wood suggested to craft the questions, and the job description to capture as much as possible the inputs from Council about having a communications person.

**MOTION:** Motion by English, seconded by Gookin to approve **Resolution No. 24-070** – Approving the amendment to the classification and compensation plan, adding “TV Production Coordinator” as a new classification in the Municipal Services Department.

**DISCUSSION:** Councilmember Miller asked if the amendment from TV Production Coordinator to Digital Production Coordinator would have an effect with Ms. Tosi explaining that the title is so because the priority of the work is the TV station. Councilmember Miller said that there is no

user data on how many people are watching from CDA TV versus on social media like You Tube or Facebook. Councilmember English stated that it does not matter because the public will just get it one way or another. Ms. Tosi explained that there were a few comparable of other cities that run a TV station, and TV was in almost every title, but the title can be amended later with Council's approval. Councilmember Gookin said that whoever may be hired may give input on what it is that they do. Mayor McEvers shared that most older people are the ones watching the TV cable and the city gets income from the franchise. He added that Mr. Crowe does a lot of production work as well and so in the hiring for this position, he would like to see this working with the departments. He stated that he expects each department to come to Council and present to the public what they do, why they do it, and how they do it.

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

### **RESOLUTION NO. 24-071**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A FOUR-YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE COEUR D'ALENE FIREFIGHTERS LOCAL NO. 710, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, EFFECTIVE OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2028.

**STAFF REPORT:** City Administrator Troy Tymesen brought forward, for Council's ratification, a four-year contract with the Fire Union for a term commencing October 1, 2024, and ending September 30, 2028. The following are the significant highlights regarding the negotiated contract:

- 4-year contract;
- 3.5% wage adjustment at the beginning of each fiscal year of the four-year contract;
- Amend the Grievance Procedure to allow for one single arbitrator instead of a panel of three;
- Add an EMS Preceptor benefit of \$2.35 per hour while Paramedic is actively training preceptee;
- Add Parental Leave following the first month of a birth or adoption which will allow the member to use four-days of sick leave;
- Adjust monthly HRA VEBA benefit;
- Add monthly 3-hour comp-time benefit for active Peer support team members;
- Amend Senior Pay requirements to eliminate the service time required in the promoted rank and add additional community service electives;
- Adjust the Military Leave Benefit and clarify the rules.

**DISCUSSION:** Councilmember Wood complimented Mr. Tymesen and all those involved in working out a good contract with the local union without any issues. She asked if the city is competitive with other agencies with Mr. Tymesen responding in the affirmative. He stated that the City is retaining the union representatives very well. Councilmember Wood said that it is commendable for the local union to commit that they will not participate in any sort of strike.

**MOTION:** Motion by Gookin, seconded by Miller to approve **Resolution No. 24-071** – Approving an Agreement with Coeur d’Alene Firefighters Local No. 710, International Association of Firefighters, establishing compensation and benefits over a four-year contract, 2024-2028.

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

### **COUNCIL BILL NO. 24-1011**

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTIONS 6.15.010 ENTITLED “DOMESTIC LIVESTOCK AND FOWL” AND 6.15.120 ENTITLED “CARE AND QUARTERING OF ANIMALS” OF THE COEUR D’ALENE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

**STAFF REPORT:** City Attorney Randy Adams noted that at the July 6, 2024 Council meeting, a gentleman spoke during the public comment about keeping ducks on his property and a complaint had been made to Animal Control about the smell and flies, which prevented the neighbor from enjoying their backyard. Municipal Code § 6.15.010 currently allows residents of Coeur d’Alene to keep chickens, excluding roosters, in any number. However, other domestic fowl, defined to include “turkeys, ducks, geese, and pigeons and other similar fowl” (M.C. § 6.05.030), are prohibited in the City. In addition, persons living on properties zoned R-1 may keep up to two domestic livestock, defined as “cattle, domesticated elk, bison, sheep, swine, goats, llamas, rabbits, horses, mules, or other equines,” but not domestic fowl except for chickens. During the Council meeting on July 16, the Mayor, at the request of Council, directed staff to prepare amendments to relevant Code sections to allow people to keep ducks in the City limits. Mr. Adams stated that prior to 2010, residents could keep up to three (3) domestic fowl, excluding roosters, unless they lived on property zoned R-1 where there was no limit. Thus, residents could keep up to three chickens, ducks, turkeys, geese, or similar fowl. In 2010, the Code was changed to allow residents in any zone to keep chickens, excluding roosters, without a limit on the number, as well as domestic livestock, but no other kinds of fowl. In 2011, the Code was again changed to prohibit the keeping of domestic livestock on any property not zoned R-1. Staff also reviewed the current ordinances of several Idaho cities, including Post Falls, Rathdrum, Bonners Ferry, Moscow, Lewiston, Boise, and Meridian, among others. Many of these cities allow the keeping of ducks with various limitations. Many of the cities also restrict the number of chickens (most, but not all, prohibit roosters entirely) and other domestic fowl that may be kept. Based on these findings, Mr. Adams discussed that staff recommends a middle ground, allowing up to twelve (12) chickens and four (4) other domestic fowl, excluding turkeys, geese, peafowl, pigeons, quail, pheasants, and guinea fowl; and on properties zoned R-1, up to twenty-four (24) chickens and twelve (12) other domestic fowl per full acre. Other clarifications are suggested to the City’s animal ordinances, including specifically requiring compliance with the City’s noise ordinance, prohibiting the slaughter of domestic livestock and fowl outside of a building, and requiring enclosures with minimum setbacks from property lines and other residential dwellings. These regulations are intended to protect the rights of residents to keep domestic fowl and the rights of neighbors to enjoy their properties.



**DISCUSSION:** Councilmember Gookin requested clarification if Section 2 paragraph D of the ordinance referring to the required setbacks of the coop at least 25 feet from any residential dwelling is an additive. Mr. Adams explained that the setbacks in many zones are 5 feet from the side of the property line but if the house is too close to the property line, then the coop should be moved so both would be 25 feet away from another person's house and within the required setbacks of the zone. Councilmember Gookin asked about the purpose of requiring that the enclosure should not be attached to a fence shared with a neighboring property with Mr. Adams replying that the fence has a specific purpose and there would be a tendency to fall if things are attached to it. Councilmember Wood stated that Mr. Adams did a good job of crafting the restrictions where people need to be responsible, and so she will support this ordinance. Councilmember Miller inquired about the enforcement with Mr. Adams replying that it would be the general enforcement of any of the animal control ordinances which would be a misdemeanor. He added that it would be enforced like any other city ordinance where typically, the Code Enforcement make contact with the property owner, advises them what the code requires and gives them time to comply with the code before they actually issue a citation. Councilmember Wood asked if the Police Department has reviewed the proposed ordinance with Ms. Adams stating that it was sent to them, and they had no issues.

**MOTION:** Motion by Gookin, seconded by Evans, to dispense with the rule and read **Council Bill No. 24-1011** once by title only.

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

**MOTION:** Motion by Gookin, seconded by Evans, to adopt **Council Bill 24-1011**.

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

**RECESS:** Mayor McEvers called for a recess at 8:59 p.m. The meeting resumed at 9:08 p.m.

### **COUNCIL BILL NO. 24-1012**

AN ORDINANCE ENTITLED "THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024" APPROPRIATING THE SUM OF \$139,379,143 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF COEUR D'ALENE FOR SAID YEAR; LEVYING A SUFFICIENT TAX UPON THE TAXABLE PROPERTY WITHIN SAID CITY FOR GENERAL REVENUE PURPOSES FOR WHICH SUCH APPROPRIATION IS MADE; LEVYING SPECIAL TAXES UPON THE TAXABLE PROPERTY WITH SAID CITY FOR SPECIAL REVENUE PURPOSES WITHIN THE LIMITS OF SAID CITY OF COEUR D'ALENE, IDAHO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene, Kootenai County, Idaho:



Section 1

That the sum of \$139,379,143 be and the same is hereby appropriated to defray the necessary expenses and liabilities of the City of Coeur d'Alene, Kootenai County, Idaho, for the fiscal year beginning October 1, 2024.

Section 2

That the objects and purposes for which such appropriations are made are as follows:

**GENERAL FUND EXPENDITURES:**

Mayor and Council	\$288,967
Administration	252,276
Finance Department	1,774,867
Municipal Services	2,890,358
Human Resources	487,244
Legal Department	1,398,512
Planning Department	820,717
Building Maintenance	764,779
Police Department	25,790,292
Police Department Grants	247,275
Fire Department	14,490,604
General Government	38,800
Streets/Garage	6,679,213
Parks Department	3,035,131
Recreation Department	785,636
Building Inspection	1,088,306
<b>TOTAL GENERAL FUND EXPENDITURES:</b>	<b>\$60,832,977</b>

**SPECIAL REVENUE FUND EXPENDITURES:**

Library Fund	\$2,109,366
Community Development Block Grant	359,060
Impact Fee Fund	1,093,000
Parks Capital Improvements	751,100
Annexation Fee Fund	580,000
Cemetery Fund	358,098
Cemetery Perpetual Care Fund	19,500
Jewett House	31,120
Reforestation/Street Trees/Community Canopy	134,500
Public Art Funds	244,500
<b>TOTAL SPECIAL FUNDS:</b>	<b>\$5,680,244</b>

**ENTERPRISE FUND EXPENDITURES:**

Street Lighting Fund	\$801,000
Water Fund	13,187,728

Wastewater Fund	29,661,316
Water Cap Fee Fund	2,260,000
WWTP Cap Fees Fund	7,143,549
Sanitation Fund	5,469,062
City Parking Fund	1,788,091
Drainage	2,074,668
<b>TOTAL ENTERPRISE EXPENDITURES:</b>	<u>\$62,385,414</u>
FIDUCIARY FUNDS:	\$3,737,200
STREET CAPITAL PROJECTS FUNDS:	5,866,000
DEBT SERVICE FUNDS:	877,308
<b>GRAND TOTAL OF ALL EXPENDITURES:</b>	<u><u>\$139,379,143</u></u>

Section 3

That a General Levy of \$ 25,716,295 on all taxable property within the City of Coeur 'Alene be and the same is hereby levied for general revenue purposes for the fiscal year commencing October 1, 2024.

Section 4

That a Special Levy upon all taxable property within the limits of the City of Coeur d'Alene in the amount of \$ 3,017,742 is hereby levied for special revenue purposes for the fiscal year commencing October 1, 2024.

Section 5

The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt there from.

Section 6

This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation published within the City of Coeur d'Alene and the official newspaper thereof.

**STAFF REPORT:** City Treasurer and Finance Director Katie Ebner, in her staff report, explained that the financial plan is an estimate of revenues and expenditures for the upcoming year. The expenditures are classified by department as well as by fund or service and the revenues are classified by source. Included in the budget document as per Idaho Code 50-1002 are actual revenues and expenditures from the prior two fiscal years, budgeted revenues and expenditures for the current fiscal year, and proposed revenues and expenditures for the upcoming fiscal year. The revenue includes new growth and annexations from property taxes in the amount of \$188,043 and a 3% increase to the property taxes received by the City in fiscal year 2023-24 in the amount of

\$797,851. This increase of \$ 985,894 will be spread across the entire valuation of the City which is currently estimated at \$11,435,013,284. The budget also reflects capturing 1% of forgone taxes in the total of \$275,809 to be allocated to afford prior year contractual wage agreements with public safety staff. Most homeowners will see a very small decrease in taxes paid to the City and commercial properties will see an increase due to the large increases in taxable valuations for commercial properties and the slight decrease in residential property valuations. At this time there are funds committed by legislation to lower property taxes; however, it is unknown how this will affect City taxpayers at this time. The tax cuts will sustain some of the tax relief taxpayers experienced in prior year.

Ms. Ebner, in her presentation, explained that the city's largest revenue source are property taxes and intergovernmental receipts such as federal grants and state payments that come to the General Fund. She stated that tax revenues from new construction and annexations have decreased by over 70% since 2016, primarily due to state legislative changes and rising assessed property values in the city. As assessed values increase, the levy rate decreases which reduces the funding to be captured from new construction each year, and compounds over several years. Additionally, the City is limited to taxing only 90% of the new construction value, further constraining revenue growth. Ms. Ebner stated that the city is looking at a deficit because the growth revenue is no longer accessible, hence it is recommended to take 3% increase in the levy as well as 1% of foregone taxes to make up for the number of years that the city has lost revenue. She pointed out that when the City approves a percentage tax increase, it does not calculate to the percentage increase in a resident's tax charge. The property taxes are based on individual taxpayer's valuations and growth in the market. New construction keeps taxes relatively flat, even if the Council approves a tax increase. In terms of property tax comparisons, Councilmember Wood mentioned about capturing the data regarding the amount of resources such as police, code enforcement, and fire resources being provided by the City to commercial properties with massive operations when talking about the increase in their assessed value. Mayor McEvers asked if the assessment of commercial properties would be the same with residential properties with Ms. Ebner replying that there is a code for residential and it has to do with the sales affecting the change in valuations.

For expenditures, Ms. Ebner explained that wages and benefits is the largest expense since the city is a service organization, capital projects vary from year to year based on renovations or street projects, and supplies and services such as the increase in liability insurance. The increase in wages in benefits is caused by the overall 3% increase in salaries and benefits in the next fiscal year: Fire Department employees will receive a 3.5% negotiated cost of living increase; Police Department employees will receive a 2.5% negotiated cost of living increase; Lake City Employees Association employees will receive a 3% negotiated cost of living increase; all other staff will receive a 3% cost of living increase; and 3% increase to the cost of health benefits. The FTE changes include 3 new FTE in Police force paid by grants and 1 FTE in Municipal Services paid from utility transfers into general fund. The \$3.1 Million increase in non-personnel costs in the general fund is due to an addition to the Police Department building which was funded by the Federal ARPA funds.

Since the City is operating within a deficit, Ms. Ebner recommended the following: no increase in staffing unless for reorganization where costs are reallocated to create new positions and if positions are grant-funded or by outside sources; for revenues, take an additional 1% of foregone

taxes; cut the IT Coordinator request from PD; and cut the “sign-on bonus” line item for PD but honor the bonus payments already promised. Given the changes, the ongoing deficit in general fund is \$2,037,687.00. Ms. Ebner stated that the City should look into closing the deficit and not to rely on savings every year to keep afloat.

**DISCUSSION:** Councilmember Wood recalled that in the budget meetings, there were discussions about prioritizing funding for public safety. She stated that the Fire Department came forward with a new program for \$97,000 which she is in support; however, the Police budget for sign in bonuses of \$80,000 is being cut. She added that the IT Coordinator position that both Fire and Police would share is critical. Given these, Councilmember Wood stated that she is willing to move forward with a 4% because the city went years without taking any tax increases. Police Captain Dave Hagar explained that if they will not get the full \$80,000 sign in bonus fund, it would be good to keep the \$40,000 since they are not fully staffed and they have an Academy that starts in August and another that starts in January. He mentioned that they had a \$19,440 motor program as part of their budget but due to the fire incident, they propose to put that fund up to Council’s discretion. Captain Hagar explained that the IT Coordinator position will service the Fire and PD in the billing, mobile data terminals, and updating the Viper system which has all the body worn camera. Councilmember Wood stated that doing away with the motor program will free up some funds and since it is an ongoing line item, it can be allocated for the IT Coordinator position. Councilmember English requested clarification on the motor program with Captain Hagar explaining that they had a lease agreement with Harley-Davidson for four motorcycles, but they decided not to continue due to the cost and safety issues. Councilmember Wood stated that in order to fund the IT position, it would need \$52,000. She added that she does not want to see a huge cut on the sign in bonus because it is important to make the PD competitive. She maintained that for her to support the 1% foregone, it should be focused on public safety. Mayor McEvers asked how the IT position for PD and Fire is going to fit with the IT unit under Municipal Services with Ms. McLeod replying that there is more need than the current IT staffing can service such as two IT Technicians managing 400 employees including PD and peripheral equipment, while the PD has two IT Technicians for 100 employees. Other departments would want to hire their own because the IT centralized system cannot service them because of growing needs with less resources. Councilmember Wood stated that part of the issue is the need to be specialized on a certain area like what the PD and Fire need during crisis situations, with Ms. McLeod clarify that the IT staff in her department are trained to cover PD needs for all the equipment. Councilmember Evans asked about the utilization of the sign-in bonus with Ms. Ebner responding that the actual in 2023 was \$20,000 and for six months in 2024 was \$10,000 which means that the \$80,000 line item is not being utilized.

Councilmember Miller inquired about the urban renewal funding that has not been received, and how it would influence the city’s deficit. Mr. Tymesen responded that district is closed of legislation. Councilmember asked if there are discussions about reorganization plans within departments. Ms. Ebner said that it would be helpful to look at the scale by department and the challenge is for the city to look at saving where it can.

**PUBLIC TESTIMONY:** Mayor McEvers opened the public testimony portion of the meeting.

Suzanne Knutson, Coeur d'Alene, stated that she is neutral, and she appreciates all the work done. She thanked the Pedestrian Bicycle Committee for the successful wheelchair event on August 16 and mentioned that it seemed funding for programs for persons with disabilities and senior citizens were overlooked in the budget. She asked for further support for senior citizens in the community as part of the budget.

Councilmember Wood asked for clarification that the city cannot fund a 501(c)(3) with the general fund that is why federal block grants are used. Mr. Tymesen stated that it is not done because there are a lot of nonprofits that would like to have that funding, so the city came up with community development block grants. Mr. Adams said that the law provides that public money must be used for predominantly public purpose and although a 501(c)(3) is providing public service, it is still a private entity, and there are a lot of them which would be difficult to be fair to give to every 501(c)(3).

With no other comments received, Mayor McEvers closed public testimony.

**MOTION:** Motion by Wood, seconded by English, to dispense with the rule and read **Council Bill No. 24-1012** once by title only.

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

**MOTION:** Motion by Wood, seconded by Gookin, to adopt **Council Bill 24-1012**, approving the annual appropriation for FY 2024-25 and the use of 1% foregone taxes for maintenance and operation in the amount of \$139,379,143.00.

**DISCUSSION:** Councilmember Gookin stated that normally he doesn't vote for increase in property taxes, but the legislature has set up to a point where cities across Idaho must take an increase in the budget to be used. Because of what the legislature does, he said that he can vote for an increase but not 4% because it is too high. He said that he also objects to giving Council their pay increase when they are taking 4% which is not appropriate, and it will be bad optics. Councilmember English suggested to take a look at the potential of the urban renewal district and Councilmember Gookin requested him to get the numbers in their next ignitecda meeting. Councilmember Evans stated that given the deficit in the budget, it is difficult to add another position. Councilmember Wood recognized the need to prioritize the IT position for Police and Fire in order to assure the citizens that they have the tools they need to respond to an emergency. Councilmember Miller asked if this additional position for Fire and Police would be of benefit to the city IT Department with Ms. McLeod explaining that it will not assist general staff because it will be focused on Fire and Police. Councilmember Miller explained that Police and Fire Departments are the two highest funded and there is a need to be fair. Councilmember Wood reminded that it was brought up by the Police Chief during the budget meetings that this is critical in their operations. She stressed that if they decide to take foregone it should be for public safety as a priority.

**ROLL CALL:** Evans Aye; Miller Aye; Gookin No; English Aye; Wood Aye. **Motion carried.**



**RESOLUTION NO. 24-072**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, CERTIFYING THE AMOUNT OF FOREGONE INCREASE TO BE BUDGETED FOR THE FISCAL YEAR 2024-2025, SPECIFICALLY TWO HUNDRED SEVENTY-FIVE THOUSAND EIGHT HUNDRED NINE AND NO/100 DOLLARS (\$275,809.00), PURSUANT TO IDAHO CODE 63-802(1)(e), FOR MAINTENANCE AND OPERATIONS.

**DISCUSSION:** Councilmember Gookin requested explanation on the proposed Resolution with Mr. Adams responding that this is a requirement of state statute. The Finance Department talked to the State Tax Commission and she was advised to do a Resolution if Council decides to use the 1% foregone.

**MOTION:** Motion by Gookin, seconded by Wood to approve **Resolution No. 24-072** – Certifying the amount of foregone increase to be budgeted for fiscal year 2024-2025, specifically in the amount of Two Hundred Seventy-Five Thousand Eight Hundred Nine and No/100 Dollars (\$275,809.00), pursuant to Idaho Code 63-802(1)(e), for maintenance and operations.

**ROLL CALL:** Miller Aye; Gookin No; English Aye; Wood Aye; Evans Aye. **Motion carried.**

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

The meeting adjourned at 10:14 p.m.

  
Woody McEvers, Mayor

Mayor Pro Tem

ATTEST:

  
Jo Anne Mateski  
Executive Assistant

COEUR D'ALENE CITY COUNCIL

FINDINGS AND ORDER

O-2-24

INTRODUCTION

This matter came before the City Council on September 3, 2024, to consider O-2-24, to consider the adoption of a new Article XVII in Chapter 17.05 of the Municipal Code, creating a new zoning district called the University District (U District), and a City Council-initiated zone change for specified properties located in and near the North Idaho College campus.

APPLICANT: City of Coeur d'Alene

LOCATION: Land located in and near the North Idaho College campus

A. FINDINGS OF FACT:

**The City Council finds that the following facts, A1 through A13, have been established on a more probable than not basis, based the record before it, and on the evidence and testimony presented at the public hearing. The Commission also finds that facts A1 through A6 are established through the staff report and presentation, and there is no dispute on these matters.**

**A1.** All public hearing notice requirements have been met for item O-2-24.

- One hundred twenty (120) notices of public hearing were mailed to all property owners of record within the District boundaries and within three hundred feet (300') of the subject property on August 16, 2024, which satisfies the legal requirements. Notice to NIC, as the owner of much of the property, was provided to its general business address, to the attention of President Swayne, and notices were sent to the Trustees.
- The notice of public hearing was published on August 17 and August 21, 2024, which satisfies the legal requirement for a Zoning Code amendment and an ordinance changing the zoning classification of specified properties.
- The notices of public hearing were posted on the property in four locations at vehicle entrances to the proposed District on August 19, 2024, which satisfies the applicable legal requirements.
- Notice was sent to all political subdivisions providing services within the planning jurisdiction, including school districts, at least fifteen (15) days prior to the public hearing scheduled before the Commission.

**A2.** Public testimony was received at a public hearing on September 3, 2024.

**A3.** Because this is a City Council-initiated rezoning, the procedures outlined in M.C. § 17.09.130 govern.

**A4.** Property within the proposed District boundary is owned by North Idaho College, along with ten privately-owned parcels.

- A5.** More specifically, the proposed U District would encompass all properties described below:
- A. All property north of the high water mark of Lake Coeur d'Alene and east of the high water mark of the Spokane River, which lies west of and includes N. Hubbard Street, except any public right-of-way, and south of W. River Avenue; and
  - B. All property north of W. River Avenue east of the high water mark of the Spokane River and west of, and including, the parcel bearing the legal description of North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-015), and south of the City of Coeur d'Alene property utilized for the Advanced Wastewater Treatment Plant; and
  - C. That parcel lying east of W. Hubbard Street bearing the legal description North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-012); and
  - D. That parcel lying east of W. Hubbard Avenue and north of W. River Avenue bearing the legal description of North Idaho College SUB, Lt. 1 Blk. 5 (Ptn in TCA 001-015) and parcels bearing the legal description of Fort Sherman Aband Mil Res. TAX#23504 IN LT 14 1450N04W and Fort Sherman Aband Mil Res. TAX#23200 IN LT 14 1450N04W; and
  - E. Parcels bearing the legal description of Taylors Park Addition, Block 1, Lots 1 through 16, and Block 2, Lots 1 through 16, Parcel 002-013-A along North Military Drive, and Parcels bearing the addresses 802 W. River Avenue and 415 N. Hubbard Avenue.
  - F. Any parcel within the District Boundaries that is privately-owned shall not be subject to the use restrictions or performance standards of this Ordinance, notwithstanding the Nonconforming Use Regulations of the Zoning Ordinance, until such time that it is purchased by North Idaho College or another public higher education institution, or the parcel is rezoned to U at the request of the owner.
  - G. This District shall overlay any approved Planned Unit Developments (PUD) in the District. To the extent not inconsistent with any applicable PUD approval, the standards of this Chapter shall apply to all property in the District.
- A6.** The existing zoning of the properties to be rezoned is R-12, R-17, C-17 and C-17L.
- A7.** The 2042 Comprehensive Plan (the "Plan") recognizes a higher education corridor that includes the North Idaho College campus. Under Part 2: About Coeur d'Alene, the Plan includes information concerning the Education Corridor Master Plan and the North Idaho College – North Campus Planned Unit Development (NIC PUD) as "Special Areas," and identifies the Shorelines, Coeur d'Alene Lake and Spokane River, the Floodplain, the Urban Forest, and Views and Vistas as areas of sensitivity to be addressed with development.
- A8.** The Plan Future Land Use Map designations for the properties are the **Civic Place Type** and **Planned Development Place Type**. The Place Types are described as the form of future development envisioned by the residents of Coeur d'Alene in the Comprehensive Plan. These Place Types, in turn, provide the policy level guidance that will inform the City's Development Ordinance. As noted under the Civic definition, schools and education facilities are considered Civic places. Under compatible zoning, it says "Not applicable. Civic Uses may be located in any Place Type." This allows for a new zoning district to be created, such as the proposed U District. The Planned Development Place Type is for areas with approved Planned Unit Developments, such as the one that exists for a portion of the North Idaho College campus.

- A9.** Staff identified Plan Goals and Objectives for particular consideration by the Planning and Zoning Commission. The Commission considered all of the Goals and Objectives to determine if the request is in conformance with the Plan and added in GD 1.6, GD 2, GD 2.2, and JE1 as additional Goals and Objectives that support the request. City Council confirmed that these goals and objectives support the Zoning Code amendment and Zone Changes.

## **Education & Learning**

### **Goal EL 3**

Provide an educational environment that provides open access to resources for all people.

#### **OBJECTIVE EL 3.2**

Provide abundant opportunities for and access to lifelong learning, fostering mastery of new skills, academic enrichment, mentoring programs, and personal growth.

#### **OBJECTIVE EL 3.3**

Support educators in developing and maintaining high standards to attract, recruit, and retain enthusiastic, talented, and caring teachers and staff.

### **Goal EL 4**

Support partnerships and collaborations focused on quality education and enhanced funding opportunities for school facilities and operations.

#### **OBJECTIVE EL 4.1**

Collaborate with the school district (SD 271) to help identify future locations for new or expanded school facilities and funding mechanisms as development occurs to meet Coeur d'Alene's growing population.

#### **OBJECTIVE EL 4.2**

Enhance partnerships among local higher education institutions and vocational schools, offering an expanded number of degrees and increased diversity in graduate level education options with combined campus, classroom, research, and scholarship resources that meet the changing needs of the region.

## **Community & Identity**

### **Goal CI 1**

Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

#### **OBJECTIVE CI 1.1**

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

## **Environment & Recreation**

### **Goal ER 1**

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

#### **OBJECTIVE ER 1.1**

Manage shoreline development to address stormwater management and improve water quality.

## **Growth & Development**

### **Goal GD 1**

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

#### **OBJECTIVE GD 1.5**

Recognize neighborhood and district identities.

#### **OBJECTIVE GD 1.6**

Revitalize existing and create new business districts to promote opportunities for jobs, services, and houses, and ensure maximum economic development potential throughout the community.

#### **OBJECTIVE GD 1.7**

Increase physical and visual access to the lakes and rivers.

### **Goal GD 2**

Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.

#### **OBJECTIVE GD 2.2**

Ensure that City and technology services meet the needs of the community.

### **Goal GD 4**

Protect the visual and historic qualities of Coeur d'Alene

#### **OBJECTIVE GD 4.1**

Encourage the protection of historic buildings and sites.

## **Jobs & Economy**

### **Goal JE 1**

Retain, grow, and attract businesses.

### **Goal JE 3**

Enhance the Startup Ecosystem

#### **OBJECTIVE JE 3.4**

Expand partnerships with North Idaho College, such as opportunities to use the community maker space and rapid prototyping (North Idaho College Venture Center and Gizmo) facilities.

- A10.** There is no significant financial impact or loss of property rights for North Idaho College and the partner institutions affected by this request. The proposed ordinance is in support of the mission of North Idaho College and the partner institutions and provides further guidance and clarity to the allowed uses, which is consistent with the adopted Education Corridor Master Plan and North Idaho College's adopted Planned Unit Development and is consistent with existing land uses within the campus.



- A11.** There is no significant financial impact or loss of private property rights for the ten privately-owned parcels within the U District boundaries because the ordinance provides them with assurance that they shall not be subject to the use or performance standards, notwithstanding the Nonconforming Use Regulations of the Zoning Code, until such time that the parcels are purchased by NIC or another public higher education institute, or at the request of the owner. These parcels may continue to be used as single-family homes and may be sold, remodeled, expanded, and reconstructed in the event of damage or destruction.
- A12.** It is in the best interest of the citizens of the City of Coeur d'Alene, and the present and future students of North Idaho College, that a University District be created, as exist in most if not all of the other cities in Idaho which are home to a public institution of higher learning, in order to preserve, protect, and enhance the educational environment of institutions of higher education in Coeur d'Alene.
- A13.** It is in the best interests of the citizens of the City of Coeur d'Alene, and the present and future students of North Idaho College, that property within the boundaries of the new University District, with identified exceptions, be rezoned to the U District in order to preserve, protect, and enhance the educational environment of institutions of higher education in Coeur d'Alene.

**B. CONCLUSIONS OF LAW:**

**Based on the foregoing Findings of Fact, the City Council makes the following Conclusions of Law.**

- B1. This proposal is in conformance with the Comprehensive Plan.
- B2. The proposed Zoning Code amendment and Zone Changes do comply with the required evaluation criteria.
- B3. This proposal will not have a demonstrable adverse impact on the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.
- B4. The proposed Zoning Code amendment is in the best interest of the City and its citizens.
- B5. The proposed Zone Change for the specified properties is in the best interest of the City and its citizens.

**C. DECISION**

- C1. Pursuant to the foregoing Findings of Fact and Conclusions of Law, the City Council adopts the Zoning Code amendment.
- C2. The City Council approves the zone change for the specified properties.

**Motion by Gookin, seconded by English, to approve O-2-24. Motion carried.**