

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

February 6, 2018

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room, February 6, 2018 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

**INVOCATION:** Pastor Stuart Bryan with Trinity Church gave the invocation.

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

**AMENDMENT:** Motion by Miller seconded by McEvers to add an Executive Session to the agenda, pursuant to Idaho Code 74-206 (c), to acquire an interest in real property, which is not owned by a public agency. This item was not brought to the City's attention until after the agenda was prepared.

**SKATE BOARD PARK UPDATE:** Skate Park Association Representative Nathan Baker noted that they have a fundraiser event on February 17, 2018, 6:00 p.m. at the Coeur d'Alene Resort. He expressed appreciation to the City Council, ignite CDA, and the Parks Department for supporting the skate park project.

**IGNITE CDA ANNUAL REPORT:** Executive Director Tony Berns presented the history of the redevelopment agency and presented their geographical areas throughout town. He noted that the Lake District sunsets in four (4) years and that the River District sunsets in ten (10) years. He also said that Commissioners Denny Davis and Justin Druffel retired from the Board this year. He provided updates on the following projects: The Four Corners Master Plan, Higher Education Campus Initiative, Downtown Parking Facility, Atlas Mill Site, Re-development initiatives, Performing Arts Center Feasibility Study, Seltice Way Revitalization, Urban Land Institute (ULI) and CDA Downtown Association. Highlights for the year included \$1.5 Million in funding toward Memorial Field, \$5.4 Million in funding toward the higher education campus and \$2.5 Million toward the NICE facility within the corridor, \$7.3 Million in funding toward the parking garage project, \$558,000 in funding committed toward an infill project at Mullan

Avenue and 8<sup>th</sup> Street, and \$4.5 Million in funding toward Seltice Way revitalization. Mr. Berns reviewed the process of the reimbursement agreements, clarifying that the increased property taxes are used to pay back the infrastructure enhancements. He noted that ignite will continue to seek opportunities for public space development and job retention/creation.

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

1. Approval of Council Minutes for the January 16, 2018 Council Meeting.
2. Approval of Bills as submitted and reviewed for accuracy by Finance Department
3. Setting of Public Works and General Services Committee meetings for February 12, 2018 at 12:00 noon and 4:00 p.m. respectively
4. Amendment to the Final Plat for Park Drive Addition
5. **Resolution No. 18-005** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE ACCEPTANCE OF IMPROVEMENTS AND SECURITY, AND APPROVAL OF THE AGREEMENT FOR MAINTENANCE/WARRANTY WORK FOR PRAIRIE TRAILS (S-6-16).

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

#### **PUBLIC COMMENTS:**

Jesse Warburton, also known as Brother Music, noted that he addressed the City last month regarding amending the city's code to allow busking. Last Saturday he was playing music in the downtown area and was confronted by an officer who informed him that he was breaking the law by using amplification. He noted that he previously performed in Sandpoint and had a following, due to the City of Sandpoint's support of performing arts. Mayor Widmyer noted that at the last meeting Mr. Warburton was informed that amplified music was not allowed downtown and clarified that Mr. Warburton made the conscious choice to use amplified music thereafter. Therefore, the Police Officer was doing his job. Additionally, the Mayor noted that he was informed that the Arts Commission was going to take on the busking issue. Deputy City Administrator Sam Taylor confirmed that busking is not prohibited; however, amplified sound without a permit is. He noted that the Arts Commission has a sub-committee working on the topic of busking and will be in contact with stakeholders to build something that fits Coeur d'Alene.

#### **COUNCIL ANNOUNCEMENTS:**

Councilmember Miller reminded the Council that tomorrow the Atlas Core Vision Group meeting will take place at 5:30 p.m. in the Library Community Room. She noted that there will be continued updates to the city website at [www.cdavid.org](http://www.cdavid.org).

Mayor Widmyer requested confirmation of the following appointments: Jamie Lynn Morgan to the Pedestrian & Bicycle Advisory Committee; Virginia Tate to the Parks and Recreation Commission; and Bob Hallock and Keith Jones to the Urban Forestry Committee.

**MOTION:** Motion by Edinger, seconded by McEvers to approve the appointment of Jamie Lynn Morgan to the Pedestrian & Bicycle Advisory Committee; Virginia Tate to the Parks and Recreation Commission; and Bob Hallock and Keith Jones to the Urban Forestry Committee.  
**Motion carried.**

### **RESOLUTION NO. 18-006**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO  
AUTHORIZING THE CONTRACT FOR PAINTING THE INDUSTRIAL STANDPIPE.

**STAFF REPORT:** Assistant Water Superintendent Kyle Marine explained that the Industrial Standpipe was originally constructed in 2000 to provide enhanced storage capabilities for the Upper Pressure Zone to accommodate the city's growth in the Northwestern corridor. The new standpipe provided capacity in case of pump failure and adequate reserve storage to provide sufficient fire flow to the Upper Pressure Zone. The tank stands at approximately 154' tall to the center of the domed lid, reportedly one of the tallest in the world. The Standpipe was painted a light blue to effectively blend in with the natural surroundings. Since the original construction, cellular providers have installed communications equipment on the standpipe. They have also removed some equipment requiring paint repairs. Due to this and the natural deterioration of the coating, it is time to recoat the exterior of the facility. A previous robotic interior inspection confirmed that the interior coating is in prime condition. He noted that the Water Department received four bids for the Industrial Standpipe Recoating Project. The low bidder was United Paint Idaho, LLC at \$91,160.00. The line item budget amount for this project was provided at \$150,000.00.

**DISCUSSION:** Councilmember McEvers asked about the longevity of the paint. Mr. Marine noted that when the damage and condition of the tank takes on rust it requires timely repair. Councilmember Miller asked if they had a plan to prevent future damage from contractors and vandalism. Mr. Marine explained that the facility is fenced by chain link with additional coverage of barbed wire. Vandals must climb 40' to reach the tower and they are considering installing cameras.

**MOTION:** Motion by McEvers, seconded by Edinger to approve **Resolution No. 18-006**, approving Bid Award and an Agreement with United Painting Idaho, LLC. for the Industrial Standpipe Recoating Project.

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

### **RESOLUTION NO. 18-007**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO,  
AUTHORIZING AN AGREEMENT WITH NORTH IDAHO COLLEGE CONCERNING  
CERTAIN PROPERTY LEASED BY THE CITY FROM THE BUREAU OF LAND  
MANAGEMENT, INCLUDING CONTRIBUTIONS FOR IMPROVEMENTS TO THE

LEASED PROPERTY AND FOR MEMORIAL FIELD, IN ACCORDANCE WITH THE FOUR CORNERS-BLM CORRIDOR MASTER PLAN.

**STAFF REPORT:** City Attorney Mike Gridley explained that the City and North Idaho College (NIC) have negotiated a proposed Agreement whereby NIC will contribute \$150,000 towards the renovation of Memorial Field and \$228,000 towards the demolition of the blue warehouse building and the construction of the Four Corners-Bureau of Land Management (BLM) Corridor Master Plan improvements between River Avenue and Hubbard Avenue. NIC has used Memorial Field for its softball program for many years and will continue to do so in the future. The City welcomes this continued use by NIC and the financial contribution it is making for the renovation of Memorial Field. The land between River Avenue and Hubbard Avenue that the City is leasing from BLM is adjacent to land owned by NIC. NIC is willing to contribute money to construct the trail and landscaping improvements as set out in the Four Corners-BLM Corridor Master Plan, as well as for the demolition of the blue warehouse building. The City is agreeing to work with NIC, and BLM and Congress to allow NIC to use the property as long as the use is consistent with the BLM Lease and the Recreation and Public Purposes Act. This would include waiving setback requirements if need be. He noted that the contributions from NIC will help fund the renovation to Memorial Field and will also pay for the public improvements between River Avenue and Hubbard Avenue. This will substantially minimize the City's financial burden for the renovation and improvements.

**DISCUSSION:** Mayor Widmyer asked about the rules set forth in the BLM Lease regarding the master plan, which says it must be used for outdoor recreational use. Mr. Gridley confirmed the restriction would remain on the property unless Congress deems otherwise, or the City pays fair market value of the land to the federal government. Councilmember Gookin asked if the land were to be conveyed back to the City could Congress or the City limit the restrictions. Mr. Gridley explain that in his recent discussions with federal government representatives, it was noted that Congress would be cautious about giving the land without a specific purpose not related to recreation. He clarified that the Council could place restrictions on the property if the property were transfered from the Federal government. Councilmember Gookin asked if the wording in the Agreement would currently transfer the property to NIC. Mr. Gridley noted that the City does not have the authority to convey the property and that he understands that the college wants to continue to have the land as a buffer. Councilmember Evans asked for confirmation that the trail will remain protected. Mr. Gridley confirmed the trail would remain and would be protected. Councilmember McEvers asked if the City would continue to maintain the property. Mr. Gridley confirmed that it is the Parks Department's intent to continue maintenance as it is a low impact parcel. Councilmember Evans asked if the land has been appraised. Mr. Gridley explained that the only value to the land is as open space due to restrictions. Councilmember English felt that the terms make sense to each party and the bonus is that improvements to the area can continue.

**MOTION:** Motion by Edinger, seconded by English to approve **Resolution No. 18-007**, approving an Agreement with North Idaho College for Memorial Field and the Four Corners BLM Master Plan.

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

### **RESOLUTION NO. 18-008**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN IDAHO TRANSPORTATION DEPARTMENT LOCAL PROFESSIONAL SERVICES AGREEMENT WITH J-U-B ENGINEERS, INC., FOR CONSTRUCTION ENGINEERING, INSPECTION, AND SAMPLING (CEI&S) SERVICES FOR THE GOVERNMENT WAY CONSTRUCTION PROJECT FROM HANLEY AVENUE TO PRAIRIE AVENUE.

**STAFF REPORT:** City Engineer Chris Bosley noted that the contract for reconstruction of Government Way, Hanley Ave to Prairie Ave has been awarded to Apollo, Inc. as part of a Federal Aid project, which began in 2011. Reconstruction is scheduled to begin April 2, 2018. A construction engineering, inspection, and sampling (CE&I) firm is required to manage and inspect the construction. J-U-B Engineers was selected through the Request for Proposals (RFP) process, administered by the Local Highway Technical Assistance Council (LHTAC). He explained that the estimated match amount for construction, including CE&I services, has already been paid to the State, and this agreement is a formality of the previously agreed-upon project.

**DISCUSSION:** Councilmember McEvers asked if JUB also conducted the design work. Mr. Bosley noted that Welch Comer did the design work.

**MOTION:** Motion by McEvers, seconded by Gookin to approve **Resolution No. 18-008**, approving an Agreement with JUB Engineers, Inc. for construction engineering and inspection services during the Government Way – Hanley Avenue to Prairie Avenue Project.

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

### **AUTHORIZATION FOR GRANT SUBMITTAL TO THE IDAHO OFFICE OF HIGHWAY SAFETY FOR TRAFFIC/DUI ENFORCEMENT OFFICER FUNDING**

**STAFF REPORT:** Police Chief Lee White explained that in 2017, Patrol responded to 678 calls for service related to DUI offenses, and arrested 388 people for DUI. The average blood alcohol content of those arrested was .178, which is over double the legal limit. Of those 388 arrests, 22.17 % of those individuals arrested, (86 people) refused to cooperate with evidentiary testing, and an additional 21.65% (84 people) had a blood alcohol content of .20, which is two and a half times the legal limit. Officers also responded to 66 motor vehicle crashes in which alcohol was a factor. The application process for the Highway Safety Grant that the City successfully applied for and received in 2015 is opening again and the City is eligible to apply. The grant is a 3 year grant and, if awarded, would provide for a portion of the officer's salary and benefits; 75% the first year, 50% the second year, and 25% the third and final year. However, if awarded, the grant must be reapplied for, for years 2 and 3. He noted that the

projected monetary figure is based on the cost to purchase and equip a traffic enforcement vehicle and the average salary and benefits of an eligible veteran officer, and that amount is ninety one thousand, nine hundred and sixty-six dollars (\$91,966) annually. In the first year the monetary commitment of the Idaho Office of Highway Safety would consist of 75% of the officer's salary and benefits, totaling sixty eight thousand, nine hundred seventy-four dollars (\$68,974). The City's contribution would be 25% of the officer's salary and benefits, totaling twenty two thousand, nine hundred ninety-two dollars (\$22,992). A patrol vehicle would also need to be acquired for this purpose. The cost of a fully outfitted patrol vehicle is sixty eight thousand, one hundred seventy-one dollars (\$68,171). In year 2 the commitment of the Idaho Office of Highway Safety and the City of Coeur d'Alene would consist of 50% of the officer's salary and benefits, totaling forty five thousand, nine hundred eighty-three dollars (\$45,983). In year 3 the Idaho Office of Highway Safety would consist of 25% of the officer's salary and benefits, totaling twenty two thousand, nine hundred ninety-two dollars, (\$22,992) with the city's commitment being 75% of the officer's salary and benefits, totaling sixty eight thousand, nine hundred seventy-four dollars (\$68,974). It is anticipated that the Police Department could absorb the vehicle and first year costs during this budget year without a budget amendment. Costs for subsequent years would be part of the regular budget process.

**DISCUSSION:** Councilmember Miller asked if this will be a position that they recruit for and what would be the anticipated start date. Chief White noted that they would like an October 1 start date so they could plan to transfer someone and backfill that position with a new hire. Councilmember Miller asked if this position would deal with other substances in addition to alcohol. Chief White confirmed that they anticipate the officer would go through specific drug recognition training. Councilmember Edinger asked how the department would absorb the costs. Chief White explained that the additional money will come from officer vacancies and other vacancies within the department.

**MOTION:** Motion by English, seconded by Evans to authorize a Grant Submittal to the Idaho Office of Highway Safety for Traffic/DUI Enforcement Officer funding. **Motion carried**

**A-3-17 – ANNEXATION OF +/- 4.63 ACRES FROM COUNTY AGRICULTURE TO CITY C-17, FOR A PARCEL COMMONLY KNOWN AS 7845 N. RAMSEY ROAD PURSUANT TO COUNCIL ACTION ON NOVEMBER 21, 2017.**

#### **RESOLUTION NO. 18-009**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN ANNEXATION AGREEMENT WITH JESSICA MINKLER AS PERSONAL REPRESENTATIVE FOR THE ESTATE OF MARVIN PAUL KEOUGH, FOR PROPERTY LOCATED AT, AND COMMONLY KNOWN AS, 7845 N. RAMSEY ROAD.

**MOTION:** Motion by Gookin, seconded by English to approve **Resolution No. 18-009**, approving an Annexation Agreement with the Estate of Marvin Paul Keough of +/- 4.63 acres from County Agriculture to City C-17, for a parcel commonly known as 7845 N. Ramsey Road.

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

**COUNCIL BILL NO. 18-1000**

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 27, TOWNSHIP 51, NORTH, RANGE 4W, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

**MOTION:** Motion by Gookin, seconded by McEvers, to dispense with the rule and read **Council Bill No. 18-1000** once by title only.

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

**MOTION:** Motion by Gookin, seconded by McEvers, to adopt **Council Bill 18-1000**.

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

**PUBLIC HEARING: V-18-1 - VACATION OF A PORTION OF LEE COURT RIGHT-OF-WAY ADJOINING THE SOUTHERLY BOUNDARY OF THE ADJUSTED LOT 4, BLOCK 2, MOEN SUBDIVISION**

**STAFF REPORT:** Engineering Project Manager Dennis Grant noted that the requested right-of-way was relinquished to the City of Coeur d'Alene through an agreement with the Idaho Transportation Department effective on December 30, 2004. The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 0.396 Acres (17,263 Square Feet) to the County tax roll. Although a minor amount, it would be a benefit to the municipality as tax revenue, and, to the landowner whose lot adjoins the strip of usable property. The purpose of this request is to realign the excess right-of-way to match the existing public improvements. All utilities are existing and in place, and there is no foreseeable use for this additional right-of-way. Therefore, the vacation of this portion of right-of-way adjoining this parcel would not impact the City and would be a benefit to the property owner. Mr. Grant noted that he sent 9 notifications to area property owners and received no responses.

**COUNCIL BILL NO. 18-1001**

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, VACATING A PORTION OF THE LEE COURT RIGHT-OF-WAY, GENERALLY DESCRIBED AS A PARCEL OF LAND ADJOINING THE SOUTHERLY BOUNDARY OF

THE ADJUSTED LOT 4, BLOCK TWO OF THE MOEN SUBDIVISION TO THE CITY OF COEUR D'ALENE PLAT, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

**DISCUSSION:** Councilmember McEvers noted that it looks like a large piece of land and wondered if it is original right-of-way for I-90. Mr. Grant confirmed that it was the original off-ramp and then ITD rebuilt the intersection and made a cul-de-sac out of the land. Mayor Widmyer noted that someone called him concerned that the land used to be a garbage dump site and wondered if the City needed a hold harmless agreement. Mr. Grant noted that the dump site is adjacent to this area and the current owner may use the land as a parking area if need be, based on testing. Mike Gridley explained that when the City vacates property there is no ability to condition it and the City would only have liability if the City built there.

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

**MOTION:** Motion by McEvers, seconded by Edinger, to dispense with the rule and read Council Bill No. 18-1001 once by title only.

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

**MOTION:** Motion by McEvers, seconded by Evans, to adopt **Council Bill 18-1001**.

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

**EXECUTIVE SESSION:** Motion by Miller, seconded by McEvers to enter into Executive Session pursuant to Idaho Code 74-206A (c) to acquire an interest in real property which is not owned by a public agency. **Motion carried.**

The City Council entered into Executive Session at 7:18 p.m. Those present were the Mayor, City Council, City Administrator, Deputy City Administrator, and City Attorney. Council returned to regular session at 7:57 p.m.

**MOTION:** Motion by Gookin, seconded by Edinger, to authorize staff to proceed with negotiations for acquisition of real property. **Motion carried**

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



The meeting adjourned at 7:58 p.m.

ATTEST:

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Steve Widmyer, Mayor

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Renata McLeod, CMC, City Clerk

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