

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

April 17, 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, April 17, 2018 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

**INVOCATION:** Pastor Kurt Wandrey with Peace Lutheran Church gave the invocation.

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

**PROCLAMATION OF ARBOR DAY - APRIL 17, 2018:** Mayor Widmyer proclaimed April 17, 2018 as Arbor Day. Urban Forester Katie Kosanke accepted the proclamation and noted that the Arbor Day celebration will take place on Friday, April 27, 2018 at noon. It will start with a ceremony, followed by a tree planting and lunch. The event will take place on North Idaho College grounds (College Drive and River Avenue), since we are having a combined Arbor Day program with NIC. The City has been working with college staff to achieve their Tree Campus USA accreditation, only the second in the state of Idaho. This program is similar to the Tree City USA Program and requires meeting annual standards, which creates a more sustainable campus environment and instills pride in the students, faculty and community. The City will receive the Tree City USA award for the 34th consecutive year at the April 27 event. On April 26, 10:30 a.m. the Urban Forestry Committee will be hosting a children's program in the Library. The winner of sticker and button art contest was Lauren Knobich from Coeur d'Alene High School.

**ATLAS WATERFRONT PROJECT UPDATE:** Phil Boyd, President of Welch/Comer noted that through the various community input events the shaping of the Atlas waterfront site has begun. They have provided information regarding the need to balance the site between public space and development n adoptions for roads, public space size and character and shoreline restoration. He presented a drawing of the spaces and densities discussed. He noted that funding options for the public portion of the project includes G.O. bonds and City and ignite cda funds. He explained the relationship of density to public space. At the last public input meeting, citizens were asked to mark, via dots, their most preferred, moderately preferred, or least

preferred options regarding planning the space. He summarized the results of the public input by noting the following: the road network preferred was a meandering roadway with a grid; the size of public space preferred considering the funding tradeoffs which ended up being the most amount of public space possible; the type of character space preferred was option two which is more developed than just trails but not as developed as boat docks; the riverbank stabilization preferred was that to include a retaining wall for high banks, steps for medium height banks and beach areas for low riverbank areas. The next public meeting will be held April 25, 5:30 p.m. in the Library Community Room. The meeting will be an open house style event with question and answer opportunities. Thereafter, there will be a joint meeting between the City Council and ignite cda on April 26, 2018 at 5:00 p.m. in the North Idaho College Lake Coeur d'Alene Room. Councilmember Miller reminded the public that the results of the presentation are on the city website [www.cdaid.org/atlaswaterfront](http://www.cdaid.org/atlaswaterfront). Councilmember McEvers asked about the process of making a final design decision. Mr. Boyd explained that the Council would have a hard decision to make based on funding mechanisms available and public input. Councilmember Miller noted that the core vision group consisted of representative from many community organizations, so the information went out to their organizations and continued to spread to thousands of people. She also noted that the consultants hired by ignite cda are professionals that will provide good data to aid in Council's future decisions.

**EAST SHERMAN MASTER PLAN UPDATE:** Hilary Anderson, Community Planning Director introduced consultant Alex Joyce and Matt Farrar, Community Builders Project Manager. Mr. Farrar noted that the East Sherman Annual Design Studio Event will take place on Wednesday, April 18 at 5:30 p.m. at the Coeur d'Alene Visitor Center/Chamber of Commerce Building located at 105 N. 1<sup>st</sup> Street. The event will include design drawings and seeking of input on the design that can be added into the plan. He explained that community builders is a nonprofit organization that helps train and capacity build, provides technical assistance and conducts research and analysis and communication and outreach for economic development projects like East Sherman. He explained that the project purpose is to create a shared community vision for East Sherman Avenue that will guide long-term decision-making. Additionally, they will assist with the creation of an action-oriented master plan for the physical and economic development of East Sherman Avenue. Councilmember McEvers asked about the difference between the downtown Sherman Avenue project and what type of enhancements would be done in the East Sherman Area. Mr. Farrar felt that public private partnerships should be an incentive to the business and pedestrians and bicyclists. Also, to understand what type of development people want to see there such as mix used, number of stories, etc.

**CONSENT CALENDAR: Motion** by McEvers, seconded by English, to approve the consent calendar, with an amendment to the General Services Meeting Minutes of April 9, 2018 to reflect Councilmember Gookin's No vote regarding the smoke free zone.

1. Approval of Council Minutes for the April 3, 2018 Council Meeting.
2. Approval of Bills as Submitted.
3. Approval of the General Service Committee Meeting Minutes from the meeting held on April 9, 2018.
4. Approval of the Financial Report.
5. Setting of General Services and Public Works Committees meetings for April 23, 2018 at 12:00 noon and 4:00 p.m. respectively.

6. Approval of outdoor seating for the NYC Piano Bar, 313 E. Sherman Avenue
7. Approval of a Beer and Wine License for the NYC Piano Bar, 313 E. Sherman Avenue (New), Daniel and Nika Schnatter
8. Approval of a Beer and Wine License transfer from Cenex Zip Trip to Par Hawaii, Inc., 1427 E. Best Avenue , Jim R. Yates, Eric Wright, and William Monteleone
9. Approval of a Beer and Wine License transfer from Gus's Cigar Pub to Wicked Buffalo Bar, 1903 E. Sherman Avenue , Craig Curlett
10. Approval of a Beer and Wine License to 10/6 at 1118 N. 2nd Street; Jill Davis, Justin Davis and Taylor Taylor (new)
11. **Resolution No. 18- 025-** approving Final Plat, Subdivision Improvement Agreement, and Security for Tilford Place (S-4-17).

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

**PUBLIC COMMENTS:**

Nick Swope, Coeur d'Alene, said he represents the Panhandle Health District, and was expressing support of the smoke free zone code amendment. He reiterated that smoking is bad for your health and is the number one preventable cause of death in Idaho. He appreciates the benefit of allowing citizens to avoid second hand smoke and e-cigarettes. Mr. Swope noted that Panhandle Health District has funds available for signage and technical assistance regarding policies and procedures and is willing to assist staff in moving forward.

Karen Ashenbrenner, Coeur d'Alene, with Idaho Drug Free Youth, expressed support of the smoke free zone and noted that cigarette butts left behind are toxic to children, as well as the second hand smoke dangers to youth. She noted that smoking is modeling behavior to our youth in our parks and now E-cigarettes are a problem in the High Schools.

**COUNCILMEMBER ANNOUNCEMENTS:**

Councilmember English notice that the City has installed a trail system between the Library and City Hall building.

**RESOLUTION NO. 18-023**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN AGREEMENT WITH POWER CITY ELECTRIC, INC., FOR THE COLLECTION SYSTEM RADIO/TELEMETRY UPGRADE.

**STAFF REPORT:** Wastewater Capital Program Manager James Remitz explained that the sewage collection system consists of approximately 220 miles of buried sewer main piping, 3,500 manholes, and 11 sewage lift (pump) stations that convey customer sewage to the City. In order to efficiently operate this system, radio telemetry equipment has been installed at each of the eleven (11) lift stations. This equipment enables City staff to monitor the operation of each lift station and respond quickly to operational alarms, thereby reducing the potential for sewage

back-ups. This project will upgrade the radio telemetry equipment at each lift station by replacing outdated and malfunctioning equipment with new equipment. A bids opening was held on March 1 and no bids were received. He noted that funds for this project have been budgeted in the approved FY 17-18 Wastewater Operating Fund. Power City Electric, Inc., is qualified and capable of performing the work required in this contract. The Wastewater Department has had experience working with Power City Electric, Inc., and has been very pleased with the quality and timeliness of work performed by Power City Electric, Inc.

**DISCUSSION:** Councilmember McEvers asked if this was an old and antiquated system, with the use of radios. Mr. Remitz confirmed that it is a radio network with a set radio frequency, but the changeover to cable would be very costly. Councilmember Miller asked if the system requires a specialize electrical license. Mr. Remitz explained that the electrical contractor will have a subcontractor to work on the radios and electronics. Councilmember Miller asked if this project needs to be done now or could it be rebid later to ensure competitive costs. Mr. Remits confirmed that the department does have a budget for the project and that it is a fair price.

**MOTION:** Motion by McEvers, seconded by Evans to approve **Resolution No. 18-023**, Approval of award and agreement with Power City Electric, Inc. for the Collections System Radio/Telemetry upgrade.

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

#### **COUNCIL BILL NO. 18-1006**

**AN ORDINANCE AMENDING SECTIONS 8.12.010, 8.12.020, 8.12.030, 8.12.040, 8.12.050, 8.12.090, AND 8.12.100 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING AMENDMENTS REGARDING FIREWORKS; 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:** Fire Inspector Craig Etherton noted that the proposed code changes bring the Fire stand operations into compliance with the current safety checklist and include a clear prohibition of sky lanterns. He clarified that the definition of sky lantern would not include any manned device such as a hot air balloon. The release of airborne flames often ends in forested areas. He noted that there is a low amount of fires related to fireworks within the city.

**DISCUSSION:** Councilmember Miller asked if the vendors have been notified of these changes. Mr. Etherton noted that the Municipal Services Department sent a copy of the draft code to all of last year's firework stand vendors and received no comments. Councilmember Gookin noted that he is supportive of the fire stand code amendments; however, believes that the Idaho code already defines the difference between a firework and a sky lantern. Additionally, the City already disallows sky lanterns so he is not sure another code is needed. Mr. Etherton noted that in the 2015 version of the Uniform Fire Code introduced sky lanterns and IDAPA

Rules have been created. The state code gives two options under the code; one is that they are not allowed, the other noting that the local fire department can issue a permit. This has been confusing to citizens and it is recommended by staff to adopt the city code to clarify that the city will not approve permits for the sky lanterns.

**MOTION:** Motion by Evans, seconded by Miller, to dispense with the rule and read **Council Bill No. 18-1006** once by title only.

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

**MOTION:** Motion by Evans, seconded by Miller, to adopt **Council Bill 18-1006**.

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

### **COUNCIL BILL NO. 18-1007**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING A NEW CHAPTER 4.35 ENTITLED SMOKE-FEE ZONE; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

**STAFF REPORT:** Library Director Bette Ammon explained that there has been an on-going concern about smoking within and around the entrance to the Library, around the kid's playground in McEuen Park and City Hall entrances. The Library Board of Trustees has expressed support for a ban of tobacco product, as has the Parks and Recreation Director, and City Hall Administration. She presented the campus area map that would be included in the ban.

**DISCUSSION:** Mayor Widmyer noted that the NIC campus is a smoke free zone. Councilmember Edinger agreed there should be a smoke free area around the Library but expressed concerns about enforcement and if the smoke free zone would eventually spread to other public areas. Ms. Ammon explained that the area being proposed is solely for the Library, City Hall, and the McEuen park playground area and that enforcement will be handled by law enforcement as needed. Captain Brainard noted that it would not be a big priority within their calls for service. However, during the summer months there are other resources (such as the ambassador volunteers) within the area that could approach someone to provide education regarding the ordinance. Councilmember Edinger reiterated that Panhandle Health expressed support and has some money to help implement the program. Mr. Swope confirmed that they would assist with signage and often partner with cities and parks to do such a thing quickly. Parks and Recreation Director Bill Greenwood noted that they already have signs within the play area that say "thank you for not smoking" due to proximately to children and that the flooring in that area is flammable. He noted that the proposal is a zone within McEuen Park not the entire park. Additionally, he noted that they had no smoking zones around the lifeguard stands when there were lifeguards on the city beach and in 2009 the National Parks Service banned smoking

in all their parks. Councilmember English expressed concerned about law enforcement resources being limited and does not believe the City should make a rule that they cannot enforce. He questioned if there were other ways to educate without criminalization. Additionally, Councilmember English expressed concern that we are just regulating one park and not all giving the appearance that this one takes precedent. Mr. Greenwood noted that he could look at all parks in the future. Councilmember Miller understood that the astro-turf had melted due to cigarettes being dropped and is supportive of the project. She noted that there is already code about no smoking so many feet away from entrance, and the signage would notify smokers that this is a nonsmoking campus and use of ambassadors would be great. She expressed concern that the sidewalk along Front Avenue and 8<sup>th</sup> Street are included in the smoke free zone and if someone is walking along the sidewalk and comes into the area, they would not know. Mr. Greenwood noted that when they ask people to stop smoking near the play equipment, they ask where the signage is, so he believes that signage is important. Ms. Ammon noted that they can stipulate that the boundary inside of the sidewalk boundary so the sidewalk is excluded. She also noted that signage with a law noted upon it gives them more authority. Councilmember Edinger noted that as ex-smoker of many years he supports the smoke free zone. Councilmember Evans thanked Ms. Ammon for bringing this forward and hopes to explore other public areas as smoke free zones in the future. Councilmember Gookin noted that he would oppose code, as smoking is legal, the surgeon general has been warning for 50 years not to smoke and it does not work. He believes it is inconveniencing their customers and they will not like it or obey the law. He expressed concern that enforcement will be problematic and does not want to see people arrested. Mr. Gridley noted that the state law prohibits smoking within 20 feet within an entrance.

**MOTION:** Motion by Edinger, seconded by Evans, to dispense with the rule and read **Council Bill No. 18-1007** once by title only.

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

**MOTION:** Motion by Edinger, seconded by Evans, to adopt **Council Bill 18-1007** with the exclusion of the sidewalk on 8<sup>th</sup> Street and Front Avenue, so the boundary excludes the sidewalk.

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

#### **RESOLUTION NO. 18-024**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT WITH ALLEN AND MARY DEE DODGE FOR A NEW ARTISTIC/FUNCTIONAL BIKE RACK FOR THE UPPER LEVEL OF THE COEUR D'ALENE PUBLIC LIBRARY.

**STAFF REPORT:** City Administrator Troy Tymesen explained that the Arts Commission issued a local Call to Artists for artistic/functional bike racks for the upper and lower level of the Coeur d'Alene Public Library. Four submissions were received, and after a thorough review by

the selection committee, the Arts Commission recommended the Dodge Artworks piece entitled “Fish & Game” for the bike rack to be located on the upper level of the library. The call to artists will be reissued for the lower level of the library. The agreement calls for the bike rack to be constructed and installed by August 1, 2018. The “Fish & Game” bike rack consists of six wildlife figures, each made of welded stainless steel, each sized 24” x 36” by approximately 2” thick. They will be flanged at the base to facilitate bolting into concrete. The figures would be placed approximately 30” apart to allow two bikes per piece. The total budget for both the upper and lower level bike racks is \$18,000. This agreement would be issued for the upper level bike racks only in the amount of \$9,000.00. Funding for the bike rack will come from the Arts Fund – Lake District URD.

**DISCUSSION:** Councilmember Gookin noted that this is fun art, but does not believe the bike rack will be used. Councilmember Evans explained that she participated in the selection committee and assured the Council that the committee had a lot of discussion regarding functionality and had several cyclists on the committee. Councilmember McEvers expressed concern about the cost but noted he will support the project. Mr. Tymesen noted that the current bike rack at the Library is used regularly.

**MOTION:** Motion by Evans, seconded by Miller to approve **Resolution No. 18-024**, Agreement with Allen and Mary Dee Dodge for a new artistic/functional bike rack for the upper level of the Coeur d’Alene Public Library.

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

**RECESS: Motion** by Gookin, seconded by Miller to recess to April 26, 2018 for a workshop with ignite CDA at 5:00 p.m. at the NIC Student Union Building, Lake Coeur d’Alene Room.  
**Motion carried.**

The meeting adjourned at 7:27 p.m.

ATTEST:

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Steve Widmyer, Mayor

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Renata McLeod, CMC, City Clerk