

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

OCTOBER 16, 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, October 16, 2018 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Dan English)	Members of Council Present
Woody McEvers)	
Kiki Miller)	
Loren Ron Edinger)	
Amy Evans)	Arrived at: 6:46 p.m.
Dan Gookin)	

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

INVOCATION: Pastor Mark McWhorter with the Church of the Nazarene provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the Pledge of Allegiance.

PRESENTATION: Mayor Widmyer proclaimed October 2018 as Safe Sleep Awareness Month. Liz Montgomery, Executive Director and the Inland Northwest SIDS/SUID Foundation Board of Directors accepted the proclamation. Ms. Montgomery said that they would honor the proclamation with the work they do in Coeur d'Alene and thanked the council for including the safe sleep class as part of the childcare licensure, and noted that Coeur d'Alene is the only city in the state to do so. She noted that over the past two years the SID's rates have been the lowest in the state. Mayor Widmyer thanked them for all the work they do.

PUBLIC COMMENTS:

Matt DeRyan noted that he grew up in Coeur d'Alene and in 2015, he become disabled and has been homeless for four years. He said that in 2017 he was able to get into St. Vincent de Paul transitional housing and that during his stay he found that the program was full of drug dealers, which lead to him being threatened and harassed. He took down license numbers and names, provided them to law enforcement, and fled the area. He clarified that he supports St. Vincent de Paul but the non-veterans program is full of drug dealers and he feels it is a public safety issue.

APPOINTMENTS: Mayor Widmyer asked for confirmation of the appointment of Michael Hoffman to the Pedestrian Bicycle Committee and the following Student Representatives: Isabel Bartosh to the Library Board; James "Jim" Kinnard to the Parks and Recreation Commission;

Ronan Malaghan to the Pedestrian Bicycle Committee; Joseph Morrison to the CDATV Committee; Isabelle Bradley to the Arts Commission; Jaiden Estep to the Childcare Commission.

MOTION: Motion by Gookin, seconded by English, to appoint Michael Hoffman to the Pedestrian Bicycle Committee and the following Student Representatives: Isabel Bartosh to the Library Board; James “Jim” Kinnard to the Parks and Recreation Commission; Ronan Malaghan to the Pedestrian Bicycle Committee; Joseph Morrison to the CDATV Committee; Isabelle Bradley to the Arts Commission; Jaiden Estep to the Childcare Commission. **Motion carried.**

CONSENT CALENDAR: Motion by McEvers, seconded by Miller, to approve the Consent Calendar.

1. Approval of Council Minutes for the October 2, 2018 Council Meeting.
2. Approval of Minutes for the October 8, 2018 Public Works Committee Meeting
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services and Public Works Committees meetings for October 22, 2018 at 12:00 noon and 4:00 p.m. respectively.
6. Approval of a cemetery lot transfer from Claudia Hawley to Sue (Brooks) Dippolito; Lot 1, Block 10A, Section K, Forest Cemetery.
7. Setting a public hearings for November 6, 2018
8. V-18-06; Vacation of Right-of-Way, Adjoining Lots 1-3, Block 1, Boothe Addition, City of Coeur d’Alene
9. V-18-08, Vacation of Right-of-Way, Seltice Way, adjoining a portion of Gov’t Lots 1 & 2 and the NE ¼ of Sec. 10, T. 50 N., R. 4 W. in the City of Coeur d’Alene
10. Setting a public hearings for November 20, 2018 – A-2-18 – Annexation of +/- 2.50 acre annexation located between 3655 E. Fernan Hill Road and 4151 E. Fernan Hill Rd., fronting the north side of N. Fernan Hill Road, being Tax Parcel #4952; zoning from County Agricultural Suburban to R-1 zoning district; applicant Dave and Yvonne Palmer
11. Approval of the Final Plat for SS-18-08, Pereira 4th Addition
12. **RESOLUTION NO. 18-056-** A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE AGREEMENTS AND AUTHORIZING THE OTHER ACTIONS OF THE CITY OF COEUR D’ALENE AS FOLLOWS: AN AGREEMENT FOR MAINTENANCE/WARRANTY, APPROVAL OF SECURITY, AND ACCEPTANCE OF IMPROVEMENTS FOR COEUR D’ALENE PLACE 29TH ADDITION; WAIVER OF COVERED LOAD RESTRICTIONS FOR THE ANNUAL CITY LEAF PICK UP PROGRAM; PERSONNEL RULE AMENDMENTS TO RULES II, III, IX, XIII, AND XIX; AND CHANGE ORDER #1 TO THE AGREEMENT WITH APOLLO, INC., FOR THE TERTIARY TREATMENT PHASE 2 IMPROVEMENTS.

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

REJECTION OF ALL BIDS FOR THE MEMORIAL FIELD GRANDSTAND PROJECT

STAFF REPORT: Parks and Recreation Director Bill Greenwood noted that the Memorial Field Grandstand project was advertised for bids on August 3rd and September 14th, with a bid opening held October 4th. Three bidders submitted the following bids: Ginno Construction: Base bid \$1,655,000, add alternates \$130,690 totaling \$1,785,690; CNI/LaRiviere: Base bid \$1,347,000, add alternates \$172,495 totaling \$1,519,495; and Walker Construction: Base bid \$1,341,000; add alternate \$63,700 totaling \$1,404,700. The engineer's estimate for the remodel was a base bid in the amount of \$1,195,737 and for the alternates an amount of \$273,763, for a total cost of \$1,469,499. Mr. Greenwood noted that the bid documents stated that the award would be made to the lowest responsive bidder on the base bid. All base bids substantially exceeded the engineer's estimate. It is believed that the Construction Manager/General Contractor (CMGC) model will result in significant savings on this project and, therefore, staff recommends that all of the bids should be rejected and the Construction Manager/general Contractor (CMGC) process should be implemented.

DISCUSSION: Councilmember McEvers noted that bids are often coming in high in this economy and wondered if the project could be delayed for a better bid time. Mr. Greenwood confirmed that the bid could be delayed if it is thought that bids might get better next year. He clarified that the field is ready for use; however, the grandstand is not, so they could put in a temporary bleacher on third base side and get creative for a dugout. Mayor Widmyer noted that NIC agreed to contribute \$150,000 and does not believe the bid environment will be lower next year and predicts that it might be higher. He would like to see the momentum to go forward with rejection tonight. Mr. Greenwood noted that they could move forward and finish the project shortly after the season. The Idaho Forest Group has offered to help with lumber donations, and with a Construction Manager/General Contractor, they could know that up front and there might be some electrical savings with value engineering. He will bring the plan back after the value engineering is done. Councilmember McEvers noted that it appears they may need to ask all three partners for an additional \$100,000. Mr. Greenwood clarified that they would know more about project costs after they hire the CMGC. Councilmember Miller asked for confirmation that the scope of work and contract for the CMGC would come back to the Council. Mr. Greenwood confirmed he would bring the project back.

MOTION: Motion by McEvers, seconded by Edinger, to reject all bids for the Memorial Field Grandstand Project and direct staff to move forward with the CMGC selection process.

Motion carried.

(LEGISLATIVE PUBLIC HEARING) A-2-17M: ZONING PRIOR TO ANNEXATION OF +/- 48 ACRES FROM COUNTY INDUSTRIAL TO CITY C-17 (COMMERCIAL AT 17 UNITS/ACRE) AND +/- 46 ACRES OF SPOKANE RIVER TO NW (NAVIGABLE WATER) LOCATED AT 3074 W. SELTICE WAY; APPLICANT: CITY OF COEUR D'ALENE

STAFF REPORT: Community Planning Director Hilary Anderson explained that the City of Coeur d'Alene is requesting annexation of +/- 48 acres from County Industrial to City C-17 (Commercial at 17 units/acre) zoning on the property commonly known as the Atlas Mill site

and annexation of +/- 46 acres of Spokane River along the shoreline with NW (Navigable Water) zoning. Additionally, the Council is also being asked to approve Council Bill 18-1024 in order to meet the necessary time frame for annexation. She noted that they posted the notice on the site and published the notice in the Coeur d'Alene Press as required by the city code. Ms. Anderson reviewed the history of the land, noting that the City purchased the land in May of 2018 and it is located in Kootenai County, but is surrounded by the city limits. The City also owns the former railroad right-of-way that runs through this property, which is already zoned C-17. The length of the shoreline to be annexed is approximately 3 miles long and extends out 75 feet into the Spokane River, which equates to approximately 48 acres. The portion of the Spokane River is necessary as part of this annexation request for shoreline stabilization efforts along the Atlas Waterfront property and property to the west, and to allow for police and fire response to the shoreline, potential future docks, and the navigable waterway within the city limits. Extending the city limits into the river along the shoreline will also create a contiguous city limits boundary, which is important for enforcement of city ordinances and emergency response. In order for ignite CDA, the City's Urban Renewal Agency, to participate in the project, the agency's designated boundaries must be expanded to include this property. That cannot happen until the property is annexed into the City of Coeur d'Alene. The Planning Commission heard the request for annexation on August 8, 2018 and again on September 11, 2018 as a modification to the original request because it also included the portion of the Spokane River. Both times, the commission voted unanimously to support the request with the C-17 zoning. At the September 11 meeting, the commission unanimously supported the NW zoning for the portion of the Spokane River as well. Ms. Anderson noted that there are four findings required for this annexation as follows: that the request is or is not in conformance with the Comprehensive Plan; that public facilities and utilities are or are not available and adequate for the proposed use; that the physical characteristics of the site do or do not make it an acceptable request at this time; and that the proposal would or would not adversely affect the surrounding neighborhood. Ms. Anderson presented the surrounding zoning and land uses and applicable Comprehensive Plan objectives and provided staff input regarding the finding categories. She noted several items included in the CDA 2030 action plan, as well as items suggested by the Planning Commission to be included in the Annexation agreement. She noted that a public comment was received asking that the annexation agreement include a statement that the shoreline would need to be forever owned by the public.

DISCUSSION: Councilmember McEvers asked for clarification as to where the NW zone begins and ends and what the benefit is of the annexation. Ms. Anderson explained that it runs from Mill River, along the shoreline, to just south of US 95 bridge. She noted that annexation and zoning will allow for enforcement of city codes, coordination with Police and Fire, and provide for the ability to do shoreline enhancements and potential docks. Councilmember Miller noted that 75 feet into the water boundary is different from the 1,000 feet from shoreline elsewhere. Ms. Anderson explained that the difference is that the 1,000-foot areas front the lake. This area is the river, and the distances are set by state code. Councilmember McEvers noted that the current zone is County Industrial and asked what could occur within that zone. Ms. Anderson noted that it would be more industrial uses like a mill site, landfill, or other uses similar to the industrial park off Atlas. Councilmember Gookin expressed concern regarding the PUD process, as it does not come to the Council for approval. Ms. Anderson noted that staff could bring it back to Council if so directed, as the normal process would stop with Planning Commission approval. Councilmember Gookin asked for

clarification regarding what an R-1 zone would allow for development and the PUD requirement. Ms. Anderson noted that R-1 means one residential unit per acre and it would not work for the partnership with ignite cda as it limits the density to the point it would not be a financially feasible project. Additionally, it would likely come back for a rezone at a future date for development to occur. Ms. Anderson explained that the PUD would not be within the annexation agreement but would be required prior to development. Councilmember Gookin asked what affect a PUD would have on the Shoreline Ordinance. Mr. Anderson noted that the PUD would allow for docks and boardwalk type items and would allow for other modification of shoreline requirements such as height, setbacks, etc. Councilmember Edinger asked when the traffic study would be complete. Ms. Anderson noted that the draft would be done in November and finalized in December.

PUBLIC TESTIMONY:

Chet Gaede, Coeur d'Alene, expressed that the purchase of this land has been a long journey and that he appreciates the City staying on course. He also noted that he would encourage the Council to accept the suggestions of the Planning Commission, especially the suggestion to keep the shoreline in the public hands. He believes that the C-17 zoning is needed for flexibility of development and he questioned the use of the waterfront for a marine rather than simple access and suggested the Council consider redefining the NW zoning.

REBUTTAL: Ms. Anderson noted that other landowners would still have to go through a PUD process to have docks. If the City were the owner, they would be the only one bringing a dock proposal forward. Councilmember Gookin asked if the City was going to pay an annexation fee to themselves. Ms. Anderson explained that the intent is to have developers pay the fee with future development, and this would be noted in the annexation agreement. Councilmember Miller asked for clarity regarding the riparian rights along the NW zoned parcels. Ms. Anderson explained that the Department of Lands would have jurisdiction over the riverbed and dock permits. City Attorney Mike Gridley noted that this is an unusual situation as the City is the property owner, so until property is sold the Council dictates everything that happens there, and even when sold they can include certain restrictions. Additionally, the Council has tremendous control, as the Annexation Agreement will be with itself.

Public testimony was closed.

MOTION: Motion by McEvers, seconded by Miller to approve **A-2-17m: Zoning** Prior to Annexation of +/- 48 acres from County Industrial to City C-17 (Commercial at 17 units/acre) and +/- 46 acres of Spokane River to NW (Navigable Water) located at 3074 W. Seltice Way; Applicant: City of Coeur d'Alene, to direct staff to negotiate an annexation agreement to include the 17 items listed as Planning Commission provisions to agreement, and to develop the necessary Findings and Order.

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

COUNCIL BILL NO. 18-1024

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 10, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, AND SPECIFICALLY DESCRIBED PORTIONS OF THE SPOKANE RIVER; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED AS C-17 AND NW; 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 McEvers, seconded by Miller, to dispense with the rule and read **Council Bill No. 18-1024** once by title only.

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

MOTION: Motion by McEvers, seconded by Miller, to adopt **Council Bill 18-1024**.

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

(LEGISLATIVE PUBLIC HEARING) CREATION OF FEES FOR THE COEUR D'ALENE AVENUE PARKING STRUCTURE

STAFF REPORT: City Administrator Troy Tymesen noted that the City is required to hold a public hearing for proposed fees in excess of five percent (5%) pursuant to Idaho Code 63-1311A. Since the Coeur d'Alene Avenue parking facility is a newly constructed facility, new fees must be set. The Parking Commission reviewed the proposed fees at its October 3, 2018 Meeting and recommend their approval. They are recommending 2-hours free to encourage use of the facility and continue to encourage turnover of spaces on street.

DISCUSSION: Councilmember McEvers asked if the Chamber would be leasing the garage for event parking. Mr. Tymesen confirmed that if the City wants to do that through a separate lease agreement. Councilmember McEvers asked if there were a limit to the number of months for the secured parking. Mr. Tymesen clarified there are no time limits as long as the monthly fee was paid. Councilmember Gookin asked if the secured parking was gated separately. Mr. Tymesen noted that the secured parking has a garage door and that the rest of the facility will be accessed through a gate coming in off Coeur d'Alene Avenue. He explained that the fees will go towards maintenance, benefit the parking fund, and would help to maintain parks. Councilmember Gookin asked what was the anticipated revenue. Mr. Tymesen noted that revenue is dependent on weather, but he is hoping for revenue between \$70,000 and \$90,000 a year based on the number of car parking spots as compared to McEuen parking. He also believes a parking pass will be popular with downtown employees. Councilmember Miller commended the Parking Commission for keeping the fees inexpensive for employees to park.

Mayor called for public comments, hearing none public testimony was closed.

RESOLUTION NO. 18-057

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ESTABLISHING FEES FOR THE COEUR D'ALENE PARKING STRUCTURE.

MOTION: Motion by English, seconded by Evans to approve **Resolution No. 18-057**, approving fees for the Coeur d'Alene Avenue Parking Facility.

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

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

The meeting adjourned at 7:16 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC, City Clerk