

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

May 19, 2020

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 May 19, 2020 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

INVOCATION: Pastor Mike Slothower with River of Life Friends provided the invocation.

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

AMENDMENTS TO THE AGENDA

Mayor Widmyer noted that Council Bill No. 20-1005- Approving Municipal Code Amendments to Title 17, Chapters 17.02, 17.03 and 17.44 related to Heavy Equipment Parking and Storage on Residential Properties has been removed from the agenda and will be brought forward at a later date.

MOTION: Motion by McEvers, seconded by Evans to amend the agenda to correct Other Business item No. 6. **Resolution No. 20-033** – Approving an amendment to the Community Development Block Grant (CDBG) Policy for the Emergency Minor Home Repair program (EMRAP) grants for up to Twenty-Thousand Dollars (\$20,000) for sewer lateral repair or conversion from a failed septic system with signature authority for the Community Planning Director and/or the Finance Director, as it was not titled correctly on the Amendment previously posted.

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

COVID 19 UPDATE – Firefighter Paramedic Scott Dietrich explained that he is currently serving as the infection control officer for the Fire Department. In that role he has been able to research, implement policy, and disseminate information regarding the COVID Virus. Since

May 14, 2020, Health District 1 (including Kootenai, Bonner, Boundary, Benewah, and Shoshone Counties) has had 68 cases and 0 deaths. In contrast Spokane County has had 394 cases with 30 deaths. His forecast is that we will see a decrease in cases this summer; however, there is a 75% chance of a second wave as has been experienced in history with the 1918 and 1957 pandemics. He stated that the COVID pandemic closely compares with the 1957 influenza, based on that comparison there could be 250,000 deaths in the United States. The local response to COVID included the establishment of the Multi-agency Coordination Group (MAC) and all Fire and EMS agencies within Kootenai County following the same guidelines, including the testing and isolating of first responders as needed. Mr. Dietrich noted that his next steps including meeting with Department Heads within the next couple weeks to get a better understanding of the effects that COVID-19 had on their departments and their personnel. Thereafter, he will draft a City-wide infectious disease plan that will include all City departments. This will include a review of areas where the City needs to take measures to better protect the employees, residents, and visitors from an infectious disease and will look at options to utilize funds available through the CARES Act and other reimbursement funds through FEMA to assist with the discovered deficiencies. Councilmember Gookin complimented Mr. Dietrich for the recently awarded EMS Provider of the Year designation. He questioned if there were known incidents of a second wave of the COVID virus. Mr. Dietrich confirmed that there have been cases but he didn't readily have the statistics. Mayor Widmyer asked if the City has received any funds and/or reimbursements from grants related to COVID yet. Mr. Dietrich said he did not believe the City had received any yet, but noted that the Governor will be distributing funds and he will work with Finance to ensure the City gets reimbursed. Mayor Widmyer thanked him for all the work he is doing.

FINANCIAL REVIEW: City Administrator Troy Tymesen noted that he is following up from the last Council meeting financial update with additional information regarding the expected revenue impacts from the COVID pandemic. The City is in the midst of budget planning and will demonstrate where the budget began and adjustments that occurred prior to the June 8, 2020 workshop. He does anticipate less revenue next year as unemployment can reach up to 25%. The total City budget is approximately \$97 Million, with \$44 Million of that coming from enterprise funds, the General Fund takes approximately \$44.5 Million and 9% are other fiduciary funds. Mr. Tymesen felt that property taxes will be solid. The challenge will be General Fund as 83% percent of the expenses are due to personnel costs. The City was frugal on capital purchases last year. He reviewed tax revenues, stating that it normally brings \$6 Million in revenues and the impact of what a 10-20% decline would be. He anticipates the 15% decline amount of \$787,266, with a \$1 Million decline year over year. Economist aren't sure what is going to happen, but the City has been excellent stewards of the funds and does have a fund balance to assist in balancing the financial plan for next year. Councilmember Miller asked if there would be more firm numbers by the June 8th Council workshop. Mr. Tymesen noted that he does not expect to have firm numbers by then. Councilmember Gookin asked if there is any funding coming from the Governor to assist. Mr. Tymesen noted that most of the funds will be to off-set expenses we have already incurred. Councilmember Wood asked if the City had ever delayed adopting the budget to get better numbers. Mr. Tymesen noted that the City has not, based on the Idaho Code timeline for the budget process; however, the City can do an amendment later. He expressed that the City's goal has been to show a balanced budget, so he would prefer not to do half-way adoptions. Mayor Widmyer concurred that the City can always

amend if there is underestimated revenue. Councilmember English noted that the state data is demonstrating that the liquor tax is expected to be up. Mayor Widmyer noted that AIC has tracked the liquor tax, and projections are on track to hit this year's budgeted number.

IDAHO OPEN MEETING LAW: City Attorney Mike Gridley noted that Council has had questions regarding the Idaho Open Meeting Law as regulated by Idaho State Code Title 74, Chapter 2. He explained that the law is intended to provide an open government for the citizens of the state in that deliberations and decisions need to be made in an open forum and not be held in secret. He noted that the public can participate in public meetings via Zoom during a time when the public isn't allowed in the room. He has had discussion regarding the law with various local attorneys and the Attorney General, who concur with his legal opinion of the open meeting law. He highlighted that a meeting could include a gathering of the Council that does not include a deliberation toward a decision, and/or receiving information used to make a decision, which would not include an open meeting requirement. He reviewed the constraints of the purpose of the meeting, no matter if there is a quorum or not, depending on the collection and sharing of data. There are some exceptions such as Executive Session, but the intent is to allow full access and notice to the public.

Councilmember English noted that the definitions provided in the presentation are very helpful and not within the Attorney General's office. Mr. Gridley noted that the definitions are all within IC 74-202 at the back of the A.G's manual. Councilmember Miller questioned the last paragraph that noted "if discussions of a general nature not related to a matter then pending," it would not violate the open meeting; however there are always on-going budget discussions, so an example of a planning public hearing seems more clear. If it's a matter then pending and deliberation can occur, it is not clear if they can meet without a quorum. Mr. Gridley explained that the budget is coming up, so if more than three members meet, then discussion could become a serial meeting. Councilmember Wood asked if three members could meet and listen to information if they don't discuss it amongst ourselves. Mr. Gridley confirmed that could happen if Council does not talk amongst themselves outside of a public meeting. Councilmember Miller said the risk is that a fourth councilmember is brought into the discussion and this causes the violation. Mr. Gridley explained that the concern is that three councilmembers meeting to talk about the upcoming budget runs the risk that if a fourth member is involved, someone could complain. This leads to the question of how far do you go in pushing the line. The foul would be the action would become null and void, there is risk and there is a personal civil penalty. Councilmember Wood noted that the information regarding case law provided to her regarding the open meeting has opened her eyes. Councilmember Gookin stated that he disagrees with the definition of deliberation as to receiving information and believes you need the quorum in order to deliberate. Councilmember Gookin noted that Council attends the annual AIC Conference and receives information. Mr. Gridley said that the AIC Conferences are more an educational process of items that may come for decision, which is different than having a pending decision. Councilmember Gookin asked for clarity on how to set a special call Council meeting. Mr. Gridley explained that was an administrative matter and can be done outside of a meeting. Discussion ensued regarding the grayness to the code. Mr. Gridley noted that a strict interpretation from the AG's office would be that Council cannot talk outside of meetings, but it gets back to the intent, so he would encourage talking to each other but don't collaborate on a lobbying of votes. Mr. Gridley clarified that coming to staff is always appropriate,

independently, as the law is intending to avoid the decision makers stacking up votes outside of the public meeting. The Mayor asked the City Clerk to explain the notice process for meetings. Ms. McLeod explained that there is a timeline issue for posting, which would be a minimum of 5 days if it is not a normally scheduled meeting. Mr. Gridley stated that he has never seen or worked with a Council that has purposely violated the open meeting law and noted that Council can always contact Randy Adams or himself with questions.

COUNCIL COMMENTS:

Councilmember Gookin noted that the outdoor eating waiver will be on the next Council meeting agenda. He noted the Council received a request regarding waiving or dismissing liquor license fees and hopes staff would bring that information forward. He noted that he gets lots of questions as to when the basketball hoops will be back up. Mayor Widmyer noted that they will go up with Stage 3, after May 30, due to social distancing requirements.

CONSENT CALENDAR:

1. Approval of Council Minutes for the May 5, 2020 Council Meeting.
2. Approval of Bills as Submitted.
3. Approval of Financial Report.
4. Setting of General Services/Public Works Committee meeting for Monday, May 25, 2020 at 12:00 noon.
5. **Resolution No. 20-030** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: A MASTER JOINT POWERS AGREEMENT WITH KCEMSS FOR THE PROVISION OF EMERGENCY AND NON-EMERGENCY MEDICAL SERVICES IN KOOTENAI COUNTY; UTILITY BOX ARTWORK AND LOCATIONS; FORM AGREEMENT FOR UTILITY BOX ARTWORK; AND AGREEMENT WITH TDS METROCOM, LLC, FOR UTILITY BOX ARTWORK.

MOTION: Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including **Resolution No. 20-030**.

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

COMMUNITY GRANT AWARD TO THE BOYS AND GIRLS CLUB IN THE AMOUNT OF \$10,000 OF CDBG-CV FUNDS.

STAFF REPORT: Hilary Anderson, Community Planning Director and Chelsea Nesbit, Community Development Specialist provided an update from the April 21, 2020 Council Meeting regarding the community grant requests received for the CDBG CV funds. Ms. Anderson noted that based on Council direction at the May 5th meeting, staff will be taking \$30,000 from the Administration category to put toward the Community Opportunity Grants to respond to COVID-19. That will increase the total amount of funds available to assist organizations impacted by COVID-19 that meet HUD eligibility to \$189,740. The CDBG-CV funds can only be used to prevent, prepare for, and respond to coronavirus, and shall prioritize

the unique needs of low- and moderate-income persons. HUD provided some initial guidance for the use of the funds including eligible activities. That list has been provided in the two previous staff reports and is posted on the CDBG webpage. It is also attached to the staff report for reference. In addition to the list of activities, the funds must be used to meet a National Objective: 1) benefit to low- and moderate-income (LMI) persons; 2) aid in the prevention or elimination of slums or blight; or 3) meet a need having a particular urgency (referred to as urgent need)). Funding requests must also fall under one of the eligible activities in the HUD matrix, which is based on federal regulations 570.201-570.207. There are also reporting requirements and proof of LMI benefit that must be achieved. She noted that there were 11 funding requests from community organizations for the CDBG-CV funds with a combined total funding request of \$230,470. Three requests were previously approved by the Council. One request was approved for funding through the CDA COVID -19 Relief funds, so it is no longer needing consideration. One request was for food bank supplies and equipment for a community garden, which needs to provide additional information. One request was for health services lab work and three regarding economic development, all of which the City is seeking additional HUD guidance on. There was one request for rental housing subsidies and they are seeking additional information on that request. In summary, out of 11 eligible requests, three were funded by the City, one by CDA COVID -19 Relief funds, one is being recommended tonight and 6 are awaiting additional information or need additional guidance from HUD before a funding recommendation can be made. With Council's blessing, staff would like to reach out to additional non-profit organizations that provide community-wide housing services to see if they have the ability to manage a community-wide rental housing assistance program for housing vouchers and utility payments. Staff will bring forward any additional funding recommendations for City Council approval prior to proceeding with agreements. All requests that are brought forward will be vetted for eligibility, duplication of benefits, ability to meet reporting requirements, and falling into the category requiring very little oversight and follow up to ensure that the program doesn't become too administratively burdensome, as once the CDBG-CV funds are spent, the City would not be able to afford to continue the 40-hour a week administration position with its normally allotted annual CDBG funds. This means that activities funded during this time should be able to be completed within a one-year period, including all required reporting. The total dollar amount of the four requests, if the Boys & Girls Club request is approved, would be \$49,686. This would include the approved amounts of \$12,000 to Family Promise of North Idaho, \$3,686 to Lake City Center, and \$24,000 to St. Vincent de Paul, and the requested \$10,000 to the Boys & Girls Club for food pantry and staffing. There would be \$140,054 remaining in the grant fund. Staff recommends funding the Boys & Girls Club in the amount of \$10,000 and waiting to fund the other requests until more information and guidance is available. Staff further recommends prioritizing rental housing subsidies (housing vouchers and utility assistance), and food (food banks and Meals on Wheels) in rating remaining requests. Staff also recommends holding back a portion of the funds to provide assistance during the fall and winter when community members may be impacted the most, in the amount of \$80,000. Staff proposes to open up the Community Opportunity Grants again in mid-October. However, funding could be made available sooner if new urgent needs arise in response to COVID-19. Reporting, monitoring and eligibility must meet the low-to-moderate income benefit and no additional funding sources available. Small requests and administratively burdensome are critical to consider in funding projects. All future requests will continue to come forward to Council.

DISCUSSION: Councilmember Miller said that she has been involved with Safe Passage and they normally have their breakfast fundraiser during this time; however, they will be doing virtual breakfast on May 26. The Director of that organization connected with Hilary and discussed use of the funds in the Fall. Councilmember McEvers noted that CDBG funds were used to fix a roof to the shelter a few years ago. Councilmember Gookin noted that the process began a while ago, with the first discussions in April and seems like there are a lot of federal strings and puzzling criteria and wondered about the prioritization. Ms. Anderson noted that some of the other requests are waiting for HUD direction. It is tricky as HUD is building the regulations after they released the funds. Councilmember Gookin asked if holding back \$80,000 will impact others in the queue. Ms. Anderson said she did not think so as there is \$145,000 remaining, which should be plenty of funding. Councilmember Wood asked if there was a certain timeframe between now and when you would want to spend the rest of the funds. Ms. Anderson noted that there is no specific timeframe, only waiting for guidance from HUD and if additional needs arise before mid-October that are urgent, they can recommend opening up additional grant requests earlier. Mayor Widmyer asked if HUD prioritized any of the items. Ms. Anderson confirmed they did prioritize housing, homeless services and food, which all tend to be the easiest reporting requirements.

MOTION: Motion by English, seconded by Miller to approve a approve a Community Grant Award to The Boys and Girls Club in the amount of \$10,000 of CDBG- CV funds. **Motion Carried.**

RESOLUTION NO. 20-033

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) EMERGENCY MINOR HOME REPAIR AND ACCESSIBILITY PROGRAM (EMRAP) GRANTS FOR UP TO TWENTY-THOUSAND DOLLARS (\$20,000) FOR SEWER LATERAL REPAIR OR CONVERSION FROM A FAILED SEPTIC SYSTEM, WITH SIGNATURE AUTHORITY FOR THE COMMUNITY PLANNING DIRECTOR AND FINANCE DIRECTOR.

STAFF REPORT: Hilary Anderson, Community Planning Director and Chelsea Nesbit, Community Development Specialist noted that the City became a HUD CDBG entitlement community beginning in 2008. Funding has fluctuated between \$280,000 and \$340,000. Throughout each funding cycle, different types of projects have been assisted through the use of CDBG funding. Some projects are quickly funded, spent, and accomplishment data is collected, while other projects will be spread over several years. On July 1, 2008, authority was provided to Troy Tymesen to sign Emergency Minor Home Repair (EMRAP) Agreements in an amount up to \$3,000. At the City Council meeting held on April 7, 2009, the emergency minor home repair program was amended to provide grants up to \$6,000. While the \$6,000 grants are normally sufficient for most of the Emergency Minor Home Repair applications received, when a home requires a private sewer lateral repair or conversion from a failed septic system to a City sewer hookup, including clean up and sealing the septic system, the estimated costs are significantly higher. They can range between \$13,000 and \$20,000, depending on the scope of work required. The City Code requires home owners to replace private sewer laterals (see

Section 13.12.037 below). This can be a big financial burden for our low-and moderate-income (LMI) community members. The City's Wastewater Department also notified property owners that are not yet connected to sewer that they are required to connect to City sewer within one year of being informed. By providing this additional grant amount for sewer connections, the EMRAP program could benefit more LMI community members. The same requirements for income verification would apply to the sewer lateral program under EMRAP. Approving this authority to grant up to \$20,000 for sewer hookups under the CDBG EMRAP program will allow staff to effectively and efficiently manage the CDBG funds allocated to the City. Currently there is a \$96,000 balance in the EMRAP program.

DISCUSSION: Mayor Widmyer clarified this action is to expand the signature authority up to \$20,000, but questioned if they intend to bring the items back to Council. Ms. Anderson clarified that they are seeking authority to sign the agreements without coming back to Council. Councilmember McEvers questioned why the letters were sent to comment within 365 days. Ms. Anderson noted that was a Wastewater program and she is not sure of their process. Councilmember McEvers asked if the program would cover the CAP fees, and clarified it is just for low income homeowners. Ms. Anderson noted that it is not intended to cover the CAP fee, and would be for those that would qualify as low income under the program guidelines. Mr. Tymesen noted that the City entered into an agreement with Panhandle Health that states the citizens within the City have to convert to sewer, if available. He noted that some homeowners have paid the fees but never connected. Councilmember Gookin noted that this was news to him, and requested wastewater provide a presentation on this at the next Council meeting. Ms. Anderson noted that if the septic system failed and they were low income they could qualify under the program. Councilmember Miller clarified that the EMRAP program is an on-going program, and this action would give authority to raise the amount to invest in these projects. Ms. Anderson confirmed that was correct, this has been on-going and there is a finite number of these types of projects and are a first come, first served basis annually.

MOTION: Motion by Gookin, seconded by Wood to approve **Resolution No. 20-033** - Approving an amendment to the Community Development Block Grant (CDBG) Policy for the Emergency Minor Home Repair program (EMRAP) grants for up to Twenty-Thousand Dollars (\$20,000) for sewer lateral repair or conversion from a failed septic system with signature authority for the Community Planning Director and/or the Finance Director, with Council follow up that it was awarded.

DISCUSSION: Councilmember English noted that this is an ongoing program and felt it should not have to come back to Council. Councilmember Gookin felt it was an unusual request and increases the budget substantially, so he believes it should be more transparent. Councilmember Wood asked if he was looking for an after-the-fact notice from staff so Council is aware or to have Council approve it. Councilmember Gookin noted that he wants to get the information afterward, not approve the contract. Ms. Anderson clarified that this does not increase the EMRAP budget. it just allows more to be spent on these types of projects.

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

COUNCIL BILL NO. 20-1006

AN ORDINANCE AMENDING SECTIONS 2.98.020 AND 2.98.050 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO CLARIFY THE PROCESS FOR APPOINTING AND REMOVING MEMBERS OF THE DESIGN REVIEW COMMISSION, ELIMINATING ALTERNATE MEMBERS, AMENDING THE COMPOSITION OF THE COMMISSION, AND DELETING CERTAIN PROCEDURES; REPEALING CHAPTER 17.09, ARTICLE IV, MUNICIPAL CODE, ENTITLED "DESIGN REVIEW PROCEDURES;" ADDING A NEW CHAPTER 17.09, ARTICLE IV, MUNICIPAL CODE, ENTITLED "DESIGN REVIEW PROCEDURES," ESTABLISHING PROCEDURES FOR THE DESIGN REVIEW COMMISSION; 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: Associate Planner Tami Stroud noted that staff is requesting approval from the City Council for the proposed code amendments to Chapter 17.09 Article IV Design Review Procedures and Chapter 2.98 Design Review Commission. At their regular monthly meeting on March 10, 2020, the Planning Commission unanimously recommended approval for the proposed code amendments to the Design Review Procedures and Design Review Commission. The Design Review Commission (DRC) Procedures have been in need of an update for several years. The Planning Department, Administration, and the Design Review Commission discussed the required DRC requirements as it relates to projects within the City and how the process could be improved and streamlined. On June 6, 2017 the City Council adopted a Work Plan for the Planning Department that included modifying the Design Review Commission Procedures. Following the direction from City Council to better streamline the process, staff asked the Design Review Commission to participate in a survey providing feedback to staff with suggestions to help streamline the process and better serve the development community. Staff also held several workshops with the DRC and discussed the proposed amendments. The DRC provided comments and feedback through the survey which assisted staff in developing an informal process to test out the procedural streamlining for several DRC requests with support from Administration and Legal. The streamlining has had positive results for staff, the development community, and commission members. Based on successful feedback from developers and the commission, staff is bringing forward the proposed amendments, which they believe will formally expedite and simplify the process for all parties. The purpose of the proposed DRC procedure amendments will do several things: Remove the 1st meeting with the DRC and replace it with a meeting with staff and the applicant, identify projects that should be reviewed administratively, and provide clarification for the developer for timelines and required submittal items. By eliminating the preliminary meeting with the DRC, it saves time and money for the applicant, reduces staff time spent on additional commission meetings and staff reports, and makes better use of the commission's time. There are also some minor "housekeeping" items included in the proposed amendment. Addressing the code amendments will streamline the process for staff and developers, and also saves valuable time of the volunteer commissioners. The proposed amendments to Chapter 2.98 Design Review Commission remove the standing alternates, clarify quorum, specify the DRC meeting date, and clarify public notices and comments on proposed projects.

DISCUSSION: Councilmember McEvers felt that the design review code was created within his term and he has not really understood what the purpose of the group is, and asked for clarity regarding the identifying of projects that should be reviewed administratively. Ms. Stroud explained that the code amendment would allow for staff review, rather than requiring two meetings and a third one for the final decision. She noted that the DRC survey was completed and that there was another project that only had one meeting, as it met the design standards set in the code. Councilmember McEvers asked about the amendments removing standing alternates. Ms. Stroud noted the standing alternate was a member of the Commission that was an alternate that did not vote, yet attended meetings, so they eliminated that as it was not needed.

Councilmember McEvers asked if the DRC was originally created for downtown. Ms. Stroud confirmed it was created in 2008, then they added the infill areas and midtown areas. Councilmember McEvers asked if they have to review all of the Atlas development. Ms. Stroud noted that the design was approved, so they would move forward without additional review. Ms. Anderson noted that there will be an architectural control committee to review the designs within Atlas. Councilmember Gookin asked if the Commission is still needed. Mayor Widmyer noted that it gives the City a bit of a say in what the buildings look like. Ms. Anderson explained that the Commission development was very intentional and beneficial to have a neutral ground that reviews a project and mass and scale and how it relates to surrounding uses and provides feedback. The Commission has developers and architects and provides a perspective. Councilmember Wood noticed there are not any women on the commission and questioned if the City would pay attention to that when filling positions. Ms. Anderson noted that George Ives has stepped down and they do have one applicant who is a female. Councilmember Miller asked who Planning reached out to to seek developer input. Ms. Stroud noted that they conducted pilot project reviews with the apartments on Ramsey Road, and worked with Drew Ditman to test the streamlined process and only required one meeting. For the Sherman Five East and West project they looked at the first five townhomes, and worked with Chad Oakland and held one meeting. Both were happy with the outcome as it kept things moving. Ms. Stroud clarified that there were no items for the commission for nine months, but things have begun revving up so they brought the item forward. Councilmember Evans thanked Ms. Stroud for the at-a-glance summary.

Councilmember McEvers says he struggles at it keeps growing, the skyscrapers and the vision corridors and break up the walls. Ms. Stroud concurred that the public was concerned with shadows of large structures and that is how this started. Councilmember McEvers said that now it has stretched out throughout the City rather than just focusing on the downtown, but he understands that it simplifies things and limits developers from jumping through hoops. Councilmember Gookin noted he does like the way things looks around here and this has been in place for 20 years so maybe it is working. Councilmember Miller noted that this is making it easier on the developers and it appears the process is making it streamlined.

MOTION: Motion by Miller, seconded by English, to dispense with the rule and read **Council Bill No. 20-1006** once by title only.

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

MOTION: Motion by Miller, seconded by Wood, to adopt **Council Bill No. 20-1006.**

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

RESOLUTION NO. 20-031

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING LEASE REFINANCE AGREEMENT WITH DEERE CREDIT, INC., FOR A JOHN DEERE GRADER FOR THE STREETS AND ENGINEERING DEPARTMENT, AND WASTEWATER DEPARTMENT.

STAFF REPORT: Streets and Engineering Director Tim Martin explained that for the 2014-15 budget year, Council gave the Streets Department authority to obtain a new grader. Based on that authority, the Streets Department carefully weighed its needs and sought competitive quotes from two local dealers, either of which would have satisfied the Department's needs. The Department decided to enter into a five-year lease agreement, with an option to purchase, for a John Deere grader, "piggy-backing" on a bid obtained by the Idaho Transportation Department. At this time, the original five-year lease agreement has expired and the Department would either have to exercise the option at a cost of \$156,700.00 or let the grader go back to the vendor. Papé Machinery recently approached the City with a proposal to cover the option by entering five (5) one-year leases for the same grader, at the end of which the City would own the grader free and clear without any additional payment. This proposal was reviewed by the City Administrator and Mayor, who felt that it was a fair offer and a better alternative than paying the lump sum due under the original lease. The \$33,132.52 annual lease payment will not result in an increase in General Fund expenditures. First, the Department rents three graders each winter to plow snow. The rental cost of each of those graders is \$5,050.00 per month, or \$15,150.00 per year, based on a projected rental of three months. With the lease of this grader, together with the addition of another piece of equipment in the Department, the Department would only be required to rent two graders for snow plowing in future seasons, resulting in a cost saving of \$15,150.00 per year. Thus, the net impact on the budget after realizing these savings would be \$17,132.52. Second, among other rights-of-way, the Department maintains 28.5 miles of alleys. This grader would be used to grade those alleys during the summer which is a benefit to the City's sanitation program. Thus, the \$17,132.52 of the annual lease payment which is not covered by cost savings would be paid from the Sanitation Fund. The result is no net increase in General Fund expenditures for the purposes of the lease agreement. Mr. Martin noted that the Department currently has \$39,000 in the lease line item this fiscal year and the grader will be used year around.

DISCUSSION: Councilmember McEvers noted that this started Fiscal Year 2014-15 and asked if they wanted to extend it another five years. Mr. Martin explained that the life span of the equipment is expected to be 20 years. Council McEvers asked if they will be asking for one year at a time. Mr. Martin noted the lease will need to be approved yearly in order to avoid binding future Councils. Councilmember Miller asked if there was an opportunity to negotiate the interest rate at the end of the lease. Mr. Martin and Mr. Tymesen concurred that they negotiated the best deal they could come up with and worked them hard. Mr. Tymesen noted the purchase price negotiated was good. Mr. Martin noted that they will see 12,000 to 15,000 hours before

they would have to get rid of the equipment. Councilmember Gookin asked Mr. Gridley if they could stop the lease in any year. Mr. Gridley confirmed Council can stop the lease in any year going forward.

MOTION: Motion by McEvers, seconded by Evans to approve **Resolution No. 20-031** - approving a one-year lease agreement for one (1) John Deere grader with Papé Machinery, which will be the first of a series of five lease agreements for the equipment and which will result in the City owning the grader.

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

RESOLUTION NO. 20-032

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A CONTRACT WITH MARS COMPANY FOR THE PURCHASE AND INSTALLATION OF A WATER METER TEST BENCH SYSTEM FOR THE WATER DEPARTMENT.

STAFF REPORT: Assistant Water Superintendent Kyle Marine noted that the Water Department started the meter change out program (MCOP) in 2005 due to significant undocumented water loss. The Water Department annual meter change out program will replace all 19,000 meters in the City over a 10-year cycle due to the estimated lifespan of an average meter. As a meter reaches 10 years of routine service, it can lose significant accuracy and reliability as well as battery life for the transmitter. The City changes on average 2,000 meters a year depending on the location. It is recommended that water meters be replaced or rebuilt once they reach above a 3% loss of accuracy, which is on average 10 years. The cost of rebuilding a meter is significantly less than purchasing a new meter, but requires testing by a certified test bench before it can be reinstalled. The City currently has an agreement to send a few large meters to the Spokane Water Department to have them tested for accuracy once they are rebuilt. Initially they were not charging for the service. They have recently informed the City that they will start charging \$500 a test. Mr. Marine said they have included in their design of the new facility a room to house a meter test bench to start testing and rebuilding water meters. With the new facility getting close to completion, they are moving forward with the purchase of a test bench. As previously mentioned, the Water Department replaces about 2,000 meters that have reached their life expectancy each year. They estimate that about ¼ to ½ of the meters that are due for replacement can be rebuilt and reused at a reduced cost. Once a meter has been removed, it will be set aside to be rebuilt and tested and re-installed the following year, if financially feasible to rebuild, depending on the size and condition of the meter. It is estimated that a savings of at least \$77,000.00 per year should be realized, indicating that the return on the initial investment will be approximately 5 years. The lowest, and only responsive bid was received from MARS Company for \$399,403.00. The American Water Works Association (AWWA) establishes industry standards that the majority of the state Drinking Water Rules have adopted by reference. AWWA has established through a great deal of testing and research that the average lifespan of a ¾" meter is typically eight to ten years, between normal wear and average transmitter battery life. The larger the meter, as they flow considerably more water, the shorter

the service life. Meters should have an accuracy of at least 98%. Less than that can mean significant revenue loss. The public water system currently contains just over 15,000 of the ¾” meters, plus another 3,000 plus meters 1” and larger. The bench will test up to 6” compound meters, providing an accurate record that has held up to legal challenges.

DISCUSSION: Councilmember McEvers asked what the life expectancy of the equipment was. Mr. Marine noted that their prior piece of equipment was from the 1950’s and it was just decommissioned, so they expect well over 20 years. He noted the equipment will be recalibrated occasionally. Councilmember McEvers asked what the yearly maintenance fee is going to be and if it is included in the budget. Mr. Marine noted that it was in the budget and is based on the number of meters tested, which maybe \$18.00 per meter.

MOTION: Motion by Gookin, seconded by Wood to approve **Resolution No. 20-032** - approving a Contract with Mars Company for the purchase of a new water meter test bench system for \$399,403.

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

LEGISLATIVE PUBLIC HEARING FOR ZC-1-20- REQUESTED ZONE CHANGE FROM C-17L TO C-17 AT 4301 N. CROWN AVENUE.

STAFF REPORT: Associate Planner Mike Behary presented the staff report, including a review of surrounding land use and zoning, Comprehensive Plan policies for consideration, physical characteristics, and neighborhood character. He noted that the subject property is located between US Highway 95 and Crown Avenue. There is an existing auto dealership sales facility on the southern portion of the subject site and the property has been used for retail sales of vehicles and RV’s for many years. The northern portion of the property is vacant and currently undeveloped. The prior use on the vacant portion of the lot was RV sales. In 1982, the City of Coeur d’Alene applied for a large area of land to be annexed into the City in conjunction with zoning in Item ZC-7-82A. In 1984 a request to change the zoning classification from R-12 to C-17L on the southern portion of the subject property was made in item ZC-12-84SP and was subsequently approved. In 1998 a request to change the zoning classification from R-12 to C-17L on the northern portion of the subject property was made in item ZC-9-98SP that was also subsequently approved. The applicant has indicated that they would like to expand the existing auto dealership into the vacant northern portion of the subject property. The applicant is aware that site improvements, commercial design standards, and paving of display lots and maneuvering areas are required in order to expand into the vacant portion of the property. The zoning ordinance requires auto dealerships that want to locate in the C-17L Zoning District to be approved by a special use permit. Mr. Behary noted that the following findings will need to be determined: that this proposal (is) (is not) in conformance with the Comprehensive Plan; that public facilities and utilities (are) (are not) available and adequate for the proposed use; that the physical characteristics of the site (do) (do not) make it suitable for the request at this time; that the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses. Staff reviewed these findings and find they are adequate to meet this request.

DISCUSSION: Councilmember Gookin asked if they will have to pay for roadway improvement. Mr. Behary noted that the whole frontage is unimproved, so it will have to be developed at the developer's expense. Councilmember McEvers asked if it was normal to not require a buffer between C-17L to C-17 zones with single family homes nearby. Mr. Behary explained that buffering would be required if property was directly abutting; however, in this development the adjacent properties are across the street so no additional buffer is required.

PUBLIC COMMENTS: Mayor Widmyer opened public comments.

Drew Dittman, 126 E. Poplar Avenue, noted that he is requesting the 6 acres of zoning be changed. The property is formerly the site of Blue Dog RV and several auto dealerships throughout. The dealership is planning to expand north of Super One Foods. The R-12 is to the east, but it is part of the Highway 95 Corridor. Mr. Dittman noted that the special use permit would be limiting. He noted that they understand they will need to upgrade Crown Avenue and are accepting of all of staff's feedback.

MOTION: Motion by McEvers, seconded by Evans to approve ZC-1-20- Requested zone change from C-17L to C-17, at 4301 N. Crown Avenue and to make the necessary Findings and Order.

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

COUNCIL BILL NO. 20-1007

AN ORDINANCE AMENDING THE ZONING ACT 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 C-17L TO C-17, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 6.2 ACRE PORTION OF A PARCEL LOCATED AT 4301 N. CROWN AVENUE; 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 McEvers, seconded by English, to dispense with the rule and read **Council Bill No. 20-1007** once by title only.

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

MOTION: Motion by McEvers, seconded by Wood, to adopt **Council Bill No. 20-1007**.

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

LEGISLATIVE PUBLIC HEARING FOR V-20-02 – VACATION OF LILAC LANE RIGHT-OF-WAY LOCATED IN THE FINAL PLAT OF FOSS ADDITION.

COUNCIL BILL NO. 20-1008

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING LILAC LANE RIGHT-OF-WAY, GENERALLY DESCRIBED AS A PARCEL OF LAND LOCATED IN THE FINAL PLAT OF FOSS ADDITION IN THE 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.

STAFF REPORT: Engineering Project Manager Dennis Grant explained that the applicant, Lilac Glen, LLC., is requesting the vacation of right-of-way located in the final plat of Foss Addition. The general location is east of I-90 and approximately 800' feet north of Sherman Avenue. The requested right-of-way was originally dedicated to the City of Coeur d'Alene in the Foss Addition plat in 1957. The vacation of the requested right-of-way would not have any financial impact on the City. The purpose of this request is to vacate Lilac Lane as recorded on the plat of Foss Addition. This will allow the developer of the Lilac Glen Subdivision to proceed with the recordation of their final plat. The reason for the requested right-of-way vacation is to reconfigure Lilac Lane thru the Lilac Glen Subdivision plat. The Development Review Team was informed about this vacation. Notices were sent to 6 households and Mr. Grant said that he received 1 neutral and Lake Villa northern entrance will not be affected.

DISCUSSION: Councilmember McEvers thought the street would be a private development. Mr. Grant noted it was not a private development and that it is going to be subdivided and come back at another location, going all the way through to Pennsylvania Avenue. Councilmember Miller asked if there was intent for it to become gated. Mr. Grant said that they did not plan a gated community and the other end of the road is owned by the City. The road is already in and will be the City's at the approval of plat phase.

PUBLIC COMMENTS: Mayor Widmyer opened public comments.

Susan Metzger, 2483 Sunset Avenue, noted she is one of the managers of Lilac Glen LLC. It is their intent to create a PUD created as duplex lots. The layout they are looking at has a small grassy area at the end by 23rd and Pennsylvania and up above it as potentially large area for an assisted living facility. They are close to being done with the subdivision and hopefully in the next month it will be before Council.

The Mayor asked Mr. Grant if it was now planned for a gated community. Ms. Metzger clarified it is not a gated community.

MOTION: Motion by English, seconded by Evans, to dispense with the rule and read **Council Bill No. 20-1008** once by title only.

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

MOTION: Motion by Evans, seconded by Miller, to adopt **Council Bill No. 20-1008.**

ROLL CALL: McEvers Aye; Gookin Aye; English Aye; Wood 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 8:48 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, CMC
City Clerk